



AGENDA

CANBY CITY COUNCIL REGULAR MEETING

February 19, 2014

7:30 PM

Council Chambers

155 NW 2nd Avenue

Mayor Brian Hodson

Council President Tim Dale

Councilor Clint Coleman

Councilor Traci Hensley

Councilor Greg Parker

Councilor Ken Rider

Councilor Todd Rocha

WORK SESSION

6:00 PM

City Hall Conference Room

182 N Holly

This Work Session will be attended by the Mayor and City Council to receive the second quarter financial status report.

Pg. 1

CITY COUNCIL REGULAR MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

B. Iwo Jima Remembrance Day Proclamation

Pg. 2

C. Presentation by Portland Police Captain John Brooks on RegJIN Project

Pg. 3

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

A. Approval of Minutes of the February 5, 2014 City Council Regular Meeting

B. Annual Liquor License Renewals

Pg. 15

C. Reappointment to Transit Advisory Committee

Pg. 18

D. Appointments to Municipal Audit and Financial Oversight Committee

Pg. 19

7. RESOLUTIONS & ORDINANCES

- A. Res. 1181, Authorizing and Directing City Recorder to Certify to the Clackamas County Clerk a Measure Submitting to the Electorate for the May 20, 2014 Election a Civic Center Measure Plus Explanatory Statement Pg. 21
- B. Res. 1182, Adopting Supplemental Budget for the 2013-2014 FY Pg. 25
- C. Res. 1183, Authorizing an IGA with the City of Portland for the RegJIN Project Pg. 29
- D. Res. 1184, Appropriating Unanticipated Funds Received for Specific Purpose for the 2013-2014 FY Pg. 44
- E. Ord. 1394, Establishing a Retirement and Separation Payout Reserve and Committing it to be Used to Fund Payouts of Vacation, Sick, Comp and Holiday Accruals and Corresponding Employer Liabilities Made in Accordance with Benefit Agreements at the Time of Retirement or Separation from the City Pg. 45
- F. Ord. 1395, Amending Canby Municipal Code Chapter 12.28 Regarding the City Cemetery Pg. 48
- G. Ord. 1396, Amending Canby Municipal Code Chapter 5.04.190 Regarding Business License Exemption Pg. 53

8. NEW BUSINESS

- A. Selection of One Councilor for the Municipal Audit and Financial Oversight Committee

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

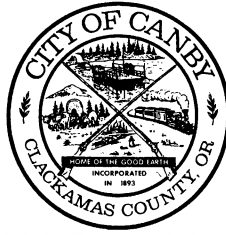
10. CITIZEN INPUT

11. ACTION REVIEW

12. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending Litigation

13. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer, MMC, City Recorder at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



MEMORANDUM

DATE: FEBRUARY 19, 2014
TO: HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL
FROM: HALEY FISH, FINANCE DIRECTOR
THROUGH: GREG ELLIS, CITY ADMINISTRATOR
RE: Q2 FINANCIAL STATUS WORK SESSION

AGENDA:

- Q2 Financial Status Report
- Presentation of Financial Reports
 - 2013 Comprehensive Annual Financial Report (CAFR)
 - 2013 Urban Renewal Financial Report
 - 2013 Urban Renewal Financial Report



Office of the Mayor

Proclamation

Iwo Jima Remembrance Day

WHEREAS, on February 23, 1945, this country's Armed Forces were engaged in one of the most strategic and bloodiest battles of World War II - the battle for Iwo Jima; and

WHEREAS, the Canby-Aurora Veterans of Foreign Wars Post and Auxiliary 6057 of the United States have deemed it fitting to erect a flagpole at the Canby Adult Center in remembrance of those who took part in this great battle; and

WHEREAS, each year the members of the Canby-Aurora Veterans of Foreign Wars Post 6057, their Auxiliary, and their fellow veterans organizations and service organizations i.e. Boy Scouts, Girl Scouts, Campfire, etc. conduct a ceremony to rededicate this memorial and replace the flags on the flagpole; and

WHEREAS, the flagpole located at the Canby Adult Center is the only memorial in the City of Canby dedicated to our veterans who made such significant personal sacrifices during World War II in defense of this great nation; and

WHEREAS, this year will be the 19th anniversary of the annual flag raising ceremony.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as the Mayor of the City of Canby, do hereby proclaim February 22, 2014 as

Iwo Jima Remembrance Day

and call upon individuals, schools, churches, organizations and business establishments in the City of Canby to proudly remember the sacrifices made by servicemen who fought so gallantly in this bloody and decisive battle. I further call upon all members of this community to join in commemorating this great event with the rededication of the flagpole at the Adult Center on February 22 at 10:00 AM to celebrate the 69th anniversary of the end of World War II.

Given unto my hand this 19th day of February 2014 in the City of Canby, Oregon.

Brian Hodson
Mayor





Bret Smith, Chief of Police
Capt. John Brooks, Portland Police Bureau
February 19, 2014



Today's presentation:

- A brief history of Canby Police Department's Record Management System
- What is the RegJIN project
- Why RegJIN is needed
- Who are the partners
- What are the capabilities of RegJIN
- Why do we need the IGA

"Service Integrity Respect"



History:

- Canby was a member of Clackamas County's CLASS system
- CLASS aging & unable to support new technologies (example: electronic report writing)
- Limited information sharing among agencies
- Majority of Clackamas County agencies committed to RegJIN

"Service Integrity Respect"



What is the RegJIN project?

- Modernized law enforcement data collection and record keeping system
- Increases data-sharing and collaboration
- Enhanced access to crime information
- Supports a high volume of users
- Allows regional sharing of information

"Service Integrity Respect"



Why is RegJIN needed?

- Update aging technology (PPDS started -1982)
- No longer supported by the manufacturer
- Won't allow integration of emerging technology
- System not robust enough to handle new partners

"Service Integrity Respect"



RegJIN partners:

- It will be the largest police data base in the nation
- 40 participating agencies
- 5 counties
- 2 states

"Service Integrity Respect"



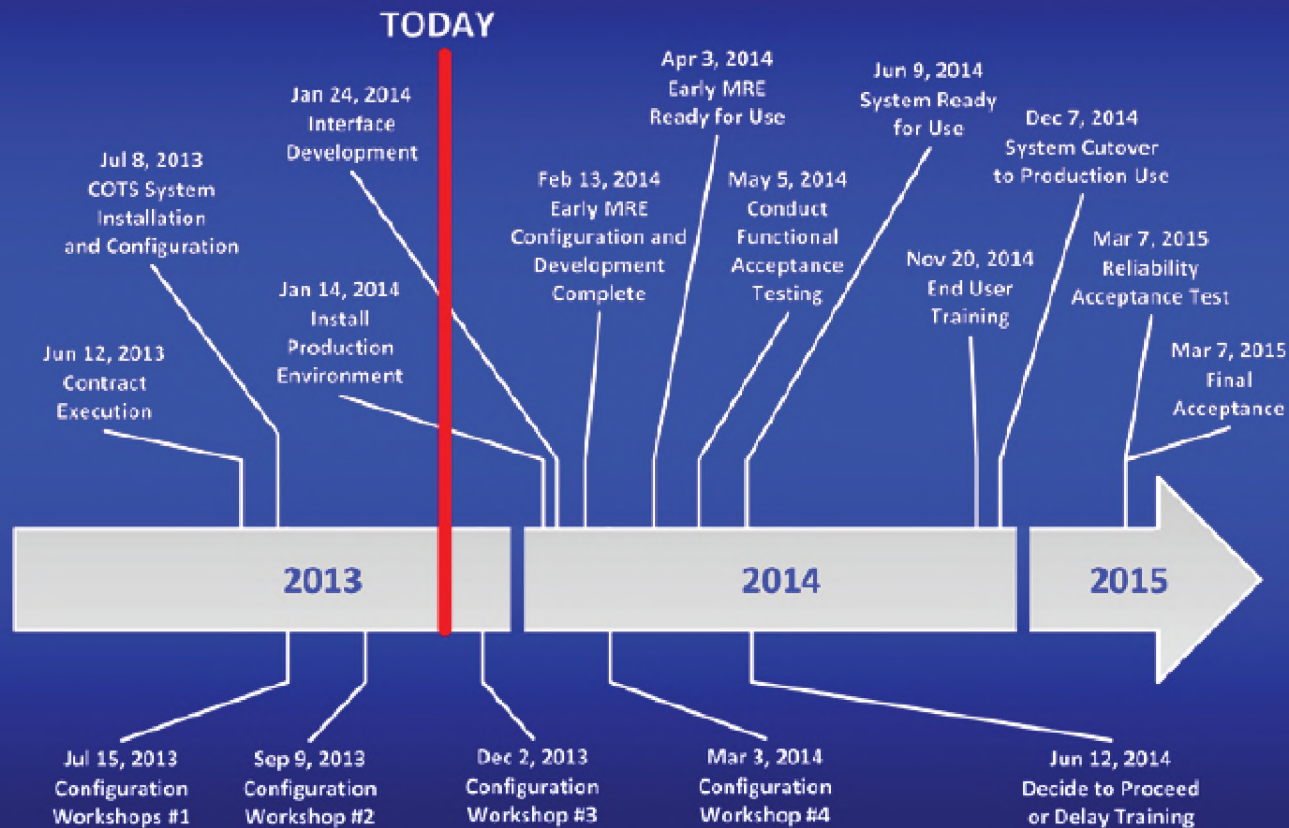
Capabilities of RegJIN:

- Database – offenders, narratives, vehicles, victims, citations, addresses, arrests, mugshots, AKAs, Associates, gangs etc
- Electronic report writing
- Electronic report approval
- Electronic ticket issuance
- Whole agency case management
- Property and evidence control
- Crime analysis

“Service Integrity Respect”



RegJIN Timeline – Go-Live date will be confirmed in June 2014



“Service Integrity Respect”



Why the IGA is necessary:

- The department will become a member of the RegJIN User Board
- The board will furnish advice and recommend changes in the project

"Service Integrity Respect"



Next Steps:

- In the near future – Early MRE
- An individual IGA specifically for Canby

“Service Integrity Respect”



Recommended Council Action:

Move to authorize the City Administrator to enter into the Master Intergovernmental Agreement (IGA) with the City of Portland for the purpose of implementing a new police records management system, known as the Regional Justice Information System (RegJIN).


