City of Phoenix
Heart of the Rogue Valley

City Council
www.phoenixoregon.gov
541-535-1955

City Council Meeting
Agenda
July 06, 2020
6:30 p.m. Public Meeting
Phoenix Plaza Civic Center 220 N. Main St.

A complete agenda packet is available on the city's website. To comment on an agenda item, please write your name on the sign-in sheet and include the item number. *If you need special accommodations, please give city hall 48-hour prior notice.*

1. **Call to Order / Roll Call / Confirmation of a Quorum**
   Except as provided in Section 33 of the City Charter, a minimum of four Council Members are needed for a quorum and to conduct city business. If the Mayor is needed to establish a quorum, then he/she may become a voting member for that meeting (*Phoenix Municipal Code, Chap. 2.28.020.A.4*).

2. **Pledge of Allegiance**

3. **Presentations**

4. **Public Comments**
   This item is for persons wanting to present information or raise an issue, not on the agenda. The public comment period shall be 15 minutes unless a majority of the Council votes to extend the time. Each person shall be limited to three minutes and may not allocate their time to others unless a majority of the council vote to extend the time upon a showing of good cause. To comment, please write your name on the sign-in sheet or comments may also be submitted in writing by 2:00 pm on the day of the meeting to bonnie.pickett@phoenixoregon.gov. When your name is called, step forward to the podium and state your name and address for the record. (In accordance with state law, a recording of the meeting will be available at city hall, but only your name will be included in the meeting minutes.) While the Council or staff may briefly respond to your statement or question, the law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances.

5. **Consent Agenda**
   Items on the Consent Agenda are considered routine and will be adopted by one motion. There will be no separate discussion of these items unless it is requested by a member of the Council or staff. If so requested, that item will be pulled from the Consent Agenda and considered separately immediately following approval of the remaining items.

a. Reports for Information & Possible Action:

1. 2020/2021 SRO Contract with Phoenix – Talent School District 4

b. Minutes to Approve and File:

1. Minutes from City Council Meeting June 15, 2020, ...14

6. Consent Agenda Items Pulled for Discussion

7. New Business

a. Resolution No. 1059 – City of Phoenix Social Equity Policy.....26
b. City of Phoenix Sponsored Community Conversations/Town Hall Events.....31
c. Consideration of Quasi-Judicial Hearing for Censure of Mayor.....33

8. Staff Reports

a. City Attorney
b. City Manager

9. Mayor and Council Comments / Reports

Any Councilor may make an announcement or raise any item of business that is not on the agenda. While other Councilors or city staff may briefly respond or comment, the law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. If extended deliberation or potential action on a matter is desired, Council may direct staff to place the item on a future meeting agenda.

10. Adjournment

To be scheduled: City Council

- Code Enforcement Introduction
- Street Scape
- Strategic Plan – Half-Day Study Session

To be scheduled: PHURA

Upcoming City of Phoenix Meetings:

All non-legislative (Parks & Rec and Bee City USA) meetings canceled until further notice.

July 20, 2020	City Council Meeting 6:30 pm at 220 N. Main St., Phoenix
August 03, 2020	City Council Meeting 6:30 pm at 220 N. Main St., Phoenix
August 12, 2020	City Council LOC Training 8:00 am – 5:00 pm at 220 N. Main St., Phoenix
August 17, 2020	City Council Meeting 6:30 pm at 220 N. Main St., Phoenix
August 24, 2020	Planning Commission Public Hearing 6:30 pm at 220 N. Main St., Phoenix

City of Phoenix
Heart of the Rogue Valley

Agenda Item #: 5a1

Agenda Report
to Mayor and Council

Agenda item title: 2020/2021 SRO Contract with Phoenix-Talent School District

Meeting Date: July 6, 2020

From: Derek Bowker, Chief of Police

Action: _X_Motion, __Ordinance, _Resolution, __Information only, __Other

SUMMARY
Approval of the 2020/2021 school year SRO Contract.

BACKGROUND AND DISCUSSION
The Phoenix-Talent School District and the City of Phoenix enter into an agreement annually concerning the School Resource Officer position. This is the new "contract" for the 2020/2021 school year. The contract remains exactly the same as last year, with the only changes being the dates on the contract. The contract continues to provide the city with 50% of the SRO's salary and benefits on days that school is in session and children are present.

FISCAL IMPACT
The position has been budgeted for in the 2020/2021 budget year. The contract calls for the Phoenix-Talent School District to pay 50% of the SRO's salary and benefits for the time period that he/she is performing SRO duties for the Phoenix-Talent School District.

RECOMMENDATION
Approve the agreement between the City of Phoenix and Phoenix-Talent Schools Regarding School Resource Officer for 2020/2021.

PROPOSED MOTION
I move to authorize the mayor to sign the "Agreement Between City of Phoenix and Phoenix-Talent Schools Regarding School Resource Officer for 2020/2021."

ATTACHMENTS
Agreement Between City of Phoenix and Phoenix-Talent Schools Regarding School Resource Officer for 2020/2021.

AGREEMENT BETWEEN
CITY OF PHOENIX AND PHOENIX-TALENT SCHOOLS
REGARDING SCHOOL RESOURCE OFFICER
FOR
2020/2021

School Resource Officer Program

This Agreement is entered into by and between the Phoenix-Talent Schools (herein referred to as the "**District**"), and the City of Phoenix (herein referred to as the "**City**"):
Goal and objectives of the Agreement include:

1. The Purpose of the School Resource Officer (**SRO**) Program is to:

    a. Provide a safe learning environment and help reduce school violence;
    b. Improve school-law enforcement collaboration on issues impacting students, staff and the local community;
    c. Improve the perceptions and relations between students, school faculty, parents and law enforcement officials; and,
    d. Provide a resource for students, school faculty, parents, law enforcement and other governmental agencies.

2. The District and the City desire to provide policing and community oriented services to the Phoenix High School located within the jurisdictional boundaries of the City of Phoenix, Oregon.

3. The District and the City recognize the potential for outstanding benefits of the School Resource Officer (SRO) Program to the citizens of the Phoenix-Talent School District and particularly to the students and faculty of Phoenix High School.

4. It is in the best interest of the District and the City, and the citizens within the boundaries of the Phoenix-Talent School District to initiate and continue this program.

NOW, THEREFORE, in consideration of mutual promises and covenants herein contained, the District and the City agree as follows:

ARTICLE I

Term; Roles and Responsibilities

The term of this Agreement is for the period from July 1, 2020, through June 30, 2021.
During the term of this Agreement, the City will be responsible for the roles and responsibilities outlined below as they pertain to the School Resource Officer Program:

1. Establishing a School Resource Officer (SRO) Program for Phoenix High School, the costs of which are to be shared between City and District as further described below. Such costs shall include salary and benefits for the SRO and all of the law enforcement equipment required to perform the duties of a police officer.

2. Engage in information sharing with the District' and the High School Administrative Team to the extent necessary to ensure the safety of students, staff and visitors, so long as such sharing does not violate or compromise any privileges or confidentiality rights, any criminal investigations or the identity of confidential informants.

ARTICLE II

Rights and Duties of the City

The City shall provide a School Resource Officer (SRO) as follows:

1. The City shall assign one regularly employed police officer to Phoenix High School located at 745 N. Rose Street, Phoenix, Oregon.

2. The City shall assign the duties and supervision of the SRO to the Chief of Police, or his designee, who shall perform scheduled and non-scheduled visits to the school for the purpose of evaluating the performance of the SRO.

