

Council Communication

December 6, 2016, Business Meeting

A Resolution Extending the Terms of the Reward Fund for David Michael Grubbs for an Additional Five Years and Repealing Resolution 2012-02

FROM:

David H. Lohman, City Attorney, david.lohman@ashland.or.us

SUMMARY:

This resolution is to extend the termination date of the reward fund to encourage and reward persons who provide law enforcement officials critical information leading to the capture and conviction of whomever was responsible for the murder of David Grubbs.

BACKGROUND AND POLICY IMPLICATIONS:

The David Michael Grubbs Reward Fund was first established by the City's adoption of Resolution 2012-02 with a termination date of January 1, 2017. The City wishes to maintain and extend the terms of the David Michael Grubbs Reward Fund for an additional five years to January 1, 2022, as follows:

- Reward claimant(s) must provide information determinative to the capture and conviction (or equivalent disposition) of the perpetrator
- City employees and law enforcement officers are not be eligible.
- The reward may be split, if appropriate.
- As required by ORS 131.895, the decision on whether a reward claimant is entitled to a reward would be made by the Jackson County Commission. APD would make recommendations to the County Commission.
- Interest would be paid to the City for administrative costs, instead of being added to the reward account.
- The Council may terminate the reward account and reward offer upon determining that the original purpose is no longer being served. If not terminated earlier, the reward account and reward offer would terminate automatically on January 1, 2022, unless renewed.
- Upon termination, refunds of donations of \$50 or more would be made upon request. No refunds would be issued for donations under \$50. Funds not returned after termination would be allocated for use by the Ashland Police Department.

COUNCIL GOALS SUPPORTED:

Public Safety: 23. Support innovative programs that protect the community.

FISCAL IMPLICATIONS:

N/A



STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends approval of the Resolution.

SUGGESTED MOTION:

I move approval and adoption of a resolution titled, “A Resolution Extending the Terms of the Reward Fund for David Michael Grubbs for an Additional Five Years and Repealing Resolution 2012-02.”

ATTACHMENTS:

Resolution 2012-02

Draft Resolution 2016-___



**A RESOLUTION ESTABLISHING A REWARD FUND FOR
INFORMATION RESULTING IN THE APPREHENSION AND
CONVICTION OF PERSONS RESPONSIBLE FOR THE MURDER OF
DAVID MICHAEL GRUBBS**

RECITALS:

- A. The recent violent death of David Michael Grubbs has profoundly saddened the citizens of Ashland; challenged their normal confidence in the security of the City's environs; and increased their determination to keep Ashland a city where one feels safe and is safe.
- B. The City of Ashland fully supports law enforcement officials' efforts to apprehend and bring to justice anyone involved in perpetrating this heinous attack.
- C. Concerned citizens have expressed a desire to contribute to a publicly-managed fund to reward those who provide to law enforcement officials information that results in the arrest and conviction of the person(s) responsible for the death of David Grubbs.
- D. Pursuant to independent criteria, the family of the victim is establishing a separate, privately-administered reward fund to supplement the public reward fund authorized herein.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. Reward Account. The City hereby establishes a committed account within its general fund for the deposit of money contributed by persons who wish to reward persons providing new information essential to the apprehension and conviction of those responsible for the fatal attack on David Grubbs on November 19, 2011. The account shall be the City's David Grubbs Reward Account and shall be used exclusively for such reward, except as specifically provided below. Any interest accrued on funds in this committed account will be paid to the City as partial reimbursement for the costs of administering the account and the issuance of rewards from it.

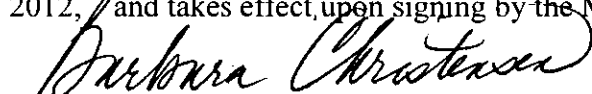
SECTION 2. Issuance of Rewards. The City shall pay all funds deposited in this reward account to the person or persons who submit to law enforcement officials information determinatively resulting in the apprehension and conviction of those responsible for the murder of David Grubbs. Issuance of rewards from this account shall be subject to the following conditions:

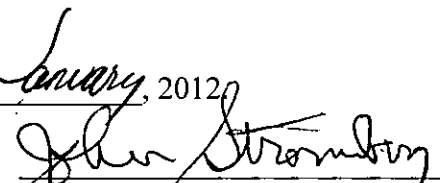
- A. No reward shall be paid until the perpetrator(s) is legally convicted under a judgment which is final, or, if for any reason the case is not tried or is otherwise disposed of, upon proof the perpetrator(s) committed or participated in the commission of the aforesaid crime.
- B. In no event shall the reward or combination of rewards exceed the amount deposited in the account established for such purpose, regardless of the number of perpetrators involved in the act and regardless of the number of persons who supply information leading to the apprehension and conviction of such perpetrators.