“Service Integrity Respect”



Questions?

"Service Integrity Respect"

Memo

To: Mayor Brian Hodson & Members of City Council
From: Bret J. Smith, Chief of Police 
CC: Kim Scheafer, General Administration
Date: January 28, 2014
Re: Annual Liquor License Renewals

I have reviewed the OLCC list of businesses located within the City of Canby that are eligible for liquor license renewal. Please see the attached list of businesses that have been identified by OLCC.

I recommend the Canby City Council approve these requests for renewal to the Oregon Liquor Control Commission (OLCC).

Dist. #	License #	Tradename	Participant	License	Premises Address
Local Government: CANBY					
2	184420	7-ELEVEN STORE #2363-17845C	BAIRD, JOLENE BAIRD, REGENT W	O	109 SE 1ST, CANBY, OR
	193865	76 FOOD MART OF CANBY	VIRK PETROLEUM WEST LINN LLC	O	453 SE 1ST ST, CANBY, OR
	183325	AMERICAN LEGION POST #122 CANBY	AMERICAN LEGION #122, CANBY	F-CLU	424 NW 1ST, CANBY, OR
	189462	BACKSTOP BAR & GRILL	BACKSTOP INC	F-COM	211 N GRANT, CANBY, OR
	181505	BLACKJACK DELI & MORE	BLACKJACK DELI & MORE LLC	L	1110 SW 1ST AVE, CANBY, OR
	184325	CANBY GRAND CENTRAL STATION	CANBY GRAND CENTRAL STATION LLC	F-COM	101 N ELM ST, CANBY, OR
	184821	CUTSFORTH THRIFTWAY	GEF INC	L	225 NE 2ND, CANBY, OR
	184822	CUTSFORTH THRIFTWAY	GEF INC	O	225 NE 2ND, CANBY, OR
	184845	DENNY'S RESTAURANT	CANBY-DENN INC	F-COM	1369 SE 1ST AVE, CANBY, OR
	184458	DI MARY'S AUTHENTIC MEXICAN FOOD	DI MARY'S INC	F-COM	851 SW 1ST AVE SUITE B, CANBY, OR
	184361	EBNER CUSTOM MEATS	EBNER PROPERTIES LLC	O	272 N GRANT ST, CANBY, OR
	184394	EBNER CUSTOM MEATS	EBNER PROPERTIES LLC	L	272 N GRANT ST, CANBY, OR
	190699	FRACK BURGER	PLAN IT FINANCIAL INC	L	919 SW 4TH AVE, CANBY, OR
	181881	FRED MEYER #651	FRED MEYER STORES INC	O	1401 SE 1ST, CANBY, OR
	182920	FULTANO'S PIZZA	ROMINE PIZZA CO	L	715 SE 1ST, CANBY, OR
	182636	GOLD DRAGON	PHAN, LAM P PHAN, TRAM N	F-COM	204 SW 2ND, CANBY, OR
	181998	HWY 99 SOUTH CANBY QUIK MART	HWY 99 SOUTH CANBY QUIK MART LLC	O	1120 SW 1ST, CANBY, OR
	194175	JOY KITCHEN	SHENG YING INC	L	314 NW 1ST AVE, CANBY, OR
	184716	LA CONASUPER	LA CONASUPER INC	O	733 SE 1ST AVE, CANBY, OR
	183399	LA MIXTECA MARKET	ZURITA, RUFINO	O	205 SW 1ST, CANBY, OR
	182180	LOS DORADOS MEXICAN RESTAURANT	LOS DORADOS INC	F-COM	1011 SW 1ST AVE, CANBY, OR
	185040	MARVEL'S LONE ELDER PIZZA	CHAPMAN MOORE, JULIE M	L	207 SW 1ST #106, CANBY, OR
	184094	MIKE'S PLACE	CHRS INC	O	404 NW 1ST AVE, CANBY, OR
	184230	MIKE'S PLACE	CHRS INC	F-COM	404 NW 1ST AVE, CANBY, OR
	182730	NUEVO VALLARTA RESTAURANT	PUERTO VALLARTA RESTAURANTS INC	F-COM	1385 SE 1ST AVE #104, CANBY, OR
	182543	PUDDIN RIVER CHOCOLATES & WINE BAR	PUDDIN RIVER CHOCOLATES & CONFECTIONS LLC	O	332 NW 1ST AVE, CANBY, OR
	183928	PUDDIN RIVER CHOCOLATES & WINE BAR	PUDDIN RIVER CHOCOLATES & CONFECTIONS LLC	F-COM	332 NW 1ST AVE, CANBY, OR
	185733	RICE TIME RESTAURANT	HAENGBOK INC	L	356 NW 1ST AVE, CANBY, OR
	183262	RITE AID #5325	THRIFTY PAYLESS INC	O	891 SE 1ST AVE, CANBY, OR
	182921	ROUNDERS	ROUNDERS LLC	L	224 NW 1ST AVE, CANBY, OR
	182864	SAFEWAY STORE #2604	SAFEWAY INC	O	1055 SW 1ST AVE, CANBY, OR
	184074	SMOKE 4 LESS	PRABEZ LLC	O	1021 SW 1ST AVE #A, CANBY, OR
	183223	THAI CORNER CUISINE	THAI CORNER CUISINE LLC	L	1109 SW 1ST AVE SUITE A, CANBY, OR
	183307	THAI DISH	THAI DISH INC	O	108 NW 1ST AVE, CANBY, OR

Dist.	License #	Tradename	Participant	License	Premises Address
Local Government: CANBY					
2	193083	THE MINI CHEF RESTAURANT & LOUNGE	SAM 1 LLC	F-COM	102 N IVY ST, CANBY, OR
	182704	THE PLACE TO BE CAFE	THE PLACE TO BE CAFE LLC	L	190 NW 2ND AVE, CANBY, OR
	184713	THE WILD HARE SALOON & CAFE	SIDEWINDER INC	F-COM	1190 SW FIRST, CANBY, OR
	183955	TNT MARKET	WHK INC	O	164 SE 1ST AVE, CANBY, OR
	181698	WALGREENS #10893	WALGREEN CO	O	1080 SW 1ST AVE, CANBY, OR
	183385	WILLAMETTE VALLEY COUNTRY CLUB	WILLAMETTE VALLEY COUNTRY CLUB INC	O	900 COUNTRY CLUB PL, CANBY, OR
	183387	WILLAMETTE VALLEY COUNTRY CLUB	WILLAMETTE VALLEY COUNTRY CLUB INC	F-CLU	900 COUNTRY CLUB PL, CANBY, OR

**CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: Jan 27, 2014
 Name: Wait Daniel Occupation: Retired
 Home Address: _____
 Employer: N/A Position: N/A
 Daytime Phone: _____ Evening Phone: Same
 E-Mail Address: _____

For which position are you applying? Canby Area Transit Board

What are your community interests (committees, organizations, special activities)?
Serving the community, completed partial term on Transit board.
Liaison to CAT for 6 yrs

Experience and educational background: OSU degree in Agric. Educ.
Graduate of First Community Development

Reason for your interest in this position: I was instrumental in bringing
CAT to Canby along with Jerry Pacion of Stott. Working to
get out of Metro and have our own system. I want to offer
my knowledge & experience to the board.

List any other City or County positions on which you serve or have served: _____
City Council 25 yrs
Channel 5 TV board 1 yr.

Information on any special membership requirements: _____
None

Referred by (if applicable): Julie Wehling

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: **City of Canby**
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013

Phone: 503.266.0733 Fax: 503.266.7961 Email: Scheaferk@ci.canby.or.us

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

RECEIVED
JAN 28 2014
CITY OF CANBY

1-4-13

**CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 1.30.14

Name: JOHN MERINA Occupation: RETIRED

Home Address: _____

Employer: _____ Position: _____

Daytime Phone: _____ Evening Phone: _____

E-Mail Address: _____

For which position are you applying? AUDIT COMMITTEE

What are your community interests (committees, organizations, special activities)? _____

COMMITTEE

Experience and educational background: B.S. ACCOUNTING
40+ YEARS PRACTICING CPA
LICENSED MUNICIPAL AUDITOR

Reason for your interest in this position: TO SERVE AS NEEDED

List any other City or County positions on which you serve or have served: _____

BUDGET COMMITTEE

Information on any special membership requirements: NONE NOTED

Referred by (if applicable): _____

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby
 Attn: City Recorder
 182 N Holly Street
 PO Box 930
 Canby, OR 97013

Phone: 503.266.0733 Fax: 503.266.7961 Email: Scheaferk@ci.canby.or.us

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

RECEIVED
JAN 30 2014
CITY OF CANBY

1-4-13

**CITY OF CANBY
APPLICATION**

Term to Expire 12.31.14

BOARD/COMMITTEES/COMMISSIONS/COUNCIL

Date: 02/06/14

Name: Ted Kunze

Occupation: Public Administrator

Home Address:

Employer: Canby Fire District

Position: Fire Chief/ CEO

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? Municipal Audit and Financial Oversight Committee

What are your community interests (committees, organizations, special activities)? I have been involved in many community activities including serving as Vice-Chair of the City of Canby, Police Chief Search Comm; Canby Visioning process; Canby URD Planning Committee; and I have volunteered as a Coach at Canby High School for 15 years. I am also the President of the Oregon Fire Chiefs Association and Chairman of the Board of Trustees for the Special Districts Insurance Trust.

