



Eugene City Council

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AMENDED AGENDA EUGENE CITY COUNCIL

July 24, 2019

**12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**Meeting of July 24, 2019;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Betty Taylor, President
Mike Clark
Chris Pryor
Jennifer Yeh

Emily Semple, Vice President
Greg Evans
Claire Syrett
Alan Zelenka

Note: This agenda was amended to reflect the addition of Items 1 and 3.

12:00 p.m. EUGENE CITY COUNCIL WORK SESSION

- 1. Committee Reports and Items of Interest**
 - **Motion Related to City Manager's Performance Rating Average**
- 2. WORK SESSION: Implementation of Construction Excise Tax and Use of Affordable Housing Trust Funds**
- 3. WORK SESSION: Protections for Individuals Ordinance Update**

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El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Implementation of Construction Excise Tax and Use of Affordable Housing Trust Funds

Meeting Date: July 24, 2019
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Stephanie Jennings
Contact Telephone Number: 541-682-5529

ISSUE STATEMENT

Eugene City Council and State Legislature both recognize traditional funding sources for affordable housing—especially federal sources—have declined over time. The reduction in resources available for affordable housing has challenged our community’s ability to meet the housing needs of Eugene residents with limited incomes. To help address this issue Eugene City Council passed Ordinance No. 20609 (Attachment A) in April 2019 implementing a local construction excise tax that will contribute to an Affordable Housing Trust Fund. The ordinance went into effect on July 1, 2019.

During this work session, staff will provide an update on CET implementation as well as a proposed timeline, advisory committee structure, and priorities for the Affordable Housing Trust Fund. The work session provides an opportunity for council input on desired outcomes for use of the funds.

BACKGROUND

In 2016, Oregon Legislature passed Senate Bill 1533 authorizing Oregon cities and counties to establish a construction excise tax. The law authorizes a city or county to tax new residential and commercial buildings, additions, and alterations. A CET is a one-time tax imposed on new construction, where an established tax rate (percentage) is multiplied by the permit valuation of the construction permit. The CET is assessed at the time building permits are issued.

On April 8, 2019, City Council passed an ordinance establishing a local CET. From July 1, 2019, through June 30, 2020, residential and commercial projects will be taxed at .33 percent of the permitted value of eligible improvements. Beginning July 1, 2020, and thereafter, the tax increases to .50 percent. The revenue generated through the CET will accrue in the City’s Affordable Housing Trust Fund to support programs, incentives, and services related to the housing of households earning 100 percent of area medium income and below. In addition, the City intends to designate \$500,000 per year of City funds to the Affordable Housing Trust Fund. The first allocation of City funds will occur during the Supplemental Budget process in December 2019.

During the first two years, CET charges will be offset by a reduction in System Development Charges and permit fees so that additional costs are not added to improvements subject to the tax. A fact sheet has been developed to educate the public about the tax and its implementation and is included as Attachment B.

The CET is one of many strategies to address barriers to housing affordability, availability and diversity of type identified through the Housing Tools and Strategies initiative. The first quarterly update on progress implementing other strategies will be provided to Council via memo before Summer break.

PREVIOUS COUNCIL DIRECTION

[April 12, 2017, Work Session](#) - City Council received an introductory presentation on Senate Bill 1533 and directed staff to pursue development of policy options for a CET in collaboration with the Housing Policy Board.

[December 13, 2017, Work Session](#) – City Council reviewed a set of recommendations from the Housing Policy Board for implementation of a CET. Council directed staff to continue engaging community stakeholders on implementation of a CET.

[April 9, 2018, Work Session](#) – City Council continued discussion of options for a CET and directed staff to return with a process for council consideration that would identify existing barriers to housing affordability, availability, and diversity of type.

[January 14, 2019, Council Meeting](#) – City Council directed City staff to create a draft CET ordinance and to schedule a public hearing.

[February 19, 2019, Public Hearing](#) – Thirty-four people testified at the public hearing on an ordinance imposing a construction excise tax on residential and commercial improvements.

