

Note: Anyone wishing to speak at any Transportation Advisory Committee meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and City for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

## **TRANSPORTATION ADVISORY COMMITTEE**

**February 20, 2025**

AGENDA

**CALL TO ORDER:** 6:00 PM: Council Chambers 1175 East Main Street

**I. ANNOUNCEMENTS**

**II. CONSENT AGENDA**

**A.** Approval of December 19, 2024 Minutes

**B.** Approval of January 16, 2025 Minutes

**III. PUBLIC FORUM** (6:05-6:20)

**IV. REPORTS FROM OTHER CITY COMMITTEES** (6:20-6:30)

**V. NEW BUSINESS**

**A.** City Manager -Commission/Committee overview (6:30-7:00, action required, City Manager to discuss Uniform Policies Ashland Municipal Code Update (2.10) recently approved by City Council)

**B.** Crash and Near Miss Review (7:00-7:45, action required, review near miss and crash data from July 2024 thru December 2024).

**VI. UNFINISHED BUSINESS**

**A.** E-Bike Municipal Code Update (7:45-7:55, action required, as time allows continued discussion on next steps)

**VII. INFORMATIONAL ITEMS**

**A.** Wayfinding Project Update

**B.** Safe Streets and Roads for All (SS4A) Grant Process Update

**C.** Transportation System Plan Update

**VIII. AGENDA BUILDING – Future Meetings**

**IX. ADJOURNMENT: 8:00 PM**

**Next Meeting Date: March 20, 2025**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please email [scott.fleury@ashland.or.us](mailto:scott.fleury@ashland.or.us). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**CITY OF  
ASHLAND**



# ASHLAND TRANSPORTATION ADVISORY COMMITTEE

## MINUTES

December 19, 2024

### **CALL TO ORDER: 6:00 pm**

**Members Present:** Linda Peterson-Adams, Mark Brouillard, Dave Richards, Nick David, Joe Graf, Julia Sommer, Dylan Dahle

**Members Not Present:** Corinne Vieville,

**Staff Present:** Scott Fleury, Derek Severson

**Council Liaison Present:** Eric Hansen

**Guests Present:** Dave Kahn, Gary Schaf, Robert Kendrick

### **ANNOUNCEMENTS**

The see, click, fix application is now available on the City website [ashlandoregon.gov](http://ashlandoregon.gov).

The City will be hosting a Town Hall on January 22<sup>nd</sup> at Southern Oregon University

### **CONSENT AGENDA**

1<sup>st</sup> by Brouillard, 2<sup>nd</sup> by Richards

Minutes approved as amended by all.

### **PUBLIC FORUM**

The Committee thanks to individuals who provided comments on traffic issues as part of written comment attached to the TAC packet.

### **REPORTS FROM OTHER CITY COMMITTEES**

No significant transportation related items/issues from other commission/committee meetings discussed.

### **NEW BUSINESS**

#### **Grand Terrace Annexation Type III planning action**

Robert Kendrick, developer, is in attendance to provide the TAC with an updated overview of his proposed Grand Terrace annexation and development. Derek Severson, Planning Manager also in attendance to answer specific planning code related questions as part of the annexation process. The chair reminds the TAC their focus and comments should be on the transportation elements proposed within the development/annexation.

Kendrick reviews overall proposal for the Grand Terrace annexation. Kendrick has been coordinating with the Oregon Department of Transportation (ODOT) and the Rogue Valley Transit District on improvements along Highway 99. These include a transit pullout to serve the area and enhanced crossings on Highway 99 (Rectangular Rapid Flashing Beacons).

ODOT is not currently looking at reducing the speed along Highway 99 until after improvements are installed. Once installed they will update a speed zoning study and determine if lowering is appropriate.

Overall the TAC responded with support for the improvements especially the internal circulation, bike parking, enhanced pedestrian crossings, transit stops and bike lanes.

The TAC expressed some concern with the narrowing of the area underneath the railroad trestle with the pedestrian sidewalk, but Kendrick reiterated that he has worked with the engineers and ODOT to ensure that emergency ingress and egress are not impacted by installation of a sidewalk in that area.

# ASHLAND TRANSPORTATION ADVISORY COMMITTEE

## MINUTES

December 19, 2024

### Wayfinding

Deputy City Manager Jordan Rooklyn in attendance and provides the TAC with an overview of the wayfinding project she is currently managing for the City. The PowerPoint presentation is attached to the minutes as reference.

Rooklyn asks for volunteer from TAC to participate in the Wayfinding Advisory Committee and Dahle volunteers to participate. The TAC supports Dahle's addition to the Wayfinding Advisory Committee.

### UNFINISHED BUSINESS

#### E-bike discussion

The TAC continued the discussion from the previous month on next steps for E-bike regulations and public education and outreach. Education and outreach components discussed include:

1. Development of a flyer for the utility billing insert
2. Flyer for local bike shops
3. Information on the City website
4. Coordination with the school district on training opportunities and educating kids and parents on the rules regarding E-bikes
5. Working with RVTD who provides training on E-bikes
6. Coordinate with the Safe Route to School regional coordinator position on education (position to be filled)

The TAC also is concerned about not only about the safety side with educating kids and parents, but also the legal side of things as kids under 16 by rule are not allowed to ride an E-bike. The current municipal code does not address E-bike regulations, and the TAC would like to see if Council would consider using staff and legal resources to update the code including E-bike regulations. There are various codes from other jurisdictions that could be used as a starting point for updating the City's municipal code.

Motion by Brouillard, 2<sup>nd</sup> by Dahle, **"The Transportation Advisory Committee recommends the Council request staff investigate municipal code development regarding E-Bike regulations"**.

All approved.

The TAC also recommends staff and the chair develop a letter to send to the legislature regarding E-bike legislation improvements.

#### Workplan Review

The chair presented the workplan to Council at the December 16, 2024 Study Session. The workplan was accepted by Council and the TAC was praised for all of their hard work over the past year.

#### **Additions to workplan moving forward:**

1. Water St. at recycling center (one-way)
2. Van Ness/A St./Oak St. intersection improvements (Oak St. design)
3. Add E-bikes to education/enforcement component (continuous)
  - a. Add SOU/Public Schools to the education/outreach bullet
4. Bike parking implementation phase (inventory complete) (coordinate with Parks)
5. Encroachment Ordinance and guideline update
  - a. Garbage can encroachment issues in ROW
6. Cooperative work with Public Arts and Historic and other committees on future artistic crosswalk installation

**ASHLAND TRANSPORTATION ADVISORY COMMITTEE**

**MINUTES**

**December 19, 2024**

**Removed:**

1. Bird scooters removed
2. Parklet program removed

**INFORMATIONAL ITEMS**

**Safe Streets and Roads for All**

Fleury informed the group the grant agreement has been filled out and submitted to the Federal Highway Administration for review. Once FHWA approves of the grant agreement breakdown staff can work to finalize it and move forward with the solicitation for Action Plan development.

**TSP**

ODOT should be advertising the TSP update shortly and staff to update the TAC as new information is made available.

**ADJOURNMENT: @ 8:02**

*Respectfully submitted,*

*Scott Fleury PE, Public Works Director*

ASHLAND TRANSPORTATION ADVISORY COMMITTEE

MINUTES

January 16, 2025

**CALL TO ORDER: 6:00 pm**

**Members Present:** Linda Peterson-Adams, Mark Brouillard, Dave Richards, Nick David, Joe Graf, Julia Sommer, Dylan Dahle, Corinne Vieville

**Members Not Present:**

**Staff Present:** Scott Fleury

**Council Liaison Present:** Eric Hansen

**Guests Present:** Victoria Sage (SERJAC), Edem Gomez (RVTD), Bryan Sohl (CEPAC)

**ANNOUNCEMENTS:**

Communications Specialist Dorinda Cottle provided link to [TAC Contact Form](#) on TAC page on City website.

Town Hall 2025 to be held Wednesday, January 22, 2025 at 5:30 – 7:00 PM in Rogue River Room of Stevenson Union at Southern Oregon University.

Dave Kahn up for approval as new TAC member.

**CONSENT AGENDA:**

No Minutes to approve

**PUBLIC FORUM:**

Thank you for in-person and social media contacts.

**REPORTS FROM OTHER CITY COMMITTEES:**

**Climate Energy Policy Advisory Committee**

Sohl – CEPAC: Subcommittee in early stages of promoting a gasoline tax that would create some funding for bicycle and pedestrian transportation options.

- Approximately 31 municipalities throughout the state of Oregon levy gas tax, approximately 1-5 cents per gallon (3 cents/gallon on average). Cities that have implemented a gas tax range from rural towns to large metropolitan areas.
  - In Ashland, this would encompass 5 gas stations at South interchange. Tourism accounts for most of the business at those gas stations.
- Brouillard voices concern that a local gas tax would disproportionately impact low-income people; requests that SERJAC be involved in all related discussions.
- Fleury says local gas tax was identified as potential revenue stream in 2012.
- Council to have policy discussions regarding Food & Beverage tax and how it should be managed. Street department is heavily dependent on these funds to cover major City rehabilitation projects.

**ASHLAND TRANSPORTATION ADVISORY COMMITTEE**  
**MINUTES**  
**January 16, 2025**

**Rogue Valley Transportation District (RVTD)**

Gomez – RVTD: RVTD opening up brand new transportation operations building at 3200 Crater Lake Avenue on Friday, January 17<sup>th</sup> at 2:00 PM. TAC invited.

- Transportation operations building is home to operators, trainers, and bus drivers
- August 2024 – TAC offered letter of support for a STIF Discretionary Grant for [Route 17](#); RVTD won the grant! Result is extended hours for Route 17 (extended hours will be 6 AM – 7 PM and adding new Saturday service).

**Wildlife Crossing**

Rogue Valley Area Commission on Transportation (RVACT) – State to develop wildlife crossing path near interstate just north of the border (\$30 million dollars received). Several species cross in this area, and other wildlife crossing paths have successfully increased biodiversity.

**NEW BUSINESS:**

**Capital Improvement Plan (CIP) Review 2025-2027 Budget Discussion**

- Fleury met with Project Managers to outline the next two biennium. Enterprise functions discussed (water waste, storm, facilities, transportation network, etc.). TAC to see formal document at February or March meeting.
- **Glenview** Chip Seal: nearly done; majority of grant funding has been utilized. Recently chip sealed roads will receive slurry seal in spring 2025.
  - Richards requests street sweep on Glenview as it is shredding quite a bit of the rock; Fleury to send sweeper out (additionally cleaning up erosion due to recent rains).
- **Hardesty** Site Development Project on hold; question of how to relocate B Street Facilities to Hardesty. The issue is project cost, now triple what was forecasted in 2022.
- **Clay Street**: in progress, slow-going. Intergovernmental agreement in place with ODOT for ROW and preliminary design for middle Clay; construction forecasted for 2028-2029
- **Ashland Street** COMPLETE; reimbursement request through Business Oregon underway.
- **North Mountain**: Design nearly finished and will include replacement of old water lines. Central Oregon and Pacific Railroad estimated the crossing improvement to be \$1.8 million, which is significantly more than what was anticipated. Staff will be working through that issue and most likely breaking the full project into two phases. Phase 1 being Hersey St. to the interstate and Phase 2 being Hersey St. to East Main St.

**ASHLAND TRANSPORTATION ADVISORY COMMITTEE**  
**MINUTES**  
**January 16, 2025**

- With all rehabilitation projects staff will be shifting the construction window to align with fire season and having the hardscape work done in fall/winter and paving work done in spring before the City is in full fire season mode.
- The TAC raises a question regarding hydrant spacing on roadways and Fleury to discuss with the Fire Marshall to ensure proper coverage throughout the City.
- **Oak Street:** Design to be shifted to the 2025-2027 biennium and construction to occur during fall, spring, and winter to mitigate risk during fire season as referenced for North Mountain.

**Streets**

- **Beaver Slide:** removed from statewide project list; City trying to complete in conjunction with ODOT's work on Water and Main.
- **B Street:** analysis finalized. Mini roundabouts to be installed as pilot at 8<sup>th</sup> Street.
- Pavement condition index (PCI) and Street Department's availability to complete resurfacing, ADA improvements, etc ultimately determines priority of projects.
- Fleury reiterates that street rehabilitation projects are covered fundamentally by the Food and Beverage Tax allocation while general paving/maintenance is covered by State gas tax and Street Utility Fee that Ashland residents pay monthly. Council to consider how the Food and Beverage Tax revenue is captured and distributed in the future.
- Transportation System Plan (TSP) and Safe Streets and Roads for All (SS4A) updates to come.

A local resident provided comment during the CIP presentation and requested the TAC and City look at a local gas tax, complete the Central Ashland Bike Path and convert Hersey Street to a protected bike boulevard.

**UNFINISHED BUSINESS:**

**E-Bike Discussion**

Request from the TAC Council regarding moving a E-Bike Municipal Code Update forward.

- Draft staff report included with packet and the TAC to send any minor edits directly to Fleury prior to it going to Council.
  - Review current municipal code and request E-Bike and micro-mobility device updates.
  - Consider Eugene, Oregon and New York municipal codes
  - Serious concern raised about non UL-Listed batteries and the damage they can create.

**ASHLAND TRANSPORTATION ADVISORY COMMITTEE**  
**MINUTES**  
**January 16, 2025**



- Chair provided an E-Bike legislative toolkit that will be included with request to Council for a code update.
- E-Bike legislative Letter Review
  - Graf suggests revision of first bullet under Safety Hazards to clarify that TAC’s concern encompasses riders of all ages and not just juveniles.
  - Ask State to run campaigns to increase public awareness, education, and outreach. TAC to leverage community partners like RVTD to get this education into school systems.
  - TAC agrees that Staff and the Chair can clean up the letter prior to sending outside of the TAC meeting

Motion by Brouillard, second by Dahle:

**“The Transportation Advisory Committee recommends that City staff work with Chair on revising letter before it goes to the legislature”.**

All approved.

**INFORMATIONAL ITEMS:**

Steve MacLennan retired; Traffic Enforcement Officer position is currently vacant.

Dahle to contact Jordan Rooklyn – Deputy City Manager regarding Wayfinding Project.

Reminder: [TAC Contact Form](#) is LIVE on TAC page on City website. Keep those comments coming!

**ADJOURNMENT:** 7:41 PM

Next meeting to be held in person at Council Chambers, 6:00 PM – 8:00 PM on February 20, 2025.

*Respectfully submitted,*

*Marlena Correnti, Administrative Assistant*

# Memo

CITY OF  
ASHLAND

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Date: February 11, 2025  
From: Scott A. Fleury  
To: Transportation Advisory Committee  
RE: City Manager Presentation on AMC 2.10

**BACKGROUND:**

The City Manager will review the updates of Ashland Municipal Code (AMC) 2.10 that were recently passed by the City Council. AMC 2.10 establishes the rules and operating procedures for Commissions and Committees for the City of Ashland. Staff has attached the updated ordinance for reference.

One critical component of the code update is the establishment of “term limits” for Commission and Committee volunteers. This impacts most standing Commissions and Committees for the City of Ashland including the TAC moving forward. The total term limit is now eight (8) years. Once a member has served eight (8) years on the same Commission/Committee they will need to take a two (2) year break before serving on the same Commission/Committee again. There is no break requirement if a member chooses to serve on a new Commission/Committee. As part of the term establishment volunteer members will serve on a calendar year basis now, January-December and updated appointments will be occurring shortly to reflect this.

TAC members who have served eight (8) or more consecutive years for the TAC include Joe Graf and Corrine Vieville. The remainder of their term will be extended to December if they so choose to continue to volunteer as TAC members.

In addition the City Manager will review City of Ashland Policies that impact Commission and Committee operations.

The policies are attached as well and will need to be signed by each member of the Transportation Advisory Committee.

1. Social Media Policy
2. Electronic Media and Technology Use Policy
3. Workplace Fairness Act Policy
4. Workplace Violence Prevention Policy

**CONCLUSION:**

Action required, review code and policy attachments and discuss with the City Manager.

## ORDINANCE NO. 3244

### AN ORDINANCE AMENDING AMC 2.10 TO ESTABLISH UNIFORM POLICIES AND OPERATING PROCEDURES FOR ADVISORY COMMITTEES AND COMMISSIONS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined-through~~, and additions are **bold underlined**.

**WHEREAS** Article 2, Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

**WHEREAS** the City of Ashland seeks to enhance the productivity and fairness of its advisory bodies through clear and consistent rules, policies, and operating procedures; and

**WHEREAS** the current Ashland Municipal Code (AMC) Chapter 2.10 provides uniform policies and operating procedures for advisory commissions and boards, but does not fully address the needs and functions of advisory committees established by the City Council and City Management; and

**WHEREAS** advisory committees serve solely as advisory bodies and play a critical role in providing recommendations and advice to the City Council and City Management on various matters of public interest and administrative functions; and

**WHEREAS** the City recognizes the need to update and integrate policies and procedures to reflect the specific roles and responsibilities of advisory committees, while maintaining the distinct statutory rules for the Planning Commission, the Budget Committee, the Municipal Audit Commission, and the City Charter in the case of the Parks and Recreation Commission; and

**WHEREAS** the updated ordinance will provide clarity on the establishment, appointment, meeting procedures, and ethical standards for advisory committees, thereby promoting transparency, accountability, and inclusivity; and

**WHEREAS** the new provisions ensure that advisory committees operate without executive, administrative, or enforcement authority, thereby maintaining their advisory nature and preventing conflicts with City departments and other government agencies; and

**WHEREAS** the ordinance includes provisions for annual orientation and training for committee members, enhancing their effectiveness and understanding of their roles and responsibilities; and

**WHEREAS** the ordinance emphasizes diversity, equity, and inclusion, ensuring that advisory committees reflect the diverse populations within the City and that information about vacancies and the application process is readily accessible; and

**WHEREAS** the updated ordinance allows advisory committees to consult with other city advisory committees on matters of mutual interest, fostering collaboration and coordinated efforts across different advisory bodies; and

**WHEREAS** the ordinance includes clear guidelines on the voluntary nature of testimony requested by advisory committees, safeguarding the rights of individuals and organizations; and

**WHEREAS** the City Council finds that the updated and integrated policies and procedures will better serve the needs of the City and its residents by ensuring the efficient and effective operation of advisory committees;

**NOW, THEREFORE, THE CITY OF ASHLAND ORDAINS AS FOLLOWS:**

**SECTION 1.** Ashland Municipal Code Chapter 210 UNIFORM POLICIES AND OPERATING PROCEDURES FOR ADVISORY COMMISSIONS AND BOARDS will be amended by replacing the existing language with the following:

**A. Chapter 210 UNIFORM POLICIES AND OPERATING PROCEDURES FOR ADVISORY COMMITTEES AND COMMISSIONS**

**2.10.005 PURPOSE Advisory committees require uniform rules, policies, and operating procedures to ensure maximum productivity and fairness for members and the public. These policies and procedures are applicable to and govern all City Council Standing Advisory Committees and ad hoc, task force, joint committees, and other type committees that the Council might create. The formation and functions of the Planning Commission, Municipal Audit Commission, and Budget Committee, and the Ashland Parks and Recreation Commission (AP&RC) (together referred to as “Commissions”) are governed by state law or Charter, and while they are subject to specific rules and procedures in their relative authorizing legislation, these rules outlined in this ordinance are suggested for their operation where possible, except as to AMC 2.10.030 - .035, and AMC 2.10.060 - .065, which are mandatory.**

**2.10.010 ESTABLISHMENT Advisory committees (or commissions if so named and not otherwise referenced in this ordinance) are established to serve solely as advisory bodies whose actions or recommendations shall not be considered as City policy or as final decisions of the City. They have no executive, administrative, civil rights investigatory, or enforcement authority. Committees are divided into:**

- **Standing Advisory Committees: Ongoing committees with long-term responsibilities;**
- **Advisory Committees include ad hoc, task force, joint committees, and other type committees that are formed according to immediate or temporary need; and**

- Management Advisory Committees: Committees formed to provide advice to City Management on specific administrative functions and are regulated separately from this ordinance.

#### 2.10.015 Appointment and Terms

##### A. Appointment of Members:

1. Members of any type advisory committee will be appointed by the Mayor with the consent of the City Council.

2. Voting and alternate standing advisory committee members will be comprised of individuals who reside within the City, except one (1) member from each advisory committee may be an at-large member living within the City's urban growth boundary.

a. Unless otherwise provided, all nonvoting ex-officio members are not required to be residents within the City or the urban growth boundary.

3. Each committee may include members under 18 years of age, but no more than two members under 18 may serve on the committee at the same time.

4. No individual may serve as a voting member on more than two Standing Committees simultaneously.

5. Members of any committee serve as individuals exercising their own best judgment, not as delegates for their respective organizations.

##### B. Term Limits:

1. The term for the Chair or Co-Chair of a Standing Advisory Committee shall be one (1) year. A Chair or Co-Chair may serve multiple terms, but no more than two consecutive terms as either Chair or Co-Chair in their respective role.

2. Standing Advisory Committee members may serve no longer than eight (8) years in total on any single committee. After serving the maximum term, a member must step down and may not be reappointed to the same committee for at least two (2) years. If the member wishes to serve on a different committee, no break is required.

3. Transition terms for Standing Advisory Committee members shall commence on January 1 to align with the calendar year.

C. Age Requirement: Members under 18 may serve on any committee, but they are not eligible to vote or be counted towards the quorum until reaching the age of 18.

D. Non-Voting Members Council liaisons, and ex-officio members of any advisory committees shall serve as non-voting members and shall not be counted toward the quorum.

**E. Staggered Terms and Vacancies: When new members are appointed to fill vacancies or staggered terms, the initial term length may vary to ensure that no more than one-third of committee members' terms expire in the same year.**

**2.10.020 MEETINGS AND ATTENDANCE**

**A. Advisory committees will follow meeting and attendance rules consistent with AMC 2.10, including attendance requirements of at least 75% of meetings. Members should provide at least 48-hour notice for planned absences.**

**B. A quorum consists of more than half of the total number of current Council-confirmed voting members but no fewer than three members. Members may attend open public meetings via electronic communication means, provided public meeting law requirements are met.**

**C. The Planning Commission, Budget Committee, Municipal Audit Commission and AP&RC shall set their own meeting attendance requirements.**

**2.10.025 REMOVAL AND VACANCIES Members may be removed and vacancies filled as provided in above section, 2.10.015(E), and AMC 2.04.090(C) and (F).**

**2.10.030 PUBLIC MEETING LAW All meetings are subject to the public meeting laws of the State of Oregon. Notice must be provided at least 36 hours in advance, except in emergencies.**

**2.10.035 ROLE OF STAFF The City Manager will assign City staff to support the work of the advisory committees and provide at least an annual orientation or training session. Staff liaisons provide professional guidance, continuity, and insight into City policy, and they attend all regular and special meetings and workshops.**

**Staff time usage must be directly related to supporting the committee's work as defined by the Council/ AP&RC approved scope and objectives of the committee. Committees have flexibility in their work within these defined objectives. However, the committee may not direct staff to undertake work outside of this scope without prior concurrence from the committee's assigned Council/ AP&RC liaison and the Mayor/ AP&RC Chair. If a committee seeks to assign additional work to staff beyond its established purpose, the committee must first secure the agreement of the Council/AP&RC liaison and confirm that the additional staff work will not exceed two (2) hours, including policy research and document drafting. Any request for additional work beyond this limit must be approved by the full Council.**

**2.10.040 COUNCIL LIAISON Council liaisons will be appointed to each advisory committee as non-voting ex-officio members.**

**2.10.045 AGENDAS AND MINUTES The chair or staff liaison is responsible for preparing agendas and minutes. Staff liaisons will be responsible for posting meeting agendas,**

minutes, and other relevant business or information to the City website to ensure accessibility and transparency for the public.

2.10.050 GOALS AND REPORTS Standing Advisory Committees will establish annual goals and action items with feedback from the City Council. These goals and action items should align with the City's strategic priorities and be reviewed periodically to ensure progress and relevance. Committees must submit annual reports on their activities and accomplishments to the City Council.

2.10.055 QUORUM AND VOTING A quorum is necessary for adopting any motion.

2.10.060 CODE OF ETHICS All advisory committee and Commission members must adhere to the highest ethical standards, serving the community as a whole and operating in the public interest.

2.10.065 DIVERSITY, EQUITY, AND INCLUSION Efforts will be made to ensure diverse representation within all committees and Commissions. Information on vacancies and the application process will be readily available to all residents.

2.10.070 RULES AND REGULATIONS Any advisory committee may adopt additional rules and regulations consistent with City policies as necessary to fulfill their purpose and responsibilities. Any such rules and regulations must be approved by the City Council or City Manager to ensure alignment with the standardized procedures established in this chapter.

1. Failure to strictly comply with the rules on meeting procedure shall not be a cause to void or otherwise disturb a decision or action. The body will strive to be clear in its proceedings.

2.10.075 CONSULTATION AND COORDINATION Advisory committees may consult with other city advisory committees on matters of mutual interest. Chairpersons are responsible for coordinating activities between committees.

2.10.080 LOBBYING AND REPRESENTING THE CITY Members of any advisory committee or Commission are prohibited from engaging in political activity in their capacity as members of their respective body, in accordance with ORS 260.432, which governs public employees. This includes advocating for or against ballot measures, candidates, or political campaigns using city resources or while acting in an official capacity on behalf of the committee.