Experience and educational background: I have worked in public administration for over 20 years with having served as Fire Chief and Chief Executive Officer of the Canby Fire District for the last 16 years. While with the District I have served as the District's Budget Official for 16 years.

Reason for your interest in this position: I have lived in the City of Canby for 15 years and plan to continue to be involved in my community past my retirement from the Fire District in July.

List any other City or County positions on which you serve or have served: 2 terms (6 years) as President of the Clackamas District Fire Defense Board; Clackamas County EMS Council; Clackamas County Wildfire Planning Committee.

Information on any special membership requirements: Thru now and July 1, 2014 I am unable to meet on the 4th Wednesday of the month due to a conflict with the Fire District Board meetings.

Referred by (if applicable):

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: **City of Canby**
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013

Phone: 503.266.0733 Fax: 503.266.7961 Email: Scheaferk@ci.canby.or.us

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

RECEIVED

FEB 05 2014

CITY OF CANBY

1-4-13

RESOLUTION NO. 1181

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE SUBMITTING TO THE ELECTORATE FOR THE MAY 20, 2014 ELECTION, A CIVIC CENTER MEASURE PLUS EXPLANATORY STATEMENT.

WHEREAS, the Canby City Council has determined that there is a question for the electorate regarding the use of Urban Renewal Funds on a civic center; and

WHEREAS, the Oregon Constitution, the City Charter of the City of Canby, Oregon, and Oregon Revised Statutes Chapter 250, authorize the City to submit a measure to City voters;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. An election is hereby called for the purpose of submitting to the qualified voters of the City the question of advising the Canby Urban Renewal Agency on building a civic center.
2. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the May 20, 2014 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
3. The City Recorder of the City of Canby is further authorized and directed to submit an Explanatory Statement to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Such statement is attached to this Resolution in proper form and adopted by the City.
4. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the May 20, 2014 election.

This Resolution shall take effect on February 19, 2014.

ADOPTED this 19th day of February 2014 by the City of Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Notice of Measure Election

City

SEL 802rev 1/14: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465**Notice**

Date of Notice

February 19, 2014

Name of City or Cities

City of Canby

Date of Election

May 20, 2014

The following is the final ballot title of the measure to be submitted to the city's voters.

Final Ballot Title Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.**Caption** 10 words which reasonably identifies the subject of the measure

ADVISING CANBY URBAN RENEWAL AGENCY ON BUILDING A CIVIC CENTER

Question 20 words which plainly phrases the chief purpose of the measure

SHOULD THE CANBY URBAN RENEWAL AGENCY PROCEED WITH CONSTRUCTION OF A CIVIC CENTER CONSISTING OF CITY OFFICES AND A LIBRARY?

Summary 175 words which concisely and impartially summarizes the measure and its major effect

The result of this advisory referral will not impact your taxes. A "Yes" vote advises the Canby Urban Renewal Agency to use available Urban Renewal funds that were already secured in December 2012 to build a civic center. This construction would allow City of Canby offices to move from the five current, aging buildings into one space for the purpose of consolidating staff, improving efficiency, and reducing operations costs as well as including a new library that is modern, efficient, and spacious. A "No" vote advises the Canby Urban Renewal Agency to use the same secured funds for other Urban Renewal projects as listed in the Urban Renewal Report (available on-line at the City of Canby website). The ultimate outcome of this vote is advisory only and not legally binding on the Canby Urban Renewal Agency or the Canby City Council.

Explanatory Statement 500 words that impartially explains the measure and its effect, if required attach to this form

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet	Local ordinance requiring submission	Explanatory statement required
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Not applicable	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Authorized City Official Not required to be notarized

→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Name

Kimberly Scheafer, MMC

Title

City Recorder

Work Phone

503-266-0733

Signature

Date Signed

**EXPLANATORY STATEMENT FOR VOTERS PAMPHLET
MAY 20, 2014**

**MEASURE APPROVING ADVISING CANBY URBAN RENEWAL AGENCY ON
BUILDING A CIVIC CENTER**

Measure No. _____

Word Total 246 (500 max)

This referral allows the electorate to provide an accurately accessed public opinion on the building of a civic center using Urban Renewal funds that have already been secured. Because these funds were already secured in December 2012 for this purpose, the result of this advisory referral will not impact your taxes.

A “Yes” vote advises the Canby Urban Renewal Agency to use available Urban Renewal Funds that were already secured in December 2012 to build a civic center and library. This civic center would allow City of Canby downtown offices to consolidate into a single space. Currently, the City of Canby operates from five separate, aging buildings in the downtown area. Having a single civic center downtown would lead to the consolidation of duplicative staff, would improve workplace efficiency overall, would enhance department communications, and would reduce operations costs. Further, the resulting surplus properties would be available to be sold and used in the revitalization of downtown. The civic center would also include a new and improved library that incorporates modern library design, technological advances and efficiencies, and has more space than the current library.

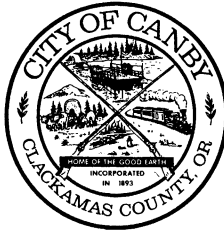
A “No” vote advises the Canby Urban Renewal Agency to use the same secured funds for other Urban Renewal projects as listed in the Urban Renewal Report (available on-line at the City of Canby website at www.ci.canby.or.us).

The ultimate outcome of this vote is advisory only and not legally binding on the Canby Urban Renewal Agency or the Canby City Council.

CITY OF CANBY

Kimberly Scheafer, MMC
City Recorder

Date



MEMORANDUM

DATE: FEBRUARY 19, 2014
TO: HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL
FROM: HALEY FISH, FINANCE DIRECTOR
THROUGH: GREG ELLIS, CITY ADMINISTRATOR
RE: SUPPLEMENTAL BUDGET RESOLUTION NO. 1182 & RESOLUTION 1184
APPROPRIATING UNANTICIPATED FUNDS RECEIVED FOR A SPECIFIC
PURPOSE

ISSUE: Adoption of a Supplemental Budget and appropriating unanticipated funds for the 2013-2014 fiscal year.

SYNOPSIS: A supplemental budget is required when unanticipated revenues are received and the City wants to be able to spend or transfer them in the current fiscal year. The other changes in the supplemental budget are changes in appropriations from one budget category to another within the same fund. Such changes can be accomplished by a resolution transfer, but they can also be included in a supplemental budget. A separate resolution to appropriate unanticipated funds in the forfeiture fund is also proposed in accordance with ORS 294.338.

General Fund

The administration department's increase in materials and services is due to expenses related to design services for the previously anticipated Graham Building lease and additional funds to supplement the Council's travel and training budget to purchase tablets for the City Councilors; the increase in personal services is due to the council approved raise of the City Attorney; and decrease in capital outlay is to adjust the PEG budget for an unanticipated reimbursement at the end of last fiscal year. The court department's increase in personal services is due to the Council approved raise for the Municipal Court Judge, a variance in budgeted benefit elections and actual benefit elections and part time assistance to help manage workload during employee turn over and training. The parks department's increase in personal services is due to a change in benefit elections; the increase in materials and services is due to a projected increase in fleet transfer based on actual work performed to date and additional known repairs to be completed. The cemetery department's increase in materials and services is to buy a

fireproof cabinet for permanent records maintained onsite at the cemetery. To offset these increases in unanticipated costs we are recognizing part of the excess cash carryover which was approximately \$130,000 more than budgeted.

Library Fund

The Library fund received \$30,935 more in donations for the new library project than budgeted, subsequent to the termination of the 2nd street new library project \$48,205 of donations were refunded. As the new library/civic center project is still under consideration no transfers to the urban renewal fund are anticipated in the current year therefore the transfer line is being reduced to zero and a restricted contingency is being established for a new library; this restricted balance includes a one million dollar grant from Clackamas County, \$136,081 in contributions from the library endowment fund which are restricted for library capital improvements and the balance of donations to the new library project not refunded. The Library has also received \$7,189 in unanticipated specific purpose grants which are being recognized and appropriated for use.

Fleet Services Fund

The increase in capital outlay is related to a project budgeted in fiscal year 2013 but not completed until fiscal year 2014 and is funded by the corresponding excess in cash carryover.

Transit Fund

The reclassification of funds from materials and services, specifically contract services, to personal services is the result of analyzing the functions being performed by the Transit Director who has been contracted and determining that the structure of the relationship is consistent with an employee vs a contractor. Therefore effective March 1 the City will transition our current contract Director to a temporary Interim Director position while an open recruitment is completed to fill the full time Director position effective July 1.

Swim Center Levy Fund

An unanticipated donation of \$2,500 was received and expended for a specific purpose and excess cash carryover is being appropriated for annual maintenance which cost slightly more than anticipated and slightly higher than expected utilities costs.

Sewer Combined fund

The increase in materials and services is due to the timing of expenses related to the stormwater master plan and the increase in capital outlay is due to the effluent diffuser project costing more than anticipated.

RECOMMENDATION: Staff recommends that Council adopt Resolution No. 1182 and 1184

ATTACHED: Resolution No. 1182 and 1184

RESOLUTION NO. 1182

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET
FOR THE 2013-2014 FISCAL YEAR**

WHEREAS, the City of Canby budget for the 2013-2014 fiscal year was adopted by the City Council at a regular meeting thereof on Wednesday, June 19, 2013; and

WHEREAS, the City of Canby has since received unanticipated revenues and a supplemental budget is required in order to expend those revenues; and

WHEREAS, in order not to overspend appropriations in any category of expenditures, it is necessary to transfer appropriations within several funds from certain expenditure categories to other expenditure categories.

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The following Supplemental Budget for the City of Canby for the 2013-2014 fiscal year is hereby adopted.

2013-2014 SUPPLEMENTAL BUDGET SUMMARY

<u>Fund/Department</u>	<u>Resources</u>		<u>Requirements</u>	
GENERAL FUND				
	Cash Carryover	\$ 45,717		
Administration			Materials & Services	\$ 6,073
			Personal Services	19,011
			Capital	(10,762)
			Debt	10
Court			Personal Services	11,895
Parks			Materials & Services	12,500
			Personal Services	6,290
Police			Personal Services	(1,000)
			Materials & Services	1,000
Cemetery			Materials & Services	700
	Total Resources	<u>\$ 45,717</u>	Total Requirements	<u>\$ 45,717</u>
LIBRARY FUND				
	Cash Carryover	\$ 30,935	Contingency	\$ 1,138,241
	Grants	7,189	Materials & Services	55,394
			Transfers	<u>(1,155,511)</u>

	Total Resources	<u>\$ 38,124</u>	Total Requirements	<u>\$ 38,124</u>
FLEET SERVICES FUND	Cash Carryover	\$ 25,500	Capital	\$ 25,500
	Total Resources	<u>\$ 25,500</u>	Total Requirements	<u>\$ 25,500</u>
TRANSIT FUND			Personal Services	\$ 34,000
			Materials & Services	(34,000)
			Total Requirements	<u>\$ -</u>
SWIM CENTER LEVY FUND	Cash Carryover	\$ 4,000	Materials & Services	\$ 6,500
	Donations	2,500		
	Total Resources	<u>\$ 6,500</u>	Total Requirements	<u>\$ 6,500</u>
SEWER COMBINED FUND	Cash Carryover	\$ 45,825	Capital	\$ 15,000
			Materials & Services	30,825
	Total Resources	<u>\$ 45,825</u>	Total Requirements	<u>\$ 45,825</u>

This resolution shall take effect on February 19, 2014.

ADOPTED by the Canby City Council at a regular meeting thereof on February 19, 2014.

Brian Hodson, Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

RESOLUTION NO. 1183

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
WITH THE CITY OF PORTLAND, OREGON, FOR THE REGJIN PROJECT**

WHEREAS, the City of Portland, Oregon has acquired a law enforcement Records Management System to maintain a multi-agency, multi-jurisdictional set of law enforcement applications and associated databases; and

WHEREAS, the primary objective of the region is to develop a shared common database available to cooperatively prevent criminal activity, track resource utilization, facilitate rapid and efficient communications, provide immediate and coordinated assistance among area agencies for day-to-day, tactical, and strategic operations, improve the ability of law enforcement to prevent and solve criminal activity through shared system functionality and cooperative operations, effectively prosecute criminals, and identify short and long term leveraging opportunities for cost effective infrastructure investments to meet regional requirements; and

WHEREAS, the City of Portland, Oregon, is inviting numerous Regional Partner Agencies to enter into an intergovernmental agreement for the user board of the Regional Justice Information System (RegJIN); and

WHEREAS, the City of Canby, Clackamas County, Oregon desires to be a participating Regional Partner Agency for the RegJIN Project.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City of Canby as follows:

1. The City of Canby authorizes the Intergovernmental Agreement (“IGA”) with the City of Portland, Oregon, for participation in the RegJIN Project as described in the form attached hereto as Exhibit A.

This resolution will take effect on February 19, 2014.

ADOPTED this 19th day of February 2014 by the City of Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

REGJIN MASTER IGA

**MASTER INTERGOVERNMENTAL AGREEMENT FOR THE USER BOARD OF THE
REGIONAL JUSTICE INFORMATION SYSTEM (RegJIN)
No. 30003644**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into, pursuant to Oregon Revised Statutes ("ORS") 190.003 to 190.085, and Revised Code of Washington ("RCW") 39.34.030 by and among the City of Portland, an Oregon municipal corporation ("City"), and the Regional Partner Agencies (herein collectively, the "RPA").

RECITALS

WHEREAS, the City has acquired a law enforcement Records Management System ("RMS") to maintain a multi-agency, multi-jurisdictional set of law enforcement applications and associated databases; and

WHEREAS, the City and RPA find that a primary objective of the region is to develop a shared common database available in the RMS in order to cooperatively prevent criminal activity, track resource utilization, facilitate rapid and efficient communications, provide immediate and coordinated assistance among agencies for day-to-day, tactical, and strategic operations, improve the ability of law enforcement to prevent and solve criminal activity through shared system functionality and cooperative operations, effectively prosecute criminals, and identify short and long term leveraging opportunities for cost effective infrastructure investments to meet regional requirements; and

WHEREAS, the City and RPA desire to create a User Board to provide input, guidance and strategic direction for the RMS; and

WHEREAS, regionalization and interoperability provides a cost effective and efficient acquisition of the RMS and improvements through economies of scale, coordination and sharing; and

WHEREAS, use of the City's RMS assets with the RPA will increase overall system reliability and reduce duplicative systems while allowing for shared information; and

WHEREAS, creation of this Intergovernmental Agreement for the RMS may also be expanded to include other public safety technologies in the future; and

WHEREAS, the participating jurisdictions now desire to enter into this Agreement, and being fully advised; and

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained herein, it is agreed as follows:

1. DEFINITIONS:

The following is a definition of terms used herein:

- A. "Capital Cost" is the estimated and budgeted amount required, including but not limited to, the direct cost for hardware, software, project management, planning, design, engineering, procurement, labor and materials for designing, procuring, installation, testing, commissioning, training, and otherwise implementing the

RMS and its future components. Capital Cost does not include non-City RPA assets, non-City RPA specific applications, data conversion of data not contained in the Portland Police Data System (PPDS), the RPA side of RMS System interfaces, non-City user devices such as computer workstations, mobile computers, desktop and mobile computer operating system software and printers, and non-City network components.

- B. "Days" means calendar days, including weekdays, weekends and holidays, beginning at midnight and ending at midnight twenty-four hours later, unless otherwise specified by the Agreement.
- C. "City/RPA Confidential Information" means any information, in any form or media, including verbal discussions, whether or not marked or identified by the City and/or RPA, which is reasonably described by one or more of the following categories of information: (1) financial, statistical, personnel, human resources data or Personally Identifiable Information as described in the Oregon Consumer Identity Theft Protection Act of 2007; (2) business plans, negotiations, or strategies; (3) unannounced pending or future products, services, designs, projects or internal public relations information; (4) trade secrets, as such term is defined by ORS 192.501(2) and the Uniform Trade Secrets Act ORS 646.461 to 646.475; (5) Exempt per ORS 192.501 and/or ORS 192.502 (6) attorney/client privileged communications, (7) exempt per federal laws (including but not limited to Copyright, HIPPA, Computer Fraud and Abuse Act), (8) criminal history information that is not subject to disclosure based on State of Oregon, State of Washington, or Federal rules and regulations, (9) criminal investigation information, (10) tactical and strategic public safety information, and (11) information relating to or embodied by designs, plans, configurations, specifications, programs, or systems developed for the benefit of the City and/or RPA including without limitation, data and information systems, any software code and related materials licensed or provided to the City by third parties; processes; applications; codes, modifications and enhancements thereto; and any work products produced for the City.

"Confidential Information" includes, but is not limited to, any information that is disclosed in written, graphic, verbal, or machine-recognizable form, and is marked, designated, labeled or identified at the time of disclosure as being confidential or its equivalent; or if the information is in verbal form, it is identified as confidential or proprietary at the time of disclosure and is confirmed in writing within thirty (30) days of the disclosure. Confidential Information does not include any information that: is or becomes publicly known through no wrongful or negligent act of the receiving party; is already known to the receiving party without restriction when it is disclosed; is, or subsequently becomes, rightfully and without breach of this Agreement or any other agreement between the Parties or of any applicable protective or similar order, in the receiving party's possession without any obligation restricting disclosure; is independently developed by the receiving party without breach of this Agreement; or is explicitly approved for release by written authorization of the disclosing party.

- D. "Cost Sharing Formula" is the plan and periodic amendments thereof, adopted by the City based on recommendations by the User Board that apportions User

Fees, capital, operation, maintenance, repair and replacement costs and use of grant funding among the Entry and Inquiry Only RPA. The Cost Sharing Formula is attached as Exhibit A.

- E. "Entry RPA" includes the City of Portland and any authorized agency who enters data into the RMS. Entry RPA may take part in decisions or activities of the User Board in which the Entry RPA has discretion to participate. Entry RPA shall have full voting rights. The City shall be considered an Entry RPA for voting purposes.
- F. "Inquiry Only RPA" is an agency who has access to view the RMS data but does not input any data. Inquiry Only RPA have no voting rights on the User Board.
- G. "Operation and Maintenance Cost" are the budgeted amount required for the operation and maintenance of the RMS which may include, but not be limited to, the direct cost for: license fees, vendor support costs, software and hardware upgrade and/or replacement costs, maintenance, personnel, facilities use and rental costs, and training for the upcoming year. Operating and Maintenance Cost shall be allocated to the Entry and Inquiry Only RPA according to the Cost Sharing Formula.
- H. "Project" shall mean any effort undertaken by the System Manager, as recommended by the User Board, to improve or modify the RegJIN RMS.
- I. "Quorum of the Board" is comprised of fifty (50) percent of the Entry RPA, plus one.
- J. "RPA Asset" shall mean hardware, software, equipment, real property and fixtures, owned or leased by any RPA.
- K. "RPA" shall mean Inquiry Only and Entry Partners
- L. "Records Management System" is the tangible assets and/or Systems acquired or purchased by the City to develop, implement and operate the RegJIN RMS.
- M. "RegJIN RMS" is the law enforcement records management system acquired and implemented by the City of Portland for use by the RPA.
- N. "Strategic Plan" is the plan and periodic amendments thereof, setting forth the vision, strategy and benefits for the RegJIN RMS as recommended by the User Board and approved by the City.
- O. "System Manager" is the individual and his/her designated named backups appointed by the City of Portland to manage and operate the RMS on a daily basis.
- P. "Technology Management Plan" is the plan and periodic amendments thereof, that is recommended by the User Board and approved by the City that provides technical guidance for operation, maintenance, and repair of the RMS.

- Q. "Unanimous Vote" or "Unanimously" means that approval is required by the City and all Entry RPA present at a User Board meeting. A Quorum of the Board is required for all Unanimous Votes.
- R. "Upgrade Plan" is the Plan for upgrading the RMS, and periodic amendments thereof, that is recommended by the User Board and approved by the City, including, but not limited to, detailed technical designs, estimated budget for the capital costs of acquiring, constructing, and deploying the technical design, estimated budget for upgrading the RMS.
- S. "User Board" is the administrative body of the RegJIN User Board.
- T. "User Fees" are fees set by the City for RPA access and use of the RMS and as agreed to between the City and a RPA in a Participating IGA.
- U. "Withdrawal Plan" is a plan providing the manner of complete withdrawal for an RPA, or for an Entry RPA to move to an Inquiry Only RPA.

2. ESTABLISHMENT OF USER BOARD:

There is hereby established the RegJIN User Board ("User Board") for the purpose as described below and subject to the terms and conditions herein. The User Board is established to plan and advise the City of Portland in the operation of the RMS, which serves the geographic area encompassed by Clackamas, Columbia, Multnomah, and Washington Counties of Oregon State and Clark County of Washington State (along with future RPA). Thereafter, the RPA may recommend expansion of the System and pursue other services as agreed to by the City and Entry RPA.

3. STATEMENT OF PURPOSE:

General

The User Board is formed to create a user based structure for making recommendations to the City regarding the planning, funding, operations, and maintenance of the RMS including, but not limited to, transition planning, User and administrative training procedures, training equipment and facilities, uniform data entry, complying with federal and state reporting requirements, maintaining data integrity, operational efficiencies, physical backup and redundancy, and obtaining and managing additional resources such as grants to support RMS maintenance, enhancement, and extension. The User Board may perform functions, which may include, but are not limited to the following:

- A. Cooperatively develop or review and recommend changes or adoption of a Strategic Plan for maintaining the viability and efficiency of the RMS.
- B. Review and recommend which RMS data and applications will be shared among the City and RPA.
- C. Cooperatively develop or review and recommend changes or adoption of a coordinated long-term plan for capital and operating funding of the RMS, including methods to allocate costs.

- D. Review and recommend changes to established Standard Operating Procedures (SOPs) and technical standards for the operations and business continuity of the RMS.
- E. Review and recommend changes or adoption of the RMS Technology Management Plan.
- F. Review and recommend changes to the operational and maintenance procedures of the RMS for assets owned by the City in a manner that resolves operational interface issues with each RPA's local assets.
- G. Recommend admission of new RPA.
- H. Review and recommend changes to RMS operational and maintenance procedures with the goal of balancing regional requirements against Entry RPA data collection and reporting autonomies.
- I. Apply for grants and other available funding sources to fund RMS enhancements and capability extensions.
- J. Participate in, and recommend process changes to ensure the successful deployment of the RMS and, in the future, RMS extensions and enhancements.
- K. Review and recommend changes of the annual operational budget developed to support and fund the RMS.
- L. Review and recommend Changes to the RMS Cost Sharing Formula.

4. ADMINISTRATIVE BODY:

The User Board shall have the duties as provided below.

- A. The User Board, as an advisory group formed to furnish advice to the City of Portland, shall be subject to and comply with the requirements of the Oregon Public Meetings laws.
- B. The User Board shall be composed of one representative appointed by each Entry RPA, which includes one representative appointed by the City. The User Board shall elect a Chair, and Vice-Chair who shall each serve for a two year term. The Chair, or in the Chair's absence the Vice-Chair, shall preside over all User Board meetings.
- C. The Entry RPA, through the Board, shall administer the operation of the User Board. Each Entry RPA and the City shall have one vote. Each Entry RPA shall appoint, at its pleasure, one primary representative, and one alternate representative who may attend all Board meetings. The primary and alternate representatives may jointly participate in all discussions of the User Board; provided however that the vote of the Entry RPA shall be cast only by the primary representative, unless the primary representative is absent, in which event the alternate representative may cast the Entry RPA's vote. No User Board member

may grant proxy voting power to another User Board member from another Entry RPA. A tie vote shall not be sufficient to pass a measure or recommendation.

- D. The Board may meet monthly at the discretion of the Chair, but in no event less than twice per year. It may meet more frequently as determined by the Chair or as requested by any Entry RPA or the City.
- E. A Quorum of the Board is required for the User Board to make any official recommendation or action.
- F. Unless otherwise provided herein, all User Board actions shall require approval by a majority of the Entry RPA present at an official Board meeting.
- G. The User Board Chair shall be responsible for providing notices of public meetings and keeping of minutes in compliance with Oregon Public Records laws. The minutes shall summarize the discussions completed during Board meetings and include all official actions taken by the Board, along with any vote tallies associated with those actions.
- H. The Chair or designee shall represent the User Board at official public meetings as requested by the City or other Entry RPA during which the Chair or designee shall report on the opinion and/or recommendations of the Board regarding specific issues being discussed that are relevant to the Board or RMS. The Chair or designee shall limit their participation in this capacity to reporting on official actions and recommendations taken by the Board.
- I. The User Board shall undertake the following:
 - 1. Review and recommend changes to the Strategic Plan developed by or updated by the City.
 - 2. Review and recommend changes to the Technology Management Plan developed by or updated by the City.
 - 3. Review and recommend changes to the Cost Sharing Formula developed by or updated by the City.
 - 4. Review and recommend changes to the annual objectives and work plans developed by the System Manager.
 - 5. Review and recommend changes to the general policy guidelines and/or Standard Operating Procedures developed by the System Manager for the RMS.
 - 6. Provide oversight and direction regarding User Board operations.
 - 7. Establish committees and appoint committees as needed.
 - 8. Review and comment on all Plans at least once every four years.
 - 9. Makes other recommendations as necessary.

- J. The User Board shall review and make recommendations on the acceptance of any new RPA as outlined in Section 10. Recommendations on acceptance of a new RPA shall be by Unanimous vote.
- K. The User Board, at its first organizational meeting, or as soon thereafter as reasonable, shall adopt rules governing its procedures, and including at a minimum 1) time and place of regular meetings; 2) method and manner of calling special meetings; 3) method, term and manner of election of User Board officers; and 4) establish committees and appoint committee representatives from among the RPA; and 5) any other procedures deemed necessary as outlined in Section 7.

5. PROJECTS AND FUNDING:

- A. Funds for Capital Cost of the initial RMS implementation will be contributed by the City. Funds for the Capital Costs of future components of the RMS will be jointly contributed by the City and other RPA based on a recommended allocation formula, taking into account application of grant funding and credit for contributed assets, if any. The RPA agree to request such grant funding whenever possible.
- B. According to adopted Strategic and Cost Sharing Formulas, the User Board may recommend Projects which further improve, expand, enhance and support the RMS, including, but not limited to, acquisition of hardware, software and equipment, upgrades and other steps to improve and extend the RMS.
- C. Entry RPA may propose improvements to the RMS by giving written notice to the User Board, describing the proposed improvement and identifying its benefits. Within 90 days, the User Board shall meet to discuss the proposal and determine if there is interest in pursuing the proposed Project. If so, the User Board shall direct the System Manager to research the proposed Project to determine or confirm any cost and operational impacts and to report back on the findings to the User Board. Subsequent to receiving the System Manager's report, the User Board may hold a vote to recommend whether or not the proposed Project should be undertaken.
- D. Any significant changes to the RMS shall consider the following factors, including but not limited to, sources of funding (City, RPA, available grants and other sources), technical and business impact to the City and RPA, and the recommendation(s) of the User Board. Capital and Operating Costs for such changes shall be allocated among the City, Entry and Inquiry RPA as determined by the Cost Sharing Formula and incorporated into each RPA's Participating IGA as part of the User Fees.
- E. Each RPA agrees to inform the User Board of potential grant sources and thereupon the User Board shall determine if the User Board should pursue that source. If the User Board declines to pursue that source, then the individual RPA may seek those grant funds on its own and, if successful, may choose to apply

the grant funds for the benefit of the User Board or to its local match or share if it is an allowable use of grant proceeds.

- F. Any increase in either A, B, C and/or D above may be recommended by the User Board and approved by the City so long as the total cost impact per subsection to all RPA is no greater than 5% per year, and no greater aggregate than 10% per year. Any subsection with a cost impact greater than the 5% or 10%, shall be voted upon by a Quorum of the User Board and approved with a majority vote.

6. USER BOARD MANAGEMENT, OPERATION AND FUNDING:

- A. The User Board shall make recommendations as to the best method for the administration, management, and operation of the RMS. The User Board shall review and make recommendations on the annual budget prepared by the System Manager for managing and supporting the RMS.
- B. The User Board shall be self-sufficient in its operation. The City and RPA will participate at their own cost, time and expense.

7. COMMITTEES:

The User Board may establish committees from time to time as it deems necessary. Generally, the User Board will consider establishment of committees in the following areas:

- A. Engineering/Technical
- B. Policy
- C. Customer/User
- D. Finance/Budget

When a committee is established by the User Board, the City and each Entry RPA is entitled to have one voting representative on the committee. The Chair may limit these committees to an appropriate size for conducting its business. The Chair will recommend a procedure for limiting the size of the committees, which will then be approved by the Board. Each committee shall provide advice, counsel, and recommendations to the User Board or the Chair as requested.

The City and each Entry RPA may designate one voting committee member and an alternate. A majority of the voting committee creates a quorum. All decisions require a majority vote of the members in attendance. An alternate RPA committee member may vote if the designated RPA voting member is not present.

8. CAPITAL CONTRIBUTION, CAPITAL COST DETERMINATION, AND INITIAL RPA RESPONSIBILITY:

The Cost Sharing Formula shall establish the application of User Board grant proceeds, cost allocation formulas, rates, and appropriate service charges for such services

provided to Entry and Inquiry Only RPA, and for upgrading and maintaining the RMS which will be paid by the RPA. RPA responsibility for such allocations, rates and charges will be incorporated in, or amended to, each RPA's Participating IGA.

9. PAYMENT:

- A. Each Entry and Inquiry Only RPA will have an individual Participating IGA with the City that outlines the costs and terms and conditions of their participation in the RegJIN RMS. A Entry RPA's right to participate on the User Board under this Agreement is contingent upon execution of the Participating IGA.
- B. Failure to pay the City as due under the Participating IGA will suspend the Entry RPA's voting rights in the User Board until fully paid.

10. NEW RPA:

The User Board shall review and recommend the admitting of new Entry RPAs as part of the RMS. Any recommendations for admitting a new Entry RPA shall require a Unanimous Vote; admitting of any new Inquiry Only RPA shall be at the discretion of the System Manager. The System Manager will make the list of new Inquiry Only RPAs available to the User Board 30 days prior to granting access to the System. Recommendations on the addition of new Inquiry and Entry RPA must consider that the:

- A. The RMS contains highly confidential crime and other data and is reserved for law enforcement applications and will only be open to certified law enforcement agencies.
- B. If a new RPA is added, its addition is subject to the sections of the Cost Sharing Formula that govern the costs allocated to RPA(s) added to the RMS after the initial RMS cutover to operational (live) status.
- C. New RPA shall be bound by the terms and provisions of this Agreement and an individual Participating IGA.

11. DURATION, WITHDRAWAL AND TERMINATION:

- A. This Agreement is perpetual and the User Board shall continue from year to year unless otherwise terminated or dissolved by the methods described in this Agreement.
- B. The User Board may be dissolved upon unanimous agreement of all Entry RPA.
- C. Termination of an Entry RPA's Participating IGA shall revoke their participation on the User Board effective immediately.
- D. An Entry RPA that withdraws from the RMS may remove its RPA assets from the RMS including any data entered into the RMS by the withdrawing RPA. All costs associated with the reasonable removal of the withdrawing RPA's assets including costs of removing data entered by the RPA into the RMS will be the responsibility of the withdrawing RPA.

- E. A minimum of 180 days shall be allocated for the System Manager to withdraw an RPA's assets, including the withdrawal of the Entry RPA's data, from the RMS after the date upon which the RPA's withdrawal becomes effective. The withdrawing Entry RPA shall have full access to its assets including its data during the time period required to complete the removal of an Entry RPA's assets from the RMS.
- F. RPA may only withdraw from the RMS on January 1 of each year and must provide a minimum of 180 days written notice of their intention to withdraw.
- G. Notice of an RPA's intention to withdraw must be provided in writing to the User Board Chair. A copy of the withdrawal notice must be provided to the System Manager.

12. INDEMNIFICATION:

To the extent permitted by the Constitutions and laws of Oregon and Washington, each Entry RPA shall hold harmless and indemnify the other Entry RPA for the willful or negligent acts, actions or omissions to act of that Entry RPA's respective entity, commissioners, officers, employees, and agents in the performance of their respective responsibilities and duties under this Agreement.

13. CONFIDENTIALITY:

- A. Maintenance of Confidentiality. The City and RPA shall treat confidential any Confidential information that has been made known or available to them or that an Entry RPA has received, learned, heard or observed; or to which an RPA has had access. The City and RPAs shall use Confidential information exclusively for the City or RPA's benefit and in furtherance of this Agreement. Except as may be expressly authorized in writing by the City or affected RPA, in no event shall the City or a RPA publish, use, discuss or cause or permit to be disclosed to any other person such Confidential information. The City and RPA shall (1) limit disclosure of the Confidential information to those directors, officers, employees and agents of the City or RPA who need to know the Confidential information, (2) exercise reasonable care with respect to the Confidential Information, at least to the same degree of care as the City or RPA employs with respect to protecting its own proprietary and confidential information, and (3) return immediately to the City or RPA who provided the information, upon its request, all materials containing Confidential Information in whatever form, that are in the City or RPA's possession or custody or under its control. The City and RPA are expressly restricted from and shall not use Confidential intellectual property of the City or providing RPA without the City or that RPA's prior written consent.
- B. The RPA acknowledge that each RPA is subject to the Oregon or Washington Public Records Acts, as applicable, and Federal law. The RPA agree that each RPA will follow the laws of its home state. Third persons may claim that the Confidential Information may be, by virtue of its possession by the City or a RPA, a public record and subject to disclosure. RPA receiving a public records request agrees, consistent with its state public records law, not to disclose any information that includes a written request for confidentiality and as described above and specifically identifies the information to be treated as Confidential.

Specifically, Washington RPA shall abide by RCW 42.56 for cases involving public records contained in the City of Portland owned RegJIN System as outlined in this public safety Regional Intergovernmental Agreement. A RPA's commitments to maintain information confidential under this Agreement are all subject to the constraints of Oregon or Washington and federal laws. Within the limits and discretion allowed by those laws, the City and RPA will maintain the confidentiality of information.

- C. The RPA acknowledge and agree that the City and each RPA owns its own data in the RMS. RMS data can only be disclosed by the agency that entered it. In the event of a public record request for RMS data which belongs to the City or another RPA, the City or receiving RPA shall inform both the requestor and the appropriate agency within two business days that it is not the custodian of record for the requested data and identify the Entry RPA that may be able to comply with the public record request.
- D. The RPA acknowledge that unauthorized disclosure of Confidential Information will result in irreparable harm to the City or providing RPA. In the event of a breach or threatened breach of this Agreement, the City or affected RPA may obtain equitable relief prohibiting the breach, in addition to any other appropriate legal or equitable relief.

14. WAIVER:

No waiver or any breach of Agreement shall be held to be a waiver of any other or subsequent breach of this Agreement.

15. REMEDIES:

The remedies provided in this Agreement are cumulative, and may be exercised concurrently or separately. The exercise of any one remedy shall not constitute an election of one remedy to the exclusion of any other.

16. SURVIVAL:

All obligations relating to confidentiality; indemnification; publicity; representations and warranties; proprietary rights; perpetual licenses, including licensing obligations as stated in this Agreement shall survive the termination or expiration of this Agreement.

17. NO THIRD PARTY BENEFICIARIES:

The City and Entry RPA expressly agree that nothing contained in this Agreement shall create any legal right or inure to the benefit of any third party.

18. ASSIGNMENT:

The rights and obligations of each party under this Agreement may not be assigned in whole or in part.

19. NOTICE:

Notices to the City shall be provided as set forth below in writing and sent by either certified US mail, return receipt requested, or by personal delivery to:

**City of Portland
RegJIN System Manager
Portland Police Bureau
1111 SW 2nd Avenue, Suite 1156
City of Portland
Portland, OR 97204**

20. AMENDMENTS:

This Agreement may only be changed, modified, or amended by unanimous vote of all Entry RPA.

21. EFFECTIVE DATE:

This Agreement shall be effective on July 1, 2012 and continue in perpetuity unless otherwise terminated.

22. SEVERABILITY:

The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part, shall not affect the remainder of this Agreement.

23. INTERPRETATION:

The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of this Agreement and according to Oregon and Washington law.

24. EXECUTION IN COUNTERPARTS:

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute the same agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SIGNATURE AUTHORIZATION FOR INTERGOVERNMENTAL AGREEMENT.

User Boards are:

CITY OF CANBY

APPROVED AS TO FORM

By: _____

Joseph Lindsay, City Attorney

Printed Name: Greg Ellis

Title: City Administrator

Date of Signing: _____

RESOLUTION NO. 1184

**A RESOLUTION APPROPRIATING UNANTICIPATED FUNDS RECEIVED FOR A SPECIFIC PURPOSE
FOR THE 2013-2014 FISCAL YEAR**

WHEREAS, the City of Canby budget for the 2013-2014 fiscal year was adopted by the City Council at a regular meeting thereof on Wednesday, June 19, 2013; and

WHEREAS, the City of Canby has since received unanticipated federal forfeiture revenues to be used for allowable law enforcement purposes; and

WHEREAS, in order to expend the funds, it is necessary to appropriate the funds.

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The following Budget Appropriations for the City of Canby for the 2013-2014 fiscal year is hereby adopted.

2013-2014 BUDGET APPROPRIATIONS SUMMARY

<u>Fund/Department</u>	<u>Resources</u>	<u>Requirements</u>
Forfeiture Fund		
Other Resources	<u>\$ 35,828</u>	Materials & Services <u>\$ 35,828</u>
Revised Total Resources	<u>\$ 72,609</u>	Revised Total Requirements <u>\$ 72,609</u>

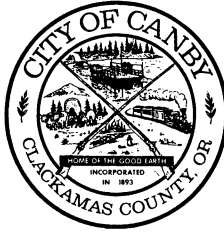
This resolution shall take effect on February 19, 2014.

ADOPTED by the Canby City Council at a regular meeting thereof on February 19, 2014.