3. Regular Duty Hours of the SRO shall be as follows:

   a. The SRO shall be assigned to the school on a full-time eight- (8) hour basis on those days and during those hours that the school is in regular session. The SRO shall further be responsible for law enforcement coverage at after-school activities such as football games, basketball games, dances, etc. The SRO will assist in coordinating the activities and assignments of other law enforcement personnel (reserve police officers) at these activities.

   b. When school is closed due to in-service training, the SRO will perform patrol functions, unless otherwise specified by the Police Chief or designee.

   c. During extended non-school periods, the SRO will be assigned to other non-school law enforcement duties as needed by the Chief of Police or designee.

   d. The SRO will make every effort to schedule time off for vacations and floating holidays during periods when school is not in session.

   e. The District will be consulted regarding any requests by the SRO for time off during periods that school is in session. Requests shall be submitted in a timely manner unless the request is an emergency such as illness of the SRO or a family member, injury or death. The SRO also must notify District of the SRO's absence in emergency situations.

f. The SRO may be temporarily reassigned by the City during a law enforcement emergency or to participate in mandatory police training necessary to maintain the officer's proficiency as required by the Oregon Department of Public Safety and Standards (DPSST).

4. Duties, Obligations and Procedures of the SRO:

The SRO shall/will:

a. Wear the established patrol uniform unless special circumstances require another form of dress as approved by District supervisor.

b. Make classroom presentations when requested by a teacher on such topics as the role of policing in the community, search and seizure, laws of arrest, traffic laws, crime prevention, victim's rights, community involvement, drug and alcohol issues, youth programs and the like.

c. Participate in discussions during class to establish rapport with students.

d. Take appropriate law enforcement action in and around the school as required by law and consistent with the policies and procedures of the police department and District. Appropriate law enforcement action includes all those duties normally performed by a police officer, such as issuing traffic citations, investigating crimes and motor vehicle accidents, conducting interviews of suspects, victims and witnesses, collecting evidence, making arrests and writing reports.

e. Notify the District as soon as practical of any violations or actions which impact school discipline, order or safety and such other violations and actions as the District reasonably requests to be reported.

f. Assist other law enforcement personnel in conducting investigations involving students or employees of the District when requested and required to do so.

g. Obtain prior permission, advice and guidance from school administrators before enacting any program within the school.

h. Provide assistance to school administrators, faculty and staff, upon request, in developing emergency procedures and emergency management plans to include prevention and/or minimization of dangerous situations that may result from students' unrest, unauthorized intruders, terrorist acts, bombs threats, active shooters, etc.

i. Be thoroughly familiar with District policies and regulations related to safety and student conduct and discipline issues, including the District's Code of Conduct.

j. Assist the District, its administrators, faculty and staff with violations of such policies as requested by District administrative personnel. However, the SRO shall not be expected to, or asked, to detain or take into physical custody any student or

other individual who has only violated a District policy or the District's Code of Conduct. It shall be understood and agreed upon that the SRO, as a law enforcement officer, can only detain or take into physical custody those students or other persons for whom there is reasonable suspicion or probable cause that they have committed a crime as defined under Oregon Revised Statute or Federal laws. The SRO shall not be used for regularly assigned lunchroom duties, hall monitoring or other monitoring duties. If there is a temporary problem or emergency, the SRO may assist the school, if the SRO's duties permit, until the problem is resolved.

k. Be familiar with and abide by all relevant District policies and regulations while on District property.

l. Work to develop rapport with students and a working relationship with student organizations, faculty, staff members, district administrators, parents, law enforcement, other governmental agencies and community members.

m. Coordinate efforts with campus supervisory personnel, i.e. student managers, campus supervisors, hall monitors, parking attendants and building security personnel.

n. Maintain detailed, accurate and up to date records as required by the City and District.

o. Meet regularly with juvenile authorities concerning information of juvenile delinquency issues and problems as well as work proactively with all law enforcement agencies and other governmental agencies that service the District's community.

p. Attend parent, faculty, student, administration and other meetings to provide information regarding the SRO program and provide opportunities for involvement and support.

q. Provide information regarding community programs so that proper referrals can be made and appropriate assistance can be accessed by students in need of such services. These programs may include mental health programs, drug treatment programs, etc. The SRO may refer students to such agencies, when necessary, thereby acting as a resource person to the students, staff faculty, parents and administration. The SRO may also refer students to school counselors as needed. Referral guidelines shall be determined by the District.

r. Maintain confidentiality of any and all information obtained during investigations and interviews and shall not disclose the information, except as provided by law or court order, or as deemed necessary to ensure the safety of students and staff and the physical security of the high school.

s. Maintain confidentiality of District records and information, discussions, etc., in accordance with District policies and State and Federal law. Without limiting the foregoing, the Phoenix Police Department and SRO acknowledge and agree that student education records are subject to the provisions of the Family Educational

Rights to Privacy Act (FERPA), that SROs are deemed to be "school officials" under FERPA, that SROs are under the direct control of District with respect to the use and maintenance of education records by SROs, and that SROs will only use personally identifiable information from education records in connection with the purposes of this Agreement and will not redisclose any such personally identifiable information, including but not limited to any other employees of the Phoenix Police Department who are not also SROs, without the consent required by FERPA unless such disclosure is otherwise exempt from the FERPA consent requirements.

t. Perform other duties that will promote the purpose of the SRO program and which are mutually agreed upon by the District and the City.

The Chief of Police and the District must mutually agree upon any additions or changes to the above instructions.

ARTICLE III

The District shall provide the SRO with the following materials, facilities and assurances that are deemed necessary for the performance of the SRO Program:

1. A private, secure office to conduct interviews, investigations, and other law enforcement activities in a confidential environment and access to records that are deemed necessary and appropriate by the District in order for the SRO to successfully accomplish his assigned task. The SRO shall maintain the confidentiality of all such activities. The school administrator, or his/her designee, shall be apprised of any information of a sensitive nature once the SRO has conferred with the Chief of Police or his designee, if there is a possibility of any impact upon the school, faculty or students. The school administrator shall discuss such information only with those necessary on a "need to know" basis.

2. The District shall provide a desk, filing cabinet with locking system, telephone, computer with peripherals, internet access, office supplies and office furniture for use of the SRO.

3. Assure that all District employees cooperate in investigations and interviews consistent with District policies and procedures in those cases where the District employee <u>is not</u> a suspect in a criminal investigation.

ARTICLE IV

Funding

1. The City shall be responsible for paying the SRO's salary and benefit package and supplying all law enforcement equipment to SRO. District will reimburse the City in the amount of one-half the SRO's salary and benefits for those days the SRO is on duty and children are attending school [i.e. SRO salary per day multiplied by 176 (approximate) days divided by two].

ARTICLE V

Evaluation and Future Funding

Prior to June 30 of the current year of agreement, the parties shall meet to evaluate the effectiveness of the School Resource Officer (SRO) Program and consider whether modifications to the program are necessary or advisable to accomplish its purpose prior to the succeeding school year. The parties agree to cooperate and negotiate in good faith in fulfilling the intent of the parties concerning continuation of the program. The determination of future funding availability for the SRO program will be the responsibility of the City, and largely based on the City's ability to otherwise maintain or increase the current levels of police officer staffing to serve the citizens of Phoenix.

ARTICLE VI

Appropriations

The obligations of each party under this agreement are contingent upon adequate funds for that purpose being available, budgeted, appropriated and otherwise made available.

ARTICLE VII

Employment Status of School Resource Officer

The School Resource Officer shall remain at all times an employee of the City and shall not be an employee of the Phoenix-Talent School District. The City shall be responsible for paying all salary and other compensation to the SRO and shall be responsible for providing workers compensation to SRO. The District and the City acknowledge that the School Resource Officer is a law enforcement officer who shall uphold the law under the direct supervision and control of the Phoenix Police Department. The School Resource Officer shall remain responsive to the chain of command of the Phoenix Police Department.

The School Resource Officer shall be accountable to the District Superintendent or his/her designee (i.e. high school principal) for his/her behavior and conduct while at the school. The District has the rights and responsibilities to report any alleged misconduct, malfeasance or nonfeasance of office, non-compliance with the District's policies or other questionable behavior on the part of the SRO, to the Chief of Police or his designee. Such reports shall be made in writing unless circumstances dictate making such reports in person or by phone. All such reports, either written or verbal, shall have, as a minimum, a statement of the allegations, a description of any supporting documentation and/or evidence and a list of all witnesses that have any knowledge of such allegations.

The Chief of Police, or his/her designee, and the District Superintendent, or his/her designee, shall meet annually prior to the SRO's anniversary date of assignment to complete a performance evaluation.

ARTICLE VIII

Qualifications of the School Resource Officer

1. The School Resource Officer must meet all of the following requirements and perform in accordance with the attached position description:

   a. Must be a volunteer for the position of School Resource Officer.

   b. Must indicate a willingness to hold the position for a minimum of three (3) years.

   c. Must be a full-time permanent certified police officer with the Phoenix Police Department with a minimum of three (3) years law enforcement experience.

   d. Must have maintained the requirements necessary for employment as a police officer with the Phoenix Police Department and State of Oregon.

   e. Must agree that if voluntarily assigned for the position of School Resource Officer, he/she will not seek a transfer from the position until the end of the school year and that he/she will not schedule time off or vacations during the periods when school is in session.

   f. Among additional criteria for consideration for the position of School Resource Officer are job knowledge, experience, training, education, appearance, attitude, communication skills and bearing, ability to deal with difficult individuals, ability to mediate disputes and engage in conflict resolution.

   g. When it becomes necessary to replace the School Resource Officer due to transfer, promotion, resignation or other causes, the Chief of Police or his designee shall notify the District of the impending vacancy within five (5) working days of becoming aware of such pending vacancy.

ARTICLE IX

Termination of Agreement

Any party may terminate this agreement by giving the other party sixty (60) days written notice. The District may also terminate this Agreement for cause as provided in Article X, Section 2, of this Agreement.

ARTICLE X

Dismissal or Replacement of the School Resource Officer

1. In the event that the District believes the School Resource Officer is not effectively performing his/her duties and responsibilities, the District shall recommend to the Chief of Police, or his designee, that the School Resource Officer be removed from the program, and shall state the reasons in writing. The Chief of Police, or his designee, shall formally meet with the School Resource Officer and the District to mediate or resolve any problems that may exist. At such meeting, specified school staff will be invited to be present and offer pertinent information as necessary. If, within thirty (30) days after the commencement of such mediation, the problem cannot be resolved or mediated, or in the event, the Chief of Police does not seek mediation, the School Resource Officer shall be removed from the program.

2. The District may terminate this agreement without prior notice or demand the immediate removal and replacement of the SRO based upon acts of flagrant misconduct by the SRO.

3. The Chief of Police may dismiss or reassign the School Resource Officer based upon violation of departmental rules, regulations, and/or departmental directives, or when it is in the best interest of the Phoenix Police Department to do so in emergency situations.

4. In the event of resignation, dismissal or reassignment of the School Resource Officer, or in the case of long-term absences by the SRO, the Police Department will attempt to provide a temporary replacement of the School Resource Officer within thirty (30) days of receiving notice of such absence. A permanent replacement for the School Resource Officer shall be attempted to be made as soon as practical.

5. The School Resource Officer may be transferred from his/her position, for administrative reasons, during the school year at the discretion of the Chief of Police. The SRO may request transfer to another position at the end of the school year, and said request must be in writing. Transfer decisions shall be made at the discretion of the Chief of Police.

ARTICLE XI
Good Faith

The Parties, their agents and employees agree to cooperate in good faith in fulfilling the terms of this agreement. The parties agree that they will attempt to resolve any disputes concerning the interpretation of this agreement and unforeseen questions and difficulties that may arise by good faith negotiations before resorting to any litigation.

ARTICLE XII

Modification

This document constitutes the full understanding of the parties, and no terms, conditions, understanding or agreement purported to modify or vary the terms of this agreement shall be binding, unless hereafter made in writing and signed by the affected parties.

ARTICLE XIII

Non-Assignment

This agreement, and each and every covenant herein, shall not be capable of assignment except with prior consent of all parties.

ARTICLE XIV

Merger

This agreement constitutes a final written expression of all terms and conditions of this agreement and is a complete and exclusive statement of these forms.

ARTICLE XV

Indemnification

Each Party is responsible, to the extent required by the Oregon Tort Claims Act (ORS 30.260 through 30.300), only for the acts, omissions, or negligence of its own officers, employees or agents. Each Party shall maintain at its own expense and keep in effect during the term of this Agreement comprehensive general liability insurance or self-insurance including contractual liability, with minimum limits that are not less than the limits stated in ORS 30.270. The Phoenix Police Department shall be included as additional insured on the District's policy, and the District shall be included as additional insured on the Phoenix Police Department's policy. To the extent permitted by the Oregon Tort Claims Act, each Party (the Indemnifying Party) shall be responsible for an shall indemnify, defend and hold the other (the Indemnified Party) free and harmless from any and all costs, claims, losses, expenses (including but not limited to attorneys' fees), actions or causes of action, and liability of any nature including, without limitation, liability for any damages to property (whether real or personal) and injury (up to and including death) to persons, suffered by the Indemnified Party directly or from a third-party claim arising out of or relating to the actions of the Indemnifying Party under this Agreement.

ARTICLE XVI

Effective Date

This agreement is effective upon the date of the last party to sign.

By: _____ Date: _____
Chair of the Board
Phoenix-Talent Schools

By: _____ Date: _____
Brent Barry, Superintendent
Phoenix-Talent Schools

By: _____ Date: _____
Toby Walker, Principal, Phoenix High School

By: _____ Date: _____
Chris Luz, Mayor, City of Phoenix

City Council Regular Meeting
220 N. Main St.
Phoenix Plaza Civic Center
Monday, June 15, 2020

1. CALL TO ORDER

Mayor Luz called the regular meeting of the City Council to order on Monday, June 15, 2020, at 6:30 p.m. at the Phoenix Plaza Civic Center.

ROLL CALL

PRESENT: **Chris Luz, Stuart Warren, Angie Vermillion, Jim Snyder, Robert Crawford, and Sarah Westover**

STAFF PRESENT: Eric Swanson, Interim City Manager
Bonnie Pickett, City Recorder
Derek Bowker, Police Chief
Doug McGeary, City Attorney
Matias Mendez, Public Works Superintendent

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS

4. PUBLIC COMMENTS

Doug McGeary, City Attorney read a statement regarding the process for public comment during a public meeting.

Ike Eisenhauer, Phoenix, noted that he does not want the Phoenix Police Department lumped in with the bad officers across the country. He noted that he will not sit by and watch the Police Department degraded. Mr. Eisenhauer noted that we should have respect for our officers. He thanked each and every one of the Councilors serving on the Council as it is a thankless job.