Members must secure permission from the body before speaking publicly on behalf of the body or presenting any official position of the body to external audiences. This restriction does not prevent members from speaking as private individuals, provided they do not imply that they are representing the body or the City in such communications.

2.10.085 TESTIMONY Advisory committees may request voluntary testimony but may not compel an individual or organization to appear before it or respond to questions.

**2.10.090 MEMBER RESPONSIBILITIES** Advisory committee members shall serve as individuals exercising their own best judgment and not as delegates for their respective organizations or groups. Committees and their members are not official representatives of the City and may not present their committees' recommendations or their personal opinions or points of view as representative of the City's policy or operational perspectives. Prior to speaking publicly on behalf of their respective advisory committee, members must secure the permission of their committee to represent the activities or recommendations of their committee.

**SECTION 2. ADOPTION OF AMENDMENTS** The City Attorney is directed to update the Ashland Municipal Code to reflect the establishment of these advisory committees and their procedures.

**SECTION 3. Codification.** Provisions of this Ordinance shall be incorporated in the City Code, and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any Whereas clauses and boilerplate provisions (i.e., Sections [No(s.)] need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first ready by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SIGNED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Tonya Graham, Mayor

ATTEST:

\_\_\_\_\_  
Alissa Kolodzinski, City Recorder

Reviewed as to form:

\_\_\_\_\_  
Douglas M. McGeary  
Acting City Attorney

# Commission/Committee Acknowledgement of Receipt - Policies and Forms -

Please review the attached policies.

If you have any questions about any of the policies enclosed, please contact the Human Resources Department at [human.resources@ashlandoregon.gov](mailto:human.resources@ashlandoregon.gov).

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By signing this form, I \_\_\_\_\_ verify that I have received and reviewed the policies listed below. I have been given the information about who to contact should I have any questions or concerns.

**Policies:**

- Handbook
- Electronic Media and Technology Usage Policy
- Workplace Fairness Act Policy
- Workplace Violence Prevention Policy
- Social Media Policy

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

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

Date: \_\_\_\_\_

**HUMAN RESOURCES DEPARTMENT**

20 East Main Street

Ashland, Oregon 97520

[human.resources@ashland.or.us](mailto:human.resources@ashland.or.us)

Tel: 541.488.2110

Fax: 541.552.2089

TTY: 800.735.2900



## Commission & Committee Handbook

This handbook is subject to change as policies are amended or modified. The City does not give legal advice. This handbook is not intended to be legal advice. Version 1 (1/23/2025)

## Welcome

Thank you for volunteering to serve the City of Ashland. Advisory Commissions and Committees play a critical role in providing recommendations and advice to City Council and City Management on various matters of public interest and administrative functions. The City hopes you find this handbook helpful in understanding your role on the Commission or Committee as well as the role of the staff liaison. You will also find information on conflicts of interest, laws that apply to public bodies and parliamentary procedures. The time you spend on a commission or committee is appreciated and the expertise you bring to the Commission or Committee is valued. We are **Better Together**.

## RESPONSIBILITIES AND ROLES

### **RESPONSIBILITIES OF COMMISSIONS AND COMMITTEES**

All Commissions and Committees should regularly solicit public testimony under guidelines established by the City Council and Ashland Municipal Code. Public forums should be held for issues with major public impact. Though this Handbook refers to Commission and Committees, the outlined policies and procedures apply to:

- ✓ **Commissions and Committees-** advisory bodies outlined in ORS and/or AMC to provide recommendations to Council or APRC.
- ✓ **Ah Hoc Committees-** temporary advisory group focused on a specific topic with the express goal of providing a recommendation for action to Council and/ or Ashland Parks and Recreation Commission (APRC).
- ✓ **Management Advisory Committees (MAC)-** Committees developed by the City Manager or City Staff on a specific topic to provide subject matter expertise. MACs may be temporary or on-going.
- ✓ **Subcommittees-** temporary group to a specified committee on a particular area or topic. Limited to three-members, a subcommittee only has the authority to gather information for the full committee. It may determine when to meet and what procedures it will use to gather and report information but may make no decisions. Subcommittees must

make notes of their meetings available to staff liaisons to include in agenda packets for the full committee when the full committee is considering a report or recommendation coming from the subcommittee.

### **ROLE OF THE CHAIR**

The Chair is the main facilitator (i.e. Presiding Officer) who runs the meetings, maintains order, and keeps the group on topic. Their duties include:

- ✓ Open the meeting on time and call the meeting to order
- ✓ Announce in proper sequence the business on the agenda
- ✓ Recognize members who are entitled to the floor and ensure all voices are heard
- ✓ State and put to a vote all legitimate questions that arise during the meeting. If a motion is out of order, the Chair should rule it out of order
- ✓ Protect the members from frivolous or delaying motions by refusing to recognize them
- ✓ Enforce the rules regarding debate and keep order
- ✓ Expedite business in a way compatible with the rights of the members
- ✓ Decide all questions of order
- ✓ Respond to inquiries of members
- ✓ Declare the meeting adjourned

### **ROLE OF THE BOARDS AND COMMISSION MEMBERS**

- ✓ Members of the committee, commission, or board (including the Chair) engage in discussion, propose motions, and vote on decisions. Members should make every effort to attend every meeting and be on time.
- ✓ Members will notify staff five (5) in advance of a meeting for known absences.
- ✓ Members may attend two (2) meetings a year using video conference technology.
- ✓ It is recommended that Commission members keep a separate email for committee work due to public records request and retention purposes.
- ✓ Effective members understand the rules of procedure as well as parliamentary procedure and abide by them.
- ✓ Members should address all remarks through the Chair.
- ✓ Members should use their parliamentary knowledge in a constructive manner, rather than hindering or obstructing the business of the meeting

- ✓ Members should be knowledgeable and familiar with the issues before them so they can participate in the meeting by:
  1. Introducing motions;
  2. Seconding another member's motion;
  3. Debating the issue according to the rules or asking questions of information regarding issues; and
  4. Voting
    - a. A member may vote but cannot be forced to do so. A member should not vote on questions of direct personal or pecuniary interest not common to other members.
    - b. A member may change a vote before the chair announces the result of the vote. After the result is announced, a majority of the Board or Commission must vote to allow the change.
    - c. A member may request a rising vote by calling "Division" when a voice vote or show of hands is in doubt.

All Commission and Committee members are responsible for ensuring they conduct themselves in a manner that leaves no question as to when they are representing themselves as a City Commission member and when they are representing themselves as a private citizen. It is the responsibility of the Commission or Committee member to be familiar with the City's social media policy. All Commission and Committee members are responsible for adhering to the guidelines outlined in this handbook, the City's Electronic Media and Technology Usage Policy (if applicable), Workplace Fairness Act Policy, Workplace Violence Prevention Policy and the City's Social Media Policy. Any violation of these guidelines and policies may result in immediate removal from the Commission or Committee.

### COMMITTEE MEMBER VS COMMUNITY MEMBER

When you are serving on an advisory body, it is important to realize that you have a committee member hat and a community member hat. Both hats are on when you are actively engaged in committee work. When you are not at a

committee meeting, however, it is important to delineate which hat you are wearing.

- When you are speaking at a public meeting, make it clear if you are speaking as a community member or as a representative of your committee. Being a “representative of your committee” means that the committee has given you permission to show-up and speak on behalf of the group as a whole. If you haven’t received permission, speak only as a community member.
- When your committee has made a decision (i.e. voted on a motion), it is your responsibility to support that decision, even if you disagree with it. You can speak against it privately as a community member but, when representing the committee, you need to positively represent the decisions of the body as a whole.

## RECOMMENDATION PROCESS

### *Defining Annual Focus Areas*

The unique mission of advisory committees is typically defined by the group’s enacting ordinance and/or by the City Council when they form an ad hoc group. Typically, this mission is a general scope, and the advisory body determines what specific topics they want to work on within that scope. There are two pathways that an advisory body defines its focus:

- A. Council Request.** City Council may make a specific request of an advisory body to weigh in on a specific topic.
- B. Annual Work Plan.** Advisory bodies create an annual work plan that is reviewed and approved by City Council every December. The work plan outlines the focus areas for the year and may include specific projects (such as painting utility boxes) and policy areas (such as reducing the use of natural gas in homes). The process of drafting, reviewing, and approving an annual work plan ensures that the advisory body is working on specific topics that City Council would like to see move forward.

### **C. Bringing Recommendations to Council**

When an advisory body is ready to make a recommendation to City Council, the group should make a motion to “recommend [*adoption, implementation, etc.*] to Council.” This signals that you feel the recommendation is ready for Council to review and take action. Once this motion is made, it is the responsibility of the Council Liaison to request that it is put on a future City Council agenda. When they make that request, the City Manager will figure out what type of meeting is best for the recommendation (study session or general meeting) and will schedule it. The advisory body will be asked to attend the meeting to present their recommendation and why they are recommending it.

#### *Actions that Council Can Take*

Once City Council receives a recommendation, they can take any of the following actions:

1. Adopt the policy or action right then-and-there or give staff the direction to prepare the item appropriately for adoption.
2. Direct staff to take additional actions (like refining it, making changes, putting it in ordinance form, etc.) and then bring it back for consideration;
3. Send the recommendation back to the advisory body to do further work or refinement;
4. Decline to move forward.

Once a recommendation goes to City Council and City Council takes an action on that recommendation – **it is no longer in the hands of the advisory body** (unless it has been referred back to you!).

### INFORMATION REQUESTS

You’re going to need information to help with your discussions as an advisory body. Your staff liaison and council liaison will be able to share a significant amount of institutional knowledge, but questions may come up that they don’t know the answer to. Below is the best process for making information requests, when your staff or council liaison do not have the answer:

- **If you want information as an individual, you can submit a [public records request](#).** This helps staff (a) get the request to the right person and manage staff time, and (b) ensures that your request is fulfilled within a reasonable time frame, typically two weeks.

- **If the advisory body wants information that is beyond the scope/knowledge of your liaisons, the advisory body can make a formal request via motion.** The staff liaison will then track down the info and share at the next committee meeting. This helps ensure that we are using staff time to gather information that is pertinent to the advisory body as a whole.

## COMMUNICATION

### **COMMUNICATIONS TO COUNCIL**

The Council relies on various Commissions and Committees to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, Commission and Committee members can expand their level of expertise and can conduct detailed analyses that Council itself may not have the time to pursue.

It is expected that Commission and Committees will adopt positions of advocacy within their specific spheres of interest. However, the Council's role is to take into consideration the many varied, and sometimes conflicting public needs, and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation alongside other City goals, programs, and competing interests.

### **GENERAL COMMUNICATION GUIDELINES**

- ✓ No serial meetings. Serial meetings are defined as a majority of members of a public body having a series of smaller gatherings or communications that result in a majority of the body collectively taking action even if a majority is never part of any one communication. (email guidelines provided by staff liaison)
  - All emails to Commission and Committee members from the staff liaison will be by blind copy to ensure no reply all (equals serial meeting).
  - It is encouraged that all Commission and committee members retain a separate email for Commission and Committee work as that work is subject to public records requests.
- ✓ Treat everyone with respect.

- ✓ Agree to Disagree.
- ✓ Resolve issues and move on, don't re-live the same issues.
- ✓ Share information freely.
- ✓ Keep a balance of "air time" in meetings to avoid domination of ideas.
- ✓ Deal directly and respectfully if a conflict occurs.
- ✓ Share responsibility for information or decisions that come from a meeting.
- ✓ Openly support decision, once it has been made.
- ✓ Encourage and support team members at all levels.
- ✓ Query participants frequently: ask for input and feedback on issues.
- ✓ Be flexible and open for change.
- ✓ Be aware of others discomfort/anxiety.
- ✓ Take responsibility for your feelings, biases and attitudes and know how they can impact your ability to treat others with respect or make the right decision.
- ✓ Have a sense of humor; be able to laugh at the funny moments.

## STAFF LIAISONS

### **STAFF LIAISONS TO COMMISSION AND COMMITTEES**

Each Commission and Committee has at least one staff person assigned to the group as a Staff liaison. Staff liaisons assure their Commission or Committee is aware of laws and administrative processes affecting proposed policy and operational recommendations. The Staff Liaison is responsible for ensuring the Commission or Committee is not doing anything to create liability issues for the City. If the Staff Liaison feels that there may be an issue, they shall report it to the City Manager.

The staff liaison's main responsibility is assisting their Commission or Committee in its roles and responsibilities as outlined by ordinance and completion of the Council approved annual workplan.

Other responsibilities include the following:

- ✓ Assist with professional and technical questions.
- ✓ Properly notice meetings.

- ✓ Prepare and distribute Board and Commission letters, reports, agendas and/or minutes.
- ✓ Maintain public records created by the Board or Commission, including minutes or action summaries, reports, recommendations and letters, as required by State law.
- ✓ Notify Board or Commission members of upcoming meetings.
- ✓ Maintain current contact information for the Board or Commission members.
- ✓ Provide the communication framework that fosters collaboration while still acting within the confines of public meeting law.

#### **RELATIONSHIP BETWEEN STAFF AND COMMISSION OR COMMITTEE**

If a Commission or Committee desires information or a report that will require more than two hours of staff liaison time, the chairperson will make a request of the City Manager or Department Director approval prior to pursuing the project. The chairperson should inform the staff person with regard to the urgency of the referral. Following this procedure will prevent staff from being diverted from priority projects.

#### **STAFF LIAISON TIME COMMITMENT**

The assigned staff liaison is the sole point of contact for the assigned Commission or Committee. Commission or Committee members may not reach out to other staff members. The staff liaison on average will dedicate no more than four hours a week to work on regular Commission or Committee directed needs. Commission and Committees may not initiate grants or dictate City funds be expended. A Commission or Committee may bring forth a recommendation for grant pursual or fund expenditure through the staff liaison to the City Manager for consideration.

The meeting of the Commission or Committee is at the discretion of staff and can be moved as operationally necessary. Staff liaisons will make it a priority to schedule Commission or Committee meetings at regular intervals at the same time and location.

### **ETHICS AND CONFLICTS OF INTEREST**

## **GOVERNMENT ETHICS**

By being a member of a commission or committee, you are a public official per Oregon Law. Public office is a public trust. This concept is enforced through state law in provisions that prohibit public officials from using their positions to enrich themselves, their families or businesses with which they or their close relatives are associated. An overview of the provision of the government ethics laws will be covered in this section.

For more information, please refer to the Government Standards & Practices Manual or contact the Oregon Government Ethics Commission ([www.oregon.gov/ogec](http://www.oregon.gov/ogec)).

## **ACTUAL AND POTENTIAL CONFLICTS OF INTEREST**

Public officials may face situations in which their actions may, or will, result in pecuniary benefit for themselves, their relatives, or businesses with which they or their relatives are associated. In such cases, the state ethics law describes the proper response. The response depends upon whether the conflict is an **actual** conflict or a **potential** conflict. Keep in mind, however, that under no circumstances may an official use their office for the purpose of benefiting the official, a relative or an associated business.

### **ACTUAL CONFLICT OF INTEREST**

An actual conflict of interest exists when a public official is faced with acting, deciding or recommending an action, and the effect of that action certainly **would** be to the private pecuniary benefit or detriment of the official, the official's relative, or any business with which the person or a relative of the person is associated.

Example: A Councilmember owns one of two well-digging companies in the City. The Council is voting upon whether to adopt a proposed ordinance that would impose licensing fees on well-digging companies. His vote will certainly have the effect of a financial detriment or benefit upon his company.

Example: A systems operation official approves an employment agreement with a technical support company that employs her son. The approval would be to the pecuniary benefit of a business with which her relative is associated.

ORS 244.040(6) also states "No person shall attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member".

Example: The member of the Planning Commission is prohibited from appearing before that same Planning Commission to represent a client for a fee, but a business partner of the Planning Commission member could represent the same client for a fee.

### **POTENTIAL CONFLICT OF INTEREST**

A potential conflict of interest exists when a public official is faced with acting, deciding or recommending an action, and the effect of that action **could** be to the private pecuniary benefit or detriment of the official, the official's relative, or any business with which the person or a relative of the person is associated.

Example: If the public official as an independent contractor performs services for a business that comes before the public body upon which the official sits, a potential conflict exists. The decisions of the public body could result in private pecuniary benefit to the official.

### **CONFLICT OF INTEREST EXCEPTIONS**

Actions affecting an entire class do not create a conflict of interest. In other words, no conflict exists if the public official's action would affect other members of a large class of people in the same way it would affect the public official. For example, if the City Council was voting to adopt a City-wide tax cut for retail businesses, Councilmembers who owned retail businesses would not have a conflict because of the exception.

However, if the Council was voting to adopt a tax cut for software companies, and a Councilmember owned one of only three software companies in the City, the Councilmember would have an actual conflict of interest for which the "class" exemption would not apply. In this case, three software companies would not be considered a large enough class to gain the exemption.

Other exceptions include the following:

1. Membership in a particular class required by law as a prerequisite to holding office does not give rise to a conflict of interest. For example, a commission which recommends fees for the use of certain chemicals requires that one of its positions be filled by a representative of a company which uses such substances. That person is not faced with conflict when deliberating upon the amount of a fee.

2. No conflict exists when the pecuniary benefit or detriment arises out of unpaid membership in or membership on the board of directors of a nonprofit corporation which is tax-exempt under section 501(c) of the Internal Revenue Code.

### **METHODS OF HANDLING ACTUAL OR POTENTIAL CONFLICTS OF INTEREST**

In every case in which a public official is met with an actual or potential conflict of interest, the official must disclose the conflict. Elected or appointed officials serving on a board or commission must publicly announce the nature of the conflict. The conflict must be recorded in the official minutes of the public body.

A public official need only announce a conflict of interest once during the course of the particular meeting, even though discussion or action may be interrupted. When faced with an actual conflict of interest, a public official must, after disclosing the conflict, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

The public official should make certain that the minutes reflect that the public official did not participate in the discussion or vote.

**Rule of Necessity:** If the official's vote is necessary to meet a requirement of minimum number of votes to take official action, then the official is eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

**CAVEAT:** If voting under the "rule of necessity" would violate the code of ethics (for example, where a vote would constitute "using" the office to obtain financial gain or avoid financial detriment), then the public official may not vote.

When faced with a potential conflict of interest, a public official must announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Following the declaration of the conflict, the official may discuss and vote on the matter.

**CAVEAT:** A public official may not take official action after declaring a potential conflict of interest if such action would violate any provision of the code of ethics.

## MEETING AND RECORDS LAW

### **OREGON PUBLIC MEETINGS LAW**

The Public Meetings Law, ORS 192.610–192.690, was enacted by the Oregon Legislature in 1973 and establishes state policy the public is entitled to know how public organizations operate. Almost all deliberations and decisions of public bodies are open to attendance by interested persons.

The Public Meetings Law apply not only to the state, but also the cities and counties despite any conflicts with their charters, ordinances or other rules. The Public Meetings Law applies to meetings of the “governing body of a public body.” A “public body” is the state or local government council, board, commission, bureau, committee, subcommittee or advisory group.

### **PUBLIC MEETING**

Public Meetings Law defines a meeting as the convening of any governing body “for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter”.

### **QUORUM REQUIREMENTS**

A quorum is reached by the presence of 51% of the number of members of the governing body. A gathering of less than a quorum is not a meeting under the meetings law. The law applies to committees, subcommittees and other advisory groups that are charged by the Council with making recommendations. The recommendations must be the result of formal votes taken at meetings at which a quorum was present.

Before calling the meeting to order, it is the duty of the Chair to know whether a quorum is present. If there is not a quorum, the meeting is called to order, the absence of a quorum is announced, and the meeting either may be adjourned, or may continue only for the purpose of discussing study session items.

Members who are present may use the time for discussion, but no action may be taken. In the absence of a quorum, adjourning and rescheduling the meeting is generally best practice, but there may be situations where proceeding forward just on the study session items may be appropriate. Please confer with the staff liaison for guidance before moving forward without a quorum.

**A VOTE FOR A DECISION MAY NOT BE TAKEN IN THE ABSENCE OF A QUORUM.**

A recess may be called to provide time to call absent members in hope of obtaining a quorum for an important meeting. A motion may be made to fix the time to which to adjourn, which provides for a continuation of business scheduled for the meeting. The requirement of a quorum serves to protect against an unrepresented action taken by a small number of individuals on behalf of the entire meeting body. Any actions taken without a quorum can be declared null and void at the next meeting.

**NOTICE OF MEETINGS**

All Commission and Committee meetings will be noticed 72 hours in advance. Staff liaisons are responsible for the noticing of meetings.

**MEETING MINUTES**

Minutes must be kept of all standing and ad-hoc commission and committees. The staff liaison will either assign responsibility to a commission member or committee member to take minutes or be responsible for the taking of the minutes. Minutes shall include members present; motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition, results of all votes and the vote of each member by name, the substance of any discussion on any matter, and a reference to any document discussed at the meeting. The City Recorder shall dictate the style of minutes the City produces.

**OREGON PUBLIC RECORDS LAW**

Oregon Public Records Law represents the public's right to information. Under these laws, the written record of public business is available to any person, regardless of the person's identity, motive, or need, with some important exceptions. Thus, the basic **assumption** of Public Records Law is that every document is subject to a public record request and will be disclosed. Only records that fall under limited categories will be withheld from public disclosure. The burden to prove the exception applies falls on the public body or public official, not on the person asking for the record. Exceptions to Public Records Law are known as "exemptions." Despite the lengthy catalogue of exemptions contained in Public Records Law, it must always be viewed in favor of disclosure, unless the law expressly prohibits disclosure.

Public Records Law (ORS 192.311 to 192.478) applies to all “public bodies,” including governing bodies, officers, departments, commissions, etc. Based on the above definition, all City Councils are subject to the Public Records Law and the Law will by extension apply to all departments, committees and agencies of the City.

### **RECORDS COVERED BY PUBLIC RECORDS LAW**

Public Records Law applies to “...every state officer, agency, department, division, bureau, board and commission; every county and City governing body, school district, special district, municipal corporation, and any board, department, commission, Council or agency thereof, and any other public agency of this state.” A “public record” is **“any writing that contains information relating to the conduct of the public’s business...prepared, owned, used or retained by a public body regardless of physical form or characteristics.”** In ORS 192.311(5)(a), “writing” is broadly defined to incorporate all formats, from handwriting to electronic. Handwritten notes taken during Council meetings and all forms of electronic communications including e-mails, so long as the record contains information relating to the conduct of public business are considered public records.

### **RECORDS RETENTION REQUIREMENTS**

Oregon Public Records Law requires that public records must be retained as set forth in the Secretary of State’s Record Retention Manual. This manual sets the retention periods based on the information contained within the public record, NOT based on the medium of the record. Nearly every record has a retention period, ranging from one year to permanent. The City Recorder is the City’s resource person for questions regarding retention of public records.

### **DISCLOSURE OBLIGATIONS AND PROCEDURES**

Public Records Law requires a designated records officer and a public records disclosure policy. The City Recorder is the City’s public records officer and has an established policy for records requests. The records request form is available online on the City’s website at <https://ashlandoregon.gov/>.

### **PUBLIC RECORDS EXEMPTIONS**

ORS 192.345 and 192.355 outline the exemptions to Public Records Law. Section 192.501 outlines “conditional exemptions”, noting records may be withheld from

disclosure “unless the public interest requires disclosure.” The City’s decision to apply a conditional exemption must indicate that the need for confidentiality outweighs the public interest in disclosure. Conditional exemptions include, but are not limited to, records pertaining to litigation, trade secrets, criminal investigations, personnel examinations, private business operations, real estate appraisals (prior to acquisition or sale), employee relations or personnel discipline actions.

ORS 192.355 lists additional conditional exemptions for records such as internal advisory communications, information of a personal nature and confidential submissions.

The exemptions are stated in absolute terms and do not require a balancing of interest because the state legislature has already determined that the confidentiality interests outweigh public disclosure interests as a matter of law.

## PARLIAMENTARY PROCEDURE

Parliamentary Procedure is the basic method of conducting business. Business is brought before an assembly by means of a motion. The Committee shall replicate the motion format outlined in AMC Chapter 2.04.040(c), and the general governance structure outlined by Roberts Rules of Order, Newly Revised.

### **BASIC PRINCIPLES**

1. All members must receive a notice of the meeting no less than 72 hours prior to the meeting through the City’s adopted noticing process
2. There must be quorum present at the meeting
  - If you can not attend a meeting the Commission or Committee member will notify the staff liaison five days in advance of the meeting
  - Staff Liaisons will perform a quorum check three days prior to the meeting
    - If there is no quorum the Chair, with the assistance of the Staff Liaison will determine if the meeting will be cancelled or held for discussion purposes (no decision shall be made without a quorum)
3. There can be only one main motion or resolution before the assembly at a time
4. Motions have a definite and logical order of precedence
5. Every member has the right to express his/her opinion fully and freely without interruption, and must be given the opportunity to do so

6. A question must be decided by taking a vote, decided by the majority, and that vote becomes the decision of the assembly; a subject, once decided, may not be presented again in the same form
7. Action cannot be taken outside the scope of the organization's object or purpose

### **QUORUM**

Before calling the meeting to order, it is the duty of the Chair to know whether a quorum is present. See the Oregon Public Meetings Law Section of this handbook for additional information regarding quorum.

### **MOTIONS**

A motion is the means by which business is brought before an assembly. A motion is sometimes referred to as "the question". The following steps are essential in handling a motion.