Brian Hodson, Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



MEMORANDUM

DATE: FEBRUARY 19, 2014
TO: HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL
FROM: HALEY FISH, FINANCE DIRECTOR
THROUGH: GREG ELLIS, CITY ADMINISTRATOR
RE: PERS CONTRIBUTION STABILIZATION RESERVE

ISSUE: Establishment and commitment of the Retirement and Separation Payout Reserve (the Reserve)

SYNOPSIS: The City has 11 employees eligible to retire and 13 employees eligible for early age retirement in accordance with applicable benefit agreements. As of the February 7, 2014 pay date the calculated retirement payout based on actual accruals totaled approximately \$373,000. In addition the city has approximately 328,000 in accrued vacation which would be payable upon an employees separation from the City. This is equal to 139% of the General Fund Contingency as budgeted in fiscal year 2014. Individual payouts range from \$260 to approximately \$43,000.

The City budgeted for a 15% increase in healthcare benefit costs and the actual increase was only 9.9% amounting to a variance of \$68,254 available in the current budget to be dedicated to initially fund the Reserve. This would make the initial funding status 10%.

We proposed that prospectively the Reserve be funded by budgeting 2-4% of salaries to accrue each pay period until the liability reaches a funding status of 90%, and that funding status be reviewed at least twice a year during the mid-year review and the development of the subsequent year budget in order to maintain the aforementioned funding status. Our projections calculate that it will take 3-6 years to attain a funding status of 90% depending on the % of salaries budgeted to fund the Reserve.

As this is funded by a % of salaries from each department/fund with employees if dissolved it should be distributed on a pro-rated basis of personal services expense.

RECOMMENDATION: Staff recommends that Council adopt Ordinance 1394.

ATTACHED: Ordinance No. 1394

ORDINANCE NO. 1394

AN ORDINANCE ESTABLISHING A RETIREMENT AND SEPARATION PAYOUT RESERVE AND COMMITTING IT TO BE USED TO FUND PAYOUTS OF VACATION, SICK, COMP AND HOLIDAY ACCRUALS AND CORRESPONDING EMPLOYER LIABILITIES MADE IN ACCORDANCE WITH BENEFIT AGREEMENTS AT THE TIME OF RETIREMENT OR SEPARATION FROM THE CITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City has unfunded long-term liabilities related to benefits payable to employees who retire or separate from the City as specified in corresponding employee benefit agreements; and

WHEREAS, the City budgeted for a 15% increase in healthcare benefit costs and the actual increase was only 9.9% amounting to a variance of \$68,254 available in the current budget to be dedicated to initially fund the Retirement Payout Reserve (the Reserve); and

WHEREAS, prospectively the Reserve will be funded by budgeting 2-4% of salaries to accrue each pay period until the liability reaches a funding status of 90%, funding status will be reviewed at least twice a year during the mid-year review and the development of the subsequent year budget in order to maintain the aforementioned funding status; and

WHEREAS, the City plans to maintain the Reserve in the General Fund and would like to commit the corresponding fund balance for the purpose of funding payouts of vacation, sick, comp, and holiday accruals and corresponding employer liabilities; and

WHEREAS, the Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type, paragraph 10 specifies that amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority should be reported as committed fund balance; and

WHEREAS, a City of Canby Ordinance is the highest level of decision-making authority; now therefore

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The Retirement Payout Reserve is hereby established, \$68,254 is dedicated from the current year budget to initiate funding, prospectively 2-4% of salaries will be budgeted to fund the reserve until it reaches a 90% funding status, funding status will be reviewed semi-annually to maintain a 90% funding status and the reserve is committed to be used for the purpose of funding payouts of vacation, sick, comp, and holiday accruals and corresponding employer liabilities.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, that the reserve be committed, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, February 19, 2014, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, March 5, 2014, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 5th day of March 2014, by the following vote:

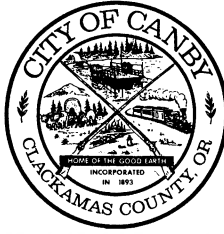
YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



MEMORANDUM

DATE: FEBRUARY 10, 2014
TO: HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL
FROM: KIM SCHEAFER, CITY RECORDER
THROUGH: GREG ELLIS, CITY ADMINISTRATOR
RE: ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12.28 CITY CEMETERY

ISSUE: The wording in the current chapter is outdated.

SYNOPSIS: In February of 2013 the Administration Department assumed the record keeping duties of Zion Memorial Park Cemetery. Over the past year as staff was learning the procedures it was noted that current language in the Canby Municipal Code was not current with the day-to-day practices. Staff met with the Cemetery Sexton and reviewed current practices and the proposed code language.

RECOMMENDATION: Staff recommends that Council approve Ordinance No. 1395 to come up for second reading on March 5, 2014.

ATTACHED: Ordinance No. 1395 and Exhibit "A"

ORDINANCE NO. 1395

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12.28
REGARDING THE CITY CEMETERY**

WHEREAS, Chapter 12.28 of the Canby Municipal Code regarding the City Cemetery is outdated, and

WHEREAS, the City Council finds it necessary to update the wording of this chapter so it corresponds with current practices.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Chapter 12.28 of the Canby Municipal Code is amended to read as noted in Exhibit "A". All other sections, not amended in Exhibit "A", shall remain in full force and effect as they presently appear.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, February 19, 2014 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on March 5, 2014 commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on March 5, 2014 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

EXHIBIT "A"

CHAPTER 12.28: CITY CEMETERY

Section

- 12.28.010 Rules adopted.
- 12.28.020 Duties of **Cemetery Sexton** and City Recorder.
- 12.28.030 Operation and maintenance.
- 12.28.040 Permits for interment, removal and transfer of bodies.
- 12.28.050 Prices and charges.
- 12.28.060 Conveying title to lots.
- 12.28.070 Privileges and restrictions on owners of lots and graves.
- 12.28.080 Cremain lots.
- 12.28.090 Cemetery **Perpetual Care** Reserve Fund.
- 12.28.100 Penalty.

§ 12.28.010 Rules adopted.

Except as otherwise provided in this chapter, the rules and regulations of the Zion Cemetery Association of Canby, Oregon, adopted January 10, 1938 and revised in July 1949 **and 2006**, shall be the rules and regulations for the use, control, operation and management of the city's cemetery which is now known as Zion Memorial Park **Cemetery**. The rules and regulations may be revised and amended from time to time by resolution of the City Council to the extent not inconsistent with this chapter.

§ 12.28.020 Duties of **Cemetery Sexton** and City Recorder.

The **Cemetery Sexton** ~~City Recorder~~ shall receive, issue proper receipts for, ~~and place in appropriate cemetery funds,~~ all monies due the city from the sale of lots, services furnished and all other sources. **Said funds will be placed in appropriate cemetery funds by the Finance Department.** The City Recorder shall issue in the name of the city all ~~titles~~ permits required and shall keep complete records of all matters pertaining to the cemetery **as required by the State of Oregon Mortuary and Cemetery Board,** ~~including a record of ownership of lots and graves, a record of all burial permits issued, showing the full name of the deceased, the place of birth (if known), age (if known), date and place of death, date of interment, cause of death, the number and date of permit, name of undertaker, lot or grave in which buried, and outside dimensions of coffin or box.~~

§ 12.28.030 Operation and maintenance.

The operation and maintenance of the cemetery shall be the responsibility of the **Cemetery Sexton** ~~Public Works Department~~, subject to the general supervision of the City Administrator. The **Cemetery Sexton** ~~Public Works Department~~ shall keep on the cemetery premises a record of all interments **as required by the State of Oregon Mortuary and Cemetery Board,** ~~showing the full name of the deceased, place of birth (if known), age (if known), date and place of death, date of interment, cause of death, number and date of permit, name of undertaker, lot or grave in which buried and outside dimensions of coffin or box.~~ The records to be kept at the cemetery shall be duplicates of the **original** records to be kept by the City Recorder at the City Hall. **The Cemetery Sexton shall provide the City Recorder with all records required for permanent retention.**

§ 12.28.040 Internment, removal and transfer of bodies.

- A. No person shall be allowed to have their dead interred in the cemetery without first obtaining verification of ownership from the Cemetery Sexton or producing a Certificate of Title to the grave in which they desire to inter the remains.**
- B. Upon receiving proper documentation for interment, as required by the State of Oregon Mortuary and Cemetery Board, the Cemetery Sexton shall issue an invoice which shall also act as a permit.**
- C. In case of interment of a deceased owner of a lot, the invoice shall state the informant's name.**
- D. A permit from a funeral home must also be secured prior to the removal of any body from the cemetery or the transfer of any body from one part of the cemetery to another.**
- E. No cremains may be scattered on top of burial sites.**

~~A permit from the City Recorder must be secured prior to the interment of any deceased person and a permit must also be secured prior to the removal of any body from the cemetery or the transfer of any body from one part of the cemetery to another. Written application for permits shall be made by the owner of the lot to be used and the applicant shall state the full name of the deceased, place of birth, age at death, date and place of death, date of interment in cases of transfer or removal, name of undertaker and lot or grave used. In case of interment of a deceased owner of a lot, the application shall be signed by some member of his or her family or household or by his or her physician. No permit shall be issued unless all money due the city has been paid. The permit, after issuance by the City Recorder, must be filed with the Public Works Department giving ample time before the funeral and notice of the hour of the funeral must be given at the same time. In case of disinterments, a permit from the Oregon State Board of Health must be secured and the written consent of the owner or owners of the lot or surviving spouse, children if of age, or parents of the deceased must be secured, but if the consent of the person cannot be obtained, the consent of the City Council shall be sufficient.~~

§ 12.28.050 Prices and charges.

The City Council shall, by resolution, establish the schedules of prices to be charged for lots, graves, grave openings and other services and privileges; provided, however, that the charges now being made shall be continued until changed by resolution of the Council.

§ 12.28.060 Conveying title to lots.