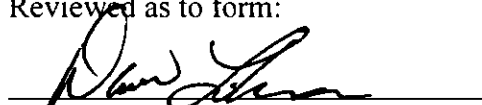
- C. Officers and employees of the City of Ashland, officers of state and local police forces and officers of the federal government shall not be eligible to receive any reward from this account.
- D. A reward may be apportioned between two or more persons who give information leading to the apprehension and conviction of the perpetrator(s).
- E. Unless the City and Jackson County agree otherwise, the County Commission of Jackson County shall be the sole and final judge of the right of any claimant to a reward, PROVIDED HOWEVER, that the Chief of the Ashland Police Department shall prepare recommendations for such reward claims, and rewards shall be determined in accordance with such recommendations in the event the County Commission chooses not to take action on reward claims within 60 days after documentation supporting any such claims have been submitted to the City and the County.
- F. In the event a person(s) is convicted in this matter, to the extent allowed under ORS 131.897, any reimbursement the convicted person(s) is required to make to the City for funds paid out of reward accounts will be used to first pay back rewards issued by family members of David Grubbs from their separate account, and thereafter the remaining reimbursements, if any, will be paid to donors to the City's reward account in the proportionate share of their individual donations, and finally to the City for its costs to administer the account and issuance of rewards from it.

SECTION 3. Termination and Refund. This account may be terminated at any time upon determination in a City Council resolution that continuation of the account and reward offer are not likely to serve the purposes for which they were established. If not terminated earlier, this account and reward offer shall terminate on January 1, 2017. If for any reason rewards are not made, the money in the account shall be refunded, upon request, to those who donated fifty dollars or more. All money not refunded shall be deposited in the City's general fund for use by the Ashland Police Department.

This resolution was duly PASSED and ADOPTED this 17 day of January, 2012, and takes effect upon signing by the Mayor.


 Barbara Christensen, City Recorder

SIGNED and APPROVED this 18 day of January, 2012,

 John Stromberg, Mayor

Reviewed as to form:

 David Lohman, City Attorney

RESOLUTION NO. 2016- _____

**A RESOLUTION EXTENDING THE TERMS OF THE
REWARD FUND FOR DAVID MICHAEL GRUBBS FOR AN
ADDITIONAL FIVE YEARS AND REPEALING RESOLUTION 2012-02**

RECITALS:

- A. On January 17, 2012, the City Council adopted Resolution No. 2012-02, establishing a committed account within its general fund for the deposit of money contributed by persons who wish to reward persons providing new information essential to the apprehension and conviction of those responsible for the fatal attack on David Michael Grubbs on November 19, 2011.
- B. The City of Ashland continues to support law enforcement officials in their ongoing efforts to apprehend and bring to justice anyone involved in perpetrating this heinous attack.
- C. As the scheduled termination date of January 1, 2017 of the Michael Grubbs Reward Fund approaches, the City of Ashland, the Victim's family and concerned citizens, wish to extend the termination date for an additional five years and maintain the publicly-managed fund to encourage and reward persons who provide law enforcement officials information that results in the arrest and conviction of the person(s) responsible for the death of David Michael Grubbs.
- D. To maintain this committed account and extend its date to January 1, 2022, the City repeals Resolution 2012-02 and adopts the Resolution herein.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. Reward Account. The City's David Michael Grubbs Reward account shall be maintained and extended for an additional five years to terminate on January 1, 2022. The account is the City's David Michael Grubbs Reward Account and is to be used exclusively for such reward, except as specifically provided below. Any interest accrued on funds in this committed account will be paid to the City as partial reimbursement for the costs of administering the account and the issuance of rewards from it.

SECTION 2. Issuance of Rewards. The City shall pay all funds deposited in this reward account to the person or persons who submit information to law enforcement officials determinatively resulting in the apprehension and conviction of those responsible for the murder of David Michael Grubbs. Issuance of rewards from this account shall be subject to the following conditions:

- A. No reward shall be paid until the perpetrator(s) is legally convicted under a judgment which is final, or, if for any reason the case is not tried or is otherwise disposed of, upon proof the perpetrator(s) committed or participated in the commission of the aforesaid crime.

- B. In no event shall the reward or combination of rewards exceed the amount deposited in the account established for such purpose, regardless of the number of perpetrators involved in the act and regardless of the number of persons who supply information leading to the apprehension and conviction of such perpetrators.
- C. Officers and employees of the City of Ashland, officers of state and local police forces and officers of the federal government shall not be eligible to receive any reward from this account.
- D. A reward may be apportioned between two or more persons who give information leading to the apprehension and conviction of the perpetrator(s).
- E. The County Commission of Jackson County shall be the sole and final judge of the right of any claimant to a reward.
- F. In the event a person(s) is convicted in this matter, to the extent allowed under ORS 131.897, any reimbursement the convicted person(s) is required to make to the City for funds paid out of reward accounts will be used to first pay back rewards issued by family members of David Michael Grubbs from their separate account, and thereafter the remaining reimbursements, if any, will be paid to donors to the City's reward account in the proportionate share of their individual donations, and finally to the City for its costs to administer the account and issuance of rewards from it.

SECTION 3. Termination Extension and Refund. This account may be terminated at any time upon determination in a City Council resolution that continuation of the account and reward offer are not likely to serve the purposes for which they were established. By repealing Resolution 2012-02 and adopting the Resolution herein, this account and reward fund shall be maintained and extended for an additional five years to terminate on January 1, 2022. If for any reason rewards are not made, the money in the account shall be refunded, upon request, to those who donated fifty dollars or more. All money not refunded shall be deposited in the City's general fund for use by the Ashland Police Department.

This resolution was duly PASSED and ADOPTED this _____ day of _____, 2016, and takes effect upon signing by the Mayor.

Barbara Christensen, City Recorder

SIGNED and APPROVED this _____ day of _____, 2016.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney