



AGENDA

CANBY CITY COUNCIL REGULAR MEETING

April 17, 2013

7:30 PM

Council Chambers

155 NW 2nd Avenue

Mayor Brian Hodson

Council President Tim Dale

Councilor Richard Ares

Councilor Clint Coleman

Councilor Traci Hensley

Councilor Greg Parker

Councilor Ken Rider

CITY COUNCIL REGULAR MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

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 April 3, 2013 City Council Work Session and Regular Meeting

B. Change of Ownership Liquor License for 76 of Canby Pg. 1

7. PUBLIC HEARING

A. Establishing Fees and Charges for the Testing of Industrial Wastewater Pg. 3

8. RESOLUTIONS & ORDINANCES

- A. Res. 1150, Setting Industrial Waste Discharge Limits, Defining Normal Wastewater Pollutant Concentrations, Requiring Industrial Wastewater Discharge Permit Fees, Establishing Fees and Charges for the Testing of Industrial Wastewater, and Repealing Resolution 765 Pg. 4
- B. Res. 1156, Adopting an Updated Document Entitled Policies and Operating Guidelines for the Canby City Council Pg. 7
- C. Ord. 1373, Amending CMC Chapter 9.48.050 Regarding Noise Control Exceptions and Variances Pg. 29

9. NEW BUSINESS

10. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

12. ACTION REVIEW

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

14. 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 OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.

Memo

To: Mayor Carson & Members of City Council
From: Bret J. Smith, Chief of Police 
CC: Kim Scheafer, City Recorder
Date: April 2, 2013
Re: Liquor License Application / Pacific Northwest Petroleum Inc.
(76 of Canby)

I have reviewed the attached liquor license application completed by the applicant, Rohit Sharma for business, The 76 Gas Station of Canby, located at 453 SE First Ave, Canby, Oregon.

In addition, In October 2012, I spoke with applicant Rohit Sharma; and we discussed the laws involving the sale of alcoholic beverages. He told me he is familiar with the Oregon liquor laws, stating he is of the owner of seventeen (17) other similar retail stores that sell alcoholic beverages. He said he has received training regarding the laws involving the serving of alcoholic beverages and he understands the consequences for failure to comply with the rules as set forth by Oregon State law. He said he will continue to work closely with OLCC as it relates to training for his employees on pertinent laws involving alcohol related issues.

It is my recommendation that the Canby City Council approve this application to the Oregon Liquor Control Commission (OLCC).



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Pd. 3.29.13 L.S
\$75

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other 9TW

P46053
L180118

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 3.29.13

The City Council or County Commission:

City of Canby
(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 3-29-13

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① PACIFIC NORTHWEST PETROLEUM INC ③ _____
- ② _____ ④ _____

2. Trade Name (dba): 76 OF CANBY

3. Business Location: 453 SE 1ST ST CANBY CLACKAMAS OREGON 97013
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: _____
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers _____
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: VIRK PETRO INC Type of License: OFF PREMISES WITH PUMPS

8. Former Business Name: VIRK PETRO INC - 76 Foodmart of Canby

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? CITY OF CANBY
(name of city or county)

11. Contact person for this application: ROHIT SHARMA
(name) (phone number(s))

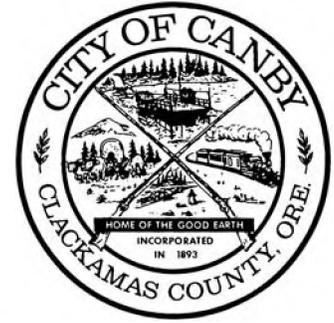
(address) (fax number) 76PETROLEUM@GMAIL.CO
(e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

- ① [Signature] Date 03/29/2013 ③ _____ Date _____
- ② _____ Date _____ ④ _____ Date _____

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Darvin Tramel, Environmental Services Manager*
DATE: *February 25, 2013*
THROUGH: *Greg Ellis, City Administrator*

Issue: Adopt resolution 1150, which sets industrial waste discharge limits, defines normal wastewater pollutant concentrations, requires industrial wastewater discharge permit fees, and establishes fees and charges for the testing of industrial wastewater, and therefore repealing Resolution No. 765.

