

CITY OF SCAPPOOSE

Workshop at 6:30 p.m. to Discuss Municipal Court Outstanding Balance

Present: Mayor Burge, Council President Bernhard, Councilor Gedlich, Councilor Ingham, Councilor Meres, City Manager Hanken, Legal Counsel Cindy Phillips, Judge Taylor, Laurie Seldon, Police Chief Greisen and City Recorder Reeves. Also present Josey Bartlett with The Chronicle. Councilor Erickson arrived at 6:44 p.m.

City Manager Hanken went over the staff report. He stated as you recall a couple of weeks ago Council asked that the Scappoose Municipal Court Judge Taylor and him meet to devise a strategy to improve court collections and reduce the outstanding balance. He stated Judge Taylor and I met a couple of times in the past two weeks to discuss our issues associated with Court collections and outstanding balance. We both agreed that the first place to implement an improved collection strategy would be with traffic violations. Judge Taylor and I discussed the merits of establishing a Violations Bureau, as outlined in ORD 153.800. My concern is that there are a lot of people wanting to see Judge Taylor for traffic court and that work load could be reduced by establishing a formula to reduce fees and having the staff at the front counter taking care of the tickets. After much discussion, we agreed that it wouldn't be beneficial. The areas where agreement was achieved were:

All payment plans must conform to the following:

Six month payment plan ~ fine amount, plus \$25.00, divided by 6 month equals amount due.

One year payment plane ~ fine amount, plus \$50.00, divided by 12 month equals amount due.

Under no circumstances will a payment plan for traffic violations be allowed to extend for over a one year period.

All payments must equal the minimum payment due as established by the Judge. Partial payment will be viewed as not compliant with the court order.

Failure to make the **minimum monthly** court ordered payment will result in the City sending notice of license suspension at the end of the month. This will occur automatically. The City will wait 30 days to allow DMV to notify driver of license suspension.

At the end of that period (approximately 60 days) if the account hasn't been paid in full, the delinquent account will be turned over to a collection agency and the City will assessed an additional 25% collection fee (as per ORS) on the outstanding balance.

Driver's Licenses will be reinstated when entire court balance is paid in full.

Since the Judge is only in Scappoose one day a week, the City Manager will review all payments made into the Court Department on a daily basis to ensure compliance with all Court ordered payment plans. The Judge will be notified by e-mail on a weekly basis related to compliance and number of licenses to possibly be suspended. This process will be re-evaluated at the end of the fiscal year.

The Judge and the Prosecuting Attorney will develop a similar plan to address payments on the Criminal side of Municipal Court. The plan needs to be consistent with the basic tenant that payment plans established by the judge are binding agreements and any payment that is not consistent with the order is not acceptable to Council. The City Manager will provide the Judge with a report on criminal payment compliance on a weekly basis and will meet with the Judge and the Prosecuting Attorney at the end of 2011 to review progress.

As City Manager, I believe we have a foundation to move forward. The Judge and I have agreed to set up a monthly lunch appointment to review any issues that might arise in the future.

~ End of staff report

Councilor Gedlich asked Judge Taylor on the 6 month payment plan can you explain to us how that works, you are not talking about \$6.00 or \$10.00 a month payments are you.

Judge Taylor replied no, she tells them the minimum payment is \$25.00 and under the average ticket amount and the plus the fee for the payment plan always comes out to \$25.00 or better.

Councilor Gedlich asked Judge Taylor if she is encouraging these violators to pay as much as they can right up front.

Judge Taylor replied absolutely and actually at the last meeting she gave Council a report and told Council that her gut was that 80% of the people pay in full either same day or within 30 days. She kept track of over 4 weeks of dockets and in the 4 weeks they processed the people that came into court to talk to her, there was total of 37, out of that 18 promised to pay in full the same day, which is 52%, 12 promised to pay within 30 days, which is 33%. So 85% of the traffic people were going to pay in 30 days or less.

City Manager Hanken stated just to kind of go back in terms of the promise Wednesday afternoon at the end of the day he had a report ran in terms of the payments that came in, all of them who made court payments who where in the court on that day paid in full.

Councilor Gedlich asked if there is a tickler system when someone is due, do you look at that week or do you look at some kind of a schedule to see how they people are paying.