Tony Chavez, Phoenix, read a letter that was read a few meetings back. He noted that Mayor Luz previously stated that he would continue to violate the freedom of speech law. Mr. Chavez requested a copy of the Mayor's statement in response to the letter received from Mr. Chavez's attorney.

Mikala Johnston, Grants Pass, noted that the Mayor does not hold the qualities of a leader. She alleged that during a protest in Medford, Oregon the Mayor hit her twice with his vehicle.

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Andrew Barrow, Phoenix, noted that it would be a travesty to disband the Phoenix Police Department. He requested that incident stats be presented to the public for the Police Department. Mr. Barrow noted that the Police Department should get more training instead of being disbanded.

Clarence Carr, Medford, noted that protesters allowed him to confront the police officers that have wronged him. He noted that the youth are finding their voice and standing up for themselves. Mr. Carr noted that the Council should not stifle the voice of the children in the community.

Maren Ervin, Grants Pass, noted that until there is police reform to protect the citizens the police will not be respected. She noted that Mayor Luz blatantly disrespected the rights of people to speak. Ms. Ervin stated that a person in the Mayor's position should be a person of grace and empathy.

Taylor Graybehl, Grants Pass, asked the Council to take a stance on people open carrying guns and wearing large knives outside of a public meeting. He asked that the Council support an environment that is welcoming for people to speak.

5. CONSENT AGENDA

a. Reports for Information & Possible Action:

1. Resolution No. 1055 – A Resolution Certifying that the City of Phoenix Provides Four or More Municipal Services in Accordance with the Requirements of ORS 221-760, Section 1.
2. Resolution 1056 – A Resolution Authorizing the Transfer of Appropriations to Prevent Over–Expenditures of Appropriations for Fiscal Year 2019/20.
3. Hire Public Works Administrative Assistant
4. Planning – Building Aide Contract.
5. Date Established for LOC Training August 12, 2020.
6. IGA between City of Talent, Jackson County, and City of Phoenix to Facilitate Emergency Small Business and Microenterprise Grant Assistance Program (SBMA).
7. OLCC License – Clyde's Corner, LLC.
8. Hire Code Enforcement Officer.

b. Minutes to Approve and File:

1. Minutes from City Council Meeting, May 18, 2020

Councilor Vermillion requested item 5a2 be pulled from the consent agenda.

Mr. Chavez commented on the minutes from the previous meeting. He noted that if Mayor states something, he should own it.

Motion: To approve the consent agenda with amendments expect for 5a2. **MOVED BY WARREN, SECONDED BY SNYDER.** No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

6. Consent Agenda Items Pulled for Discussion

Consent agenda item 5a2

Councilor Vermillion questioned what the funds that are being transferred are being used for in the various department.

JC Boothe, Finance Director, explained the reasoning for the transfer of funds.

Motion: I move to approve consent agenda item 5a2 **MOVED BY CRAWFORD, SECONDED BY VERMILLION.** No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

7. PUBLIC HEARING

a. Resolution No. 1057 – A Resolution Declaring the City's Election to Receive State Shared Revenues.

Councilor Westover asked if the Council would agree that the citizens that are open carrying outside the meeting be asked to put the guns away.

Mayor Luz asked Chief Bowker what his thoughts were on the Council requesting the people outside stop open carrying outside of the meeting.

Chief Bowker noted that there are two people open carrying outside of the meeting. He noted that he can ask them to stop open carrying.

The Council came to a census that they would like Chief Bowker to ask the two individuals outside of the meeting to stop open carrying because people feel intimidated.

Open public hearing at 7:08 pm

No comment

Closed public hearing 7:09

Motion: I moved to approve Resolution No. 1057, declaring the City's election to receive State Shared Revenues. **MOVED BY SNYDER, SECONDED BY WARREN.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:
Ayes: Snyder, Warren, Vermillion, Westover, Crawford
MOTION APPROVED WITH FIVE AYES

b. Resolution No. 1058 - A Resolution Adopting the Budget, Making Appropriations and Levying and Categorizing Taxes for Fiscal Year 2020/2021 for City of Phoenix.

DRAFT

Open public hearing at 7:10 pm

No comment

Closed public hearing 7:11

Motion: I moved to approve Resolution No. 1058, adopting the budget, making appropriations, and levying and categorizing taxes for fiscal year 2020/2021. **MOVED BY WARREN, SECONDED BY CRAWFORD.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:
Ayes: Warren, Crawford, Snyder, Vermillion, Westover
MOTION APPROVED WITH FIVE AYES

8. NEW BUSINESS

a. IGA with the Rogue Valley Council of Governments for Human Resource and Accounting Services.

Mr. Swanson explained the IGA with RVCOG for the Council.

Ann Marie Alfrey, Deputy Director RVCOG, explained the services RVCOG offer to jurisdictions in Jackson and Josephine Counties. Ms. Alfrey noted that Steve Weber will be assisting with Payroll and AP functions.

Motion: I move to direct the City Manager to sign an IGA with RVCOG for HR and Accounting functions effective June 16, 2020. **MOVED BY WESTOVER, SECONDED BY VERMILLION**. No further discussion.

ROLL CALL VOTE AS FOLLOWS:
Ayes: Westover, Vermillion, Crawford, Snyder, Warren
MOTION APPROVED WITH FIVE AYES

b. KDP Audit Engagement Letter and Audit Committee.

Mr. Swanson explained the KDP engagement letter for audit services. He addressed the increase in cost for the audit. Mr. Swanson discussed creating an Audit Committee, City Council agreed to form an Ad hoc Audit Committee.

Motion: I move to approve the audit engagement letter and authorize the Interim City Manager to sign on behalf of the City of Phoenix. **MOVED BY WESTOVER, SECONDED BY CRAWFORD**. No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

DRAFT

c. City Council Support of Phoenix Police Chief Bowker's Statement Regarding George Floyd and Racial Equity.

Mr. Swanson recapped the public meeting that was held with Chief Bowker. He noted there was a great exchange about what is important for the Phoenix Police Department.

Mayor Luz noted that he walked away from the community meeting with the Chief feeling like most of the people are happy with the Phoenix Police Department as well as Chief Bowker.

Councilor Westover noted the statement made by Police Chief Bowker is a good starting point. She noted that there are things that can be added to strengthen the statement. (see attached).

Councilor Crawford noted that this is the second year where to play sports the students did not have to pay to play and this increased the number of Hispanic students joining the teams.

Mayor Luz suggested that they take in the information that was presented and discuss it in a study session.

Councilor Snyder noted that there are two different actions in front of them tonight. He noted that they could move forward with the piece regarding Chief Bowker's statement and then address the other at another time.

Councilor Warren thanked Sarah and the staff for adding this item to the agenda. He noted that he felt it was important to acknowledge the things that are going on in our community. Mr. Warren noted that the City Staff needs a strong leader that will not accept any bias. He noted that the government needs to begin having open communication with the people.

Councilor Vermillion noted that her heart hurts for all the pain and fear that is going in the world today. She noted that she agrees with Chief Bowker's statement and would like to see the Council move forward with improvements.

Jamie Powell, Phoenix, thanked the Council for discussing this topic. She also thanked Chief Bowker for his statement regarding the George Floyd incident. She noted that she is part of the Racial Equity Coalition and Deconstructing Whiteness groups, both groups work to fight racism. Ms. Powell noted she is here to nudge the Council to work toward a more racially equitable community.

Ms. Johnston thanked the Council for their recommendations for moving toward being more racially equitably. She stated that Mayor Luz's actions show that he does not agree with the protesters.

DRAFT

Andrea Adams, Medford, noted that as white people stating that the community had a good conversation with the police department is racist to people of color. She noted that the suggestions made by Councilor Westover need to be considered and added to Chief Bowker's statement. Ms. Adams recommended that the Council continue to educate themselves on social equity.

Christina, Medford, noted that the conversation needs to continue. That it is important to look at problem areas and not at what we are doing well. She suggested that translators be available and that brochures and other documents are available in other languages.

Trinity Shaw-Stewart, Medford, thanked the people that backed the statement about George Floyd and the words about change. Ms. Shaw-Stewart noted that she organized the protest in Medford and that she tried to keep it peaceful. She stated that if the Council is fine with the alleged actions of the Mayor, the rest of them are as bad as him.

Mr. Chavez noted that the work does not end with the police department. All the members of the community should work toward making everyone feel welcome in our community.

Councilor Crawford noted that the best thing that we can do about this situation is to talk about with your kids at home over dinner. He challenged the community to talk about it.

Mayor Luz noted that he has invited the Hispanic community through the local churches to become involved. He noted if anyone has ideas on how to encourage this, please let them know.

Councilor Westover noted that translation service should be available for the meetings and should be a budgetary item.

Hannah Fowl, Talent, noted that she strongly supports the statements that Councilor Westover put forward regarding structural racism and Council and City staff taking implicit bias training. Ms. Fowl commended the Phoenix school district for the steps they have taken to make resources available bilingually.

Motion: I move to approve Chief Bowker's letter. **MOVED BY CRAWFORD, SECONDED BY SNYDER**. No further discussion.

ROLL CALL VOTE AS FOLLOWS:
Ayes: Westover, Vermillion, Crawford, Snyder, Warren
MOTION APPROVED WITH FIVE AYES

d. Community Conversation/City Visioning Meeting.

Councilor Warren suggested that the Council engage the Community during this time of crisis. He suggested it be less formal, making it more comfortable for people to come and speak to the council.

Councilor Westover suggested that the meeting be held on a different night than when the Council meeting is held. She also noted that there should be less struct to it so people can bring up anything they want to talk about.

9. Ordinance Reading/Adoption

a. Ordinance No. 1009 – An Ordinance Amending Chapter 15.04 of the Phoenix Municipal Code, In Accordance with Current Codes and Practices.

Mr. Swanson noted that Northwest Code Pros came to him stating that the code is out of date and difficult to enforce without the update. Mr. Swanson noted therefore the staff is requesting emergency adoption of the ordinance.

Ryan Nolan, Contract Planner, explained that before them is a basic update to the municipal code. Mr. Nolan noted that the code update clarifies the current applicable codes, clarifies the building official's authority and what issues he has authority over, clarifies building permits, refunds, certificates of occupancy, and revocation of permits when work has been done without permits and stop orders.

Mr. Nolan explained why the ordinance is being considered as an emergency.

Open public hearing 8:44 pm

No comment

Closed public hearing 8:44 pm

Motion: I move to approve ordinance 1009 amending current codes and practices. **MOVED BY VERMILLION, SECONDED BY WESTOVER**. No further discussion.

ROLL CALL VOTE AS FOLLOWS:
Ayes: Vermillion, Westover, Crawford, Snyder, Warren
MOTION APPROVED WITH FIVE AYES

10. STAFF REPORTS:

Doug McGeary, City Attorney, gave a shot out to the students at Phoenix High School scholarship recipients, Hannah MacLennan, Aldo Meza, Alex Macias – Montoya, Savanna Lyon, and Brandon Morrison.

Eric Swanson, Interim City Manager, gave a brief update on the Urbanization Element, TAP, submission of the TMDL plan, working with Councilor Warren on the Bear Creek clean up, and the Main St. project going out to bid in July.

11. MAYOR AND COUNCIL COMMENTS/ REPORTS:

Councilor Crawford no comment.

Councilor Snyder no comment.

Councilor Warren thanked Mr. Swanson for all the hard work he has been doing. He asked when the Parks and Rec and Bee City USA will be having a meeting again. Councilor Warren thanked everyone that came to the meeting and that he was disgusted with the people that came to the meeting brandishing firearms and that he will not accept this behavior going forward.

Councilor Vermillion noted she was happy to hear that three of the scholarship recipients were Latino. She noted that the fear on both sides is unbearable. She noted we all need to learn to love each other.

Councilor Westover noted that the decorum around public meetings should not allow people to open carry. She believes that people that open carry do this to intimidate others. She noted that she attended two of the BLM protests that were loosely organized and where she worked to keep the peace. Councilor Westover stated that she was embarrassed and sadden by the behavior of Mayor Luz at protests. She noted that she feels bad for the teenagers that were threatened and requested the Mayor resign.

Mayor Luz noted that he agrees with some of Councilor Westover's comments and other not at all. (Mayor Luz's comments are attached)

Motion: I moved to extend the meeting until 9:30 pm. **MOVED BY SNYDER, SECONDED BY WARREN.** No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

12. RECESS OPEN MEETING

13. CONVENE TO EXECUTIVE SESSION
ORS 192.660(2)(h). To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

14. CLOSE EXECUTIVE SESSION

15. RECONVENE OPEN MEETING
Mayor Luz noted the Council discussed a legal matter.

17. ADJOURNMENT
The meeting adjourned at 9:28 p.m.

Bonnie Pickett
City Recorder

DRAFT

NORTHWEST CODE
PROFESSIONALS

June 15, 2020

To: Eric Swanson, Phoenix City Manager

Regarding: Proposed changes to the City's Municipal Code- Council Meeting, June 15, 2002.

Eric,

As noted in my email earlier this morning, I am regretfully unable to attend the City Council meeting this evening as I had planned. The proposed changes to the Municipal Code relative to the Building Inspection program are on the agenda and I had intended to be present in case there were questions.

In the documents that have been prepared for the meeting, there is some detailed explanation for the various proposed changes. I anticipate that those explanations should adequately cover the background and reason for the changes in my absence.

There is another aspect to the changes, beyond the technical items outlined in the proposed draft and I want to add some comments contained herein. **The issue is the urgency surrounding the proposed changes.** The primary focus of the proposed changes is to address the regulation (i.e. permits/inspection) of structures that are not under the direct authority of Building Codes Division (BCD). The technical details are covered in the draft proposed changes.

To the matter of urgency, due to the changes that have been made by Oregon Building Codes Division, at the current time there is no authority for the City to regulate the structures such as the cell towers, site retaining walls, etc. Without the changes, these types of structures could be constructed without any review or inspection by the City. **The current lack of authority to regulate these structures could very well present some significant fire and life-safety concerns**.

This issue is not unique to the City of Phoenix. Each jurisdiction in Oregon is needing to address this. As such, I had prepared the draft version of the changes for the Council's consideration as well as the other cities in Southern Oregon that I provide services for.

For clarity, as stated in the draft document, the final version and adoption of these changes are under the authority of the City Council since it is the City that operates the Building Inspection program; not Northwest Code Professionals. The role of Northwest Code Professionals, and

144 E 14TH AVENUE | EUGENE, OR 97401 | WWW.NWCODEPROS.COM
O: 541-484-9043 OR 800-358-8034 | F: 541-484-6859

thereby, my role as Building Official, is to assist the City in the operation of the Building Inspection program.

Feel free to contact me if you have any questions on this or any other matter.

Respectfully,

Robert Rice, C.B.O.
Southern Oregon Lead
Building Official | Plans Examiner | Inspector
Northwest Code Professionals, LLC
RobertR@nwcodepros.com
cell:541-600-5193

Suggestions for Phoenix City Council Statement

- The City of Phoenix condemns the murder of George Floyd at the hands of the Minneapolis Police Department. We acknowledge and condemn excessive use of force by police which disproportionately impacts black and brown communities nationwide.

- As publicly elected officials we recognize the importance of using this moment for reflection and critical examination of the entrenched bias that pervade our institutions. We accept the responsibility of being responsive to community concerns and commit ourselves to critically engaging in difficult conversations around police practices and accountability.

- We appreciate our local police department for its commitment to continued education, training and practices that help to prevent escalation and violence. We believe that community conversations about police accountability and opportunities for improvement are still vital and necessary.

- As a city we will work to support and, where possible, invest financially in new and existing social programs. We will prioritize connecting community members with services instead of police intervention wherever possible. This includes those in need of service related to mental health, addiction and homelessness.

- We acknowledge that police aren't always the most appropriate first responders for every situation and that we must have other social supports in place. We will support local efforts to establish and fund community-based (Non-law enforcement based) mobile crisis intervention programs similar to the Eugene-based CAHOOTS model (Crisis Assistance Helping Out on the Streets).

- We recognize that bias and racism are deeply ingrained into all aspects of American culture including our government. The city of Phoenix will commit to securing annual training on implicit bias for ALL city staff and elected city officials so that we can learn more about how to challenge oppression in our everyday environments.

I support and stand firmly with the kind hearted, loving people of Phoenix. From our seniors at Bear Lake Estates, RV South, Creekside and Greenway Village to the apartment dwellers on Cheryl and Bolz, to the residents of the Barnum and Phoenix Hills sub divisions I stand with you. To all those in every neighborhood in Phoenix I stand with you and for you. We will not allow our small city to be tarnished. We love and care for all our neighbors and for the men and woman that provide for the public's safety. My fellow wonderful citizens, hold your heads high and continue to be proud of our city. Be kind and love one another.

Chris Luz
Phoenix Mayor

City of Phoenix
Heart of the Rogue Valley

Agenda Report
to Mayor and Council

Agenda item title: City Council Work Session, Discuss City of Phoenix Social Equity Policy

Meeting Date: July 6, 2020

From: Eric Swanson, Interim City Manager

Action: __Motion, __Ordinance, _X_ Resolution, __Information only, _X_ Other

SUMMARY

This is a city council work session to discuss adoption of a social equity policy for the City of Phoenix. The city council directed staff to place this on the 7/6 meeting agenda as a work session followed by official action during the subsequent regular meeting agenda.

BACKGROUND AND DISCUSSION

Social equity issues have historically been and continue to be a concern in our democratic society. It is important that City of Phoenix community leaders support efforts to promote social equity on behalf of its citizens.

At the 6/15 city council meeting, the council passed a motion, approving the statement from Chief Bowker regarding George Floyd and racial equity. Additionally, Councilor Westover passed out a statement for city council review. Both documents will be utilized as a framework for discussion during the work study. We anticipate using these deliberations to draft a resolution for consideration during the regular meeting agenda.

COUNCIL GOAL SUPPORTED

Goal 18 – Open, transparent, consistent governance.

FISCAL IMPACT

We anticipate that there will be minimal expense related to implementation of this policy. Training costs and speaker/trainer fees can be absorbed into the various departmental budgets.

RECOMMENDATION

Staff recommends approval of the resolution to establish a City of Phoenix Social Equity Policy.

PROPOSED MOTION

After adjournment from the city council work session and during the city council meeting,

"I move to approve Res. No. 1059 – A Resolution of Phoenix, Oregon affirming its commitment to social equity."

ATTACHMENTS

Suggestions for Phoenix City Council Statement provided by Councilor Westover
Chief Bowker Statement
A resolution in the matter of affirming its commitment to social equity, this resolution will be discussed and created during the study session for approval at the Council meeting following the study session.

Suggestions for Phoenix City Council Statement

- The City of Phoenix condemns the murder of George Floyd at the hands of the Minneapolis Police Department. We acknowledge and condemn excessive use of force by police which disproportionately impacts black and brown communities nationwide.

- As publicly elected officials we recognize the importance of using this moment for reflection and critical examination of the entrenched bias that pervade our institutions. We accept the responsibility of being responsive to community concerns and commit ourselves to critically engaging in difficult conversations around police practices and accountability.

- We appreciate our local police department for its commitment to continued education, training and practices that help to prevent escalation and violence. We believe that community conversations about police accountability and opportunities for improvement are still vital and necessary.

- As a city we will work to support and, where possible, invest financially in new and existing social programs. We will prioritize connecting community members with services instead of police intervention wherever possible. This includes those in need of service related to mental health, addiction and homelessness.

- We acknowledge that police aren't always the most appropriate first responders for every situation and that we must have other social supports in place. We will support local efforts to establish and fund community-based (Non-law enforcement based) mobile crisis intervention programs similar to the Eugene-based CAHOOTS model (Crisis Assistance Helping Out on the Streets).

- We recognize that bias and racism are deeply ingrained into all aspects of American culture including our government. The city of Phoenix will commit to securing annual training on implicit bias for ALL city staff and elected city officials so that we can learn more about how to challenge oppression in our everyday environments.

As we, as a community, continue to mourn the senseless murder of George Floyd at the hands of the Minneapolis Police Department, the Phoenix Police Department wishes to convey to its residents that we are heartbroken for the Floyd family and any person who has ever been a victim of excessive force used against them by the police. Let me assure you, what you and I saw in the video coming out of Minneapolis deeply troubled me and every person associated with this department. The actions of those officers are in no way indicative of how we operate and their actions are nowhere near how we train our officers to act or conduct business. Any officer in this department, or the United States for that matter, that watched that video and didn't have a problem with those officers' actions, needs to turn in their badge and gun and find another line of work.

We have worked hard in the 15 years that I have been associated with this department to build a trusting relationship with all members of this community. We realize that the actions of these Minneapolis officers have tarnished the badge across the country. I assure you; every member of this department is dedicated to serve everyone in this community equally, without prejudice. We will do everything in our power to regain any trust you have lost in Law Enforcement as a whole. We are your police department and we want you to be as proud of your department as we are when we put the uniform on every day to come out into the community to serve you.

Sincerely,

Derek A. Bowker, Chief
Phoenix Police Department

Derek A. Bowker

Derek A. Bowker, Chief
Phoenix Police Department
(541)535-1113 (Voice)
(541)535-2040 (Fax)

City of Phoenix
Heart of the Rogue Valley

City Council
www.phoenixoregon.gov
541-535-1955

CITY OF PHOENIX
PHOENIX, OREGON

RESOLUTION NO. 1059

A RESOLUTION OF PHOENIX, OREGON SOCAIL EQUITY POLICY

WHEREAS,; and

WHEREAS; and

WHEREAS,; and

WHEREAS,; and

NOW, THEREFORE, THE CITY OF PHOENIX RESOLVES AS FOLLOWS:

PASSED AND ADOPTED by the City Council of the City of Phoenix, Oregon on the 6th day of July 2020 and signed in authentication thereof.