Background: In 2009 the City completed and submitted the DEQ required Local Discharge Limitations report. The DEQ approved the technically based local limits and required that the local discharge limits go through the Public Notification process. In order to save money, the City in collaboration with DEQ, submitted the document with the City National Pollutant Discharge Elimination System (NPDES) permit renewal packet. At that time DEQ was to include the local discharge limits document in the Public Notification process with the 2010 NPDES permit renewal.

During the 2012 industrial pretreatment audit, DEQ realized that they had inadvertently failed to complete the public notification process at the time of the permit renewal. In order to be in compliance with DEQ regulations and to establish fees and charges to industrial users within the City's jurisdiction, the City must provide a thirty day public notice and adopt through resolution the 2009 Local Discharge Limits.

Recommendation: Staff recommends that the City Council approve Resolution 1150, a resolution to establish fees and charges to industrial users and allow the City to enforce technically based local limits for pollutants discharged to the City sewer system.

Motion: **"I move to adopt Resolution 1150, A RESOLUTION SETTING INDUSTRIAL WASTE DISCHARGE LIMITS, DEFINING NORMAL WASTEWATER POLLUTANT CONCENTRATIONS, REQUIRING INDUSTRIAL WASTEWATER DISCHARGE PERMIT FEES, AND ESTABLISHING FEES AND CHARGES FOR THE TESTING OF INDUSTRIAL WASTEWATER, AND THEREFORE REPEALING RESOLUTION NO. 765.**

RESOLUTION NO. 1150

A RESOLUTION SETTING INDUSTRIAL WASTE DISCHARGE LIMITS, DEFINING NORMAL WASTEWATER POLLUTANT CONCENTRATIONS, REQUIRING INDUSTRIAL WASTEWATER DISCHARGE PERMIT FEES, ESTABLISHING FEES AND CHARGES FOR THE TESTING OF INDUSTRIAL WASTEWATER, AND THEREFORE REPEALING RESOLUTION NO. 765.

WHEREAS, the Canby City Council is required, by Ordinance No. 1292, to establish local discharge limits for pollutants that may be introduced into the municipal sewer system; and

WHEREAS, the following discharge limits have been recommended to the City Council by the City Administrator and are in accordance with the Clean Water Act (33 U.S.C. 1251 et. seq.); and

WHEREAS, all industrial users listed as Categorical Industrial Users codified by 40 CFR Chapter I, Subchapter N, Parts 405 - 471, or determined to be a Significant Industrial User as defined in Ordinance No. 1292, are required to obtain an Industrial Wastewater Discharge Permit which will be valid for five (5) years; and

WHEREAS, all significant industrial users under the Industrial Pretreatment Program will be sampled and inspected bi-annually for compliance with Ordinance No. 1292 and this Resolution; and

WHEREAS, all costs associated with sampling, monitoring and laboratory analysis will be charged to the industrial user; and

WHEREAS, repealing the local discharge limits established in 2001, Resolution No. 765.

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

The following pollutant limits are established based on the DEQ approved City of Canby Local Discharge Limitations Report. The City shall publish and revise standards for specific prohibitions or limits on pollutants referred to as "Local Limits". These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of Sewer Use Ordinance No. 1292.

The following Sections establish pollutants and concentration limits for all wastewater's domestic/commercial and industrial and are effective immediately, for the pollutants, as set forth below:

Section 1. Conventional Pollutants established in this section apply to all users of the City sewerage system. Discharges in excess of these limits are subject to extra strength charges as determined by the City Administrator or his delegate.

Calculations to determine extra strength charges will be based on the cost to treat these pollutants in lbs/day, when compared to the standard user fee for residential customers.