[April 8, 2019, Council Meeting](#) – City Council adopted an Ordinance Concerning Imposition of a Construction Excise Tax on Commercial and Residential Improvements and Adding Sections 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 to the Eugene Code, 1971.

COUNCIL OPTIONS

Provide input into proposed timeline, advisory committee structure, and desired outcomes for the Affordable Housing Trust Fund.

CITY MANAGER'S RECOMMENDATION

City Manager currently has no recommendation.

ATTACHMENTS

- A. Ordinance No. 20609
- B. Eugene Construction Excise Tax Overview and Frequently Asked Questions

FOR MORE INFORMATION

Staff Contact: Stephanie Jennings, Community Development Division
Telephone: 541-682-5529
Staff E-Mail: SJennings@eugene-or.gov

ORDINANCE NO. 20609

AN ORDINANCE CONCERNING IMPOSITION OF A CONSTRUCTION EXCISE TAX ON COMMERCIAL AND RESIDENTIAL IMPROVEMENTS AND ADDING SECTIONS 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 AND 3.748 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 of the Eugene Code, 1971, are added to provide as follows:

Construction Excise Tax

3.730 Construction Excise Tax - Definitions. The following words and phrases as used in 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 of this code shall have the following meanings:

Area median income. Lane County median household income by household size as defined by the United States Department of Housing and Urban Development and published periodically.

City Manager. The city manager or the city manager's designee.

Commercial. Designed or intended to be used, or actually used, for other than residential purposes.

Construct or construction. Erecting, constructing, enlarging, altering, repairing, improving, or converting any building or structure for which the issuance of a building permit is required by Oregon law.

Improvement. A permanent addition to, or modification of, real property resulting in a new structure, additional square footage to an existing structure, or addition of living space to an existing structure.

Net revenue. Revenues remaining after the administrative fees described in section 3.738 of this code are deducted from the total construction excise tax collected.

Residential. Designed or intended to be used, or actually used, for residential purposes including any residential structure, dwelling, or dwelling unit.

Structure. Something constructed or built and having a fixed base on, or fixed to, the ground or to another structure.

Value of improvement. The total value of the improvement as determined in the process of issuance of the building permit.

3.732 Construction Excise Tax – Tax Imposed.

- (1) Each person who applies to construct a commercial improvement in the city shall pay a commercial construction excise tax in the following amounts:
 - (a) From July 1, 2019 through June 30, 2020: 0.33 percent of the value of the improvement.
 - (b) Beginning July 1, 2020: 0.50 percent of the value of the improvement.
- (2) Each person who applies to construct a residential improvement in the city shall pay a residential construction excise tax in the following amounts:
 - (a) From July 1, 2019 through June 30, 2020: 0.33 percent of the value of the improvement.
 - (b) Beginning July 1, 2020: 0.50 percent of the value of the improvement.
- (3) The construction excise tax shall be due and payable prior to the issuance of any building permit.

3.734 Construction Excise Tax - Exemptions.

- (1) The construction excise tax shall not apply to any of the following improvements:
 - (a) Private school improvements;
 - (b) Public improvements as defined in ORS 279A.010;
 - (c) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the city of Eugene, for a period of at least 60 years following the date of construction of the residential housing;
 - (d) Public or private hospital improvements;
 - (e) Improvements to religious facilities primarily used for worship or education associated with worship;
 - (f) Agricultural buildings, as defined in ORS 455.315(2)(a);
 - (g) Facilities that are operated by a not-for-profit corporation and that are:
 1. Long term care facilities, as defined in ORS 442.015;
 2. Residential care facilities, as defined in ORS 443.400; or
 3. Continuing care retirement communities, as defined in ORS 101.020.
 - (h) Residential dwellings sold for \$250,000 or less;
 - (i) Housing for low-income persons that is exempt from systems development charges pursuant to section 7.725(c) of this code; and,
 - (j) Projects granted a multi-unit property tax exemption (MUPTEx) by the city.
- (2) Any person seeking an exemption may be required to demonstrate that the improvements are eligible for an exemption and to establish all facts necessary to support the exemption.