City Manager Hanken replied part of this plan is he reviews everything in terms of the tickets that go in every day. He explained Judge Taylor will get an email from him and will get the first one basically tomorrow, which will include the number of people who have came to traffic court, who have paid in full or made partial payments and the number of driver's license to be possibly suspended.

Councilor Gedlich asked how much time from the time DMV sends out a suspension letter until the person is suspended.

Judge Taylor stated her understanding is that DMV gives something like 30 to 45 days. What DMV does is sends a letter to the driver and states that their license is about to be suspended, contact the court immediately to make payment arrangements if they want to save their license.

Councilor Gedlich replied so at this point when they get the notice and they contact the courts do you continue with the payment plan or do you say I am sorry you are going to have to pay.

Judge Taylor replied they are going to have to pay, they have gotten that far, they are going to have to pay, and that has always been her policy.

Councilor Gedlich asked about a collection agency.

City Manager Hanken explained we have one scheduled that we are going to try and this one is a rather aggressive company in terms of getting payment.

Councilor Meres stated this is all fine and dandy for the people who are paying. The issue is we have a lot of outstanding people that have not paid and will not pay and will continue not to pay and still get arrested, and still get traffic citations and still get there car taken away and still going to owe. He asked so how are we going to deal with that?

City Manager Hanken replied one of the things in terms of working out a procedure, he is going to be very upfront, and we don't have everything laid out in terms of how the criminal process works. We have come to agreement to how things should work and realistically he is playing a bigger role in terms of the court collections process, Council has to give it time to work. He truly believes if you give 6 months on traffic and 1 year on the criminal side you will see results. He explained in terms of what happens with the constantly delinquent, the constantly arrested, he is going to be honest you can legislate personal responsibilities. There he has to look at has to look at the prosecuting attorney, there he has to look at the Judge and say this is your expertise and as his standpoint, and he has told both of them, he is kind of the bean counter. This is not a bean counter question, this is something that they are going to have to work with in terms of policy but you have to give them time to implement that.

Councilor Meres stated he sees the program as looking fine but he still sees a balance that is going up and not decreasing because of that.

Councilor Ingham stated she thinks Councilor Meres and her concern is all of the people that are delinquent at this point and are taking advantage of the system by paying a dollar when they don't pay the minimum can they be notified by DMV this next week that there license will be suspended in 30 days?

Judge Taylor replied no. She believes the smaller payments are on cases where people are on probation and the problem with the criminal matters who are on probation is that we don't, up until now, had the resources to get them into court and to talk to them and to get them moving on their payment. We did show causes a couple of weeks ago and we talked to several people who haven't made a payment in a year. The last time they made a payment was a year ago when they were show caused when there probation was due for renewal.

Judge Taylor stated she doesn't believe the City is getting \$1.00 payments on traffic. She stated the report that you got last time included some traffic on the Jimerson and Kuffner era, stuff that isn't even collectable. She explained the report was actually a mixed bag and wasn't a fair representation of what actually is collectable, what is workable. For the traffic stuff she always set them up for 12 months max and 85% are promising to pay within 30 days. The smaller payments are on the criminal stuff because you have people who are on probations in a number of different courts, they are typically unemployed, they typically have substance abuse and or mental health issues and we are in this training process of teaching them to go get a job, we make that a condition of probation, make some kind of a payment, get used to the idea that you a responsibility and you need to do something and make a payment each and every month. So that is what we need more help with City Manager Hanken with like giving us these reports and we can get people in to court faster, sooner than 12 months, that will certainly help.

City Manager Hanken replied we do this one a weekly basis now.

Councilor Ingham stated you are both going through criminal but City Manager Hanken is going through traffic.

City Manager Hanken replied but again he looks at the criminal component too because you will get people who make the payments. Right now he has a list of about 5 people from the past two days who have made payments on the criminal side and none of them have met their amount that has been established by the courts as of in terms of this is the minimum payment amount. The Judge needs to know that and that is part of that weekly email.

Councilor Gedlich asked how far back, legally, can we go with delinquent accounts. It is 2 years, 3 years. She knows we are going to have to write off a lot because of how old some of them are. Is there a date we can go back to legally?

Judge Taylor replied you need to commence an action within 2 years. You can keep someone on probation for as long as 5.

Laurie Seldon asked Cindy Phillips if there is a civil component on that when there is a judgment.

Cindy Phillips replied her understanding of that is that once an order it is an order, it is like a judgment and so she thinks that we are not necessarily hampered by a 2 years Statue of limitations. Also on the probation she thought it could be extended to 6 years.