#### **TO OBTAIN THE FLOOR**

1. Address the Chair by proper title
2. Receive recognition from the Chair
3. State the motion by saying "I move that..."
4. Another member seconds the motion
5. Chair repeats the motion and then says  
"It has been moved and seconded that (motion)...Is there any discussion?"
6. Members discuss the motion
7. When discussion ceases, Chair requests the roll call
8. Chair announces the result of the vote

A motion is a formal proposal and once made and seconded, the Chair places the question before the meeting body by restating the motion. Exact wording is of the utmost importance in recording motions and amendments. Motions require a second before being opened for discussion or being put to a vote. If there was no second to the motion, the motion dies.

### **TYPES OF MOTIONS**

**Main Motion:** A main motion is a motion brought before the body for its consideration on a particular subject. Only one main motion can be considered at a time.

**Amendment:** There are three basic processes of an amendment:

- (1) Insert a word or add words
- (2) Strike out words or a paragraph
- (3) Combine both of these.

An amendment needs a second and is debatable. It needs a majority vote to pass. To amend a pending motion is the most widely used form of a subsidiary motion. An amendment must be germane or closely related to the subject of the main motion.

**Second Amendment:** A secondary amendment must relate to the primary amendment and cannot introduce a totally different subject. The second amendment must be made by motion and seconded. After discussion, Chair takes the vote on the second amendment first; announces the vote; and proceeds to take the vote on the primary amendment; and then takes the vote on the main motion as amended if the amendments pass.

**Previous Question:** Previous question is the motion used to bring the body to an immediate vote on one or more pending questions. It closes debate and stops further amendment. It is out of order when another has the floor. It must be seconded and is not debatable and non-amendable. Previous question requires a two-thirds vote (super majority). If a motion for the previous question fails to gain the two-thirds vote, debate continues as if the motion had not been made.

**Division of the Assembly:** When a member doubts the correctness of a vote taken by voice, he or she may call for division of the assembly by calling out "Division". No second is needed, and the Chair must immediately take the vote again and ask the member to either raise their hands or to rise.

**Reconsider:** A motion to reconsider is in order during the meeting after a motion has been acted upon, either at the same meeting or the next meeting. It must be made by a member who voted on the prevailing side, i.e. if a motion fails to pass, reconsideration must be moved by one who voted against the motion. It is debatable and requires a majority vote.

**Point of Order:** When a member believes the parliamentary rules are being violated, he or she can make a “point of order” by calling upon the Chair to request the parliamentarian for the rule which the Chair should enforce.

**Division of the Question:** If a question contains more than one part, each of which could stand as a separate question, a motion may be made to divide the question and vote on each part separately. The motion to divide requires a second and may be amended but is not debatable.

**Lay on the Table:** The motion to “lay on the table” enables the Board or Commission to lay the pending question aside temporarily in such a way that (1) there is no set time for taking the matter up again; and (2) its consideration can be resumed at the will of the majority. By adopting the motion to “lay on the table”, a majority has the power to halt consideration of the question immediately without debate.

This motion takes precedence over all subsidiary motions. It is out of order when another has the floor. It must be seconded and is non-debatable and non-amendable, but it is appropriate for the maker of the motion to explain the reasons for the motion. It requires a majority vote.

**Take from the Table:** When a matter is taken from the table, everything is in the same condition as it was when laid on the table. A motion that has been taken from the table can be laid on the table again when an unforeseen matter requires immediate attention. If a matter is laid on the table, it remains there until taken from the table or until the close of the next regular meeting. If not taken up by that time, the motion dies.

To consider another motion on the same subject, it is necessary first to take the question from the table and then move the new proposal as a substitute or to make whatever other motion is appropriate to the cases.

**Adjourn:** This means to close the meeting immediately. It requires a second and it is non-debatable and non-amendable. It requires a majority vote. Members should not leave their seats until this motion is made. If an hour has been set by adoption of the Board or Commission, no motion to adjourn is necessary when the hour arrives. The Chair declares the meeting adjourned. When it appears

there is no further business, the Chair can ask if there is any further business to be considered, instead of waiting for a motion. If there is no response, the Chair can say, "Since there is no further business, the meeting is adjourned."

Fix the Time to Which to Adjourn: The object of this motion is to set the time and place for another meeting to continue business of the session with no effect on when the present meeting will adjourn. It is appropriate to use this motion when there are no existing provisions for another meeting. It must be seconded and is debatable. It can be amended and a vote on it can be reconsidered.

### **AMENDING A MOTION**

Changing the wording of a motion is amending it. Sometimes, starting over can eliminate the need to amend a motion. However, if the matter becomes more complex or significant time has been spent considering alternatives, following the rules for amending a motion ensure a fair and orderly process for making and deciding on a comprehensive motion. The main motion and some secondary motions can be amended. Here are some rules to remember:

- ✓ The motion to amend requires recognition and a second and must be stated by the Chair. It is debatable and may be amended. The amendment must be voted on; then another amendment is in order, each acted on in order. The fact that the amendment has been acted on does not mean that the main motion is also acted on. After all amendments are acted on, the final vote is on the main motion as amended.
- ✓ If the amendment has failed to carry, it cannot be made again.
- ✓ An amendment improves the main motion. The purpose is to express more clearly and definitely the intent of the motion; therefore an amendment cannot change one form into another.
- ✓ An amendment is debatable in all cases except where the motion to be amended is un-debatable.
- ✓ An amendment is out of order if it nullifies the proposition or if it makes it dilatory.
- ✓ An amendment is out of order if it strikes out words NOT consecutive or if it strikes out and inserts in separate places.
- ✓ No amendment is in order that increases the modification of the rule to be amended.
- ✓ The word "Substitute" is used correctly when referring to a paragraph not to a word. A completely reworded motion is a substitute.

### **WAYS TO AMEND A MOTION**

- ✓ By adding words at the end
- ✓ By inserting a word or consecutive words
- ✓ By striking out a word or consecutive words
- ✓ By striking out a word or consecutive words and inserting a word or consecutive words
- ✓ By substitution (replacing the motion with a similar motion)

Correct way to state amendment:

"I move to amend the motion by (one of the ways listed above)..."

### **MOTIONS NOT SPECIFICALLY CLASSIFIED**

There are some motions that are not specifically classified. The ones most commonly used are:

- ✓ *To make a nomination:* This is a motion not formally moved, but an assumed motion "That...be elected." A member rises and, without recognition, says, "I nominate..." No second is required but as an assumed motion, it is debatable.
- ✓ *To fill a blank:* This is closely related to the motion to amend. While there can be only one primary and one secondary amendment pending at the same time, there are times when a number of choices would have more advantages, such as, selecting a date, time, place, amount, number of persons, or names, or places.
- ✓ A member may move that a blank be spent for books: or a blank may be created by a motion to strike out a date, time, place, amount, number, names, etc. and insert a blank. If the motion to strike out and insert a blank has carried, then any number of members may suggest, without a second, a different date, time, amount, etc. Each suggestion can be debated if necessary. When all suggestions have been made, a vote is taken on the suggestions until one suggestion receives a majority vote, then that suggestion is placed in the blank and the remaining suggestions are not voted upon. The motion with the blank filled is then considered.
- ✓ 3. *Call up the motion to reconsider.* If the Chair neglects to announce the reconsideration of a motion, any member may 'call up' the consideration by rising and obtaining the floor and saying, "I call up the motion to

reconsider the vote taken on the motion (state the motion)..." No second is necessary. The Chair then proceeds to state the motion by saying, "The motion to reconsider the vote on (state the motion)...is called up. Those in favor of reconsidering the vote on the motion will please say Aye." pause "Those opposed will please say no." If the Ayes have it, the motion is open to debate (if it is a debatable motion). After debate, a vote is taken on the motion that was reconsidered.

<b>Commission or Committee</b>	<b>Guiding Documents</b>
City Council	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Ashland Parks & Recreation Commission	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Ashland Senior Advisory Committee (ASAC)	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Recreation Division Advisory Committee (RDAC)	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Trails Advisory Committee (TAC)	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Planning Commission	Ashland Municipal Code, Comprehensive Plan, Land Use Code
Climate & Environment Policy Advisory Committee (CEPAC)	Ashland Municipal Code, Climate & Energy Action Plan (CEAP)
Historic Preservation Advisory Committee (HPAC)	Ashland Municipal Code,
Housing & Human Services Advisory Committee (HHSAC)	Ashland Municipal Code
Public Arts Advisory Committee (PACC)	Ashland Municipal Code
Social Equity and Racial Justice Advisory Committee (SERJAC)	Ashland Municipal Code
Transportation Advisory Committee (TAC)	Ashland Municipal Code, Transportation Plan

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**ADMINISTRATIVE POLICY**

LAST MODIFICATION: May 14,2012

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**Policy No.** 2006.10.19

**ORIGINATING DEPARTMENT:** Administration

**SUBJECT:** Electronic Media & Technology Usage Policy

**PURPOSE:** The purpose of this policy is to establish policy guidelines to protect the City of Ashland's electronic processing and communication systems; to establish an understanding of acceptable uses; to protect information generated by or stored on any computer or communication system; and to protect the City's investment in technology.

**STATEMENT OF POLICY:** Technology is a business tool to be used in accordance with generally accepted business practices, current laws, and consistent with other applicable City Policies. All technology systems (computers and communication systems) furnished by the City are owned by the City of Ashland.

Any user who is unclear about what is or is not permissible may contact the Information Technology Director for clarification. If unsatisfied with an interpretation, the user may seek an opinion from the City Attorney, City Administrator or Human Resource Director.

As technology advances, the City will increasingly rely upon electronic resources in conducting its business. Employees have access to multiple forms of electronic media and technology systems (computers, e-mail, telephones, radios, voice mail, fax machines, on-line services and the internet) to assist in the performance of their official duties.

The City encourages the responsible use of electronic media because information technology makes communication more efficient and effective. Information technology also serves as a source of valuable information about government, vendors, customers, new products or services. With the rapidly changing nature of electronic media, this policy cannot establish rules to cover every possible situation. Instead, it expresses the City's philosophy and sets forth general principles to be applied to the use of electronic media and services.

**SCOPE:** This policy applies to all users of Electronic media and/or communication systems including but not limited to employees, elected officials, appointed officials, contractors, consultants, and other non-employees that use this equipment. The City's Electronic media system includes all city owned or city purchased computer terminals (whether network or individual), software and hardware (CPU's, memory devices and storage devices), copiers, printers, fax machines, hand-held data or computing devices, cellular phones and devices, office telephones, etc. For purposes of this policy an electronic record or communication includes any data or information in any form processed or stored within the City Electronic Information Processing System whether generated directly or indirectly.

Further simplified, this policy applies to all electronic media and services which are:

- Accessed on or from City premises
- Accessed using City electronic media equipment, or via City-paid access methods and/or
- Used in a manner which identifies the individual with the City.

This policy DOES NOT apply to data transmissions made by customers of the Ashland Fiber Network who are acting in their private capacity and who, other than the use of City equipment installed solely because they are a customer of Ashland Fiber Network, are not otherwise using City owned or City purchased equipment.

## **GUIDELINES:**

1. Use of the City's computer and communication systems shall be for the purpose of delivering City services and shall be professional and business-like in nature. **Limited personal use is allowed provided that it meets the guidelines set forth herein.** Employees must demonstrate personal responsibility to ensure that limited personal use does not impact their job performance or the efficiency of City services. Abuse of this privilege will result in appropriate disciplinary action. Computer and communication systems may not be used for any purpose or reason that may violate City policy, local, state, or federal laws, public policy, or other inappropriate purposes, including but not limited to:
  - a. Any use that violates the City's Anti-Harassment and Discrimination policies, including but not limited to transmitting, retrieving, viewing or storing communications or images that are discriminatory or harassing in nature, or which are derogatory to any individual or group, or which are obscene or pornographic in nature, or which are defamatory or threatening, or "chain letters" which use coercion to obtain a response.
  - b. Conducting non-City related business which results in personal financial gain or advantage.
  - c. Unauthorized soliciting or proselytizing others for commercial ventures, religious or political causes or other non-City business related matters.
  - d. Disrupting or threatening to disrupt the efficient operation of City network and/or connected systems (for example, sabotage or introducing a computer virus);
  - e. Overloading the efficient operation of City network and/or connected systems (for example, instant messenger, Internet radio, etc.);
  - f. Unauthorized use, monitoring, or accessing of any computer or communication system's files or activities for the purpose of idle curiosity or obtaining data or information that has no business-related purpose; and
  - g. Forging of any City computer or communication systems file, log, messages, or recording.



- h. The email system shall not be used to plan for or coordinate work slowdowns or strikes, or to incite employees or otherwise disrupt the work environment.
  - i. The email system shall not be used for campaigning for union issues or running for office.
  - j. No use of the computer or email system shall interfere with the City's business or impair employee's performance.
2. Unauthorized installation, removal, or altering of any software/hardware may be a violation of copyright law, City policy or procedure and as such is prohibited. Such actions could result in criminal prosecution and/or disciplinary action in accordance with City rules and regulations.
3. No City-owned or authorized hardware or software may be borrowed, copied, or transferred without prior approval from the IT Director.
4. No privately owned devices may be connected to the City's system without the authorization of the person's department head or the City Administrator.

#### **GENERAL USE OF E-MAIL SYSTEM:**

1. Whenever a City Official or Employee possesses "confidential" information, the Official or Employee has an obligation to take all reasonable and necessary steps to protect the confidentiality of the information, and minimize the likelihood of inadvertent transmission of the confidential information to unintended recipients. If an Official or Employee has any question regarding the implementation of this section, contact the City Attorney's office. Once it has been determined that the transmission is confidential under Oregon public records law, the subject line should contain the word "confidential."

#### **The body of the email should read:**

"The content of this email transmission (and attachments if appropriate) is confidential under the provisions of Oregon Public Records law (list the specific ORS citation that addresses confidentiality whenever possible). It is intended to help the recipient(s) in their work on behalf of the City of Ashland. Recipients should not disclose or forward this email unless authorized by the sender. If you have questions about the confidentiality of this message, please contact me at (541) XXX-XXXX. Thank you." The message will include the appropriate City or Departmental phone number.

2. No employee shall attempt to disguise the origin of any E-Mail, unless authorized by the Chief of Police for a criminal investigation.
3. No Official or Employee shall access another Official or Employee's E-Mail unless authorized by: (1) the other Official or Employee, or (2) the other Employee's Department Head, or (3) the City Administrator.
4. State and federal law prohibit the electronic transmission of social security numbers over the internet unless the connection is secure or the Social Security number is encrypted except under certain limited exemptions. Social Security numbers should not be transmitted unless the user has verified with the City Attorney's Office that such use is permissible.



5. Any Employee who discovers potential criminal activity involving the use of any E-Mail shall immediately report the activity to the Employee's supervisor. The supervisor shall immediately report the activity to their department head, who shall report the activity to the Human Resources Department or City Attorney.
6. E-mail messages sent from the City's e-mail system are a representation of both the City and the composer. As such, they will be composed in a professional manner and will not include personalization such as non-approved graphics, "emoticons", clip-art, etc.

**All e-mails will include the following message at the end of the e-mail:**

"This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records law for disclosure and retention. If you have received this message in error, please contact me at (541) XXX-XXXX. Thank you." The message will include the appropriate City or Departmental phone number.

**PERSONAL, PRIVILEGED AND CONFIDENTIAL INFORMATION:**

All employees at one time or another may receive, or have reason to access personal, privileged and/or confidential information. That information may concern other employees, City of Ashland operations, other organizations and or patrons with whom we do business. This information may include information such as employee phone number, social security number, salary, benefits, address, etc.

Everyone covered by this policy carries the obligation of ensuring that this information remains confidential and is not disclosed, even to other City of Ashland employees. This is true regardless of whether you are actively employed, on leave or employment with the City of Ashland terminates for any reason. Employees who disclose such sensitive information will be disciplined accordingly.

If your employment with the City of Ashland terminates, for any reason, you must promptly return to the City of Ashland all confidential documents and other materials in your possession. You are not permitted to retain copies of any such documents or materials.

All work performed or created within the scope of your employment with the City of Ashland is the intellectual property of the City. Any information obtained through the course of employment (business information, trade secrets, etc.) may not be shared even upon termination of employment. Employees who disclose such sensitive information will be disciplined in accordance with City Rules and Regulations and/or criminal prosecution.

**RESPONSIBILITIES:**

1. **The IT Department** (with input from the City Attorney), shall:
  - a. Interpret licensing and copyright requirements for hardware and software used by the City of Ashland;
  - b. Purchase, install, and uninstall all software and hardware;
  - c. Store all original software media.



2. **The IT Director** in collaboration with user departments shall:
  - a. Establish and maintain policies and procedures for computer and communication system security, privacy and use;
  - b. Develop and maintain, in collaboration with departments, an information technology strategic plan that will guide future investments in technology.
  - c. Approve all hardware and software for use on City-owned technology systems;
  - d. Ensure compliance of copyright and licensing requirements;
  - e. Make information available to users regarding computer and communication system security, privacy, and use; and
  - f. Ensure that scheduled backups and purges of all essential data files are completed in accordance with the City of Ashland's Records Retention Schedule.
3. **Department Heads** shall:
  - a. Ensure that all employees under their direct supervision comply with all policies and procedures regarding technology and communication system use;
  - b. When timing is appropriate, initiate account deletion after an employee leaves;
  - c. Immediately notify IT when an employee changes job responsibilities so that their computer software load can be reevaluated and changed if needed.
4. **All City Employees or users** of City electronic media and/or communication systems shall comply with the provisions of this policy, and shall take all reasonable precautions to protect from illegal copying, downloading, theft, or other abuses of City-owned hardware and software. New employees shall be made aware of this policy as a part of their orientation and will be asked to sign an acknowledgement form indicating they have read and understand the information.

## **SECURITY:**

1. Each user with access to the City's computer network, voice mail, or other electronic communication system shall be assigned a user name and password for security purposes. While this cannot guarantee privacy, confidentiality or data security, it is an important component of the City's overall system protection. Technology users are responsible for all computer use under their user name and shall maintain the confidentiality of their password. Passwords must not be shared. Passwords control access to files, register a permanent record of the entries made, and are the means by which users are held accountable for their system entries. If a user suspects his/her password has been compromised, they should call the IT Help Desk for assistance



2. Information Technology staff may require a user to temporarily change their password for installation, diagnostic, repair, replacement, upgrade, or maintenance purposes. Once completed, the user is to immediately change it back to a unique and secure password.
3. Computers will be locked via the operating system, either manually, each time users leave their desks for any period of time, or automatically, using a password protected screen saver. Computers should be shut down at the end of each workday. This helps to protect the security of the system from unauthorized use.
4. Users will ensure that all computer assets (computers, monitors, laptop computers, printers, etc) that are assigned to or regularly used by them are maintained and used in a manner consistent with their function and such that the possibility of damage and/or loss is minimized.
5. Computer equipment will not be removed from City premises without the prior authorization of the IT Director or Department Head except for portable equipments such as laptops or PDAs assigned to the individual employee.
6. Whenever possible all portable computing equipment (laptop computers other handheld computers etc.) will be maintained under the direct supervision of the user that they are issued to. The equipment must never be left unattended in locations such as airports and hotel lobbies. When equipment must be left unsupervised, it must be made as inconspicuous as possible (i.e. do not leave the computer sitting on the seat of an unattended vehicle). Wherever practical, the computer shall be secured with the supplied security device(s).

## **PRIVACY:**

1. **No employee has a personal right to privacy to any information stored or created on the City's computer or telephone system including, but not limited to email.**
2. The City reserves the right, with Department Head approval, to enter, search, monitor, copy, or retrieve any information, including but not limited to, stored or deleted files, records, voice and text messages, faxes, internet logs, and audio from any computer or communication system without notice. Should such action be warranted, Human Resources shall be notified immediately by the Department Head.
3. Information received or transmitted by any computer or communication system, whether deleted or not, may be logged, recorded, or otherwise monitored and is subject to disclosure based on the provisions of Oregon Public Records Law and/or approval of the City Administrator or City Attorney.

## **RECORDS MANAGEMENT:**

1. Routine e-mail messages are not intended to be retained as public records in the ordinary course of City business. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business are exempt from disclosure as public records, provided that the public interest in withholding those records outweighs the public interest in disclosure.



2. In accordance with the City's Records Retention Schedule, e-mail messages that are more than 60 days old will be electronically purged by IT from the e-mail server on a weekly basis, whether deleted by the user or not. E-mail messages that are required to or intended to be retained for long-term storage will either be e-mailed to the user's laserfiche file (example: [doej@laserfiche.ashland.or.us](mailto:doej@laserfiche.ashland.or.us)) or placed in the appropriate subject file in hard copy. Such e-mail messages will be subject to the City's Record Retention Schedule and may become public records unless exempt from disclosure under other applicable provisions of the Public Records Act (e.g., personnel files, attorney-client communications, deliberative process etc.). Some examples of documents that would constitute public records and be required to be retained include, but are not limited to:
  - a. Complaints received from the public and responses thereto.
  - b. Any email which is evidence of any official action taken as part of assigned job duties—i.e. granting an extension of time to perform some required task, notifying someone of deficiencies in an application or other filing, approving a change order or extra work; giving notice of a meeting or event;
  - c. Comments received from a citizen regarding a matter that is scheduled before the council for a public hearing where the person is unable to attend and has requested those comments be retained as part of the record, or where council, or other board or commission member, is required to disclose such ex-parte communication.

Any questions as to whether a document is required to be retained under Oregon Public Records Law should be directed to the City Recorder or the City Attorney.

By default, sent e-mail messages are electronically purged weekly from the e-mail server on the 60th day after they are sent.

By default, deleted e-mail messages are electronically purged weekly from the email server on the 7<sup>th</sup> day after they are deleted. Employees may elect to set their computers to electronically delete deleted emails when they log out of the system each day.

Voicemail messages are electronically deleted on the 30th day after receipt.

## **SUPPORT:**

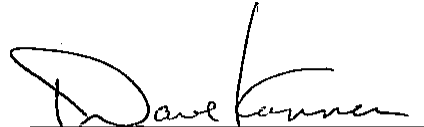
Information Technology and Computer Services support is available by calling (541) 552-2400.

## **VIOLATIONS:**

1. Violation of any provision in this policy will be reviewed on a case-by-case basis and may result in revocation of privileges, discipline in accordance with City Policies.
2. Failure on the part of any elected official, contractor, consultant, or non-employee to comply with the provisions of this policy will constitute grounds for revocation of privileges, termination of their contract.



**Approved:**

  
\_\_\_\_\_  
Dave Kanner, City Administrator

Date: 5/14/12

**Reviewed as to form:**

  
\_\_\_\_\_  
Dave Lohman, City Attorney

Date: 5/14/12



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**ADMINISTRATIVE POLICY**

LAST MODIFICATION: November 01, 2019

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Policy No. 2019.11.01

**ORIGINATING DEPARTMENT:** Administration

**SUBJECT:** Workplace Fairness Act Policy \* **Note: This Policy Replaces Previous City Policy # 2005.03.08 Titled Harassment and Non-Discrimination.**

**PURPOSE:** This sets forth the City's policy as it relates to harassment, discrimination, and related retaliation in the workplace.

**STATEMENT OF POLICY:**

The City of Ashland is proud of its tradition of providing a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At the City of Ashland harassment and discrimination, whether verbal, physical or environmental, is unacceptable and will not be tolerated.

**Definition of Sexual and Gender-Based Harassment**

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted advances, requests for sexual favors and any other verbal, visual, or physical conduct of a sexual nature, disparaging or demeaning remarks/treatment about an individual's gender identity or sexual orientation when:

- (1) Submission to or rejection of sexual or gender-based harassment is a factor in decisions affecting hiring, evaluation, retention, promotion, or other aspects of employment; or
- (2) This conduct interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Please note that even unwelcome conduct of such a nature that occurs off-duty can violate our policy, if that conduct has the purpose or effect of creating a hostile or offensive work environment or unreasonably interferes with another employee's work performance. Also, unwelcome conduct by someone who is not a City employee, such as a volunteer, supplier, independent contractor's employees, etc., violates our policy against harassment, if that conduct creates an offensive work environment or unreasonably interferes with work. Consequently, this type of conduct should be reported as described below.

**Examples of sexual and gender-based harassment may include, but are not limited to:**

- Unwanted sexual advances;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Threats and demands to submit to sexual requests in order to obtain or retain any employment benefit;

- Verbal conduct such as epithets, derogatory or obscene comments, slurs or sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse of a sexual nature;
- Graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies;
- Flirtations, advances, leering, whistling, touching, pinching, assault, coerced sexual acts, blocking normal movements;
- Visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings or gestures or other displays in the work place of sexually suggestive objects or pictures;
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual;
- Use of City computers, fax machines or other resources to access, send or receive sexually explicit jokes or other communications with a sexual content
- Retaliation for having reported or threatened to report sexual harassment.

Harassment is initially evaluated based on whether the behavior in question is **perceived by the receiver** as unwelcome or unacceptable conduct of a sexual, racial, or other prohibited nature. Such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances and business-related social events.