<i>ORGANIC POLLUTANT</i>	<i>DAILY AVERAGE Mg/L</i>	<i>WEEKLY AVERAGE Mg/L</i>	<i>MONTHLY AVERAGE Mg/L</i>
<i>BOD</i>	350	350	300
<i>TSS</i>	350	350	300
<i>AMMONIA (NH3-N)</i>	35	35	30
<i>PHOSPHOROUS (Ortho)</i>	10	10	8
<i>OIL & GREASE</i>	150	150	100

Section 2. The following limits are for heavy metals and other pollutants. Violations of these discharge limits are subject to enforcement actions and other penalties defined in Sewer Use Ordinance No. 1292, and the Industrial Pretreatment Program Enforcement Response Guide:

<i>POLLUTANT</i>	<i>Uniform Concentration Limit Mg/L</i>	<i>POLLUTANT</i>	<i>Uniform Concentration Limit Mg/L</i>
<i>pH</i>	6.0-10.0 su	<i>LEAD (Pb)</i>	3.03
<i>ARSENIC (As)</i>	2.58	<i>MERCURY (Hg)</i>	0.37
<i>CADMIUM (Cd)</i>	1.47	<i>NICKEL (Ni)</i>	10.17
<i>CHROMIUM (Total)</i>	12.82	<i>SILVER (Ag)</i>	0.75
<i>COPPER (Cu)</i>	0.63	<i>ZINC (Zn)</i>	10.41
<i>CYANIDE (Cn)</i>	5.50		

Section 3. The initial fees and charges are as follows:

Industrial Wastewater Discharge Permit Fee \$ 5,000.00
(permit valid for five [5] years from issue)

Industrial Wastewater Discharge Permit \$ 55.00 per hour
application review fee

Section 4. Sampling and analysis fees for compliance will be passed on to the discharger on a cost basis, determined by the Canby Industrial Pretreatment Coordinator.

BE IT FURTHER RESOLVED that the Canby City Council hereby classifies the charges imposed herein as not being subject to the limitations imposed by Section 11 (b), Article XI of the Oregon Constitution and that the City Recorder is hereby directed to publish notice in accordance with ORS 310.145.

This resolution shall take effect on April 17, 2013.

ADOPTED by the Canby City Council at a regular meeting thereof on April 17, 2013.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

RESOLUTION NO. 1156

A RESOLUTION ADOPTING AN UPDATED DOCUMENT ENTITLED POLICIES AND OPERATING GUIDELINES FOR THE CANBY CITY COUNCIL TO REFERENCE AS IT CONDUCTS THE BUSINESS OF THE CITY

WHEREAS, the previous version of the Policies and Operating Guidelines was intended for City Council and City Boards and Commissions to use as a guideline as they deliberate on matters; and

WHEREAS, during a periodic review the Mayor and City Council determined that there was a need to revise the Policies and Operating Guidelines document so that it better addressed the needs of new Councilors and Council proceedings; and

WHEREAS, the updated Policies and Operating Guidelines document now addresses those needs and reference that it is for members of Boards and Commissions has been omitted, although new members of Boards and Commission will continue to receive a copy of this document.

IT IS HEREBY RESOLVED by the City of Canby Council that the updated document entitled *Policies and Operating Guidelines*, attached hereto as Exhibit "A" and by this reference incorporated herein, is adopted by the Canby City Council.

This resolution is effective April 17, 2013.

ADOPTED by the Canby City Council on the 17th day of April 2013.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



POLICIES & OPERATING GUIDELINES

For Members of the Canby City Council

Introduction

The Mayor and City Council follow a standardized set of policies and operating guidelines to guide the City Council as it deliberates on public policy matters and conducts the business of the City. In addition, they believe it is important to articulate a vision of those values and principles that set the cornerstone for the type of governance that the citizens of Canby are entitled to from their elected officials.

This document is intended to educate the elected officials on the mechanism around which the governing body of the City of Canby addresses community issues, develops proactive and responsible public policy and attends to the affairs of the City. **The same rules and procedures also apply to the Canby Urban Renewal Agency where applicable. With regard to Urban Renewal Agency, substitute Chair for Mayor and Commissioner for Councilor.**

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council members will work for the common good of the people of Canby and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

2. Comply with the Law

Council members shall comply with the laws of the nation, the State of Oregon and the City of Canby in the performance of their public duties. These laws include, but are not limited to: the United States and Oregon constitutions; the Canby City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government; and City ordinances and policies.