3.736 Construction Excise Tax – Refunds.

- (1) A construction excise tax may be refunded to a person that:
 - (a) Establishes that the tax was paid for improvements that were otherwise eligible for an exemption under section 3.734 of this code; or
 - (b) Establishes that construction of the improvements was not commenced and the associated building permit has been cancelled by the city; or
 - (c) Establishes that the tax had been erroneously collected.
- (2) A request for a refund shall be made within three years from the date of payment of the construction excise tax on forms provided by the city manager. Denial of a request for a refund may be appealed as provided for in section 3.744 of this code.

3.738 Construction Excise Tax – Allocation.

- (1) Revenues from the construction excise tax will be allocated to fund programs, incentives, and services related to the housing of households earning 100 percent of area medium income and below, and in accordance with state law.
- (2) Up to 4 percent of the taxes collected may be retained by the city for payment toward the city's administrative expenses related to collection and distribution of the construction excise tax.

3.740 **Construction Excise Tax – Interest and Penalties.** In addition to assessing any civil penalties, if the city manager determines that a person has failed to pay to the city all or any part of the construction excise tax due under section 3.732 of this code, interest shall be due on the entire unpaid amount, assessed at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original due date of the tax.

3.742 **Construction Excise Tax – Implementing Rules.** The city manager may adopt administrative rules pursuant to section 2.019 of this code for implementation of sections 3.732, 3.734, 3.736, 3.738, 3.740, 3.744, 3.746 and 3.748 of this code, the billing and collection of the construction excise tax due thereunder, and enforcement of those provisions.

3.744 **Construction Excise Tax – Appeal.** Any person aggrieved by any decision under this code may appeal the decision in the manner provided in section 2.021 of this code. The appeal shall be heard and determined as provided in section 2.021 of this code.

3.746 **Construction Excise Tax – Violations.** No person required to pay a construction excise tax under section 3.732 of this code may fail to state or to misstate the full value of the improvement.

3.748 **Construction Excise Tax – Program Review.** Beginning in 2021, and every two years thereafter, the city council shall review the overall management and outcomes of the construction excise tax program.

Section 2. The System Development Charges (SDCs) of persons required to pay the construction excise tax pursuant to Section 3.732 will be calculated in accordance with City Code and the City's adopted SDC Methodology. However, for the period of July 1, 2019 through June 30, 2021, the amount of the construction excise tax the person paid pursuant to Section 3.732 will be subtracted from the total amount of City-imposed SDCs the person owes. The person will owe the total City-imposed SDC amount remaining after the construction excise tax is subtracted. Also, the person will owe in its entirety the Regional Wastewater SDC. If the amount of the construction excise tax the person paid pursuant to Section 3.732 exceeds the total amount of City-imposed SDCs owed, the excess construction excise tax paid will be subtracted from a permit fee the person owes.

Section 3. In order to ensure that the City's SDC fund is able to pay for the infrastructure upon which the City's SDC Methodology is based, the City intends to make the SDC fund whole by paying with other City funds the City SDCs not paid pursuant to Section 2 of this Ordinance. Similarly, if any amount is subtracted from a permit fee, the City intends to make the permit fund whole by paying with other City funds the permit fee not paid pursuant to Section 2 of this Ordinance.

Section 4. The City intends to designate \$500,000 per year of City funds to the City's Affordable Housing Trust Fund.

Section 5. The City intends to convene a citizen advisory committee to make recommendations regarding how construction excise tax revenues should be allocated in accordance with Section 3.732.

Section 6. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this
8th day of April, 2019.



Deputy City Recorder

Approved by the Mayor this
10th day of April, 2019.



Mayor

What Is the Construction Excise Tax?

In 2016, Oregon Legislature passed Senate Bill 1533 authorizing Oregon cities and counties to establish a construction excise tax (CET). In May of 2019, the Eugene City Council passed an ordinance establishing the tax in Eugene. The tax will create a dedicated source of funding for affordable housing. The law authorizes a city or county to tax new residential and commercial buildings, additions, and alterations. Specifically, it applies to all improvements which result in a new structure, additional square footage to an existing structure, or addition of living space to an existing structure.