### **Definition of racial, ethnic, age, religious, disability-related, and other types of harassment**

Other forms of harassment prohibited by this policy are defined to include unwelcome conduct of a racial, religious, ethnic, age, disability-related or other nature involving a person's status as a member of a legally protected group or use of legally protected employment rights. Again, such conduct violates the City's policy when:

- (1) Submission to or rejection of this conduct is used as a factor in decisions affecting hiring, evaluation, retention promotion or other aspects of employment; or
- (2) This conduct interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Again, please note that even unwelcome conduct of such a nature that occurs off-duty can violate our policy, if that conduct has the purpose or effect of creating a hostile or offensive work environment or unreasonably interfering with another employee's work performance. Also, unwelcome conduct of a racial, ethnic, etc. nature by someone who is not a City employee, such as a volunteer, supplier, independent contractor's employees, etc., violates our policy against harassment, if that conduct creates an offensive work environment or unreasonably interferes with work. Consequently, this type of conduct should be reported as described below.

### **Examples of these types of harassment include, but are not limited to:**

- Making racial slurs
- Telling offensive racial or ethnic jokes
- Engaging in racial name calling
- Making derogatory comments about a person's physical or mental limitations
- Mimicking or belittling a person with physical or mental limitations
- Using profanity of a religious nature that is offensive



- Making negative stereotypical comments about a person's religious faith or absence of faith
- Using the City's computers, fax machines or other resources to send or receive messages or pictures which are racially or ethnically offensive
- Displaying pictures, posters or printed material that depicts members of religious faiths in a derogatory manner
- Imitating or making belittling comments about a person's weight or physical attributes
- Demeaning a person based on age, veteran's status or exercising legally-protected employment right(s)
- Other verbal, graphic, or physical conduct of a racial, religious, ethnic, age or disability-related nature which creates an offensive work environment for another employee or unreasonably interferes with another employee's work

Harassment will initially be evaluated based on whether the behavior in question is **perceived by the receiver** as unwelcome or unacceptable conduct of a sexual, racial, or other prohibited nature. Such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances and business-related social events.

### Definition of Discrimination

For purposes of this policy, discrimination is defined as any derogatory conduct towards any individual in the workplace based on legally prohibited factors, such as race, color, religion, sex, sexual orientation, age, marital status, national origin, mental or physical disability or other protected status or activities, in accordance with applicable laws.

### Dissemination of Policy

This policy will be provided to all employees, supervisors, and elected officials, and its existence will be displayed prominently at the place of employment. All employees are responsible for knowing of its existence and substance, and of their responsibility for compliance. Additionally, all supervisors and managers are responsible not only for knowing of its existence and substance, but for compliance and enforcement of the policy. This policy will be provided at all new hire orientations and acknowledged with a sign off at the orientation meeting. Any employee disclosing information regarding prohibited discrimination or harassment will be provided a copy of this policy.

Human Resources will be available to answer all questions about the policy and its implementation.

### Individuals Covered Under the Policy

The prohibitions outlined in this policy cover all individuals in the workplace (all employees, supervisors, elected officials and contractors working on-site and/or interacting with employees). City of Ashland will not tolerate, condone, or allow harassment or discrimination, whether engaged in by fellow employees, supervisors, customers, or other non-employees who conduct business with the City. The City encourages reporting of all incidents of harassment which create an offensive work environment or unreasonably interfere with an employee's work performance, regardless of who the offender may be, or of the offender's relationship to the City.



This policy applies to employees, elected officials, public officials, contractors, volunteers, interns, and managers.

### Employee Responsibilities

Each employee is responsible for preventing prohibited harassment and discrimination through the following acts:

- (1) Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
- (2) Reporting acts of harassment;
- (3) Assisting any employee who confides that they have been a victim of harassment or discrimination by encouraging him or her to report it;
- (4) Cooperating with harassment, discrimination, and retaliation investigations; and
- (5) Documenting any alleged incidents involving discrimination or harassment.

### Manager and Supervisor Responsibilities

Each manager and supervisor will be responsible for preventing acts of prohibited harassment and discrimination, these responsibilities include:

- (1) Monitoring the work environment daily for signs that sexual harassment or discrimination may be occurring;
- (2) Documenting any and all alleged incidents involving discrimination or harassment;
- (3) Counseling all employees on the types of prohibited behavior, and the procedures for documenting, reporting, and resolving complaints of sexual harassment or discrimination;
- (4) Stopping any observed acts that may be considered harassment or discrimination and taking appropriate steps to intervene, whether the involved employees are within the line of supervision;
- (5) Taking immediate action to limit the work contact between the employees where there has been a complaint of harassment or discrimination pending investigation;
- (6) Enforcing non-retaliation prohibitions, including conducting follow-up contacts with employees who report harassment or discrimination to ensure that there has been no retaliation has occurred and transmitting documentation of such contacts to the Human Resources Manager;
- (7) Promptly reporting any incidents of potential discrimination, harassment, or retaliation to Human Resources and following any directives or guidance issued by Human Resources or the City Administrator regarding investigatory roles and other enforcement responsibilities; and
- (8) Cooperating with harassment, discrimination, and retaliation investigations.

Each manager or supervisor shall help any employee who comes to him or her with a complaint of harassment or discrimination by documenting and promptly filing a complaint with Human Resources.



## Reporting a Complaint

Employees who feel they have been subject to harassment or discrimination are encouraged to confront the offending employee and ask the person to stop the behavior politely but firmly. If the harassment or discrimination continues, or if the employee believes some employment consequence may result from the confrontation, or if the employee is not comfortable confronting the harasser, the employee should go to his or her supervisor, Personnel Department, Department Head, or the City Administrator. In addition, the employee may report a complaint to BOLI's Civil Rights Complaint Process at [www.oregon.gov/BOLI](http://www.oregon.gov/BOLI) or other available channels of legal resources.

The employee may also have a representative present. The following steps have been established for filing and handling complaints of any employee based on alleged acts of harassment, discrimination, or retaliation:

- (1) Any employee may file a complaint by communicating directly with his or her supervisor, Department Head, Human Resources, or the City Administrator. Multiple options for filing a complaint are available to allow the employee opportunity to select a person with whom he or she feels comfortable. Added resources for reporting a complaint can be found in Appendix A.

An employee has 5 years from an alleged incident to bring a report forward and request an investigation be conducted and/or pursue legal action. This is effective October 1, 2020.

An employee may file a complaint orally by meeting in person with the City Administrator, or by sending it in writing in an envelope marked "Confidential." All complaints will be acknowledged in writing within 15 days of receipt of the complaint.

- (2) Once reported, the City Administrator's office will proceed with an investigation. Investigations may be conducted by the City Administrator, Human Resources, or another person designated by the City Administrator. Confidentiality will be maintained during the investigation to the extent practical.

If the employee who has been accused of violating harassment, discrimination or retaliation prohibitions wishes to have a representative present at any discussion between the employee and the City Administrator or person designated by the City Administrator to conduct the investigation, the employee's request will be honored and a representative will be given the opportunity to be present. All such discussions will be held in private, away from the employee's work area.

- (3) Based on the facts developed, the City Administrator or person designated by the City Administrator to conduct the investigation will render a decision in writing as soon as possible after completion of the investigation. The decision shall say whether there is a finding of either discrimination, harassment, or retaliation based on the nature of the complaint. The results of the investigation will be shared with the person complaining and the person(s) accused, as determined appropriate by the City Administrator.
- (4) New laws effective October 1, 2020 say that an employee may not be requested or required to enter into a non-disclosure or non-disparagement agreement that would prevent the employee from disclosing or discussing conduct that constitutes unlawful discrimination, including sexual assault.

However, an employee may request such provisions in an agreement. If an employee makes such a request, the employee has seven days to revoke the agreement.



New laws allow employers to enter into settlement, separation or severance agreements that include provisions that would prohibit an employee from disclosing or discussing such conduct or that would prohibit an employee from seeking reemployment with employer as a term or condition of agreement.

**Investigating A Complaint**

**Confidentiality**

Any allegations of harassment, discrimination or retaliation brought to the attention of the City will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

**Investigation Process**

In pursuing the investigation, the investigator will try to take the wishes of the complainant under consideration, but will thoroughly investigate the matter, keeping the complainant informed as to the general progress of the investigation.

All employees can be assured that such complaints will be taken seriously and will be investigated and dealt with as discreetly as possible. All employees must fully cooperate with harassment, discrimination, and retaliation investigations. All employees further must provide truthful information in such investigations and to follow “no contact” and other directives issued by the investigator. Failure to do so will subject an employee to disciplinary action, up to and including termination.

If the investigation determines that any employee was involved in harassing, retaliatory or discriminatory behavior toward another individual in the workplace they will be subject to disciplinary action up to and including termination. This policy applies to employees, elected officials, public officials, contractors, volunteers, interns, and managers.

As required by recent legislation effective January 1, 2020, the employer will follow up with the victim of reported harassment every 3 months for one year to determine whether harassment has stopped or if the victim has experienced retaliation, unless the victim refuses this action in writing.

**No retaliation**


Retaliation is against the law and will not be permitted at the City of Ashland. This includes retaliation against employees who file a harassment or discrimination complaint, or assist in investigating harassment or discrimination charges, or who report harassing behavior directed at persons other than the employee. This policy also prohibits retaliation against employees who complain that they are victims of employment related discrimination. Any employee found to have engaged in retaliatory action or behavior will be subject to disciplinary action, up to and including termination.

**Approved:**

  
\_\_\_\_\_  
Kelly Madding, City Administrator

Date: 12/13/19

**Reviewed as to form:**

  
\_\_\_\_\_  
David Lohman, City Attorney

Date: 12/16/19



APPENDIX A

**HUMAN RESOURCES**

Fax: 541-488-5311

**City of Ashland**

552-2110

Tina Gray, HR Director  
grayt@ashland.or.us

552-2101

Marisa Lehnerz, Senior HR Analyst  
lehnerzm@ashland.or.us

552-2060

The BOLI Civil Rights Complaint Process can be accessed by going to:  
[https://www.oregon.gov/boli/CRD/Pages/C\\_Crcompl.aspx](https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx)

The following resources can be found at [www.oregon.gov/BOLI](http://www.oregon.gov/BOLI) under the Oregon Civil Rights Division page:

[Americans with Disabilities Act Home Page](#)

[Equal Employment Opportunity Commission \(EEOC\)](#)

[US Dept of Labor - Family Medical Leave Act \(FMLA\) overview](#)

Added counseling and support services can be accessed as follows:

**RBH – Employee Assistance Program**

This program is free and confidential to all employees and dependents covered by their health plan.  
Phone: 24-hours 1-866-750-1327

[www.MyRBH.com](http://www.MyRBH.com)

Access code: ashland



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**ADMINISTRATIVE POLICY**

LAST MODIFICATION: May 14,2012

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Policy No. 2007.10.09

**ORIGINATING DEPARTMENT:** Administration

**SUBJECT:** Workplace Violence Prevention Policy

**PURPOSE:** This sets forth the City's policy as it relates to hazards of workplace violence or aggression, prevention and related retaliation in the workplace.

**STATEMENT OF POLICY:**

Each individual who works for the City of Ashland has the right to work in a professional atmosphere that promotes equal opportunities within a safe environment and prohibits workplace violence or aggression. At the City of Ashland violence or aggression in the workplace is unacceptable and will not be tolerated.

Most important is the safety and security of our employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City of Ashland property will not be tolerated. Violations of this policy will lead to disciplinary action which may include dismissal.

**Definition of Workplace Violence**

To ensure a safe workplace and to reduce the risk of violence, all employees of the City of Ashland should review and understand all provisions of this workplace violence policy. For purposes of this policy, workplace violence is defined as violent acts that result in substantial physical or emotional harm:

- (1) Any physical assault, threatening behavior or verbal abuse occurring in the workplace by employees.
- (2) Threats and threatening behavior are physical, verbal, or written acts that express or are perceived as expressing, intent to cause physical or psychological harm, or both, against an individual or individuals, or cause damage to property.
- (3) Violence or violent behavior is the actual carrying out of threatening behavior.

Please note that even unwelcome conduct of such a nature that occurs off-duty can violate our policy, if that conduct has the purpose or effect of creating a hostile or offensive work environment or unreasonably interfering with another employee's work performance. Also, unwelcome conduct by someone who is not a City employee, such as a volunteer, supplier, independent contractor's employees, etc., violates our policy against harassment, if that conduct creates an offensive work environment for you or unreasonably interferes with your work. Consequently, even this type of conduct should be reported as described below.

**Examples of workplace violence may include, but are not limited to:**

- Injuring another person physically
- Engaging in behavior that creates a reasonable fear of injury to another person
- Engaging in behavior that subjects another individual to extreme emotional distress
- Possessing, brandishing, or using a weapon that is not required by the individual's position while on city premises or engaged in city business
- Intentionally damaging property
- Psychological trauma such as threats, threatening to injure an individual or to damage property
- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment, obscene phone calls
- Retaliating against any employee who, in good faith, reports a violation of this policy

**Definition of other types of inappropriate behaviors in the workplace**

Other types of inappropriate workplace violence that are prohibited by this policy are defined to include indicators that increase risk of violent behavior. Again, such conduct violates the City's policy when:

- (1) Unwelcome name-calling, obscene language, and other abusive behavior;
- (2) Physically touching another employee in an intimidating or threatening manner.

**Examples of potentially violent behavior include, but are not limited to:**

- Direct or veiled threats of harm;
- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
- Numerous conflicts with supervisors and other employees;
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons;
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides;
- Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide;
- Drug/alcohol abuse; and
- Extreme changes in behavior



## Determining Risk Factors for Workplace Violence

- Type I**      **Criminal Act:** This type of violence involves verbal threats, threatening behavior or physical assaults by an assailant who has no legitimate relationship to the workplace.
- Type II**      **Recipient of Service:** The person causing the violence is either a recipient or object of a service provided by via the workplace. He/she is a current or former client or customer.
- Type III**      **Employment Relationship:** The person has an employment-related involvement with the workplace. This can either be someone who has a direct relationship, a current or former employee, or someone who has a relationship to a current or former employee.

## Dissemination of Policy

This policy will be disseminated to all employees, supervisors, and elected officials, and its existence will be displayed prominently at the place of employment. All employees are responsible for knowing of its existence and substance, and of their responsibility for compliance. Additionally, all supervisors and managers are responsible not only for knowing of its existence and substance, but for compliance and enforcement of the policy. The Human Resource Department will be available to answer all questions about the policy, or its implementation.

## Individuals Covered Under the Policy

The prohibitions outlined in this policy cover all individuals in the workplace (all employees, supervisors, elected officials and contractors working on-site and/or interacting with employees). City of Ashland will not tolerate, condone or allow harassment or discrimination, whether engaged in by fellow employees, supervisors, customers, or other non-employees who conduct business with the City. The City encourages reporting of all incidents of harassment which create an offensive work environment or unreasonably interfere with an employee's work performance, regardless of who the offender may be, or of the offender's relationship to the City.



## Employee Responsibilities

Each employee is responsible for assisting in the prevention of workplace aggression and/or violence through the following acts by refraining from participating in, or encouraging the following actions. Employees will report acts of workplace violence to their supervisor or Human Resources:

- Unwelcome name-calling, obscene language, and other abusive behavior.
- Intimidation through direct or veiled verbal threats.
- Throwing objects in the workplace regardless of the size or type of object being thrown or whether a person is the target of the thrown object.
- Physically touching another employee in an intimidating, malicious, or sexually harassing manner which includes such acts as hitting, slapping, poking, kicking, pinching, grabbing, pushing, etc.
- Physically intimidating others including such acts as obscene gestures, getting “in your face,” and fist-shaking.

## Manager and Supervisor Responsibilities

Each manager and supervisor will be responsible for preventing acts of prohibited workplace violence and aggression, these responsibilities includes:

- (1) Monitoring the work environment on a daily basis for signs that workplace violence or aggression may be occurring;
- (2) Counseling all employees on the types of prohibited behavior, and the procedures for reporting and resolving complaints of workplace violence or aggression;
- (3) Stopping any observed acts that may be considered violence or aggression and taking appropriate steps to intervene, whether or not the involved employees are within the line of supervision;
- (4) Taking immediate action to limit the work contact between the employees where there has been a complaint of workplace violence or aggression pending investigation;
- (5) Enforcing non-retaliation prohibitions, including conducting follow-up contacts with employees who report workplace violence or aggression to ensure that no retaliation has occurred and transmitting documentation of such contacts to the Human Resources Manager;
- (6) Promptly reporting any incidents of potential workplace violence or aggression to Human Resources and complying with any directives or guidance issued by the Human Resources Director, Department Head or the City Administrator with regard to investigatory roles and other enforcement responsibilities; and
- (7) Cooperating with workplace violence or aggression and retaliation investigations.

Each manager or supervisor shall assist any employee who comes to him or her with a complaint of workplace violence or aggression by documenting and promptly filing a complaint with the Human Resources Department.



## Reporting a Complaint

Employees who feel they have been subject to workplace violence or aggression are encouraged to politely but firmly confront the offending employee and ask the person to stop the behavior. If the violence or aggression continues, or if the employee believes some employment consequence may result from the confrontation, or if the employee is not comfortable confronting the offender, the employee should go to his or her supervisor, Department Head, Human Resources Department, or the City Administrator. However, employees may file a complaint with staff as stated below. The employee may also have a representative present. The following steps have been established for filing and handling complaints of any employee based on alleged acts of workplace violence or aggression:

- (1) Any employee may file a complaint by communicating directly with his/her supervisor, Department Head, Human Resource Director, or the City Administrator. Multiple options for presenting a complaint are made available with the intent of giving the employee the opportunity to select a person with whom he or she feels comfortable.

An employee may file a complaint orally by meeting in person with the City Administrator, or by submitting it in writing in an envelope marked "Confidential." All complaints will be acknowledged in writing within 15 days of receipt of the complaint.

- (2) Once reported, the City Administrator's office will proceed with an investigation. Investigations may be conducted by the City Administrator, the Human Resources Manager or another person, as designated by the City Administrator. Confidentiality will be maintained as far as the City determines it is practicable.

If the employee who has been accused of violating the workplace violence policy wishes to have a representative present at any discussion between the employee and the City Administrator or person designated by the City Administrator to conduct the investigation, the employee's request will be honored and a representative will be given the opportunity to be present. All such discussions will be held in private, away from the employee's work area.

- (3) On the basis of the facts developed, the City Administrator or person designated by the City Administrator to conduct the investigation will render a decision in writing as soon as possible after completion of the investigation. The decision shall state whether or not there is a finding of either discrimination, harassment or retaliation, as appropriate based on the nature of the complaint. The results of the investigation will be shared with the person complaining and the person(s) accused, as determined appropriate by the City Administrator.

## Investigating the Complaint

### Confidentiality

Any allegations of workplace violence or aggression brought to the attention of the City will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.



**Investigation Process**

In pursuing the investigation, the investigator will try to take the wishes of the complainant under consideration, but will thoroughly investigate the matter, keeping the complainant informed as to the general progress of the investigation.

All employees can be assured that such complaints will be taken seriously and will be investigated and dealt with as discreetly as possible. All employees are required to fully cooperate with workplace violence or aggression investigations. All employees are further required to provide truthful information in such investigations and to comply with “no contact” and other directives issued by the investigator. Failure to do so will subject an employee to disciplinary action, up to and including termination.

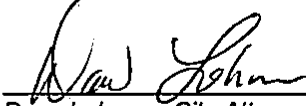
If the investigation determines that any employee was involved in workplace violence or aggressive behavior toward another individual in the workplace, (including employees, elected officials, contractors and managers) they will be subject to disciplinary action up to and including termination.

**No retaliation**

Retaliation is against the law and will not be permitted at the City of Ashland. This includes retaliation against employees who file a workplace violence or aggression complaint, or assist in investigating workplace violence or aggression charges, or who report violent behavior directed at persons other than the employee. This policy also prohibits retaliation against employees who complain that they are victims of employment related violence. Any employee found to have engaged in retaliatory action or behavior will be subject to disciplinary action, up to and including termination.

**Approved:**   
Dave Kanner, City Administrator

Date: 5/14/12

**Reviewed as to form:**   
Dave Lohman, City Attorney

Date: 5/14/12



## **City of Ashland Social Media Policy**

### **Purpose:**

The City of Ashland (the “City”) recognizes that social media is a valuable communication tool. The City’s purpose in maintaining social media is to provide an informal voice of the City – to provide news alerts and information, and to listen to residents and visitors about issues affecting the City.

### **Definitions:**

1. **“Social Media”**: refers to interactive platforms that combine technology and social interaction for content sharing, often in collaboratively; any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, Internet websites, Internet forums, and wikis. Examples of social media include, but are not limited to, Facebook, Twitter, YouTube, Google+, and Flickr.
2. **“Authorized User”**: means any employee who has received authorization from the City Manager or the City Manager’s designee to post city business matters on a social media platform. To ensure a clear delineation between policy goals and information pertaining to City operations, no Board Members are permitted to be authorized users.
3. **“Board Member”**: means an elected official, including council members, commission members, member of a board, commission, or committee established in the City of Ashland per either code or resolution.
4. **“Personal social media account”**: means a social media account that is used by an employee, elected official or appointed commission or committee, or Board Member exclusively for personal purposes and is unrelated to any business purpose of the city and is not provided for or paid for by the city.

### **ADMINISTRATION**

20 East Main Street  
Ashland, Oregon 97520  
[ashland.or.us](http://ashland.or.us)

Tel: 541.488.6002  
Fax: 541.488.5311



5. “Confidential Information”: includes, but is not limited to, anything that is exempted from public disclosure under any applicable state or federal law, and specifically those exempted public records outlined in ORS Chapter 192 (Records; Public Reports and Meetings), which includes information pertaining to litigation or matters where litigation is reasonably likely to occur.

**Content Guidelines, What Not to do:**

Only Authorized Users may create and manage official social media accounts. Authorized Users are managed by the city manager’s office, which includes day-to-day oversight, managing content development and scheduling, and social media campaigns and other duties. New social media sites or engagements created on behalf of the City must be approved by the office of City Management and are subject to periodic monitoring to ensure compliance and professionalism. Employees authorized to post content on Ashland’s social media channels should read and apply this social media policy in conjunction with any social media guidebooks, legal updates, and/or trainings.

The City reserves the right to monitor all posts made on City controlled social media sites and to restrict or remove content that is in violation of this social media policy or any applicable law.

1. Record retention: Authorized Users may not post original content to social media unless that content is preserved and retained according to Oregon Public Records Law (see ORS Chapter 192).
2. City Prohibited Content: The following content is not permitted on City social media.
  - a. Confidential information
  - b. Copyrighted or intellectual property that the City does not have permission to use.
  - c. Offensive language, including the use of profanity, obscenities or vulgarities.

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- d. Sexual content or links to sexual content
  - e. Content that is offensive and that promotes, fosters, or perpetuates discrimination toward race, gender, ethnicity, nationality, religion, sexual orientation, disability, or other protected characteristic.
  - f. Illegal conduct or the encouragement of illegal activity
  - g. Information that may tend to compromise the safety or security of the public or public services,
  - h. Statements promoting or opposing election petitions, candidates, political committees or ballot measures in violation of restrictions on political campaigning by public employees, which includes any links advocating an election issue. Dissemination of neutral information is encouraged.
  - i. Any form of harassment, bullying, or intimidation, or threats of violence.
  - j. Misinformation or misleading information
  - k. Posting irrelevant or repetitive messages or advertisements.
  - l. Personnel matters regarding the Authorized User or others.
3. Moderation Policy: The City acknowledges and respects the right to free speech. At the same time, if the City chooses to allow for a comment section, there are limited situations where the City has a legitimate interest in maintaining a reasonable level of decorum on social media channels. Whereas section 2 above outlines the guidelines for what an Authorized User can post, this section is more restricted as it limits what citizens can comment on. If a comment violates this policy, the comment is subject to disablement and the commentator might be subject to a temporary block if the behavior repeats itself.

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The Authorized User must consult with the City's legal department in the moderation of comments. The following comments are prohibited:

- a. Threats of imminent violence or call to act illegally
- b. Defamation. A statement of opinion is not defamation. Defamation is generally defined as a false assertion of fact that damages a person's reputation.
- c. Content that is profane, obscene, or pornographic
- d. Personal identifiable information not meant to be public, such as someone's home address, phone number, or social security number.
- e. Copyright violations. Content that infringes on copyright, trademarks or the intellectual property of others (not including links to).
- f. Malware.
- g. Solicitation content.
- h. Disruptive, repetitive, or off-topic comments
- i. Content that perpetuates discrimination on the basis of race, religion, ethnicity, age, or gender.

Additionally, the City does not intend to create a public forum on social media and reserves the right to disable comments for certain posts where it is not seeking engagement or where the nature of the posts might jeopardize public meeting laws.

Before deleting any comment, the City, through the Authorized User, will take the following actions: (1) determine whether or not the comment is protected speech, with consultation of the City Attorneys office; (2) save a copy of the comment; (3) notify the poster that their comment violates City policy; (4) provide the poster with a copy of the City's policy, a copy of their comment and a brief explanation for why their comment was deleted.

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The Authorized User should use the following disclaimer for social media platforms where the comments are enabled: *Comments posted to this page will be monitored. The City reserves the right to remove inappropriate comments, as defined in the City of Ashland social media policy. Comments posted to this site by a user other than the City represent the views of that user only and do not reflect the policies of the City. The City takes no responsibility and assumes no liability for comments made by third parties on the City's social media sites. The City does not support or endorse comments made by users other than the City.*

#### **Content Guidelines – What to do!**

1. Ashland Branding: In order to properly identify the City to its citizenry for the long-term goal of building community trust and spirit, all accounts must use official City branding, font requirements, and (when possible) include relevant City contact information.
2. Accuracy, Transparency, and Professionalism: Ensure all information shared is accurate, timely, and relevant to the community. Strive to ensure that content is void for any spelling, grammar, or citation errors. If an error is mistakenly posted, the Authorized User should quickly make any correction or clarification as needed.