_____

Chris Luz, Mayor

ATTEST:

_____

Bonnie Pickett, Recorder

City of Phoenix
Heart of the Rogue Valley

Agenda Report
to Mayor and Council

Agenda item title: City of Phoenix Sponsored Community Conversations/Town Hall Events

Meeting Date: July 6, 2020

From: Eric Swanson, Interim City Manager

Action: _X_Motion, __Ordinance, __Resolution, __Information only, __Other

SUMMARY

This is a follow on to the recent success on June 9th with Police Chief Bowker addressing citizens at the Phoenix Civic Center about community policing and training issues. We received great feedback and would like to build on that success. Approval of this motion to proceed with future City of Phoenix sponsored community conversations/town hall events would authorize citizens, city council and staff to proceed within a framework to make arrangements to schedule and plan these future events. Approval of this motion will increase transparency and improve good governance initiatives.

BACKGROUND AND DISCUSSION

There have been previous city sponsored town hall meetings which have been well received in the past.

The following are topics and tentative timelines for future City of Phoenix sponsored Community Conversations/Town Hall events, beginning mid- September 2020.

The timing of these public gatherings will occur shortly after the bi-monthly distribution of the Phoenix Community Voice to residents, providing an overview of the upcoming Community Conversations/Town Hall topics.

Al Muelhoefer has agreed to facilitate these discussions with City Council/Staff providing presentations as appropriate.

City Staff will also provide information regarding city volunteer opportunities to participate on community advisory committees at these events.

Police Department/Public Safety

- New Police Station Project (9/2020)
- Neighborhood Watch (TBD)

Downtown

- Update Main Street—transition to double lane road (9/2020)
- Use of Open Spaces and PHURA development around Civic Center (9/2020)

Parks and Recreation

- Herbicide Use (TBD)
- Bear Creek Restoration (TBD)
- Blue Herron Parking Lot Expansion (TBD)

General Government

- Use of Ad Hoc Committees for upcoming city projects and issues (TBD)
- Re-establish Community Advisory Committee (TBD)

COUNCIL GOAL SUPPORTED

Goal 14 – Improve community engagement, communication and Council outreach to the public.

FISCAL IMPACT

The cost to facilitate these future meetings would be minimal and can be absorbed in the existing 2020-21 Executive budget.

RECOMMENDATION

City staff recommends approval of a motion to proceed with planning efforts.

PROPOSED MOTION

"I move approval of City of Phoenix Sponsored Community Conversations/Town Hall Events planning as presented and modified during city council deliberations."

ATTACHMENTS

N/A

City of Phoenix
Heart of the Rogue Valley

Agenda Report
Mayor and Council

Agenda item title: Consideration of Quasi-Judicial Hearing for Censure of Mayor

Meeting Date: July 6, 2020

From: Douglas M McGeary, Attorney at Law, (541) 779-4647

Action: __Motion, __Ordinance, __Resolution, __Information only, _X_Other

SUMMARY

This is a quasi-judicial matter brought by one or more City Council members who allege the Mayor Lutz acted in violation of certain provisions of the City's code of ethics found in PMC Chapter 2.30 on at least two different occasions. If found to be true, the Council members would seek censure of the Mayor.

The anticipated outcome from deliberations on these matters will be for Council to determine if the allegations are sufficient enough to merit further discussion and sanctions if found true. The Council could reach a decision that the allegations merit further fact finding, whereupon the Council would need to decide whether to set a hearing to take evidence upon which to make findings and conclusions. The final judgment will be a decision to censure or not censure the Mayor for either incident or both.

BACKGROUND AND DISCUSSION

The first incident by the Mayor is alleged to have occurred on June 1, 2020 within the City of Medford, in which the Mayor drove his car among persons on the street engaged in a civil rights protest. The second incident occurred on June 15, 2020, and the same Council Members allege that the Mayor invited armed persons to be present at the City Civic Center during a regularly scheduled public meeting knowing that protestors from the June 1, 2020 incident were likely to be present. In both cases, the Mayor denies culpability, and as to the June 15, 2020 incident, he denies that he ever made such an invitation.

COUNCIL GOALS SUPPORTED

Goal 18 – Open , transparent, consistent governance.

FISCAL IMPACT

There is no cost associated with the item.

RECOMMENDATION

Since the matter directly relates to discipline of the Mayor, a majority of City Council members must decide whether to temporarily assign the chair to the President of the Council in order to convene and control deliberations that follow.

Should Council then determine if the allegations are sufficient enough to merit further discussion, Staff recommends setting the matter for a full hearing at the next available date that Council finds convenient and appropriate.

PROPOSED MOTION

"I move that the President of the Council preside over this quasi-judicial hearing on the matter relating to censure of the Mayor over allegations of a June 1, 2020 incident and a June 15, 2020 incident, which, if true, are alleged to be violations of the City of Phoenix Code of Ethics, Chapter 2.30."

"I move that the Council find the allegations of the Mayor's violation of the City of Phoenix Code of Ethics, Chapter 2.30 [are/are not] sufficient to merit further review, findings and conclusion of violation."

"I move that the Council set a special hearing and make a final decision in this matter, such hearing to occur on _____, 2020."

ATTACHMENTS

Allegations by Council Stewart Warren are attached.
An Answer by the Mayor to an unedited version of the Council member's is attached.

City Council Response to Mayor Luz's Recent Actions

Summary

Members of the Phoenix community have called on the city council to formally address the recent actions of Mayor Chris Luz. These actions include allegedly using his vehicle to push protestors at a rally in Medford on June 1st, 2020, and for inviting armed persons to the June 15th, 2020 City Council meeting.

Background and Discussion

During the June 15th, 2020 regular Phoenix City Council meeting the council received testimony from a member of the public that she had been hit by Mayor Luz in his company vehicle while protesting police brutality in Medford, Oregon on June 1st. Her accusation was supported by a number of witnesses, and ~~by~~ a video ~~of~~ has been made public recording the incident.

In anticipation of community members coming to the city council meeting to voice concerns about these actions, Mayor Luz is alleged to have invited armed individuals–who were reported to have openly carried weapons both inside and outside of council chambers–to the June 15th council meeting. One of these individuals informed a resident of Phoenix that they were invited by the mayor and they were given the impression that Chief Bowker had invited them to be there as well. Chief Bowker verified that he never made such an invitation.

Community members have since voiced numerous concerns about both events. Residents of Phoenix have expressed that these actions are inappropriate, dangerous, and many reasonably believe such actions were intended to have a chilling effect on free speech and dissent.

Regardless of legal investigations of the June 1 incident and any potential resulting legal consequences Mayor Lutz may face, actions of any one councilor or mayor are open to scrutiny by the council as they may create issues with public perception, complicity, transparency, and accountability.

Attachments

Phoenix Municipal Code
https://www.codepublishing.com/OR/Phoenix/#!/Phoenix02/Phoenix0230.html#2.30

Ch. 2.30 Code of Ethics

2.30.020 Responsibilities of public office.
Public officials are agents of public purpose and are engaged for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state and to carry out impartially the laws of the nation, state and the city, and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the

duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.
G. Sanctions. Violation of any provision of this section, determined after notice and an opportunity to be heard, shall constitute cause for disciplinary action up to and including termination for an employee, or removal from office of an appointed official. Discipline or removal actions shall be in addition to, and not in lieu of, any other city-initiated sanction or penalty.

Termination or removal from office of an elected official for his or her legal or ethical violations is not provided for by the City's Charter or ordinances. Reprimand or censure, however, is available by resolution, which has no binding effect, but provides the clearest statement by the majority of the council members' condemnation or denouncement of a fellow member's character demonstrated by his or her actions and behavior over time or in a particular incident.