Why is this tax needed?

Eugene City Council and State Legislature both recognize traditional funding sources for affordable housing – especially federal sources – have declined. Because of this decline, our community has fallen far behind in meeting the housing needs of Eugene residents with limited incomes. The money collected from the CET will be put into the Affordable Housing Trust Fund. This fund will provide critical funding and is one part of a larger effort to help address the housing challenge.

What does the CET pay for?

Money collected from the CET will go into the Affordable Housing Fund, which will pay for projects and programs that increase availability and access to owner- and renter-occupied housing that is affordable to lower income community members. Examples of how these funds may be used include:

- Gap financing for the development of new affordable housing
- Acquisition of existing housing that will become affordable
- Acquisition of land for future affordable housing development
- Down payment assistance for home buyers
- Rental or security deposit assistance for people who rent their homes.

CET resources will be used to supplement the

limited federal resources that support the City's existing federal affordable housing programs. Revenues will be allocated to fund projects, programs, incentives, and services related to the housing of households earning 100% of area medium income and below, and in accordance with state law.

The City is in the process of forming a citizen advisory committee that will advise on the use of Affordable Housing Trust Funds resources. It is anticipated that funds will be allocated to housing programs and projects starting in early 2020.

Who needs to pay and when?

The CET is required to be paid by the developer or property owner who is developing property within Eugene city limits. The CET applies to certain improvements to property that result in additional square footage or improvements which create additional living space. The CET is paid when the permit is issued.

The CET goes into effect July 1, 2019. For the first two years of implementation, the CET will be offset by a reduction in system development charges (SDC) equal to the amount of the CET. If the SDCs are less than the total of the CET, permit fees will be reduced to offset the total of the CET. This means, for the first two years, there will be no additional cost to development.

Who is exempt from paying the CET?

The following are exempt from the CET:

- Private school improvements
- Public improvements as defined in [ORS 279A.010](#)
- Residential housing that is guaranteed to be affordable to households that earn no more than 80% of the median household income for a period of at least 60 years following the date of construction
- Public or private hospital improvements
- Improvements to religious facilities

primarily used for worship or education associated with worship

- Agricultural building as defined by ORS 455.315
- Long term care facilities operated by a not-for-profit corporation, as defined in ORS 442.015
- Residential care facilities operated by a not-for-profit corporation, as defined in ORS 443.400
- Continuing care retirement communities operated by a not-for-profit corporation, as defined in ORS 101.020
- Residential dwellings sold for \$250,000 or less
- Housing for low-income persons that is exempt from systems development charges (SDCs) pursuant to section 7.725c
- Projects granted a multi-unit property tax exemption (MUPT) by the city.

To demonstrate a project is exempt from the CET a [Construction Excise Tax Exemption Form](#) must be completed, signed, and submitted with the building permit application identifying what exemptions are applicable to the project.

How much is the CET?

For the first year, the CET will be 0.33% of the value of permitted work and will increase to 0.5% the following year. It is

projected to remain at 0.5% for every year thereafter.

How long is the CET active?

Based on legislation adopted in 2016, the City can continue levying the tax for an indefinite amount of time. Eugene City Council will review the overall management and outcomes of the program every two years.

Whom can I contact for more information?

If you have additional questions, you may contact the City of Eugene's Building and Permit Services by phone: (541) 682-5086.

Additional information on the affordable housing programs and the advisory committee can be found at:

eugene-or.gov/affordablehousingfund

What is "affordable housing" and how can I learn more about City affordable housing programs and resources?

Across the United States, housing costs are considered "affordable" if the monthly rent or mortgage, plus utilities, add up to no more than one-third (or 30%) of gross household earnings. Affordable housing developments receive public subsidies in exchange for a commitment to provide homes with limited rents for people with limited incomes.