#### **Personal use of social media:**

Only Authorized Users are allowed to use social media *on behalf of* the City in management-approved sites. Board Members (as defined), employees, elected officials and commission and committee members should not use their personal social media accounts to speak *on the City's behalf*.

For those Board Members who want to comment on City business, the best approach is to keep two accounts entirely separate – one private and one public. For the public account, the Board Member should know

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that the public account is subject to the First Amendment and should either disable comments altogether or be extremely cautious in moderating content (i.e. restricting comments/blocking people). If a Board Member has a public page, posters are granted some degree of First Amendment protections and moderating content on a public page may open the Board Member to a First Amendment claim.

If an employee, Board Member, elected official, commission or committee member mentions City goings-on on their personal social media, that person should be clear their opinions are their own and that they do not represent the City or City business. See *Lindke v. Freed*, 601 US 187 (2024).

Here are some ways to keep clear that a private account of a Board Member does not represent the City:

- Include a disclaimer that comments are personal only and do not reflect the City.
- Do not include official City contact information on a personal page
- Do not make any City business announcements on a personal page that would normally be presented in a public meeting.
- If comments it is difficult to keep comments at a minimum on a personal page, consider a public page.

### **Public Meetings:**

Board Members are encouraged to not communicate with another Board Member on social media regarding substantive board matters within the jurisdiction of the board. Simultaneous postings, comments, or tweets by a quorum of Board Members on the same subject within a certain time frame may constitute a serial communication and violate Oregon's public meeting law.

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# Memo

CITY OF  
ASHLAND

---

Date: February 13, 2025  
From: Scott A. Fleury  
To: Transportation Advisory Committee  
RE: Crash Analysis Review & Mitigation

## **BACKGROUND:**

After the TAC reviewed the first six months of 2024 crash and near miss data certain items were identified for further consideration and action. Staff has outlined these below. The TAC should keep these in mind when correlating and reviewing the new set of six month data to end 2024.

## **Further Action & Consideration:**

At the August 15, 2024 Transportation Advisory Meeting, the TAC reviewed six months worth of 2024 crash and near miss data. Numerous issues were identified by the TAC and staff that warrant further discussion and potential mitigation efforts. Staff has captured the primary issues identified in the previous discussion and they are itemized below.

1. Signal timing issues
  - a. Coordinate with ODOT about timing improvements
  - b. Pedestrian time length (Maple, Sherman)
  - c. Potentially could require controller unit upgrades
2. Bike Path Safety
  - a. Review bike path signage and striping
  - b. Review crossing locations for vision, signage and striping (conflicts)
  - c. Develop recommendations for improvements
3. Crosswalk at Library
  - a. Review for vision, signage and striping
  - b. RRFB?
  - c. Is removal warranted/required?
4. A Street and Oak Street Intersection
  - a. Review conflicts in conjunction with Van Ness and Railroad location
  - b. Restrict turn movements (median island)?
  - c. Close crosswalk at Van Ness and Oak?
  - d. Oak Street Rehabilitation project could install potential long term solutions
5. Van Ness Street & Helman
  - a. Flashing Stop Sign?
6. Water Street at Railroad Trestle
  - a. Make One-Way?
7. Left Hand Bike Movement from Mountain Ave to B Street

- a. Have DKS look at improvement as part of the Mountain Avenue Rehabilitation Project
- 8. Crashes
  - a. Hersey Street at Carol and Phelps (multiple crashes)
- 9. Tolman Creek Road @ Siskiyou Boulevard Stop Sign Compliance
  - a. Review vision and site distance
  - b. Discuss with ODOT
  - c. Townmakers Development on Croman Mill Site (northbound approach "slow")
- 10. General Safety
  - a. Speed Reduction
  - b. Photo Enforcement

**Where can we deploy the Reader Boards for Education?**

**CONCLUSION:**

Action required, review previous six months of data, discuss and confirm list of items for analysis and mitigation.

Staff would like to analyze each of the issues specifically including additional site visits, acquisition of pictures and compiling specific traffic and crash data for future discussions on potential actions.

Information collected can also be used as part of the Transportation Safety Action Plan project the City will be undertaking in 2025.

YEARLY STATS:																	
	2024	2024	2023	2023	2022	2022	2021	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Total accidents:	172		191		169		182									115	134
"Reportable"	139	139	139	139	125	125	137	137	124	186	175	171	171	160	127	115	134
non-Reportable	33		50		44		45									none	none
Total accidents by month:	All	Reportable	All	Reportable	All	Reportable	All	Reportable	Reportable	Reportable	Reportable	Reportable	Reportable	Reportable	Reportable		
Jan	17	14	22	12	17	13	11	7	20	15	15	13	12	9	5	3	10
Feb	11	6	16	10	12	8	16	15	15	14	13	12	9	12	8	12	9
Mar	11	10	13	10	15	9	8	5	6	14	14	6	18	14	10	8	13
Apr	21	14	12	6	14	12	16	9	7	21	13	16	9	17	11	8	8
May	19	17	23	19	20	13	19	13	6	16	19	14	8	17	13	11	12
Jun	16	13	15	12	16	14	19	14	5	16	17	11	12	17	10	8	13
Jul	13	10	25	19	11	8	20	16	4	20	9	13	25	14	6	11	15
Aug	14	13	14	11	19	14	11	6	12	13	13	13	14	9	16	9	6
Sep	14	11	18	15	7	7	13	9	13	7	17	13	19	10	14	17	16
Oct	5	5	12	9	11	7	25	21	15	23	19	26	20	14	9	12	10
Nov	18	16	8	6	13	9	11	10	13	15	13	18	13	13	12	7	11
Dec	13	10	13	10	14	11	13	12	8	12	13	16	12	14	13	9	11
DUII	11	11	18	18	16	16	21	20	8	23	23	18	15	17	9	17	18
Ped involved	13	13	9	8	21	18	11	10	13	18	19	10	13	8	12	4	11
Ped Crossing in crosswalk	8	8	7	6	13	13	7	6	12	14	18	15	16	18	10	8	17
Bike involved	7	4	8	7	3	2	7	6	8	6	5	8	7	6	9	7	10
Injury to driver	32	32	13	11	14	13	35	33	24	33	16	15	18	17	20	19	22
Injury to bike/ped	13	13	4	4	8	8	12	12	14	14	10	8	12	10	14	7	13
Fatality	0	0	0	0	2	2	0	0	1	0		0	0	0	1	1	1
Hit and Run	32	27	43	30	29	19	32	16	16	26	27	21	18	25	13	16	29
Day of the Week:																	
Mon	35	28	24	17	34	26	40	25	19	28	16	24	22	30	18	19	11
Tues	31	26	35	25	25	19	28	20	18	32	36	31	25	19	17	21	21
Wed	19	15	20	16	32	23	23	16	15	39	29	24	21	21	19	20	24
Thurs	23	20	37	24	20	15	27	22	30	28	16	33	30	25	26	16	20
Fri	25	23	23	14	21	14	23	17	14	20	36	26	32	34	27	20	24
Sat	29	20	28	24	19	15	22	20	15	23	27	18	25	19	11	9	20
Sun	10	9	21	18	18	13	19	17	13	16	15	15	16	12	9	10	14

# MOTOR VEHICLE CRASH SUMMARY

MONTH: JULY

NO. OF ACCIDENTS: 13

YEAR: 2024

NO. OF PREVIOUS ACCIDENTS: 95

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUII	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
NR	1	14:00	MON	TOLMAN CREEK RD	1	N	Y	N	U	N	N	N	Y	N	V2 (bicyclist) was hit by V1 (car) and then V1 rode off.
R	2	12:29	TUE	TOLMAN CREEK RD	1	N	N	N	N	N	Y	Y	N	N	V1 was reaching into a bag when it left its lane of travel and hit a tree then a light pole.
R	5	10:53	FRI	MANZANITA ST	2	N	N	N	N	N	Y	Y	N	N	V2 (Parked legally) was struck by V1.
R	5	UNK	FRI	HELMAN ST	2	N	N	U	N	N	N	Y	Y	N	V1 (parked) had been crashed into causing heavy front end damage over \$5000.
R	8	17:31	MON	BUSINESS PARKING LOT & ASHLAND ST	2	N	N	N	N	Y	Y	Y	N	N	V1 failed to yield and in the wrong lane of travel as it collided with V2 (stopped at stop sign). V1 cited for carless driving
NR	9	UNK	TUE	MORTON ST	2	N	N	U	N	N	N	N	Y	N	V1 (parked) was hit by an unknown white vehicle
R	12	19:45	FRI	LINCOLN ST	2	N	N	N	N	Y	Y	Y	N	N	D2 backed into V1 while parking.
R	13	10:50	SAT	ASHLAND ST	2	N	N	N	N	Y	Y	Y	N	N	V1 rear ended V2. V1 cited for careless driving
R	15	17:00	MON	OAK ST	2	N	N	N	N	Y	Y	Y	N	N	V1 was suddenly rear ended by V2 (motorcycle), then V2 took off. D2 cited for failure to perform duties of a driver.

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUII	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
R	25	15:57	THR	E MAIN ST	2	N	N	Y	N	N	Y	Y	N	N	V1 was rear ended by V2 due to loose rock on road.
R	25	17:53	THR	ASHLAND ST	2	N	N	Y	N	Y	Y	Y	N	N	V1 was traveling west when struck on the passenger side by V2. D2 cited for failure of driver entering roadway to yield)
NR	27	UNK	SAT	B STREET	2	N	N	U	U	N	N	N	Y	N	V2 was hit by an unknown car while parked on B Street.
R	29	12:15	MON	N MAIN ST	2	Y	N	N	N	Y	Y	N	N	N	V2 was stopped for a pedestrian when V1 rear ended them. V1 was cited for no insurance
<b>Totals</b>					<b>24</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>4</b>	<b>0</b>	

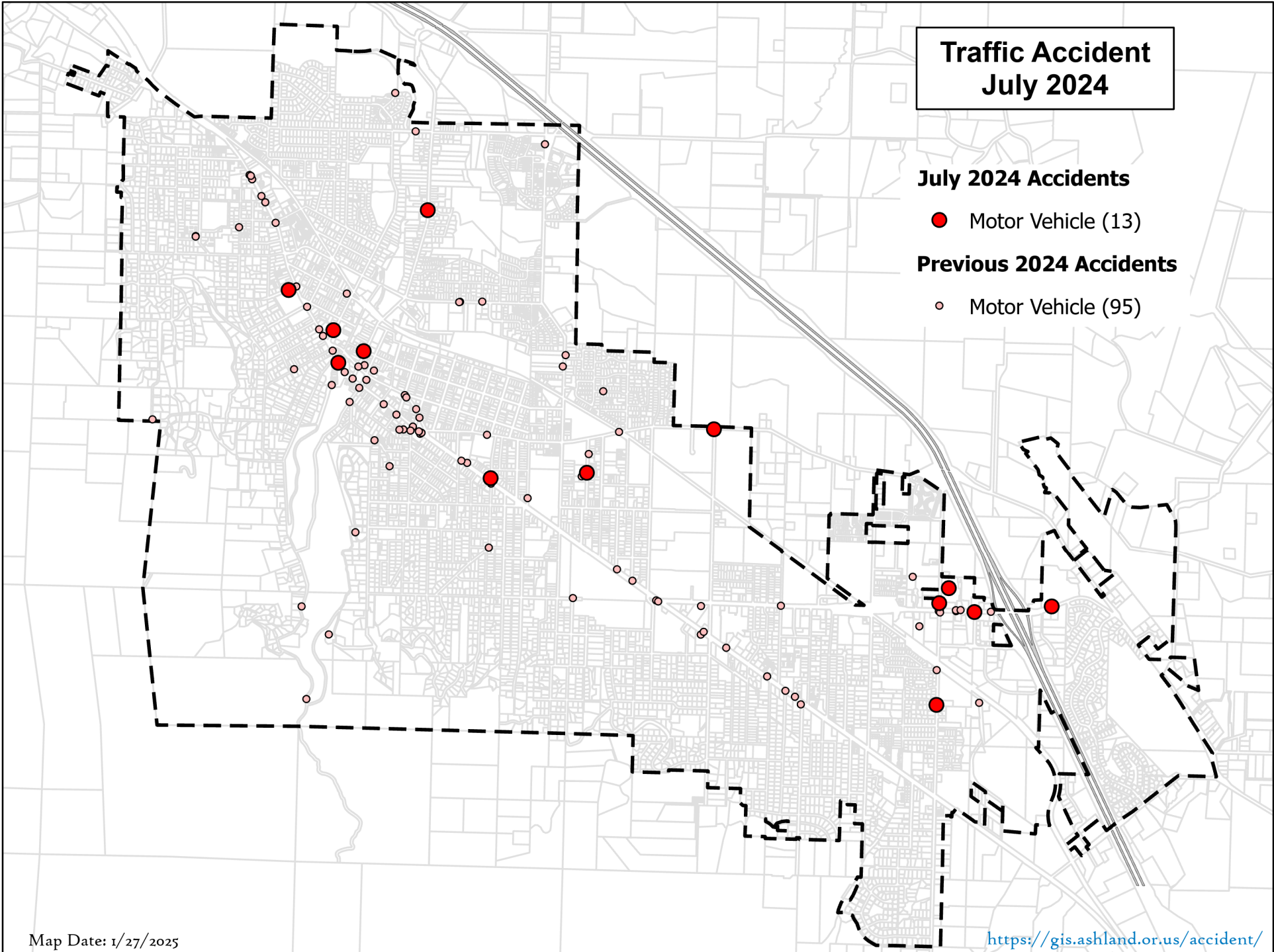
# Traffic Accident July 2024

## July 2024 Accidents

● Motor Vehicle (13)

## Previous 2024 Accidents

○ Motor Vehicle (95)



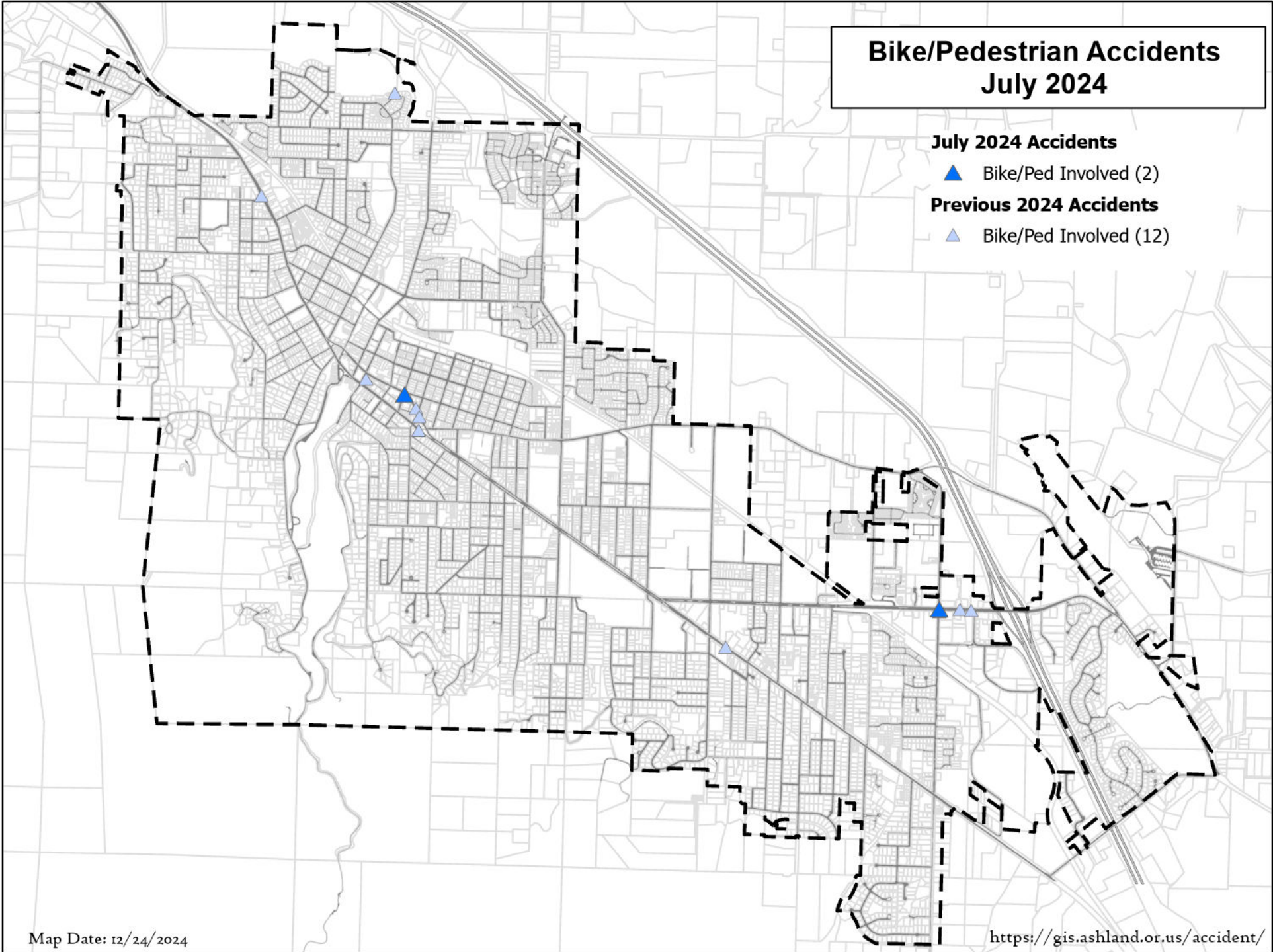
# Bike/Pedestrian Accidents July 2024

## July 2024 Accidents

▲ Bike/Ped Involved (2)

## Previous 2024 Accidents

▲ Bike/Ped Involved (12)



# MOTOR VEHICLE CRASH SUMMARY

MONTH: AUGUST

NO. OF ACCIDENTS: 14

YEAR: 2024

NO. OF PREVIOUS ACCIDENTS: 108

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUII	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
R	2	22:28	FRI	EAST MAIN ST	3	N	N	N	Y	Y	Y	Y	N	N	V1 veered into 2 legally parked cars. D1 arrested for DUII and Reckless driving
R	3	13:46	SAT	HWY 66	2	N	N	Y	N	N	Y	Y	N	N	V1 was turning left onto Hwy 66 from Oak Knoll Dr when it collided with V2
R	4	14:17	SUN	GLENVIEW DR	2	N	N	N	N	Y	Y	Y	N	N	V1 was turning left when it collided with V2. Both given citations.
R	5	5:12	MON	INDIANA ST	1	N	N	Y	Y	Y	Y	Y	N	N	V1 collided with light pole and was cited for DUII, reckless driving, and driving uninsured.
R	6	8:47	TUE	ASHLAND ST	2	N	N	N	N	Y	Y	Y	N	N	V1 struck passenger side of V2 as they were leaving parking lot. V1 didn't see V2. D1 cited.
R	8	10:53	THR	FIRST ST & A ST	2	N	N	N	N	N	Y	Y	N	N	V2 backed into V1 (parked).
R	12	18:20	MON	N MOUNTAIN AV	1	N	N	N	Y	Y	Y	Y	N	N	V1 collided with a traffic sign then a railing and over a retaining wall. D1 arrested for DUII and reckless driving.
R	12	20:04	MON	SISKIYOU BLVD	1	N	Y	Y	N	Y	Y	Y	N	N	V1 turned left on Beach St and struck Unit 2 (electric skateboarder). D1 cited for failure to yield to rider on bicycle lane
NR	13	12:00	TUE	WINBURN WAY	2	N	N	N	N	N	N	N	N	N	V1 collided into a parked V2 when attempting to park.



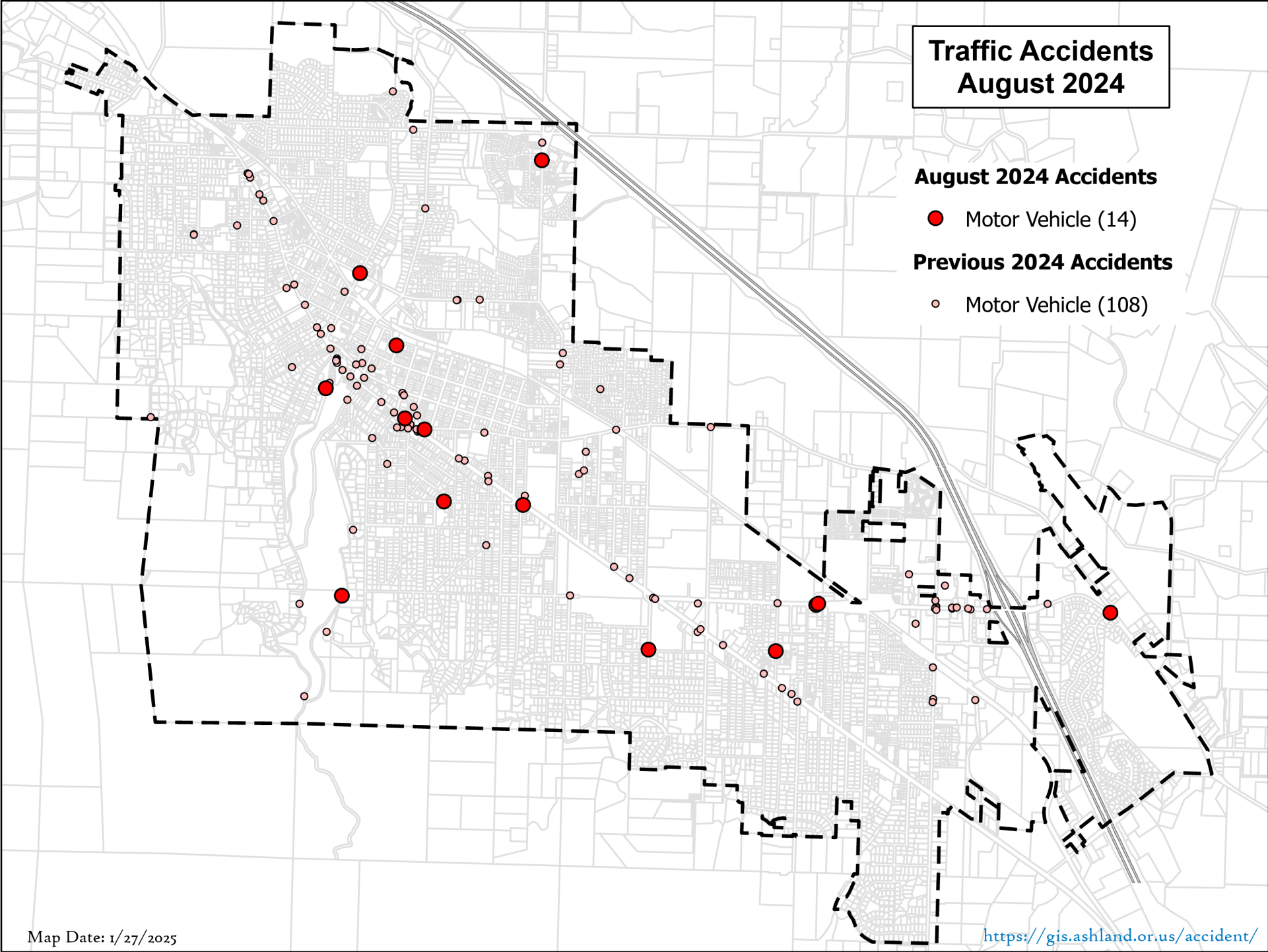
# Traffic Accidents August 2024

## August 2024 Accidents

● Motor Vehicle (14)

## Previous 2024 Accidents

○ Motor Vehicle (108)