3. Conduct of Council Members

The professional and personal conduct of Council members must be above reproach and avoid even the appearance of impropriety. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

4. Respect for Process

Council members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of Public Meetings

Council members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not appropriate to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Public Meetings Law

Council members shall comply with Oregon Public Meetings Law. All final actions by the Council will take place at Council Meetings that are open to the public. Council members shall make sure that if there is a gathering of a quorum of the Council, outside of a noticed meeting, no discussions of official business shall take place.

7. Decorum in Council Meetings

Requirements – while the Council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent, or slanderous remarks, or becoming boisterous shall be barred by the Mayor from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the Council

Every member of the public and every Council member desiring to speak shall address the Mayor, and upon recognition by the Mayor, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate.

- We may disagree, but we will be respectful of one another
- All comments will be directed to the issue at hand
- Personal attacks should be avoided.

Enforcement – The Chief of Police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The Chief of Police shall carry out all orders and instructions of the Mayor for the purpose of maintaining order and decorum in the Council Chambers.

Upon instructions of the Mayor it shall be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who uses boisterous or profane language, or language tending to bring the Council or any Council member into contempt, or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the Mayor or otherwise disrupts the proceedings of the Council.

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, Council members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.

In accordance with the law, Council members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. Ex Parte Contacts and Disqualification

A quasi-judicial hearing is a type of land use proceeding. Councilor members should avoid any communication outside of the public hearing process with the applicant or an outside party on land use applications. A site visit is not considered an ex parte contact unless there is communication with an outside party or if information is gained from the visit that could be a factor in future decisions.

Any ex parte contact, including the nature of the contact and the information obtained, should be disclosed at the beginning of the public hearing. The Mayor shall announce the right of interested persons to rebut the substance of the communication. The Council member will also state whether such contact affects the Council member's impartiality or ability to vote on the matter. The Council member must state whether he or she will participate or abstain.

10. Use of Electronic Communications Devices During Council Meetings

Definitions for this section:

***Electronic Communications** means e-mail, text messages, or other forms of communications transmitted or received by technological means.*

***Electronic Communications Devices** means lap-top computers, blackberries, cell-phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.*

Council members shall not send or receive electronic communications concerning any matter pending before the Council during a meeting. Council members shall not use electronic communication devices to review or access information regarding matters not in consideration before the Council during a Council meeting. Council members shall not access the Internet, but may access Council packet information concerning any matter pending before the Council during a Council meeting. Any electronic communications regarding a quasi-judicial matter to be considered by Council is an ex-parte contact and shall be disclosed as required by law.

11. Decisions Based on Merit

Council members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

12. Motions

- A. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor member who made the second and repeat the motion prior to voting.
- B. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not

require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.

- C. Discussion of a motion is open to all Council members who wish to address the motion. A Council member may speak more than once on each motion. A Council member must be recognized by the Mayor before speaking.
- D. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote (abstain) must state the basis for any conflicts of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion. **Note: The Chair of the Urban Renewal Agency is a voting member.** (Abstentions are those instances in which members who are present do not vote. They are not counted and have no effect on the result.)
- E. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes must do so briefly and succinctly.

Withdrawal - A motion may be withdrawn by the mover at any time without the consent of the Council.

Tie - The Mayor may vote on a motion that receives a tie vote.

Table - A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.

Postpone - A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.

Call for Question - A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have at least one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds vote. Debate may continue if the motion fails.

Amendment - A motion to amend may be made to a previous motion that has been seconded, but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.

Reconsideration - When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

Rescind – When a motion has been adopted, any Council member may make a motion to rescind or amend the adopted motion at another meeting. These motions can be made regardless of how the Council member voted. If previous notice of an intent to make a motion to rescind is not given it will require a **two-thirds vote**. If previous notice is given a **majority vote** is all that is needed.

Renewal of Motions – When a motion has been defeated, a Council member may make the same motion again at another meeting, regardless of how they voted on the original motion.

13. Social Media

Any comments made on social media sites by Council members acting in their official capacity are subject to Oregon Public Records and Meetings Laws and City Records Retention Schedule. It is each Councilor’s responsibility who makes posts/comments on a social media site, to produce copies of such posts/comments in the case of a public record request. As with Electronic Mail, Council members need to avoid communications between and among a quorum of the Council.

14. Electronic Mail

All Council member email correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure. Council members shall use their City email accounts for Council business. Email may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of a standing advisory body in a manner which would be in violation of the Oregon Public Meetings Law. Email should be used for correspondence, to schedule meetings, send informative messages or request information from other members of the Council, the City Administrator or City Department Directors.

14. Communication

Council members shall publicly share substantive information that is relevant to a matter under consideration by the Council, which they may have received from sources outside of the public decision-making process. If a response is required, the City Administrator or City Attorney will coordinate the response on behalf of the City. It is appropriate for Council members to acknowledge receipt of communication and thank the sender.

Information received by a Council member that affects the Council should be shared with the whole Council. The City Administrator is to decide on “gray areas,” but too much information is preferable to too little. The City Administrator shall share information equally with all Council members.

15. Confidential Information

Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

16. Ethics/Use of Public Resources/Gift and Favors

Council members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain. Council members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

To avoid ethics violations, all budgeted and approved travel and training arrangements for Council members shall be made by the appropriate City staff.

Council members are required to file an Annual Verified Statement of Economic Interest (SEI) form with the Oregon Government Ethics Commission by April 15 of each calendar year. It is the Council member's personal responsibility to ensure they comply with the requirement to complete and submit the SEI form by April 15.

Council members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. There are restrictions on the value of gifts accepted by a Council member, if the source of the gift has a legislative or administrative interest in decisions or votes the public official makes when acting in the capacity of a public official. No Council member shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of that public official. A gift is defined as something of value given to a Council member, for which the Council member does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does allow the public official to receive up to \$50 worth of gifts from each source. In addition, unlimited gifts may be accepted from a source that does not have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

In 2010 the Oregon Ethics Commission adopted state administrative rules that specified before any Council member accept gifts related to officially designated negotiations or economic development activity or officially sanctioned trade promotion or fact-finding mission or trips, a consensus of the Council must first be obtained. On October 6, 2010 the Canby City Council adopted Resolution 1073 which authorized Council Members to accept gifts and authorize their own expenses.

17. Advocacy/Communication with Other Public Agencies

In keeping with their role as stewards of the public interest, members of Council should not appear on behalf of the private interests of third parties (i.e. agent for a friend or neighbor) before the Council or any board, commission or proceeding of the City. This does not prohibit a

member of the Council from appearing before a board or commission to represent his/her personal interests. When presenting their **individual opinions and positions**, Council members shall explicitly state their statement reflects personal opinion and not the official position of the City, nor will they allow the inference that they do.

Council members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. If a member is representing the City on a board, committee or public meeting, that member will consistently support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position. It is the policy of the Council that if Councilors are contacted regarding labor relations, during labor negotiations or conflict resolution proceedings, then Councilors have no comment.

Communication that represents the City's position on an issue should come through City Hall and be provided by the City Administrator. Direct submittals or inquiries to the Council or individual Councilors should be referred to the City Administrator, or Council members may ask the City Administrator to look into an issue.

18. Policy Role of Council Members/Staff Relations

Council members shall respect and adhere to the Council-Manager structure of Canby City government as outlined by the Canby City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff.

Except as provided by the Canby City Charter, Council members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions. City staff will acknowledge the Council as policy makers, and the Council will acknowledge staff and administering the Council's policies.

Council members shall support the maintenance of a positive and constructive work place environment for City staff and for citizens and businesses dealing with the City. Council members shall recognize their special role in dealings with City staff to in no way create the perception of inappropriate direction to staff.

Councilors are encouraged to avoid substantive contact with staff below the Departmental Director to avoid possible disruption of work, confusion on priorities and limited scope of responses. Council member requests for information can be made directly to Department Directors. If the request would create a change in work assignments of any staff member, the request must be made to the City Administrator. Council members will not direct staff to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the approval of a majority of the Council.

19. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process. Council members shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

20. City Council Work Session Guidelines

Work Sessions should have an agenda, or list of items that are to be discussed.

- Who leads the meeting and conducts the general discussion of attendees should be established ahead of time.
- If different staff or leaders will be addressing different points, this should be indicated on the agenda and will greatly help to organize the time and make it efficient.
- If there are many items to be discussed, setting an “estimated time” of discussion for each point may help to move things along.

Work Session seating should be conducive to group discussion, presentations, and a general feeling of equalization among the boards, commissions, citizens, and council/mayor.

- Seating arranged in such a way as to diminish “power” roles is a good idea to encourage active participation by all.

The entity originating the workshop should come to meetings prepared.

- If boards, committees, or City staff are generating the work session, the Council would like a few written proposals that we all can discuss and decide on. Likewise, if the Council is presenting material to a group, there should be options or proposals.
- If a more general, or “big picture” discussion needs to take place, it would still help to have printed discussion items to keep us on track.

The Council, board or commission, or City staff making the presentation should summarize and simplify any handouts, support documentation, statistics, facts and figures that are going to be discussed at the meeting.

- Any information more than a couple of pages should be distributed in the days prior to the meeting so the Mayor and Council have the opportunity to familiarize itself with the information.

Meetings should end with everyone feeling a sense of accomplishment and a clear direction (even if everyone does not agree with the outcome).

21. City Council Executive Session Guidelines

Executive Sessions are held by the Council with appropriate staff or advisors in attendance. The purpose is to review certain matters in a setting closed to the public. Matters discussed in Executive Session will be exempt from public disclosure. Executive Sessions may be held during a regular, special or emergency meeting after the Mayor has identified the ORS

authorization for holding the Executive Session. Permitted topics are identified in ORS 192.660 and include employment of a public officer, deliberations with the persons designated by the Council to carry on labor negotiations, deliberations with persons designated to negotiate real property transactions, and to consult with legal counsel regarding current litigation or litigation likely to be filed.

- Prior to opening an Executive Session, the Mayor shall announce the purpose of the executive session, state the statute authorizing the Executive Session, and state to all present, including the media, that matters discussed in Executive Session are not to be disclosed or reported to the public.
- The Mayor and Councilors will not disclose matters discussed in Executive Session.
- All final actions or decision must be made in a public session.

22. City Council Executive Session News Media Attendance Policy

Oregon Public Meetings Law provides that representatives of the news media shall be allowed to attend certain Executive Sessions of public bodies, but may be required to not disclose specified information (ORS 192.660(4)).

Because at the time state law relating to media attendance at Executive Session was adopted “news media” consisted of entities that were institutionalized and structured to support compliance with the requirements of ORS 192.660(4), the law includes no express mechanism for enforcing those requirements.

Technological advances since the time the public meetings law was initially adopted have resulted in development of communication mechanisms allowing virtually any individual or entity to disseminate information widely.

The City of Canby finds that in that absence of a statutory definition of “news media” as that term is used in ORS 192.660(4) it is necessary to adopt a policy that implements the intent of the public meetings law relating to Executive Session attendance without precluding attendance by Internet-based or other “non-traditional” information disseminators that are institutionalized and committed to compliance with ORS 192.660(4).

The City of Canby recognizes that this policy is solely for the purpose of determining eligibility to attend Executive Sessions, which requires non-disclosure of specified information from Executive Sessions, and is not intended to otherwise define “news media” or to determine eligibility to report on City of Canby’s activities or to limit access to other City of Canby meetings by any person.

The City of Canby hereby adopts the following policy:

- A. Currently Recognized News Media Organizations. The following entities are hereby recognized as news media organizations eligible to attend Executive Sessions because they have an established history of meeting the requirements of this policy:
 1. Canby Herald Newspaper
 2. Oregonian Newspaper

3. No other entity shall be permitted to attend an Executive Session unless it is recognized through the process described in Section 2 below.

B. Recognition of Other News Media Organizations.

1. The following entities are recognized as news media organizations eligible to attend Executive Sessions:
 - a. A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or
 - b. A newspaper that the City of Canby uses for publication of public notices and that meets the requirements of ORS 193.020; or
 - c. An entity recognized by the City of Canby as being a news source that: is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Canby or matters of the nature under consideration by the City of Canby; and
2. Is determined by the City of Canby to be a business entity that is institutionalized¹ and that is committed to, and is structured to support, the terms of ORS 192.660(4).² In making this determination, the City of Canby may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:
 - a. The entity has multiple personnel with defined roles within its organizational structure;
 - b. The names of news-reporting personnel, and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available;
 - c. The entity has an available process for correcting errors, including violations of Executive Session statutes, by a person with authority to take corrective measures.
 - d. It shall be the entity's burden to persuade the City of Canby by substantial evidence that it should be recognized as a news media organization meeting the criteria in Section 2(a) of this policy. Such evidence must be submitted [time period] in advance of the first Executive Session that the entity desires to attend. The City of Canby shall make a determination within [time period] of receiving the evidence submitted by the entity. The City of Canby may elect to forgo this procedure in cases where the City of Canby, in its sole discretion, determines that it can immediately recognize that an entity qualifies under this policy, or in cases where the public body, in its sole discretion, determines that other good cause exists for making an expedited determination. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in Section 2(a).

- C. Attendance at Executive Sessions. Representatives of news media organizations recognized pursuant to Sections 1 and 2 of this policy shall be allowed to attend Executive Sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:

1. The representative must provide substantial evidence persuading the City of Canby, that he or she is a news reporter for the recognized news media organization. In making its determination whether to recognize the person as a representative of the news media organization, the City of Canby shall require:
 - a. A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
 - b. A recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity; or
 - c. A letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.
 2. Representatives of the news media are not permitted to attend Executive Sessions involving deliberations with persons designated to carry on labor negotiations. ORS 192.660(4). If the Executive Session is being held for the purpose of conferring with counsel about current litigation or litigation likely to be filed, the City of Canby shall exclude any member of the news media from attending if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.660(5).
 3. The City of Canby may require that a request to attend an Executive Session be made in writing on a form provided by the City of Canby. The form shall require disclosure of the person's name, and the entity for which he or she is a news reporter, and shall require submission of evidence described in Subsections 3(a) (1), (2) or (3) of this policy. The form shall also include a signature line whereby the person certifies that they are gathering news for a recognized news media organization, that the information given is true and that they agree to comply with ORS 192.660(4).
 4. The City of Canby may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.
- D. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in Executive Sessions, except for the official Executive Session tapes made by City of Canby staff.
- E. Exclusion Based on a Direct Personal Interest. A representative of a news media organization that has a direct personal interest in the subject of the Executive Session that would frustrate the purpose of the Executive Session may be barred from attending.

- F. Application to Boards and Commissions. These policies and procedures shall apply to the City of Canby and all of its boards and commissions.

¹ *For the purposes of this policy, “institutionalized” means long-established or well-established*

² *ORS192.660 (4). Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.*

23. Implementation

As an expression of the standards of conduct for Council members expected by the City, the Policies & Operating Guidelines is intended to be self-enforcing. It therefore becomes most effective when Council members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council and newly elected and appointed officials. Council members entering office shall sign a statement affirming they read and understood the City of Canby Policies & Operating Guidelines. In addition, the Policies & Operating Guidelines shall be reviewed by the City Council boards and commissions and update it as necessary.

24. Compliance and Enforcement

The Policies & Operating Guidelines expresses standards of ethical conduct expected for Council members. Council members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The Chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of Council members that appear to be in violation of the Policies & Operating Guidelines are brought to their attention.

The City Council may impose sanctions on Council members whose conduct does not comply with the City's ethical standards as set forth in the City of Canby Charter, Chapter IV, Section 2.

A violation of the Policies & Operating Guidelines shall not be considered a basis for challenging the validity of a Council, board or commission decision.

MEMBER STATEMENT

As a member of the Canby City Council I agree to uphold the Policies & Operating Guidelines for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interests of Canby;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Canby Policies & Operating Guidelines.

Date: _____

Printed Name & Office: _____

Signature: _____

FORM OF GOVERNMENT

The City of Canby operates under the Council-Manager form of government. All Oregon cities over 2,500 population have the Council-Manager form except Portland, Beaverton, Burns, Lakeview and Junction City. The chief characteristic of this form is that the Council appoints a qualified person as City Administrator to take charge of the daily supervision of the City affairs.