The City of Eugene has supported the creation of affordable housing using both federal and local funds for over 40 years.

www.eugene-or.gov/bps

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Protections for Individuals Ordinance Update

Meeting Date: July 24, 2019
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Jennifer Lleras Van Der Haeghen
Contact Telephone Number: 541-682-5619

ISSUE STATEMENT

The City Council established and Ordinance for the Protection of Individuals in March of 2017. This ordinance provides certain protections for all Eugene residents, including immigrants. Following the passage of this ordinance the Eugene City Council requested a work session to better understand which individually-identifiable data is collected and how it's maintained. This information was provided in June of 2018 to help the City Council determine if there are amendments to this ordinance that the City Council would like to adopt. Following that presentation and discussion, the City Council requested that staff draft potential language for amendment adoption to limit the information collected and maintained related to individually-identifiable immigration status information. This presentation will include an overview of past actions, how City of Eugene staff has implemented council policy direction, offer potential language to be adopted as amendments, and share additional policies that address individually-identifiable information collection and maintenance.

BACKGROUND

At the November 14, 2016, meeting, City Council passed Resolution No. 5174, "declaring the City of Eugene's commitment to being a welcoming, inclusive, and safe community for everyone." In response to continued community interest, City Council—at their December 12, 2016, meeting—directed the Mayor to form an ad hoc committee to establish concepts, goals and outcomes for a potential ordinance. The Ad Hoc Committee met twice in late January and early February, and presented their proposed outcomes for an ordinance to council at the February 22 work session.

At the February 22, 2017, work session, council passed a motion to bring back a proposed ordinance for public hearing that would adopt the provisions of Oregon Revised Statutes 181A.820 and 181A.250 related to law enforcement personnel; expand the applicability of ORS 181A.820 to cover all other city employees; and prohibit all other city employees from collecting and maintaining information regarding political, religious or social views of individuals

On March 13, 2017, City Council unanimously passed the Protections for Individuals Ordinance (Ordinance 20579). This ordinance provides certain protections for all Eugene residents, including immigrants. This action put provisions of an existing state law into City Code preventing the use of City resources (moneys, equipment or personnel) to detect or apprehend individuals

whose only violation of the law is that they are present in the United States in violation of federal immigration laws. Beyond the Ordinance, the Mayor's Ad Hoc Committee had proposed an expansion that would require the City of Eugene be prohibited from collecting individually identifiable information as it relates to 16 categories. These categories include: immigration status, race, ethnicity, national origin, gender, gender identity, sexual orientation, housing status, disability, association, activities, organization, corporation, business, partnership or group.

In May 2018, to better understand the potential impact of amending the Ordinance, the City Manager directed City Departments review their existing policies and practices regarding data collection regarding these 16 categories and report back on a series of questions in order to equip council with the information needed to make a well-informed decision on potential amendments to Ordinance 20579.

In June 2018, this information was presented to the City Council at a work session. The presentation included data gathered from each City of Eugene Department. This data was thorough but not fully comprehensive due to time and capacity limitations. From the data provided, staff found that the City of Eugene is primarily collecting data in three core categories. Those categories are when information is legally required, in service provision, and to advance equity goals. There were two areas where collection of individually-identifiable information was more prevalent: in employment-related process and in program service delivery where a person's individual experience (e.g., a person has a disability or is currently unhoused) may qualify them for services. Based on the information collected, immigration status information was only collected in employment-related process and/or when shared voluntarily. At this work session the City Council requested staff return at a future work session to codify language that would limit City of Eugene employees from collecting or maintaining individually-identifiable immigration status in certain circumstances. Draft language is attached and will be discussed at the July 24 work session. The City Council also asked that the City Manager put policies in place to address collection and maintenance of individually-identifiable immigration status as an interim measure until council could act on potential amendments.

In September 2018, the City Manager signed Administrative Order No. 21-18-09 Establishing City Policy Prohibiting Collection and Maintenance of Immigration Status by City Employees Except in Certain Circumstances. This action confirmed a commitment to City of Eugene law enforcement personnel fully implementing the Eugene Code Sections 2.495 and 2.497 regarding immigration status information and prohibited City of Eugene employees from collecting or maintaining immigration status information except when voluntarily provided or required to comply with state or federal law.

Upon the adoption of Administrative Order No. 21-18-09 city staff received electronic communications about the order. Executive Directors of each department conveyed the information to their employees. In some cases, especially with city staff who have a high level of community engagement at public events, City of Eugene staff received training on how to properly adhere to the Ordinance and Administrative Order in their daily activities. This training was developed with guidance from the City Attorney's Office and is provided by the Office of Human Rights and Neighborhood Involvement.

At this work session, staff will provide an overview of past actions taken by the City Council and City of Eugene staff, review language for a potential amendment to the Protections of Individuals Ordinance, and learn about administrative policies that will be added to the City of Eugene Administrative Policy Manual that all staff are required to adhere to in their course of work with the City.

Staff also plan to discuss potential additions and clarifications to internal policy about the collection and maintenance of individually-identifiable information, especially as it relates to information that may be gathered through application processes for license or employment.

PREVIOUS COUNCIL DIRECTION

[Work Session: February 22, 2017](#)

Council passed a motion to bring back a proposed ordinance for public hearing that would adopt the provisions of ORS 181A.820 and 181A.250 related to law enforcement personnel; expand the applicability of ORS 181A.820 to cover all other city employees; and prohibit all other city employees from collecting and maintaining information regarding political, religious, or social views of individuals

[Meeting: March 13, 2017](#)

Council established Ordinance for the Protections of Individuals

[Meeting: June 13, 2018](#)

Council updated on the Ordinance for Protection of Individuals and Groups. Council directed staff to return with language to consider that would strengthen protections for immigrants.

COUNCIL OPTIONS

The Council may choose to:

- a. Request more information in preparation for a decision on the proposed amendments
- b. Vote to initiate the process to amend Ordinance 20579
- c. Take no action at this time

ATTACHMENTS

- A. Protections for Individuals Ordinance (Ordinance 20579)
- B. Draft Code Amendment to 2.947
- C. Administrative Order No. 21-18-09

FOR MORE INFORMATION

Staff Contact: Jennifer Lleras Van Der Haeghen
Telephone: 541-682-5619
Staff E-Mail: jvanderhaeghen@eugene-or.gov



COUNCIL ORDINANCE NO. 20579

COUNCIL BILL 5173

**AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS
AND ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE,
1971.**

ADOPTED: March 13, 2017

SIGNED: March 15, 2017

PASSED: 5:0

REJECTED:

OPPOSED:

ABSENT: Taylor, Poling, Evans

Although Section 2 of this Ordinance contains an immediate effective date, the Ordinance actually will take effect after 30 days. Only five councilors voted to approve the Ordinance; under the Eugene Charter, enactment of an immediate effective date requires that six councilors vote yes.

EFFECTIVE: April 15, 2017



ORDINANCE NO. 20579

AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS AND ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 2.495 and 2.497 are added to the Eugene Code, 1971, to provide as follows:

2.495 Protections for Individuals.

- (1) The city shall not use city law enforcement moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- (2) Notwithstanding subsection (1) of this section, city law enforcement personnel may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
 - (a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
 - (b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
- (3) Notwithstanding subsection (1) of this section, city law enforcement personnel may arrest any person who:
 - (a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
 - (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
- (4) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.
- (5) All non-law enforcement personnel working for the city also shall not use city moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.

2.497 Information Not to Be Collected or Maintained.

- (1) No city law enforcement personnel may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of

criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

- (2) No non-law enforcement personnel working for the city may collect or maintain information about the political, religious or social views of any individual.

Section 2. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary in light of the recent directives from the federal government related to enforcement of immigration laws.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

13th day of March, 2017

Beth Louest
City Recorder

Approved by the Mayor this

15 day of March, 2017

Lucy Vinis
Mayor

2.495 Protections for Individuals.

- (1) The city shall not use city law enforcement moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- (2) Notwithstanding subsection (1) of this section, city law enforcement personnel may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
 - (a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
 - (b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
- (3) Notwithstanding subsection (1) of this section, city law enforcement personnel may arrest any person who:
 - (a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
 - (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
- (4) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.
- (5) All non-law enforcement personnel working for the city also shall not use city moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.