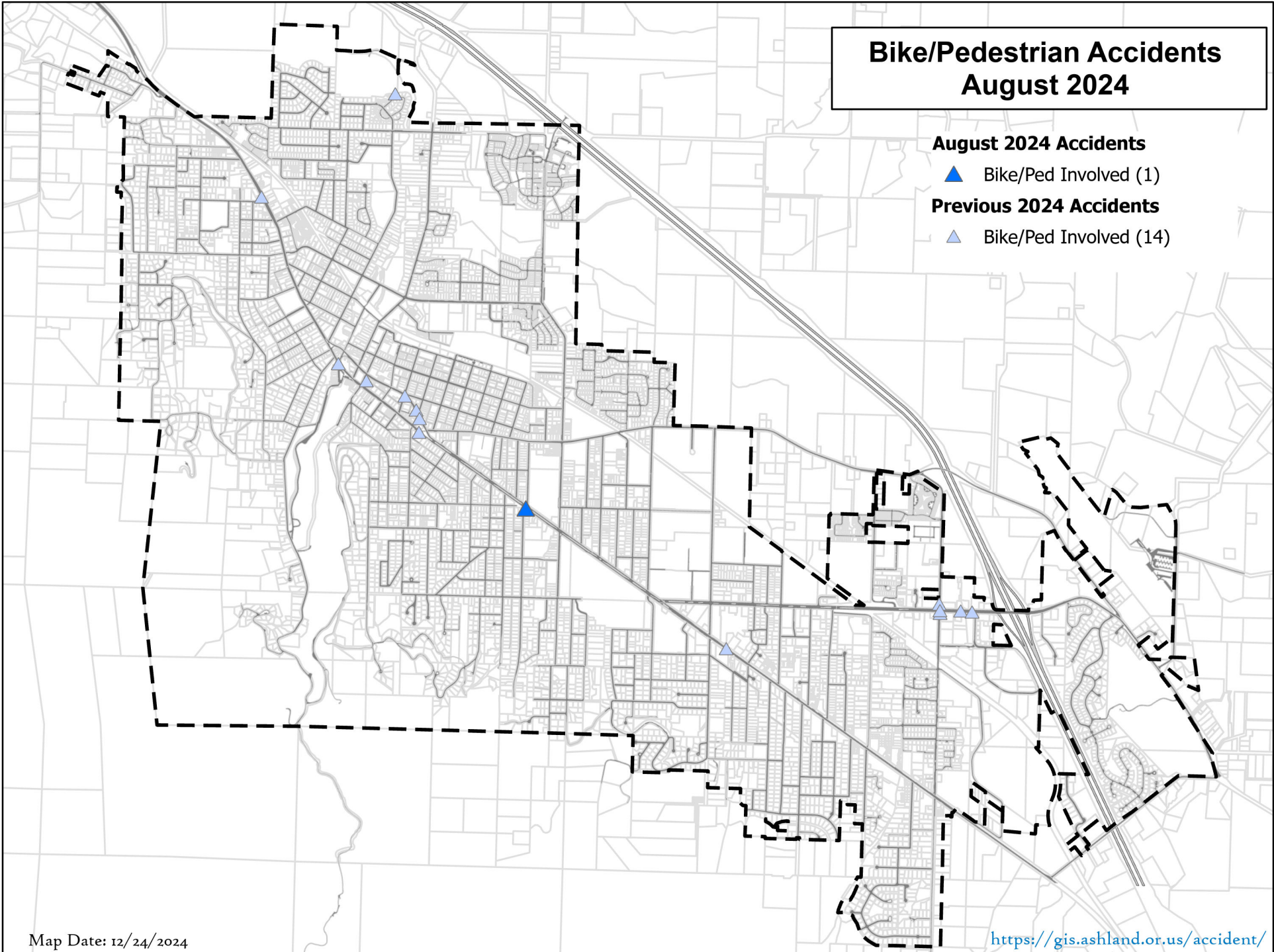
# Bike/Pedestrian Accidents August 2024

## August 2024 Accidents

▲ Bike/Ped Involved (1)

## Previous 2024 Accidents

▲ Bike/Ped Involved (14)



# MOTOR VEHICLE CRASH SUMMARY

MONTH: SEPTEMBER

NO. OF ACCIDENTS: 14

YEAR: 2024

NO. OF PREVIOUS ACCIDENTS: 122

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUII	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
R	1	20:08	SUN	SISKIYOU BLVD	1	N	Y	Y	N	N	Y	Y	N	N	V2 was traveling east in the east bound lane while V1 (bike) was traveling west in the eastbound lane. V2 attempted to swerve out of the way before collision.
NR	4	15:56	WED	SISKIYOU BLVD	2	N	N	N	N	N	Y	N	N	N	V2 was stopped at red light when V1 rear ended V2.
R	6	18:29	FRI	PALMER RD	1	N	N	N	N	N	Y	Y	N	N	V1 parked and parking brakes went out and rolled downhill into a tree and street sign
R	7	20:37	SAT	N MAIN ST	2	Y	N	Y	N	Y	Y	N	Y	N	V1 backed into parked V2, when D2 got out of car and took photos of license plate, while doing this they were struck by V1 before driving off. D2 was taken by ambulance to hospital.
R	14	0:42	SAT	TOLMAN CREEK RD	1	N	N	N	N	Y	Y	Y	N	N	V1 collided with guard rail after over correcting and going to fast. Cited for driving uninsured and operating a vehicle w/o driving privilege
R	15	13:31	SUN	SISKIYOU BLVD	3	N	N	N	N	N	Y	Y	N	N	V1 was following to close when it struck V2, V2 was stopping to wait for V3 and V1 forced them to strike V3. V3 was stopped to turn left onto Harmony Ln and was rear ended by V2. D1 was warned.
NR	18	18:25	WED	E MAIN ST & GARFIELD ST	2	N	N	N	N	N	N	N	N	N	V1 was turning left onto Garfield St when V2 failed to yield to V1 and turned left onto E Main St when the collision occurred.

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUII	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
R	21	9:24	SAT	SISKIYOU BLVD & MORTON ST	1	Y	N	Y	N	Y	Y	N	N	N	V1 was turning left onto Morton St when it struck a Pedestrian who was walking across the crosswalk with other peds. Pedestrian was taken to hospital. V1 cited 811.028
R	23	22:10	MON	WALKER AVE	2	N	N	N	Y	Y	Y	Y	Y	N	V1 struck a parked V2. Witnesses got a description of V1 and reported it. V1 was later found. D1 arrested and cited for 813.010 and 811.700
R	27	14:29	FRI	INDIANA ST	1	N	N	N	N	N	Y	Y	N	N	D2 accelerated too much as they were making a left turn and ran over the stop sign.
R	29	2:25	SUN	LITHIA WAY & THIRD ST	2	N	N	N	N	N	Y	Y	Y	N	V2 failed to stop at a red light and cross Lithia Way and colliding with V1. V2 then drove off.
R	29	10:59	SUN	ASHLAND ST & EXIT 14 OF I-5	2	N	N	N	N	N	Y	Y	N	N	V1 looked down and V2 was stopped at a red light. V1 was unable to break in time to prevent collision. V1 also struck a tree and traffic sign
NR	30	15:03	MON	ASHLAND ST & EUCLID AV	2	N	N	N	N	N	Y	N	N	Y	V1 (street sweeper) was driving around V2 (parked) when the sweeper got caught on V2's bumper and ripped off front bumper.
R	30	18:02	MON	ASHLAND ST & TOLMAN CREEK RD	3	N	N	Y	N	N	Y	Y	N	N	D1 turned left onto Tolman Creek Rd in front of oncoming traffic and struck V2 and also V3.
<b>Totals:</b>					<b>25</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>13</b>	<b>9</b>	<b>3</b>	<b>1</b>	

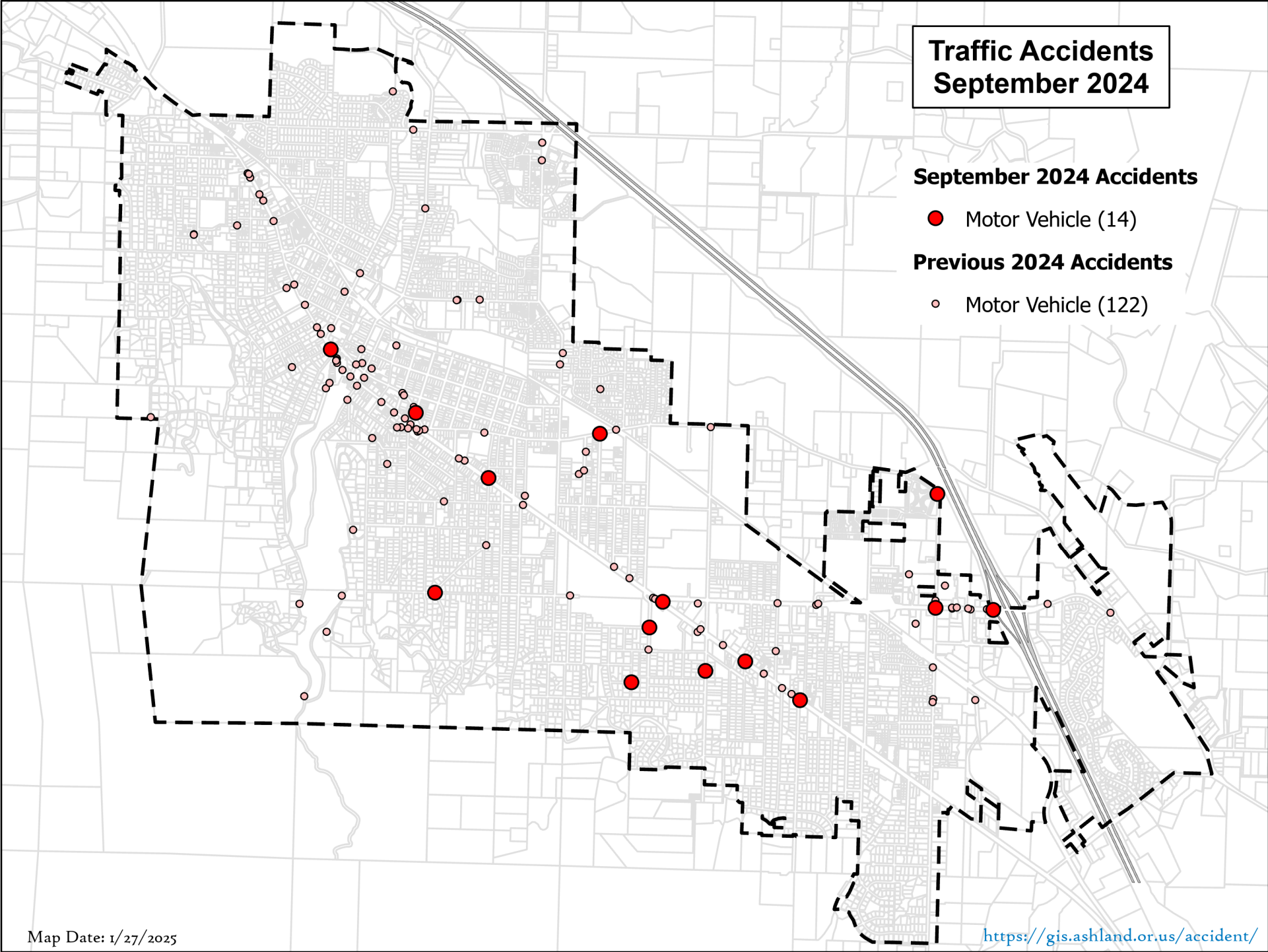
# Traffic Accidents September 2024

## September 2024 Accidents

● Motor Vehicle (14)

## Previous 2024 Accidents

○ Motor Vehicle (122)



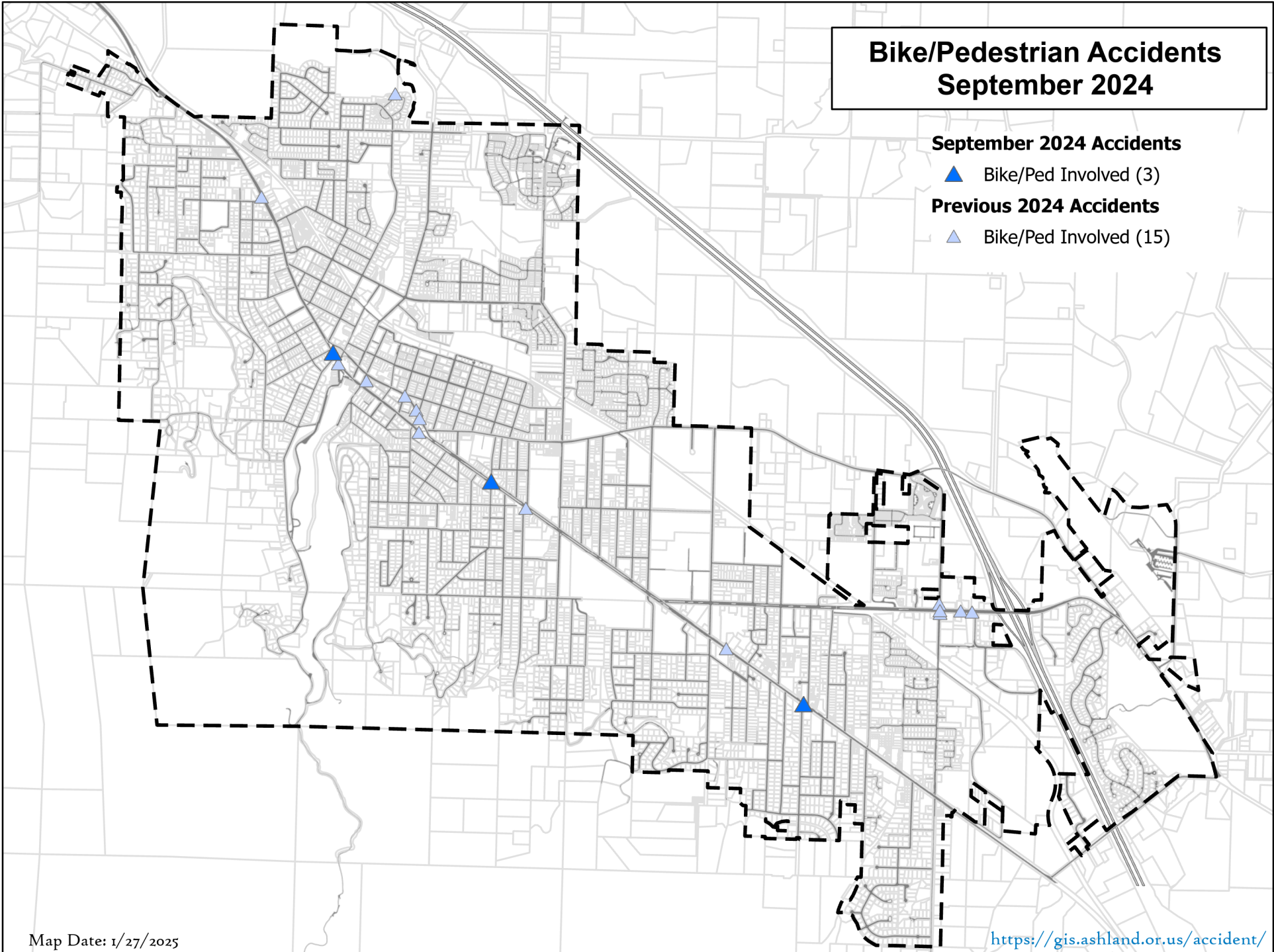
# Bike/Pedestrian Accidents September 2024

## September 2024 Accidents

▲ Bike/Ped Involved (3)

## Previous 2024 Accidents

▲ Bike/Ped Involved (15)



# MOTOR VEHICLE CRASH SUMMARY

MONTH: OCTOBER

NO. OF ACCIDENTS: 5

YEAR: 2024

NO. OF PREVIOUS ACCIDENTS: 136

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUI	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
R	4	12:03	FRI	Chestnut St & Catalina Dr	1	N	N	N	N	N	Y	Y	N	N	V1 (full size semi) collided with CoA powerlines. Unclear if V1 made an unsafe maneuver or if powerlines were too low.
R	7	15:10	MON	N Main St & Skidmore St	2	N	N	N	N	N	Y	Y	N	N	V1 turned in front of V2. D1 thought he originally had enough time to make the turn.
R	13	16:55	SUN	E Main St & California St	1	Y	N	Y	N	Y	Y	N	N	N	Pedestrian in crosswalk struck by V1 due to sun setting. D1 cited for failing to yield to pedestrian.
R	16	UNK	WED	E Main St & Hwy 66	2	N	N	N	N	N	Y	Y	N	N	V1 failed to yield at the yield sign and collided with V2.
R	18	UNK	FRI	Ashland St	2	N	N	N	N	N	N	N	Y	N	V1 was parked @ Bi-mart lot when it was backed into by an unknown vehicle with a hitch.
<b>Totals:</b>					<b>8</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>0</b>	

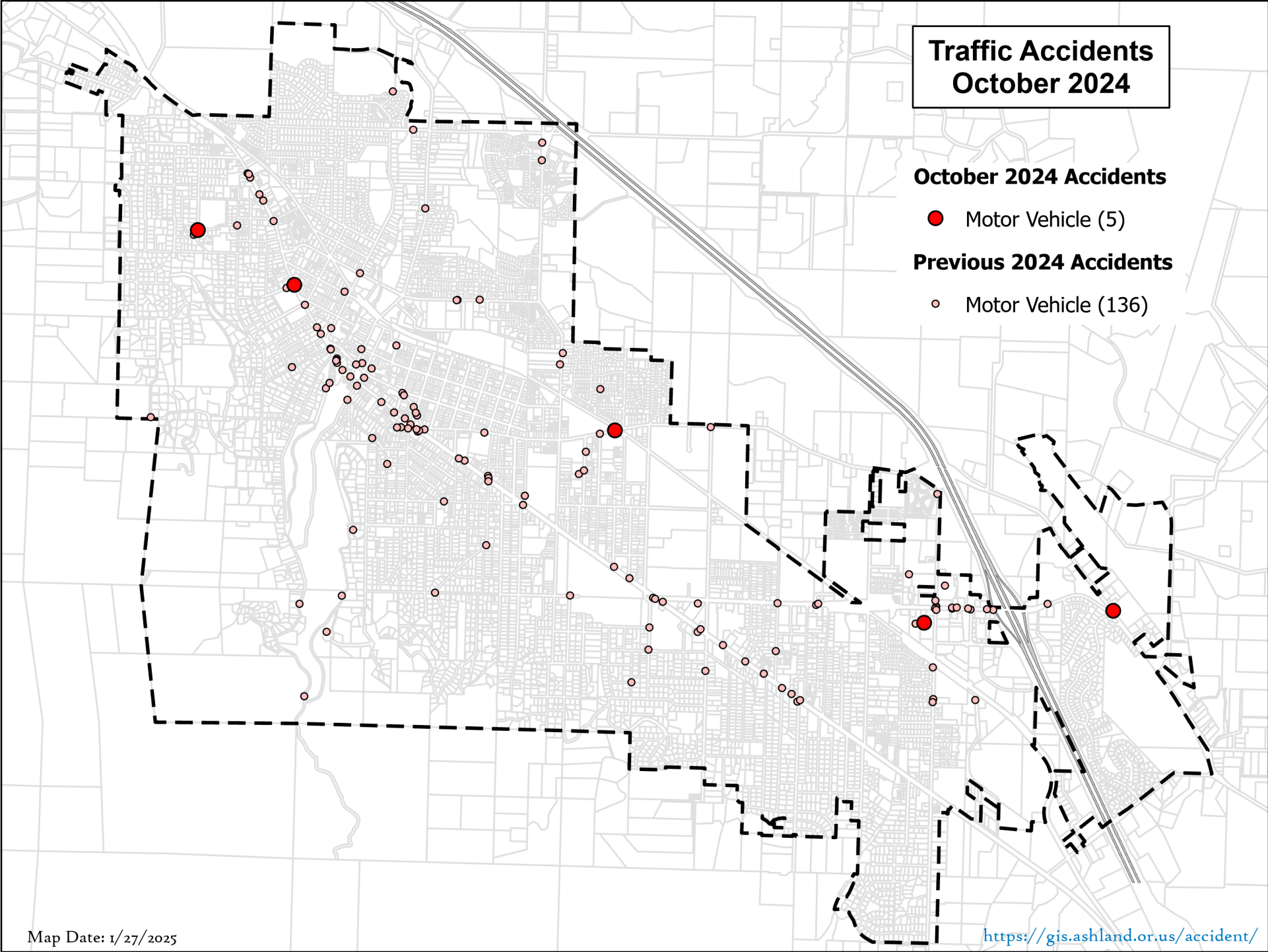
# Traffic Accidents October 2024

## October 2024 Accidents

● Motor Vehicle (5)

## Previous 2024 Accidents

○ Motor Vehicle (136)



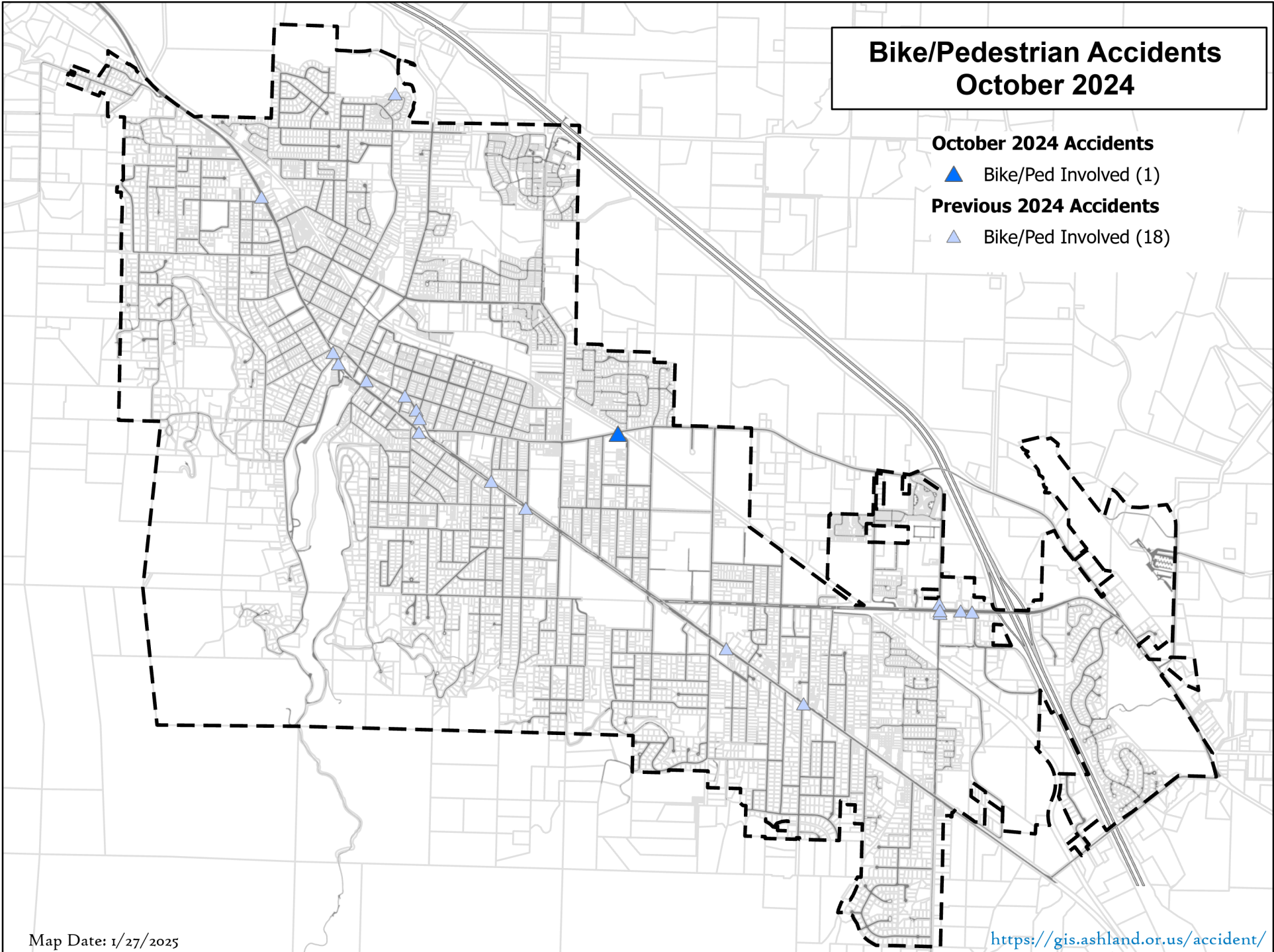
# Bike/Pedestrian Accidents October 2024

## October 2024 Accidents

▲ Bike/Ped Involved (1)

## Previous 2024 Accidents

▲ Bike/Ped Involved (18)



# MOTOR VEHICLE CRASH SUMMARY

MONTH: NOVEMBER      NO. OF ACCIDENTS: 18

YEAR: 2024      NO. OF PREVIOUS ACCIDENTS: 141

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUII	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
NR	1	10:00	FRI	PARK ST & ASHLAND ST	2	N	N	N	N	N	Y	N	N	N	V1 was avoiding hitting another car when it collided with V2 (parked).
R	4	20:11	MON	HWY 66 & OAK KNOLL DR	2	N	N	N	N	N	Y	N	Y	N	V2 maneuvered in a way to collide with V1's front left wheel well and ran off.
R	5	8:24	TUE	SISKIYOU BLVD & MORTON ST	2	N	N	N	N	N	Y	Y	N	N	V1 turned in front of V2 to cause a collision.
R	5	19:33	TUE	ASHLAND ST & CLOVER LN	2	N	N	N	N	Y	Y	Y	N	N	V2 turned onto Ashland St from the Stop sign on Clover Ln and crashed into V1 while turning. D2 cited.
R	8	22:12	FRI	CLAY ST	1	N	N	N	Y	Y	Y	N	Y	N	V1 struck a wall and mailbox and ran off. Witnesses obtained license of V1 and D1 was lodged for DUII.
R	11	7:46	MON	IOWA ST	2	N	N	N	N	N	Y	Y	N	N	V1 failed to yield to V2 when it collided with V2. D1 cited.
R	12	17:32	TUE	N MAIN ST	2	N	N	Y	N	Y	Y	Y	N	N	V2 was rear ended by V1. D1 says foot slipped off brake. D1 cited.
R	14	11:30	THR	PRIVATE PROPERTY & MISTLETOE RD	1	N	N	N	N	N	Y	Y	N	N	V1 (dump truck) failed to lower the dump truck prior to driving through a communication line and causing a utility pole to lean.
R	14	19:41	THR	ASHLAND ST & WASHINGTON ST	1	Y	N	Y	N	Y	Y	N	N	N	Pedestrian was in crosswalk with light becons activated when V1 struck P1. D1 claims they didn't see P1. D1 cited for failure to stop/remain stop for ped.

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUII	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
R	18	Unk	MON	EIGHTH ST & E MAIN ST	2	N	N	N	N	N	N	N	Y	N	V1 (parked) was struck by an unknown vehicle.
R	19	Unk	TUE	CHURCH ST	2	N	N	N	N	N	N	Y	Y	N	V1 (parked) was struck by an unknown vehicle.
NR	20	18:10	WED	SHERMAN ST & IOWA ST	2	N	N	N	N	N	N	N	N	N	V1 stopped at Sherman St and turning right onto Iowa, prior to turning, V2 cut the corner just enough to hit V1.
R	23	Unk	SAT	WATER ST	2	N	N	N	N	N	N	Y	Y	N	V1 left vehicle parked in lot for several days and upon return noticed damage to rear bumper. Unknown second vehicle and no suspect info.
R	25	16:04	MON	PARKING LOT	2	N	N	N	N	N	Y	Y	N	N	V2 improperly backed out of the parking spot and caused to collide with V1. V2 at fault.
R	26	18:57	TUE	LITHIA WAY	1	N	N	N	N	Y	Y	Y	N	N	V1 turned right onto from E Main onto Lithia way (wrong way) and struck the curb, landscaping and tree owned by CoA. D1 cited for improper right turn.
R	26	20:42	TUE	WIMER ST	2	N	N	Y	Y	Y	Y	Y	N	N	V1 collided with a parked V2. D1 arrested for DUII and reckless driving.
R	27	10:00	WED	565 CLOVER LN	2	N	N	N	N	N	N	N	Y	N	V1 (parked) was struck by an unknown vehicle.
R	28	7:36	THR	WOLLEN WAY	1	N	N	N	N	N	Y	N	N	N	V1 was unaware the vehicle was in gear and drove forward and struck the building
<b>Totals:</b>					<b>31</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>6</b>	<b>13</b>	<b>10</b>	<b>6</b>	<b>0</b>	

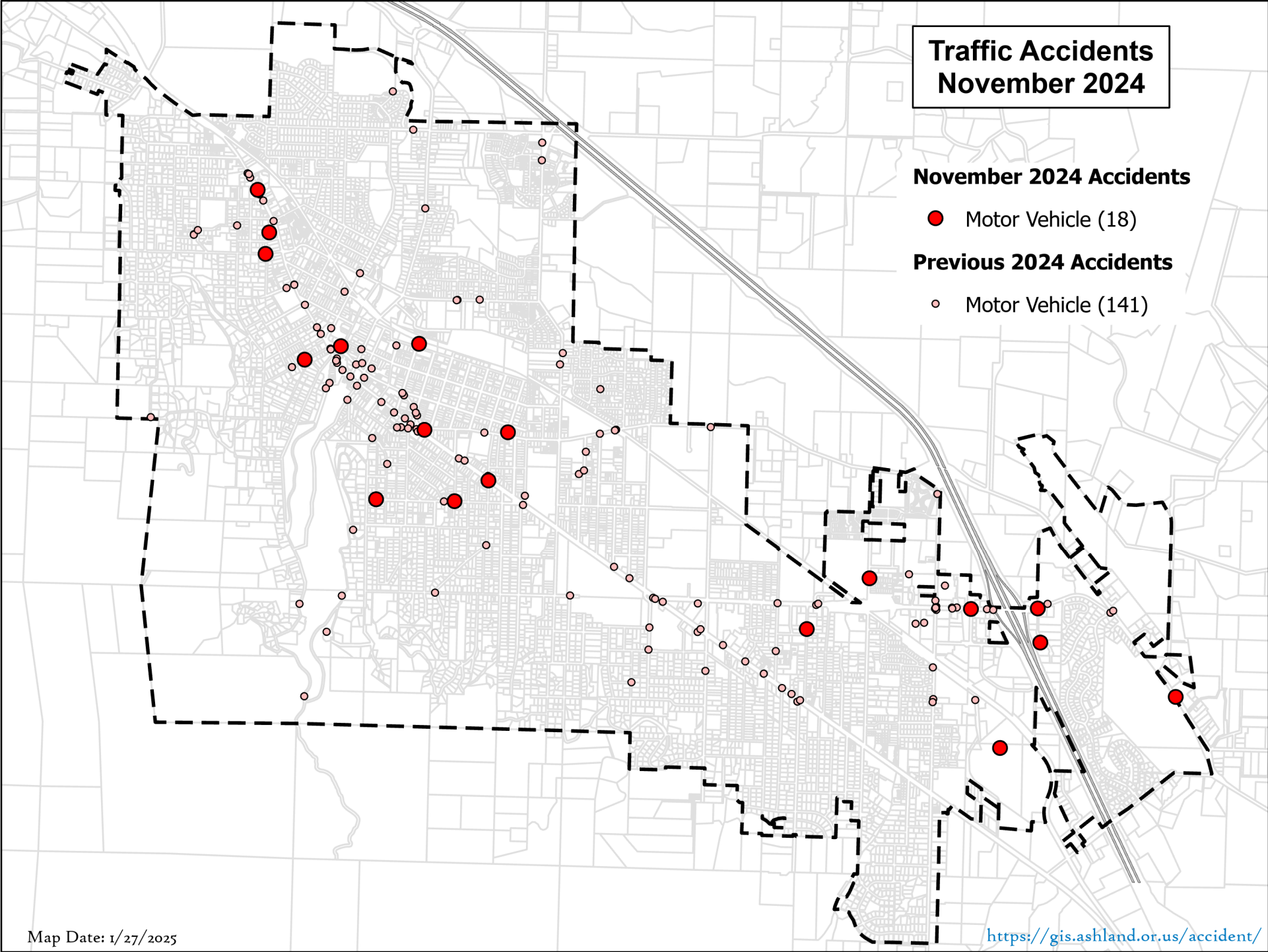
# Traffic Accidents November 2024

## November 2024 Accidents

● Motor Vehicle (18)

## Previous 2024 Accidents

○ Motor Vehicle (141)



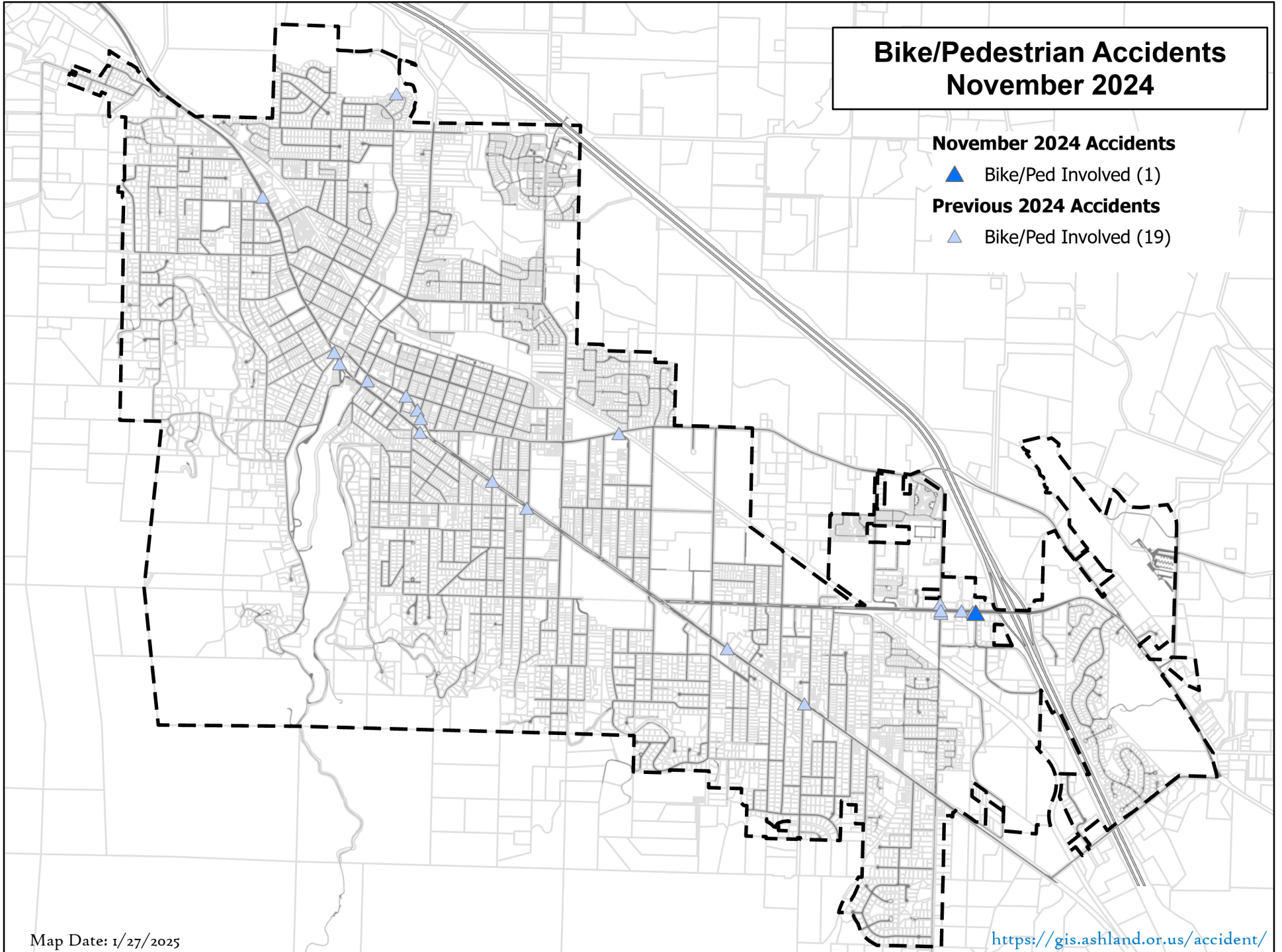
# Bike/Pedestrian Accidents November 2024

## November 2024 Accidents

▲ Bike/Ped Involved (1)

## Previous 2024 Accidents

▲ Bike/Ped Involved (19)



# MOTOR VEHICLE CRASH SUMMARY

MONTH: DECEMBER

NO. OF ACCIDENTS: 13

YEAR: 2024

NO. OF PREVIOUS ACCIDENTS: 159

Rep	DATE	TIME	DAY	LOCATION	NO. VEH	PED INV.	BIKE INV.	INJ.	DUI	Cited	Police On Site	PROP DAM.	HIT/RUN	CITY VEH.	CAUSE - DRIVER ERROR
R	2	20:13	MON	GRANITE ST & NUTLEY ST	2	N	N	N	N	Y	Y	Y	N	N	V1 did not yield to V2 after stopping at the stop sign and collided with V2. D1 cited for failure to obey traffic control device.
R	3	11:57	TUE	VISTA ST	2	N	N	N	N	N	Y	Y	N	N	V1 backed into V2 .
R	3	13:57	TUE	FIFTH ST & C ST	2	N	N	N	N	N	Y	Y	N	N	V2 failed to yield the right of way to V1 and collided with V1.
R	6	18:01	FRI	N MAIN ST & MAPLE ST	3	N	N	Y	N	Y	Y	Y	N	N	D1 was distracted at stop light and rear ended V2 which rolled into V3. D1 cited for distracted driving.
R	12	17:28	THR	ASHLAND ST	2	N	N	N	N	N	Y	Y	N	N	V1 pulled into traffic from parking lot w/o yielding and colliding with V2.
NR	14	21:00	SAT	FIRST ST	1	N	N	N	N	N	N	N	N	N	V1 struck parking sign due to icy conditions.
R	16	8:41	MON	N MAIN ST & MAPLE ST	2	N	N	N	N	Y	Y	Y	N	N	V1 rear ended V2 after becoming distracted. D1 looked down and did not see V2 come to a complete stop when V1 collided with V2.
R	17	12:29	TUE	B ST & THIRD ST	3	N	N	N	N	Y	Y	Y	Y	N	V1 backed into a parked V2 which caused V2 to push into a parked V3. V1 drove off without exchanging info. D1 cited for hit and run and reckless driving.
R	17	12:34	TUE	E HERSEY ST & PHELPS ST	2	N	N	N	N	Y	Y	Y	N	N	V1 was pulling out of parking spot as V2 was turning left. D1 cited for failing to yield right of way.
NR	18	13:53	WED	90 N MOUNTAIN AVE	2	N	N	N	N	N	Y	N	N	Y	V1 backed into a legally parked V2-CoA vehicle



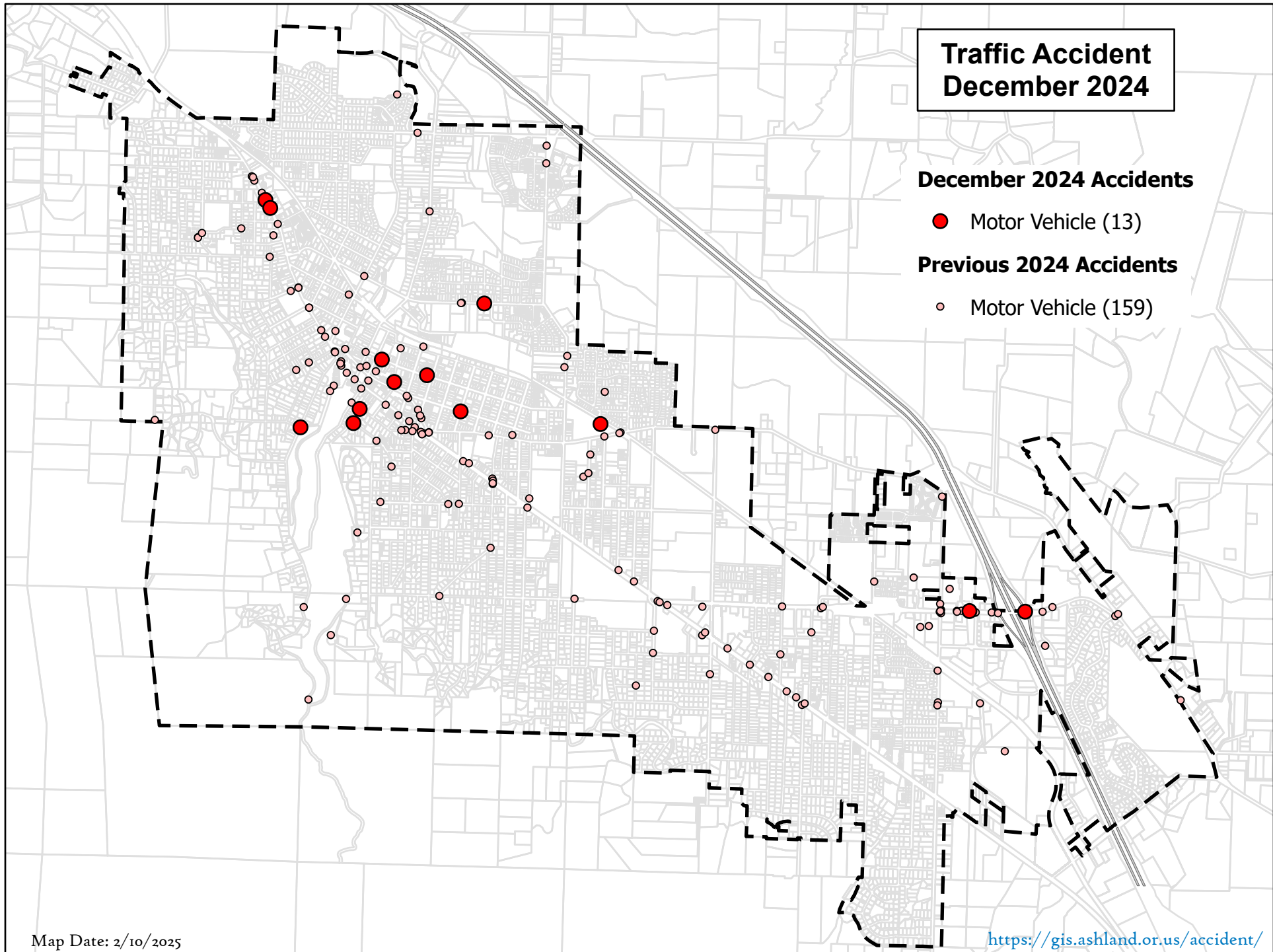
# Traffic Accident December 2024

## December 2024 Accidents

● Motor Vehicle (13)

## Previous 2024 Accidents

○ Motor Vehicle (159)



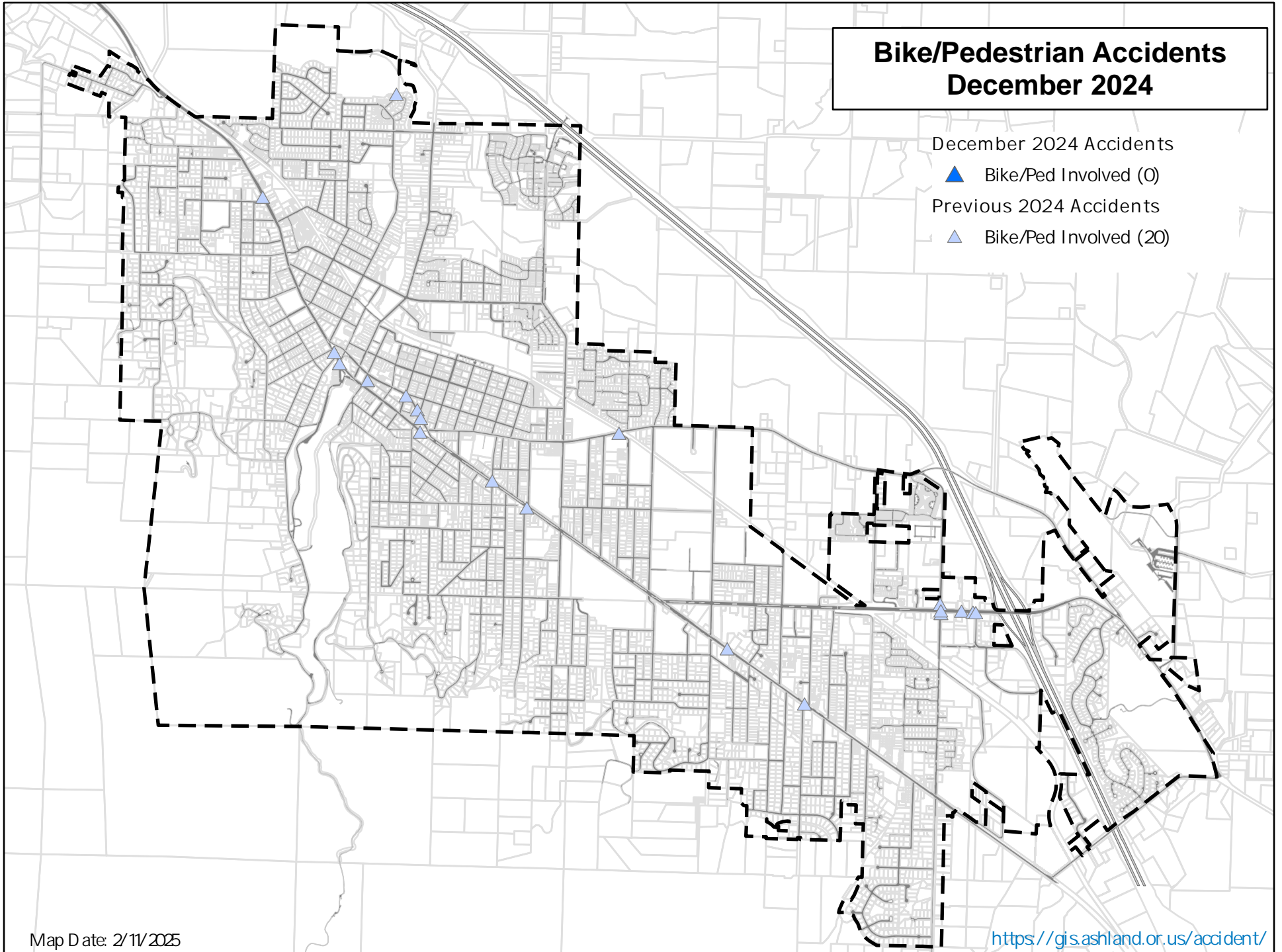
# Bike/Pedestrian Accidents December 2024

December 2024 Accidents

▲ Bike/Ped Involved (0)

Previous 2024 Accidents

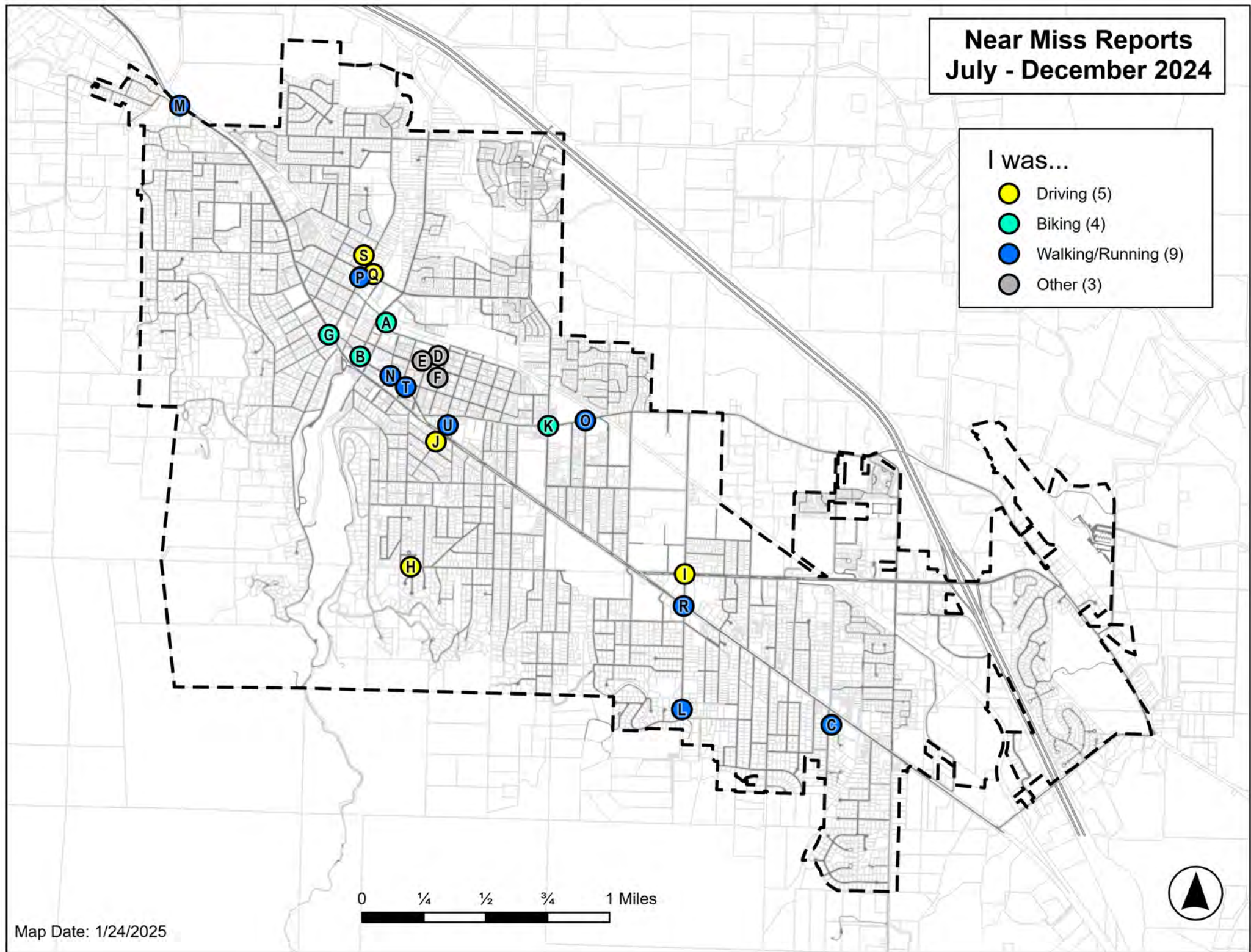
▲ Bike/Ped Involved (20)



# Near Miss Reports July - December 2024

## I was...

- Driving (5)
- Biking (4)
- Walking/Running (9)
- Other (3)