Councilor Gedlich replied maybe we should see how far back we can go and try to work something out even if we send them letters.

City Manager Hanken replied we have come to the agreement in terms of philosophy of how things work; getting the nuts and bolts still has to be laid out yet. So that is why he is asking 6 months for traffic and a year for the criminal side of municipal court.

Councilor Ingham asked how far back does the 1.3 million go?

City Manager Hanken replied it goes back to the time that our computer program was in, since basically before he got here.

Councilor Gedlich replied 1996.

Councilor Ingham stated so that means that figure isn't anywhere near realistic as far as what we can collect.

City Manager Hanken replied but that is what is in our system.

Councilor Ingham stated that is kind of a deceiving figure to put in this report only because that is something that we can't possibly recover. It needs to be a more realistic figure that we look at instead of going back to ancient times.

Mayor Burge asked if it possible to purge that?

City Manager Hanken replied yes, we have to go through file by file.

Councilor Meres stated he has had a brief conversation at one time about a traffic violation and if that person fails to pay then there are in contempt of court.

Judge Taylor replied what we have done in the past when we didn't have access to a collection agency Ms. Seldon would file a complaint for contempt of court and then it becomes a crime; you are looking at up to 6 months in jail and additional \$500.00 fine. We have tried to do like our own in house collections by doing it that way with some success.

City Manager Hanken replied we are getting away from that. When the payment plan isn't meant they automatically go to the driver's license suspension and then if they haven't made their payment within 30 days, when the process is all going 60 days, then they go to collections, they don't go back into the court system.

Council President Bernhard asked City Manager Hanken and Judge Taylor if they are both in agreement and they feel as if they worked the some of the issues that we have been facing. He is impressed with what was brought to Council and he agrees with it.

City Manager Hanken replied he thinks so and in order to keep this going he and Judge Taylor have agreed to meet on a monthly basis.

Council President Bernhard stated he appreciates City Manager Hanken and Judge Taylor's professionalism addressing the issue. He stated he thinks it is great that we have a plan going forward and he is looking forward to the criminal component going along with it and thank you very much for your hard work and dedication.

Mayor Burge stated thank you. So we will expect a report in April on the traffic side.

Councilor Gedlich stated she just wants to thank them for working together so quickly and bringing this to us in a timely manner and she is looking forward to some real results.

Laurie Seldon asked what about the people who are completely blowing off the court.

City Manager Hanken replied that is part of going through the process. He is going through every record. Everybody who we haven't seen a payment you get notification of in terms of this person here, we decide what happens then. This is one of those that we have to go through the entire thing file by file.

Mayor Burge thanked City Manager Hanken, Judge Taylor and Laurie Seldon.

Mayor Burge adjourned the workshop at 6:55 p.m.

**REGULAR CITY COUNCIL MEETING
NOVEMBER 15, 2010 AT 7:00 P.M.
SCAPPOOSE, OREGON**

Mayor Burge called the City Council Meeting to order at 7:00 p.m.

Flag Salute

Attendance:

City Council Members:

Scott Burge	Mayor
Jeff Bernhard	Council President
Donna Gedlich	Councilor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Jeff Erickson	Councilor

Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Susan Reeves	City Recorder

Press:

Cindy Phillips	Legal Counsel	Josey Bartlett	The Chronicle
		Stover Harger	The Spotlight

Excused: Councilor Art Heerwagen

Also present Mark Reed, Councilor Candidate

Approval of the Agenda

Councilor Ingham moved and Councilor Erickson seconded the motion to approve the agenda. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; and Councilor Erickson, aye.

Public Comments

Barbara Hayden, Scappoose, stated at your meeting on November 1 it was discussed and decided that Council was going to hold off beginning the meetings on the Urban Growth Boundary until mid January. She has heard from several people that it is on the radar screen to move it back to December 6th. She stated the Urban Growth Boundary is far too critical of an issue to try to push through in December. All of you have mounds of documents that you have to go through before you can even broach this subject. She wants to be confident that every one of the Councilors has studied each map, each report, and every document and read all the minutes of the Planning Commission meetings before you even begin. She doesn't know if Council has received the three ring binders yet but if you haven't 3 weeks to prepare and go through those binders just is not enough time. She also believes that Council Elect Mark Reed should also be seated before this begins. She feels she should have a vote and a say in what goes on with this because he is going to be living with the decision as you all are for years to come. The first shovel of dirt that you pull out there is going to change this

City forever and she would urge you all to please study all the documents and understand everything before we even begin the hearings on this. She thanked Council.

Pat Zimmerman, Scappoose, stated we Americans say we want open and honest Government. We want to believe that we the people are in charge, that our opinions matter and that our elected representatives listen to us. Unfortunately we all know that money and power brings often drowns out the voice of the people. Individual citizens are at great disadvantage when someone with a lot of money can hire experts to prepare authoritative studies and overwhelm our elected representatives with technical information which citizens have absolutely no resources to refute. We the people really only have one hope that all of you listen carefully to the citizens of our town and weigh their concerns against the professionals flashy studies. She stated the Scappoose UGB issue is vital concern to many residents of Scappoose City and many residents outside the City. Just because we don't live in the city limits does not mean we won't be affected; traffic, noise, pollution, all the things that matter to a livability issue will hit all of us in South County. Jamming the UGB amendments through your process during the holiday season would certainly please the developers. Ordinary citizens will be distracted during that time, busy, constrained by family obligations. Unlike the developers consultants we are not paid to be here. She stated we ask that you begin consideration of the UGB no earlier than January to give citizens time to prepare and present their issues. She thanked the Council.

Kristen Hagen, Scappoose, explained her and her husband moved here about 4 years with their two small children from Portland. It is a story you hear all the time in Scappoose. They came out here because of what Scappoose has; it is everything they ever wanted as a community. She stated they are educated and they have disposal income. She explained they have worked really hard to get the school bond passed a couple of years ago. They are active in their children's school, they love this community. She stated we know we are part of the growth issue; we are them, the ones who came of from the City to live out here. She explained we may not agree on this Urban Growth Boundary decision but what we do need to agree on is the communication, it needs to be open, honest and obtainable to all of our citizens so that our Scappoose is just as lovable and livable as it is now and we have families and individuals who want to work towards a livable Scappoose for everyone. We need to avoid the minimum wage jobs that certain businesses are going to bring in it is not good for our community, it is not good for growth. She stated please as we do this we do expect communication, a date set, Spotlight, we need to be clear on a date and stick with it for the community. She thanked the Council.

Consent Agenda ~ November 1, 2010 City Council Meeting

Councilor Ingham moved and Council President Bernhard seconded the motion to approve the November 1, 2010 City Council Meeting minutes. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; and Councilor Erickson, aye.

Old Business

Ord 814: An Ordinance Related to Dog Parks Rules

Mayor Burge explained this is a second reading. He read the title for the second time.

Councilor Gedlich asked on the proposed Ordinance regarding number 2 regarding showing proof of current vaccinations.

City Manager Hanken replied what we want to make sure is that the dogs that are coming to the dog park are updated on their vaccinations.

Councilor Ingham explained the dog tag is proof of the vaccinations.

Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; and Councilor Erickson, aye.

Res. No. 10-20: A Resolution Establishing an Advanced Financed Improvements Relating to the Dutch Canyon Water Line Project

City Manager Hanken explained at the November 1st City Council meeting, Councilors tabled the Dutch Canyon Water Line Advance Financing Reimbursement Resolution to reconsider the reimbursement amount, which was calculated at \$19,917.87. Council has the authority to set the reimbursement amount at any figure you so choose. On November 8th staff sent an e-mail to Council asking for direction on this issue. He explained Council thought the number was a little high. He sent out an email to see what the response would be and what he got was around a \$5,000.00 figure. Council needs to direct staff and then staff would need to notify the property owners.

Council President Bernhard asked about the average cost of a well. He feels the cost would need to be something similar to if they were going to have a well drilled any way.

City Manager Hanken replied he doesn't know what the cost of a well would be but it could be \$6,000.00 to \$7,000.00 relatively easily.

Police Chief Greisen explained he is checking into changing his well head and all the other pipes, they are quoting him \$6,000.00 to \$7,000.00 alone.

Councilor Ingham explained when they had their well drilled 10 to 12 years ago, it was \$6,000.00 then and that is based on how deep they have to drill.

Council President Bernhard explained if we go in that direction it would have to be similar in price of that and he is just throwing this out to Council for discussion.

Councilor Ingham stated she believes it is true that for anyone to hook up to the line not having anything to do with the water line advancement financing reimbursement that a hook up fee is \$250.00. She is asking if people who live up there and they want to tap into the water line what is the charge to hook up.

City Manager Hanken replied you have a hookup fee, which would be time and materials outside the City, you have SDC's of about \$4,000.00 and you have what ever Council decides on this.

Councilor Ingham stated what she is trying to get at is they are already going to have an SDC charge of \$5,000.00 plus their hookup fee. We had to put this line in anyway. She believes we should not charge these people for hooking up to this line over and above their hook up fee and the SDC fee.

Councilor Gedlich stated she agrees with Councilor Ingham, we need to make it as affordable as we can but yet be sensible. She would like to keep it under \$7,500.00, she thinks that's plenty.

Councilor Meres asked if we say \$7,500.00 does that also include the SDC fee.

Councilor Ingham replied no.

Mayor Burge replied you could say maximum of \$7,500.00 including the hookup and SDC fees.

Councilor Gedlich replied she wants a cap.

Councilor Meres explained he is comfortable with leaving it at what it costs to hook up on a normal line.

Councilor Ingham stated she can imagine having to pay \$10,250.00 to hook up to the water line.

Councilor Ingham moved and Councilor Gedlich seconded the motion that Council approve the intervening properties on the Dutch Canyon water line are allowed to hook up at the cost associated with the connection fee and the SDC and there is no additional amount for the advanced funding reimbursement.

Council President Bernhard stated he is really torn on this but he also believes in mitigating our losses to some extent and in this particular case we are not at all.

Councilor Gedlich stated she appreciates Council President Bernhard comments. She realizes his concerns where every year at budget time we worry about municipal court, civic contributions, water and sewer rates but she also thinks that because of this legal mitigation that we are responsible for she thinks it is the City's responsibilities to maybe give back. She doesn't think we need to nickel and dime and tax our property owners any heavier then they are already being. She explained she has been on a fixed income for 10 years and her salary doesn't go up but every fee she pays goes up.

Councilor Ingham stated to Council President Bernhard that she understands where he is coming from. She stated that water line was put in and mandated by the court to service 9 properties and she feels the other properties aren't responsible for that line.

Mayor Burge stated he agrees with Council President Bernhard. He is not looking for much, just a little. He stated those who will be hooking up won't be paying City taxes.

Councilor Erickson stated he would agree with about a \$1,000.00 extra.

Councilor Ingham stated in the big picture of the 1.2 million for the cost of the line the burden is too heavy for the \$55,000.00 verses the end result.

Councilor Meres stated to him the line is there and he believes they should just charge the standard rate, the line is there, and we were forced to put it there.

Councilor Gedlich, aye; Councilor Ingham, aye and Councilor Meres, aye.

Mayor Burge, nay; Council President Bernhard, nay and Councilor Erickson, nay. Motion fails (3-3).

Councilor Gedlich moved and Council President Bernhard seconded the motion that Scappoose City Council approve the intervening properties on the Dutch Canyon water line with hook up fee, SDC fee and \$1,000.00 advanced financing reimbursement.

Council President Bernhard stated even though it seems like we are nickel and diming, we are all nickel and diming right now, we are all in an economy right now to where we are saving every penny as possible can and potentially \$55,000.00 is a lot of money even for the City of Scappoose.

Motion passed (4-2). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Erickson, aye and Councilor Ingham, nay and Councilor Meres, nay.

Announcements

Mayor Burge went over the calendar.

Police Chief Greisen

Police Chief Greisen explained December 18, 2010 is donut day from 7:00 a.m. to 1:00 p.m. All the donations will go to the Scappoose Food Bank.

Council

Councilor Gedlich thanked everyone that is present this evening and made comments.

Councilor Meres thanked the voters for sending him back for 4 more years.

Councilor Ingham also thanked the voters. She promises to work hard the next 4 years for the City of Scappoose and its residents. She stated a comment she would like to make regarding the concerns this evening during public comments is she promises you that this body will do their homework and make sure that we make very, very informed decisions. We will not try to railroad this through. Our thoughts of starting this process on the 6th gives us a longer time to work.

Mayor Burge talked about not having the discussion of the UGB at the December 20th Council meeting. It will be continued it to January 3, 2011.

Adjournment

Mayor Burge adjourned the meeting at 7:43 p.m.

Scott Burge, Mayor

Attest: _____
Susan M Reeves, CMC, City Recorder