(Section 2.495 added by Ordinance No. 20579, enacted March 13, 2017, effective April 15, 2017.)

2.497 Information Not to Be Collected or Maintained.

- (1) No city law enforcement personnel may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
- (2) No non-law enforcement personnel working for the city may collect or maintain information about the political, religious or social views of any individual.

(3) No city employee may collect or maintain individually identifiable immigration status information unless (a) such collection and maintenance is required to comply with state or federal law; (b) the individually identifiable immigration status information is voluntarily provided to the City by the individual; or (c) the information is provided to the City as part of a City application process for employment or a contract with the City, or a business permit or license from the City.

(Section 2.497 added by Ordinance No. 20579, enacted March 13, 2017, effective April 15, 2017.)

ADMINISTRATIVE ORDER NO. 21-18-09
of the
City Manager of the City of Eugene, Oregon

**ESTABLISHING CITY POLICY PROHIBITING COLLECTION AND
MAINTENANCE OF IMMIGRATION STATUS BY CITY EMPLOYEES
EXCEPT IN CERTAIN CIRCUMSTANCES.**

The City Manager of the City of Eugene finds that:

A. Under the provisions of Chapter IV, Section 16 of the Eugene Charter of 2002, the City Manager is designated as the administrative head of the City, specifically authorized to organize, and, as deemed necessary, disband and reorganize various City departments, and to enforce all ordinances of the City.

B. The City of Eugene has a long history of welcoming immigrants. On November 14, 2016, the City of Eugene again demonstrated its dedication to embracing humanitarian efforts by the City Council's adoption of Resolution No. 5154, declaring the City's commitment to serve as a place of refuge for refugees from around the world.

C. On March 13, 2017, the City Council adopted the Protections for Individuals Ordinance (Ordinance No. 20579). The ordinance adopted into City Code the provisions of ORS 181A.820 prohibiting law enforcement personnel from using City resources (moneys, equipment or personnel) to detect or apprehend individuals whose only violation of the law is that they are present in the United States in violation of federal immigration law; expanded the applicability of ORS 181A.820 to cover all non-law enforcement City employees; adopted into City Code the provisions of ORS 181A.850 prohibiting law enforcement personnel from collecting or maintaining certain information on individuals and groups unless directly related to a criminal investigation; and, expanded ORS 181A.850 to cover all non-law enforcement City employees from collecting and maintaining information regarding political, religious or social views of individuals.

D. On June 13, 2018, the City Council held a work session regarding the type of demographic data information that the City gathers and uses in the delivery of services to the community. Information provided during that work session revealed that, generally, City employees collect individually identifiable immigration status information only when doing so is needed to comply with state or federal law, or when the information is voluntarily provided to the City.

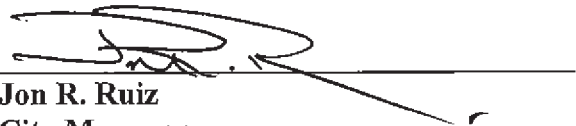
E. In keeping with the City's dedicated commitment to protecting and respecting all persons, it is important to ensure that all City employees collect and maintain individually identifiable immigration status information only when absolutely necessary to do so.

NOW, THEREFORE, based upon the above findings, I order that:

Section 1. City of Eugene law enforcement personnel shall continue to fully implement the provisions of Eugene Code Sections 2.495 and 2.497 regarding immigration status information. In addition, all other City employees are prohibited from collecting or maintaining individually identifiable immigration status information unless such collection and maintenance is required to comply with state or federal law, or if the individually identifiable immigration status information is voluntarily provided to the City by the individual.

Section 2. The Executive Director for each City department shall convey this Policy to employees within their Department.

Dated and effective this 7th day of September, 2018.


Jon R. Ruiz
City Manager