## NEAR MISS CRASH SUMMARY

July - December 2024

Entry Letter	Time and date incident occurred:	Location details:	I was a...	The other party was a...	Nature of Incident:	Details:	Contributing factors:	Additional information about contributing factors:	Describe any unreported injury, fall or crash that occurred:
A	7/3/2024, 4:40PM	South on A Street, at the intersection of Pioneer St. Driver was at Stop Sign facing East	E-Bicyclist	Motorist	Distracted driver	I was waiting on the left side of the lane behind two cars turning right onto Pioneer, when the second one turned the driver of a white Corvette was looking south on A Street for oncoming cars to make the left onto A Street, but not forward in the direction he was going and where I was. Thankfully he had the window open and heard me after the third "woah woah WOAHH" and stopped about three feet away from my leg.	No dedicated bike lane		
B	7/11/2024, 10:10:00 PM	North on Oak Street.	Bicyclist	Motorist	Bike lane blocked	A large SUV passed me to make a left to head south on Lithia Way. The SUV cut off a cyclist in the bike lane heading the same direction. The SUV didn't stop, forcing the cyclist to take quick evasive action to avoid getting hit. The cyclist appeared angry, swearing and shaking their head. Not sure the driver of the SUV ever saw the cyclist. They never stopped	No dedicated bike lane		
C	7/20/2024, 2:15 PM	Heading north crossing Siskiyou at Clay Street and the motorist was heading northwest on Siskiyou	Pedestrian	Motorist	Failure to yield to person in crosswalk	I was crossing with my guide dog using the crosswalk at Clay and Siskiyou		Needs a flasher	
D	7/25/2024, 4:52 PM	Vehicle A heading north on 3rd. Vehicle B heading east on B.	Other, sitting on my front porch	Motorcyclist	Ran a red light or stop sign	Vehicle A ran stop sign on 3rd and car traveling east on B almost broadsided Vehicle A, laying on horn, brakes and swerving wide to avoid collision	Disobeying traffic sign		
E	7/25/2024, 4:35 PM	Vehicle A driving south on 3rd. Vehicle B traveling east on B Street	Other; sitting on my front porch	Motorist	Ran a red light or stop sign, Pulled into intersection due to restricted view	3rd St. has restricted view when crossing B St.	Disobeying traffic sign	Vehicle A pulled into B St. to check traffic before stopping. Vehicle B braked and sounded horn. Vehicle A stepped on gas to clear intersection before collision	
F	7/28/2024, 6:13 PM	Intersection of 3rd and B; 3 vehicles, 2 on 3rd with 1 heading north and the other south and the third heading east on B St.	Other; sitting on my front porch	Motorist	Close call where crossing vehicles at 3rd almost got broadsided by vehicle cruising down B St.	Church at 2nd and B Street was in session. All the parking along both sides of B St. was filled. Two vehicles pulled up to stop signs at 3rd and B. Because of parked cars along B the crossing vehicles vision was obscured and they both entered the intersection to view B St. traffic. As both vehicles did so a third vehicle on B accelerated running the gauntlet between the crossing vehicles and sounded its horn in the process.	Excessive speed, Obstructed view	Need bump outs at 3rd and B so crossing vehicles can visually see past parked cars. Need high visibility painted cross walks at ends of bump outs so B St. speeders slow down	

Entry Letter	Time and date incident occurred:	Location details:	I was a...	The other party was a...	Nature of Incident:	Details:	Contributing factors:	Additional information about contributing factors:	Describe any unreported injury, fall or crash that occurred:
G	7/31/2024, 11:05 PM	I was heading south on Main street, near Pie and Vine. The #10 bus was heading in the same direction.	Bicyclist	Motorist	There is no bike lane there and bus did not yield to me	I was riding my bike in the right lane of Main street, in a place of no bike lane, the right lane is clearly marked as the bike lane there. I felt a rush behind me and realized the #10 bus was driving by me so closely I thought I was going to be hit by it. It was terrifying. The bus stayed in the right lane with me and breezed past me.	No dedicated bike lane		
H	8/1/2024, 8:00 PM	Both were on Ashland Street going towards Siskiyou Blvd	Motorist	Motorist	How does a motorist pull over if there is an Emergency Vehicle behind them with Flashing Lights on Ashland St and the new bike lane poles prohibit pulling over to the right on Ashland St	An Emergency Vehicle was behind me with Flashing Lights on Ashland St and the new bike lane poles prohibit pulling over to the right on certain parts of Ashland St. What is the correct protocol, do you keep driving until you can pull over or just stop in the right lane? I happened to be in the left lane so I was able to turn into Market of Choice to avoid having to pull over.			
I	8/14/2024, 4:30 PM	Across Ashland Street on Walker Ave.	Motorist	Motorist	Driver not yielding to other car when turning left.	I'm a 68 year old male driver. The other driver seemed like a male in his early twenties. Weather was clear and dry. The other car was turning left coming up Walker Ave. They turned in front of me. I slammed on my brakes and skidded. They veered hard left and gassed their car and then stopped. Close call.			
J	8/26/2024, 11:33 PM	Heading downhill towards Siskiyou Blvd on Union St. From my home on Allison St. They were turning from the alleyway between Siskiyou and Allison onto Union.	Motorist	Motorist	Distracted Driver,other	I was already in the lane of traffic driving and they pulled out very nearly into me. I had to slam on my breaks and honk to get them to stop from hitting me. They didn't stop at all at the exit to the alleyway. Driver was white Tacoma truck with license plate XXX XXX on an Oregon decor plate. They continued to head north on Siskiyou after the near miss.	Obstructed view,other	This section of street is often very crowded by street parking. Additionally at the intersection of Allison and Union there are many near misses as no one yields at the interaerctions that don't have signs to indicate to do so.	
K	8/28/2024, 3:33 PM		Bicyclist	Motorist	Distracted Driver	As I was going straight on E main towards downtown (in the bike lane) a car going the same direction turned right in front of me to head down Mountain Street. I slammed on my brakes and yelled at them. The car stopped before we collided. The driver was on the phone and actually looked at me and said, "Oh sorry. I am on the phone."	No dedicated bike lane	Even if the road was finished being sealed and the bike lane lines were painted it would not have changed anything. A green bike lane might be helpful.	

Entry Letter	Time and date incident occurred:	Location details:	I was a...	The other party was a...	Nature of Incident:	Details:	Contributing factors:	Additional information about contributing factors:	Describe any unreported injury, fall or crash that occurred:
L	9/25/2024, 1:38 AM	1000 block of Walker Ave. Vehicle headed toward Siskiyou Blvd, my family was walking in the same direction.	Pedestrian	Motorist	Distracted Driver	Young driver, driving very, very fast while using his cell phone. Black Honda Civic. This is not the first occurrence.	Excessive speed		
M	9/3/2024, 5:34 PM		Pedestrian	Motorist	Passing too close, Not enough time to cross, Failure to yield to a person in, Bike Lane blocked	Traffic coming east on Hwy 99 nearly hit a car coming out of N. Main st at the intersection just west of Schofield St when a runner was also heading up the hill traveling east on N. Main. The traffic seems to come up the hill on Hwy 99 and into Ashland at a much higher speed limit than the posted amount.	Excessive speed		
N	10/4/2024, 3:00 PM	Corner of Post Office.	Pedestrian	Bicyclist	Use of bike/skateboard on sidewalk, other	Rider came off northwest bound Lithia on to north bound 1st Street. He used the sidewalk ramp and his own lift to go airborne at about 15-20 mph. He missed me by about 10 feet. Had I been there 2 seconds earlier he would have hit me. Riding bike from street to street across sidewalk in a very dangerous manner.	Obstructed view, Excessive speed, other	Sadly, this is typical of some young male [late teens or early 20s] mountain bike riders.	
O	11/25/2024, 12:05 AM	Crosswalk at Main St and Garfield St.	Pedestrian	Motorist	Distracted Driver	A car almost hit me, failing to stop at the crosswalk with me in it.	Excessive speed		
P	12/5/2024, 10:00 PM	Crosswalk of Hersey and Helman going west to downtown.	Pedestrian	Motorist	Failure to yield to person in crosswalk	I was halfway in the cross walk when I noticed car approaching from my right and not slowing down. I waved to her in the black sedan car she looked at me and kept driving south thru the crosswalk. The car missed me by around 5 inches. Scared me to death. The car behind and the car behind him saw this. I yelled at her and waved both my arms in the crosswalk she did not stop. I have heard on Next Door this happens frequently.	Excessive speed, other	Please put flashing lights in the crosswalk. The city really needs more in many crosswalks in town. I have posted this incident on Next Door/Quiet Village. Many responses.	
Q	11/28/2024, 9:02 PM	The intersection of Helman and Hersey	Motorist	Motorist	Ran a red light or stop sign				
R	12/14/2024, 9:13 PM	Siskiyou Blvd & Walker Ave.	Pedestrian	Other	Crosswalk system failure	If one walks on the South side of Siskiyou Blvd, heading East (away from the Plaza), when you try to engage the pedestrian signal with the associated switch, you never get a protected crossing. If walking West, the pedestrian signal works as expected. The hazard is to pedestrian traffic.	Pedestrian crossing system failure.		
S	12/15/2024, 10:23 PM	Corner of Helman and Hersey	Motorist	Motorist	Failure to yield to a person in, Ran a red light or stop sign	Two cars headed east on Hersey ran the stop sign. There was a pedestrian in the crosswalk.			

Entry Letter	Time and date incident occurred:	Location details:	I was a...	The other party was a...	Nature of Incident:	Details:	Contributing factors:	Additional information about contributing factors:	Describe any unreported injury, fall or crash that occurred:
T	12/17/2024, 4:27 PM	2nd St and Lithia Way	Pedestrian	Motorist	Turning through an active cross, Distracted Driver, Failure to yield to a person in				
U	12/16/2024, 5:00 AM	Siskiyou and union pedestrian crosswalk	Pedestrian	Motorist	Failure to yield to a person in	I was crossing the street with my dog. We had stopped before starting across the street and we were in the crosswalk. When we were about halfway across the street, a big black Ford truck turned right from siskiyou, swerved around and almost hit us. I had to pull my dog back so that he didn't get hit by the giant truck tires I screamed and the driver didn't stop, they drove several blocks away and then turned right. It is somebody who lives right near the corner, though, as I've seen the truck parked there since the incident.	Excessive speed	I think this person didn't see me, but it was especially bad that they did not stop after they almost hit me	

# Memo

CITY OF  
ASHLAND

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Date: February 13, 2025  
From: Scott A. Fleury  
To: Transportation Advisory Committee  
RE: E-Bikes Educational Material

## **BACKGROUND:**

The TAC was interested in developing education and outreach materials the City could utilize moving forward as part of the multi-prong approach.

Staff did some minor research on educational materials and a few resource links are below and a few attachments are also included.

<https://ipmba.org/resources/e-bike-resources>

<https://www.calbike.org/new-e-bike-training-resources-come-online/>

<https://www.peopleforbikes.org/news/introducing-e-bike-smart-a-new-rider-education-program>

<https://www.chp.ca.gov/programs-services/services-information/bike-and-ped-safety>

the TAC outlined how and who the information could be coordinated/distributed to and thru.

1. Coordinate with RVTB on education (they teach a class)
2. Develop brochures and educational materials and distribute
  - a. City website
  - b. Bike shops
  - c. Utility Billing flyer
  - d. Southern Oregon University
  - e. Safe Routes to School Coordinator
  - f. Ashland School District
  - g. Ashland Police Department

## **CONCLUSION:**

Action required, continued discussion on program development for education and outreach measures.

# RIDE READY

## **R***ide Predictably*

- Ride in a straight line to minimize weaving in traffic
- Signal before making a turn
- Check behind you before making a turn or changing lanes

## **E***mbrace the Rules of the Road*

- Obey all traffic signals and signs
- Ride in the rightmost lane or bicycle lane in the same direction as traffic

## **A***lways Think Ahead*

- Make sure your bike is good to go with an ABC-E Quick Check
- Carry tools and supplies for your ride
- Watch for turning vehicles and car doors
- Brake sooner on an e-bike. You will need to slow down sooner because e-bikes have more power, speed, and weight than conventional bicycles

## **D***o Be Seen and Be Safe*

- Ride where people can see you
- Wear bright clothing
- Use a front white light, rear red light and reflectors if riding during times of darkness

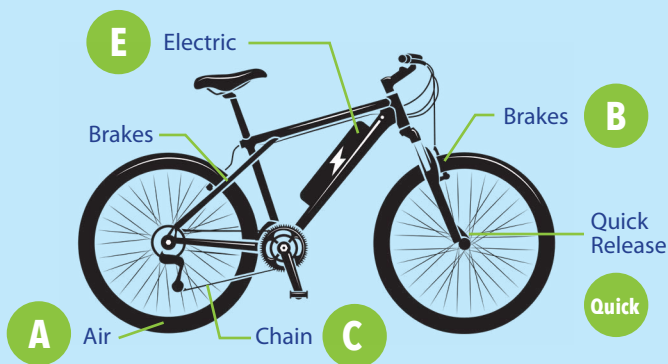
## **Y***ou Control Your Safety*

- Always wear a helmet
- Ride at a safe speed that is appropriate for where you are riding
- Think for yourself on group rides. While riding in a group is fun, it is crucial that you rely on your own judgement rather than someone else's

# E-Bike

## SAFE CYCLING TIPS

Bicycle Safety Check is as easy as A.B.C.E. Quick Check



### ABC-E Quick Check

**Air** - check tires for air

**Brakes** - check brakes for wear

**Chain & Cassette** - check for excessive wear/dirt

**Electric** - check battery and electric components

**Quick** - check quick releases

**Check** - check the bike for any potential issues

### Safety Tips when Riding

#### **Be Safe:**

Wear a helmet

Identify hazards and be ready to react

#### **Be Visible:**

Dress for safety and be seen

Wear reflective clothing to be seen at night

#### **Be Aware:**

Think ahead. Pay attention to vehicles, bicyclists, and pedestrians

Follow rules and road signs. Follow traffic direction of travel

#### **Be Predictable:**

Ride in a safe and consistent manner

Communicate your intentions with hand and arm signals

For more safety tips, please visit us  
online at [www.chp.ca.gov/Bike-and-Ped-Safety](http://www.chp.ca.gov/Bike-and-Ped-Safety)

Or scan our QR code



# ELECTRIC BIKE & ELECTRIC SCOOTER SAFETY

Learn how to charge your lithium-ion powered devices safely

electrical **safety**  
FOUNDATION

Electric bikes and scooters, powered by lithium-ion batteries, enhance our lives, but with such convenience comes responsibility. In many cities, lithium-ion batteries have become one of the leading causes of fires and fire deaths. Learn how to charge your devices safely.

## Where to Buy Devices and Equipment



Purchase from a **trusted retailer** who stands behind their products.



Purchase devices that have a **manufacturer's warranty**.



Purchase devices that have been tested and listed by a **Nationally Recognized Testing Laboratory** and have one or more of these symbols.

## What to do Once You Get Your New Device



Always **review the device's manual** before using.



Always use **manufacturer provided gear**.



Always purchase additional batteries from **reputable retailers**. Uncertified batteries can be a fire hazard.

## Where to Charge and Where to Store



Always charge and plug **directly into a wall outlet**.



Charge in a **flat, dry area** away from children and sunlight.



**Never charge near doors or entryways** – if a fire occurs, it can block your exit.



**Never leave a charging battery unattended**. Unplug as soon as it is done charging, and never charge overnight.

## Signs of a Problem



If you notice an **odd odor**, **discoloration**, or **hear something unusual** from your device, it could be a sign of danger. Move the device from anything flammable and call 911.

## Take CHARGE of Battery Safety

- C**hoose certified products
- H**andle lithium-ion devices with care
- A**lways stay alert for warning signs
- R**ecycle devices and batteries properly
- G**et out quickly if there's a fire
- E**ducate others on safe practices

ESFI.org

f [www.facebook.com/ESFI.org](https://www.facebook.com/ESFI.org)

t [www.twitter.com/ESFI.org](https://www.twitter.com/ESFI.org)

y [www.youtube.com/ESFI.org](https://www.youtube.com/ESFI.org)



## International Police Mountain Bike Association

### Board Position Paper - Use of e-Bikes by Public Safety Cyclists – February 2025

As the leader in the field of public safety cycling, IPMBA endeavors to keep abreast of changing technologies, methodologies, and other factors that affect public safety bike operations. This includes equipment and devices for use in training and in the field. IPMBA comprises a diverse group of law enforcement officers, EMS personnel, and security professionals. These public safety cyclists operate their equipment under a wide range of environmental conditions, from rocky trails to urban settings, and in all kinds of weather. IPMBA teaches the skills necessary to safely operate a bicycle in a patrol capacity. As in other areas of public safety, different environments call for different apparatus; therefore, vehicle operations skills are designed to be transferable to other, similar vehicles.

IPMBA has long encouraged its members to remain open-minded and to experiment with new products and technologies in an ongoing effort to increase safety, comfort, and effectiveness.

Electric bicycles, referred to as e-Bikes, have experienced widespread adoption throughout the cycling industry. Advancements in technology and a corresponding reduction in the cost of many makes and models have made them more appealing to and effective for public safety agencies, many of which have added e-Bikes to their bicycle fleets. In keeping with the mission of providing the best practices for public safety cycling training and operations, IPMBA will strive to meet the needs of those public safety cyclists who operate e-Bikes in the line of duty.

Content for this position paper includes input from IPMBA members, industry representatives, and other subject matter experts, as well as the results of an e-Bike survey conducted by IPMBA in January 2019.

This position paper was reviewed and approved by the IPMBA Board in April 2019, and updated in August 2020 and February 2025.

#### **Background:**

There continues to be confusion amongst consumers, retailers, suppliers, policy makers, and public safety professionals as to what comprises a legal e-Bike.

According to People for Bikes:

Under federal law, an electric bicycle is referred to as a “low-speed electric bicycle (LSEB),” which is defined as “a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.” Significantly, this definition provides a maximum assisted speed that an electric bicycle can travel when being powered only by the motor, but does not provide a maximum assisted speed for when an electric bicycle is being powered by a combination of human and motor power.

Federal law does not preempt any state traffic laws or vehicle codes. While there is a preemption provision in Public Law 107-319, that provision is limited in scope to product safety regulation. Therefore, Public Law 107-319 has no impact on state traffic laws or vehicle codes, which regulate the use of electric bicycles, and it is still necessary to update these laws to incorporate these devices.



Electric-assisted bicycles have been defined and regulated at the federal level since 2002. Public Law 107-319 established that electric bicycles are regulated as consumer products under the Consumer Product Safety Act, and more specifically, subject to the same regulations that govern traditional, human-powered bicycles. Thus, electric bicycles are regulated by the Consumer Product Safety Commission, and must comply with the bicycle safety standards at 16 C.F.R. Part 1512. In addition, electric bicycles are explicitly not “motor vehicles” for the purposes of federal law, and are not subject to National Highway Traffic Safety Administration vehicle standards. As a practical matter, Public Law 107-319 ensures that electric bicycles are designed, manufactured, and tested like traditional bicycles for the purposes of consumer product safety law. The main provisions of Public Law 107-319 are codified at 15 U.S.C. § 2085.”

In an effort to establish a uniform definition of an e-Bike, People for Bikes promotes a three-class system to categorize e-Bikes. As stated on their website, “In 2015, the Bicycle Product Suppliers Association (since merged with People for Bikes) mobilized manufacturers and suppliers to establish e-bike classifications based on the product sold in Europe and consistent with U.S. federal regulations around e-bike manufacturing and sales. E-bikes were organized into three classes, which separated low-speed e-bikes from higher-powered vehicles and simplified the process of establishing regulations around the use of each class.”

The three classes of e-Bikes are as follows:

- **Class 1:** a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles (32k) per hour.
- **Class 2:** a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles (32k) per hour.
- **Class 3:** a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles (45k) per hour, and is equipped with a speedometer.

For all classes, the maximum power output is 750 watts (1 h.p.), and manufacturers and distributors of electric bicycles would be required to apply a class identification label to each electric bicycle.

The three-class system also creates rules governing the use of electric bicycles, with safety as the top priority. Class 1 and 2 electric bicycles are permitted to travel anywhere traditional bikes are permitted, as the maximum assisted speed of these devices is closely aligned with speeds traveled by traditional bicycles. Class 3 electric bicycles may be ridden on streets and roadways where traditional bicycles are permitted, including bicycle lanes, but are restricted from slower speed areas such as multi-use paths. Class 3 electric bicycles are subject to additional requirements, such as a minimum user age and helmet mandate. Electric bicycles are not subject to any licensing, registration, or insurance requirements.

Electric vehicles which do not meet the definition of one of the three classes are referred to as Out of Class Electric Vehicles (OCEVs). E-Bikes that are designed or illegally modified to exceed the maximum speeds in each classification are not LSEBs and are subject to different regulatory standards for equipment and use. Some OCEVs can reach top assisted speeds of 50 mph/80 kph and weigh more than 150 pounds/68kg, not including accessories and duty gear. These OCEVs may be defined as mopeds, motorized bicycles, scooters, motorcycles, or motor vehicles, depending on the applicable vehicle code and may be marketed, sold, and used in compliance with the law. However, while OCEVs may have a place within a department’s vehicle fleet, agencies are advised not to treat them in the same manner as conventional bicycles or low-speed electric bicycles.



A current state-by-state status report pertaining to the model legislation is maintained on the People for Bikes website.

#### **Position:**

IPMBA recognizes there are distinct differences, advantages, disadvantages, and other factors each agency must consider when deciding whether to integrate e-Bikes into a specific service environment. Therefore, IPMBA hereby authorizes participants in IPMBA training to ride e-Bikes that meet their agency's needs and that can be safely used to complete the training requirements. In addition, IPMBA recognizes that OCEVs are not legally defined and regulated as e-Bikes and, therefore, will not allow OCEVs in any IPMBA training. IPMBA does not believe that training designed to teach public safety personnel how to safely operate conventional bicycles or low-speed e-Bikes in the line of duty is sufficient for personnel assigned to use the potentially much faster and heavier OCEVs.

#### **Decision Factors:**

When determining whether or not to invest in e-Bike technology, the following should be taken into consideration.

*Advantages:* Faster response times, less fatigue, expanded patrol range, increased carrying capacities, enhanced community engagement, and potentially more interest in bike units.

*Disadvantages:* Increased cost, increased weight, additional maintenance costs, and potentially more complicated technology failures.

*Other factors:* Effects on riding techniques, including slow-speed handling and obstacle-clearing skills; effects of increased speed on cycling in traffic and/or during group rides; technology-related factors such as battery life and riding range; tactical considerations; and legalities.

Those responsible for equipment selection and procurement are encouraged to conduct a needs assessment that includes such factors as operational environment, riding style, frequency, laws pertaining to e-Bike use and access, etc. They are encouraged to consult subject matter experts within the public safety and cycling industries to help ensure they make the right choices.

#### **Training:**

IPMBA recommends that students first complete the applicable course on a conventional bicycle in order to develop competency in the basic skills and then undertake e-Bike-specific training to learn how to successfully transfer those skills to an e-Bike. Instructors may benefit from making conventional bikes available to those who choose to undergo initial training on an e-Bike in case they need to first gain confidence and skills on a bicycle that is not equipped with power-assist features.

IPMBA Instructors are responsible for ensuring that each student is equipped with a well-maintained, properly fitted, legal e-Bike and for evaluating the safety of all e-Bikes prior to the start of each course. These assessments are to identify obvious equipment problems that may jeopardize the safety of the operator. If an e-Bike is found to be poorly constructed or maintained, poorly fit or otherwise unsafe, illegally modified, or does not meet the classification of an LSEB, it is the instructor's responsibility to prohibit the rider from using it in training. It is the student's responsibility to heed the advice of the subject matter expert and either withdraw or locate a more suitable bicycle.

### **Out of Class Electric Vehicles:**

IPMBA foresees potential safety concerns, legal limitations, negative community perceptions, and liability issues arising from treating OCEVs like e-Bikes and therefore urges agencies to differentiate between low-speed electric bicycles and higher-speed OCEVs with respect to training and operations. While OCEVs may have a place in a department fleet, they should not be incorporated into bicycle operations for reasons including, but not limited to ones listed.

- Public safety cycling courses are not designed to teach riders how to operate at high speeds. Even riding a conventional bicycle at speeds greater than 28 mph/45 kph greatly increases the risk of serious injury in the event of a crash. Developing such skill requires a level of training and practice beyond what a public safety agency typically invests in bicycle training.
- Public safety cycling apparel, eyewear, and helmets are not designed to withstand the impact of high-speed crashes. The faster the vehicle, the greater the need for heavier, more durable personal protective equipment.
- OCEVs may or may not be equipped with adequate braking systems to compensate for their weight, speed, and rate of acceleration, putting riders at risk for collisions and crashes.
- OCEVs are not necessarily appropriate in environments and situations for which bicycles are uniquely well-suited. For instance, a rider may have difficulty operating an OCEV slowly and safely in crowds, navigating around and over obstacles, and carrying it up a set of stairs. OCEVs are also impractical for Bicycle Response Team maneuvers and less effective for stealth operations. OCEVs cannot be quickly mounted and carried on vehicle-mounted bicycle racks.
- Depending on the jurisdiction, it may be illegal to operate an OCEV on facilities often patrolled by bicycle, such as multi-use and off-road trails. Operating an OCEV in these areas may not be well-received by community members who are not afforded such privilege. In addition, operating an OCEV on pedestrian facilities during exigent situations, even if legal, could unduly endanger other users.
- There is a greater potential for equipment damage as the result of being dropped in the event of a dynamic dismount or otherwise in the course of normal operations.

### **Conclusion:**

It is the responsibility of instructors to familiarize themselves with e-Bikes and their operation, differences, advantages, disadvantages, and other considerations unique to public safety cyclists. If an instructor has little or no experience with e-Bikes, it may be difficult to instruct students on the proper operations of an e-Bike and the need to alter certain techniques to successfully complete required skills. However, instructors are not, nor should they be expected to be, experts in e-Bike construction or knowledgeable about all makes, models and drive unit (motor) types.

IPMBA teaches the skills needed to operate bicycles safely and effectively within a front-line service environment. We embrace technological changes and encourage agencies to select bicycles that best suit their service environment. It is the responsibility of the IPMBA instructor to ensure that each rider masters all skills necessary to successfully complete the training requirements so they will be able to handle their individual bicycles competently in technical, vehicular, and operational cycling situations.