Potential Motions

I move that the Phoenix City Council make a finding that on June 1, 2020, the Mayor used his vehicle to push persons peaceably demonstrating in the street of Medford. The Phoenix City Council believes that exercising the freedom of speech is an important part of our democracy.

If the above finding is made, I move that the Phoenix City Council resolve to censure the Mayor for the June 1, 2020 incident in which he used his motor vehicle to push protestors peacefully demonstrating in the City of Medford.

I move that the Phoenix City Council make a finding that on or about June 15, 2020, the Mayor invited persons to a city council meeting with intent that they openly bear firearms in response to persons the Mayor anticipated would protest at the public hearing. The Phoenix City Council believes that public attendance at City Council meetings is necessary and should be unfettered and free from fear of participating in the City's governance.

If the above finding is made, I further move that the Phoenix City Council resolve to censure the Mayor for inviting armed individuals to city functions that threatened the community's ability to observe and participate in the governance of our city.

Doug,

Here are the two versions of the agenda item. I would expect that both versions would be included on the agenda and in the packet.

I certainly do not want to be unreasonably maligned so I would like to see any accusations preceded by "allegedly" and that an advisory statement such as: "An independent investigation has yet to determine the validity or lack of validity of these accusations" be included.

I understand that councilors can ask for items to be added to the agenda for discussion but an item such as this must be fairly presented. The council can take it from there.

Summary (city council agenda item Version 1)

(Some)Members of the Phoenix community have called on the city council to formally address the recent (alleged) actions of Mayor Chris Luz. These (alleged) actions include allegedly using his vehicle to allegedly intimidate protestors at a rally in Medford on June 1st, 2020 and for allegedly inviting armed individuals to the June 15th, 2020 City Council meeting

Background and Discussion

During the June 15th, 2020 regular city council meeting the council received testimony from a member of the public that she had allegedly been hit by Major Luz in his company vehicle while protesting police brutality in Medford, Oregon on June 1st. Her accusation was supported by a number of witnesses and by a video of the incident. An independent investigation has yet to determine the validity or lack of validity of these accusations.

In anticipation of (some) community members coming to the city council meeting to voice concerns about these (alleged) actions, Major Luz allegedly invited armed individuals openly carrying weapons both in and outside of council chambers to the June 15th council meeting. One of these individuals informed a resident of Phoenix that they were invited by the Mayor and they were given the impression that Chief Bowker had invited them to be there as well. Chief Bowker had indicated that he never made such invitation. Mayor Luz has also indicated that he never made such invitation.

(Some) Community members have since voiced numerous concerns about both events. Residents of Phoenix have expressed that these (alleged) actions, if true, are inappropriate, dangerous and intended to have a chilling effect on free speech and descent.

Regardless of legal proceedings, (alleged) actions of any one councilor or Major are open to scrutiny by the council as they may create issues with public perception, transparency, and accountability.

Potential motion

I move that the Phoenix City council censor the actions of the City Mayor. The Phoenix City Council believes that exercising the freedom of speech is an important part of our democracy. Further, the Phoenix City Council finds that allegedly inviting armed individuals to city functions threatens the community's ability to observe and partake in the governance of our city.

Summary (city council agenda item Version 2)

Some residents of Phoenix have asked council to discuss the recent alleged actions of Mayor Chris Luz. These alleged actions include allegedly using his vehicle to allegedly intimidate protesters at a rally in Medford on June 1st, 2020 and for allegedly inviting armed individuals to the June 15th, 2020 Council meeting. Mayor Luz strongly denies both these allegations and is encouraging people to wait until an independent review of the June 1st event is complete before rushing to judgement.

Background and Discussion

An independent investigation has yet to determine the validity or lack of validity of accusations made at the June 15th council meeting.

Mayor Luz states that: "Councilor Warren's and **Doug,**

Here are the two versions of the agenda item. I would expect that both versions would be included in the agenda and in the packet.

I certainly do not want to be unreasonably maligned so I would like to see any accusations preceded by "allegedly" and that an advisory statement such as: "An independent investigation has yet to determine the validity or lack of validity of these accusations" be included.

I understand that councilors can ask for items to be added to the agenda for discussion but an item such as this must be fairly presented. The council can take it from there.

Summary (city council agenda item Version 1)

(Some)Members of the Phoenix community have called on the city council to formally address the recent (alleged) actions of Mayor Chris Luz. These (alleged) actions include allegedly using his vehicle to allegedly intimidate protestors at a rally in Medford on June 1st, 2020 and for allegedly inviting armed individuals to the June 15th, 2020 City Council meeting

Background and Discussion

During the June 15th, 2020 regular city council meeting the council received testimony from a member of the public that she had allegedly been hit by Major Luz in his company vehicle while protesting police brutality in Medford, Oregon on June 1st. Her accusation was supported by a number of witnesses and by a video of the incident. An independent investigation has yet to determine the validity or lack of validity of these accusations.

In anticipation of (some) community members coming to the city council meeting to voice concerns about these (alleged) actions, Major Luz allegedly invited armed individuals openly carrying weapons both in and outside of council chambers to the June 15th council meeting. One of these individuals

informed a resident of Phoenix that they were invited by the Mayor and they were given the impression that Chief Bowker had invited them to be there as well. Chief Bowker had indicated that he never made such invitation. Mayor Luz has also indicated that he never made such invitation.

(Some) Community members have since voiced numerous concerns about both events. Residents of Phoenix have expressed that these (alleged) actions, if true, are inappropriate, dangerous and intended to have a chilling effect on free speech and descent.

Regardless of legal proceedings, (alleged) actions of any one councilor or Major are open to scrutiny by the council as they may create issues with public perception, transparency, and accountability.

Potential motion

I move that the Phoenix City council censor the actions of the City Mayor. The Phoenix City Council believes that exercising the freedom of speech is an important part of our democracy. Further, the Phoenix City Council finds that allegedly inviting armed individuals to city functions threatens the community's ability to observe and partake in the governance of our city.

Summary (city council agenda item Version 2)

Some residents of Phoenix have asked council to discuss the recent alleged actions of Mayor Chris Luz. These alleged actions include allegedly using his vehicle to allegedly intimidate protesters at a rally in Medford on June 1st, 2020 and for allegedly inviting armed individuals to the June 15th, 2020 Council meeting. Mayor Luz strongly denies both these allegations and is encouraging people to wait until an independent review of the June 1st event is complete before rushing to judgement.

Background and Discussion

An independent investigation has yet to determine the validity or lack of validity of accusations made at the June 15th council meeting.

Mayor Luz states that: "Councilor Warren's and Westover's attempts to advance another false narrative is unproductive and contentious. Without any evidence and without the courtesy of even a phone call or email to me they throw out a "bombshell" accusation that I invited armed individuals to open carry weapons both in and outside of council chambers. I would never and Chief Bowker would never invite guests to a city council meeting in order to display firearms. Just the thought of doing this is appalling. Councilors Warren and Westover should apologize to me, the city council and the public for their outrageous claims."

Mayor Luz also states that: "The events that transpired in Medford on June first are being reviewed by the Medford Police Department and the District Attorney. Again, it is irresponsible for Councilors Warren and Westover to further a narrative before the City of Medford has reviewed the actions of

some protesters and me. We all need to wait for the assessments and conclusions of independent investigators before rushing to judgement."

Proposed Motion:

I move that the city council table this agenda item because it lacks any sound foundational basis.

Chris Luz

Mayor - Phoenix