Every conveyance of a lot in the cemetery shall be by Certificate of Title, executed by the City Recorder, but the conveyance shall only have the effect of giving the perpetual use of a lot for burial purposes, subject to the laws of the state and the ordinances of the city. No grave or lot which has been conveyed by the city can be sold, transferred, assigned or exchanged for other graves except with the consent of the **Cemetery Sexton** City Administrator and upon those terms and conditions as the **Cemetery Sexton** Administrator may provide. **The City Recorder shall issue a new Certificate of Title after the conveyance has been approved.** ~~Notice in writing of the consent and the conditions thereof shall be mailed or otherwise delivered to the person or persons concerned by the City Recorder.~~

§ 12.28.070 Privileges and restrictions on owners of lots and graves.

The owner of a grave in any improved portion of the cemetery will be allowed to remove the body from the grave and reinter it in any other grave in the cemetery which he or she may own and will be allowed the price paid for the relinquished grave, provided it is not more than the price of the grave selected for reinterment. ~~and upon submitting a quit claim deed to the city for the relinquished grave.~~ **The original Certificate of Title must be returned to the City for the relinquished grave.** The owner of a lot may, with the approval of the **Cemetery Sexton** City Administrator, allow the burial of a friend or any other person in the lot, but to allow the burial for any compensation is strictly forbidden. The price of all graves includes the perpetual care of the same and is payable in advance before interment is permitted. Subdivisions of graves or lots by owners is not allowed; however, the burial of cremains within the graves of immediate family members shall be permitted, provided that not more than one marker or headstone is installed per grave. Planting of trees or shrubs shall be prohibited in locations other than areas designated for such landscaping.

§ 12.28.080 Cremain lots.

Additional to the provisions for cremain burial delineated in § 12.28.070, other areas may be specifically portioned off for the purpose of cremain burials. Not more than one cremain burial shall occur on each cremain lot.

§ 12.28.090 Cemetery **Perpetual Care Reserve Fund.**

A. The Cemetery **Perpetual Care** Reserve Fund shall be maintained and allowed to continue to grow in both principal and interest.

B. The City Council shall cause the Fund to be properly invested and the income therefrom shall be devoted exclusively to the permanent maintenance or perpetual care of the city's Zion Memorial **Park** Cemetery and as hereinafter provided.

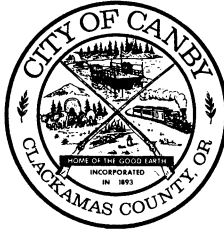
C. The obligation to be assumed by the city under the provisions of this section is to expend the income from the Cemetery **Perpetual Care** Reserve Fund in the care, maintenance and beautification of the cemetery and all lots or graves therein as far as the income from the Fund shall justify or permit, and in the following manner and no other: in the irrigation of the lots; in keeping the graves green and properly mowed; in reseeding the grass when

necessary; in trimming and pruning the trees and the flowers and shrubbery permitted to be grown on the lots under the terms of this chapter; in filling in and keeping up the general level of the graves as may cave in or sink; and in keeping in good working order and repair, and renewing when worn out, the water pipes and hydrants now or hereafter installed in the cemetery. The city shall not use any of the revenue derived from the Fund to dig any graves, erect or repair any tombstones or monuments, repair any fences or other enclosures, or place or replace any flowers or shrubs which are killed or die through no fault of the city or its agents.

D. Amounts to be taken from the cemetery rates or charges and placed in the Cemetery **Perpetual Care Reserve** Fund shall be set by resolution of the City Council.

§ 12.28.100 Penalty.

Violation of any provision of this chapter or the rules of Zion Memorial Park **Cemetery** is punishable by a fine not to exceed \$100.



MEMORANDUM

DATE: FEBRUARY 11, 2014
TO: HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL
FROM: KIM SCHEAFER, CITY RECORDER
THROUGH: GREG ELLIS, CITY ADMINISTRATOR
RE: ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 5.04.190 REGARDING BUSINESS LICENSE EXEMPTIONS

ISSUE: The wording in the current chapter is outdated regarding business license exemptions.

SYNOPSIS: The Administration staff is responsible for issuing business licenses. The current language regarding exemptions is outdated and unclear. Staff felt it was important the language be changed so that it was consistent with current procedures. Language has also been added that exempts a business from obtaining a license if the business activity is illegal under City, State or Federal law or if they are exempt from State or Federal law, such as insurance agencies.

RECOMMENDATION: Staff recommends that Council approve Ordinance No. 1396 to come up for second reading on March 5, 2014.

ATTACHED: Ordinance No. 1396

ORDINANCE NO. 1396

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 5.04.190 REGARDING BUSINESS LICENSE EXEMPTIONS IN THE CITY OF CANBY.

WHEREAS, the City of Canby currently requires businesses that operate within the City limits to obtain and maintain a Canby business license; and

WHEREAS, the City of Canby desires to clarify and update which businesses are exempt from obtaining or maintaining such a license; and

WHEREAS, the Canby Municipal Code needed to better address the need of businesses to follow all laws; now therefore

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The Canby Municipal Code (CMC) Chapter 5.04.190 is hereby amended to read as follows:

§ 5.04.190 Exemptions.

~~A. The provisions of this chapter shall not apply to garage sales, as described in this chapter.~~
~~B. The provisions of this chapter shall not apply to participants in all official city-sponsored or sanctioned events, including but not limited to General Canby Day and Peddler's Market.~~
~~C. The provisions of this chapter shall not apply to any person engaged as a landlord in leasing or renting property to others, unless the person leases at any 1 time more than 2 separate rental units, spaces or parcels, whether it be land, buildings or both, or residential, commercial or both.~~

The provisions of this chapter shall not apply to:

- A. Garage sales, as described in this chapter.
- B. Participants of all official city-sponsored or sanctioned events.
- C. General Canby Day and Canby Saturday Market.
- D. Any person engaged as a landlord in leasing or renting property to others, unless the person leases at any 1 time more than 2 separate rental units, spaces or parcels, whether it be land, buildings or both, or residential, commercial or both.
- E. Municipal, State, or Federal agencies.
- F. All non-profit businesses are exempt for the business license fee, but still required to complete an application.
- G. Any person who carries on or engages in a business that is illegal under applicable City, State, or Federal laws is prohibited from being issued a business license.
- H. Any business which is exempt from a license by virtue of State or Federal law.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, February 19, 2014, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, March 5, 2014, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on March 5, 2014 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Management Team Meeting Minutes
February 3, 2014
2:00 PM
City Hall Conference Room

In attendance: Greg Ellis, Amanda Zeiber, Julie Wehling, Kim Scheafer, Bryan Brown, Darvin Tramel, Melissa Kelly, Joseph Lindsay, Haley Fish, and Bret Smith.

Kim Scheafer

- Reminder that Records Destruction Requests need to be completed for email destruction. Temporary or transitory email (those that are fulfilled almost immediately upon request) just need to be kept until the task is complete. The retention period of other emails depends upon the content.
- Departmental goal presentations that were scheduled for February 19 have been moved to March 19 instead
- Departmental goals need to be returned by February 21

Amanda Zeiber

- Handed out new BOLI posters
- Police Officer position is opening
- Melissa Kelly is the Interim Library Manager
- Notice regarding service dogs will be posted at the entrances of public buildings
- Lisa Potter is talking about the 5210 program at the Chamber lunch tomorrow

Haley Fish

- Met with department heads last week to go over supplemental budget items
- Working on budget calendar

Julie Wehling

- Bus caught fire last week, but was not in service at the time
- Attended Clackamas County Transportation Meeting. TriMet Service Enhanced Plan Initiatives were presented. Will also be attending the C4 Meeting.
- Doing presentation on Friday regarding CAT for the Special Transportation Fund Committee

Bryan

- Staff is working on LUBA appeal paperwork
- Will be meeting with the new Engineer for Village on the Lochs Phase II
- Working on inquiry from downtown business wanting to move fence
- Expecting several applications in March and April

Darvin Tramel

- Now attending pre-application meetings
- Did stormwater sampling
- Working with staff on finishing mapping
- DEQ is issuing the WPCF permit
- NPDES application for WWTP needs to be submitted in June
- Is the Vice Chair Board Member for PNSCTA

Bret Smith

- New Court Clerk is starting February 10
- Final interview is being conducted tomorrow for the Police Records Clerk
- Spoke about benefits of RegJIN

Greg Ellis

- Gave an update on the civic center project

Melissa Kelly

- Starting a discussion series
- Three events will be held celebrating William Stafford
- Working on Library budget

Minutes taken by Kim Scheafer

Management Team Meeting Minutes
February 10, 2014
2:00 PM
City Hall Conference Room

In attendance: Greg Ellis, Amanda Zeiber, Julie Wehling, Kim Scheafer, Bryan Brown, Eric Laitinen, Melissa Kelly, Joseph Lindsay, and Renate Mengelberg.

Kim Scheafer

- Reviewed Agenda for February 19 CC Meeting
- Departmental goals need to be returned by February 21

Melissa Kelly

- Library was closed Saturday and Sunday due to weather

Amanda Zeiber

- CPI-U has not been posted yet
- Staff that did not come in to work at all due to weather need to use paid leave. Those that left early on Thursday and Friday after the City Administrator closed offices get a full day's pay.

Renate Mengelberg

- Filming for the NBC television series "Grimm" took place at the beginning of last week
- Working on getting industrial sites certified. Will know by this summer.
- Team Track has revised their Scope of Work

Eric Laitinen

- Pool was open on Saturday morning and closed on Sunday
- Spring schedule starts February 23

Julie Wehling

- No Dial-a-Ride today or last Friday due to weather
- Buses stayed on fixed routes throughout the storm

Bryan Brown

- Staff is working on LUBA appeal paperwork
- Resolved Code Enforcement issue
- Came to agreement with business owner about a new fence
- Worked on scopes for three traffic studies
- Staff is working on resubmitting the expedited development concept for grant money

Joseph Lindsay

- Working on Explanatory Statement for civic center measure

Greg Ellis

- Looking at what the cost would be to build a civic center and purchase property

Minutes taken by Kim Scheafer