

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION JULY 20, 2004

**Mayor Bernard** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Councilors present: Barnes and Stone.

Staff present: City Manager Mike Swanson, City Attorney Gary Firestone, Code Compliance Coordinator Steve Campbell, Community Development and Public Works Director Alice Rouyer, and Engineering Director Paul Shirey.

#### Code Amendment Regarding Penalties for Repeat Offenders

**Code Compliance Coordinator Steve Campbell** provided the staff report on a proposed code amendment regarding penalties for repeat offenders. He discussed two items: an increase in penalties for repeat offenders and clarification of the general penalty as it applies to both civil penalties and fines.

The City Council requested code compliance to look at code language that would increase the penalties for repeat offenders. Campbell reviewed code from several cities that ranged from incarceration to raising the civil penalties for the second, third, and fourth violations for the same person and for the same violation. Some had time designations, but others did not. Campbell's proposed ordinance did not have a time designation. For example, a person receives a notice to mow his grass in 2001 and does not follow through and is cited and found guilty or fails to appear. The same chain of events happens in 2002 and again in 2003. The 2003 citation would be that person's third for the same violation, and the fine would be not less than \$1,000. The actual language is "the penalty or a third or any subsequent separate judgment of violation of the same offense by the same person shall be no less than one thousand dollars." Campbell felt this was a balanced approach.

**Councilor Stone** asked if the person receiving the citation would be aware that if they get a third one that that is the amount of the penalty.

**Campbell** said people would be informed. There is a form letter with the citation, and on the second citation the default notice will warn them that the third could result in a substantial fine.

**Councilor Barnes** understood the second citation was the default.

**Campbell** said the person has to be found guilty in order to make it count. Informing the person on the second citation could be made part of the process.

**Councilor Barnes** appreciated Campbell's getting this done so quickly.

**Campbell** said the second item is clarification of the general penalty and that it applies to both civil penalties and fines. It provides enforcement of non-traffic code provisions by civil infraction proceedings with imposition of a civil penalty rather than fine. This is a housekeeping item.

**Firestone** said the reason for the change is that some years ago the City switched to a civil infraction and civil penalty for non-traffic related violations of City code provisions. In a civil infraction one does not have a fine, it has a civil penalty. This is simply a matter of cleaning up the language and making it consistent.

**Mayor Bernard** said the sewer rate discussion would be rescheduled when all council members could be present.

**Mayor Bernard** announced the City Council would meet in executive session pursuant to ORS 192.660(2) (d) – labor negotiator consultations.

The work session adjourned at 6:40 p.m.

*Pat DuVal*

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Pat DuVal, Recorder