COUNCIL MEMBERS - At each biennial general election after this Charter takes effect, three Council members shall be elected each for a term of four years; and each biennial general election the number of Council members required to fill vacancies pursuant to Chapter VII, Section 2.

COUNCIL LIAISONS - Council liaisons are selected on an annual basis. The designation is flexible based upon the needs of the Council. Liaisons are encouraged to attend committee meetings on a regular basis. Liaisons will report back to the Council on committee activities not included in the committee minutes. Liaisons are not voting members of committees. Liaisons will clarify personal opinion and differentiate that from Council opinion.

MAYOR - At each biennial general election a Mayor shall be elected for a term of two years.

ADMINISTRATOR, JUDGE, CITY ATTORNEY AND OTHER OFFICERS - Additional officers of the City shall be a City Administrator, Municipal Judge, and City Attorney, each of whom the Council shall appoint, and such other officers as the Council deems necessary. Appointed officers shall hold their office during the pleasure of the Council or until their successors are appointed and qualified. Appointed officers are subject to removal at any time by the Council with or without cause and may be suspended in accordance with the provisions of Chapter V, Section 2(c)(3) of the City of Canby Charter. The duties of all officers not defined in this Chapter may be prescribed by the Council. The Council may combine any two or more appointive offices.

MAYOR - The Mayor shall be chairperson of the Council and preside over its deliberations and shall have no vote on any questions before it except in the case of tie. The Mayor shall have authority to preserve order, enforce the rules of the Council and determine the order of business under the rules of the Council. The Mayor shall appoint the committees provided by the rules of the Council; and shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power. In the Mayor's absence, the President of the Council, shall sign all Ordinances passed by the Council within five days after their passage. After the Council approves a bond of a City officer or a bond for a license, contract or proposal, the Mayor shall endorse the bond.

PRESIDENT OF THE COUNCIL - At its first meeting after this Charter takes effect and thereafter at its first meeting of each odd-number year the Council by vote shall elect a President from its membership. In the Mayor's absence from a Council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of the office, the President shall act as Mayor.

CITY ADMINISTRATOR - The City Administrator shall be the administrative head of the government of the City and shall be appointed by the Council without regard to political

considerations and solely with reference to executive and administrative qualifications. A City Administrator need not be a resident of the City of Canby or the State at the time of appointment, but promptly thereafter shall become and remain a resident of the City during the term of the office. Before taking office, the City Administrator shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City. The Administrator shall be appointed for an indefinite term and may be removed at the pleasure of the Council.

The powers and duties of the Administrator shall be as follows:

- A. Devote full time to the discharge of official duties, attend all meeting of the Council unless excused there from by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.
- B. See that all Ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.
- C. Hire or remove all City employees and have general supervision and control over them and their work, with power to transfer an employee from one department to another. The administrator shall supervise the departments to the end of obtaining the utmost efficiency in each of them.
- D. Act as purchasing agent for all departments of the City.
- E. Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests.
- F. Supervise the operation of all public utilities owned and operated by the City excepting the electric utility department for which the Canby Utility Board has exclusive jurisdiction, control and management as provided in the following Chapter X.
- G. The City Administrator shall have general supervision over all City property.
- H. Perform such other duties as may be prescribed from time to time by the Council

AUTHORITY TO CONTRACT FOR PROFESSIONAL SERVICES - The Council shall have authority to contract for the professional services of those whose professional skills, training and knowledge may be required at any time or from time to time for the administration of City affairs and municipal government. The duties and responsibilities of such persons engaged for their professional skills, knowledge and ability shall be specified in their respective contracts with the City by the contracts for the services of the following persons shall include the following particular duties, services and responsibilities:

- A. Municipal Judge. The Municipal Judge shall hold within the City a court known as the Municipal Court for the City of Canby, Clackamas County, Oregon. All areas within the City shall be within the territorial jurisdiction of the Court. The Municipal Judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by the Ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by Ordinances of the City. The Municipal Judge shall have authority to issue process for the arrest of any person accused of an offense against the Ordinances of the City, to commit any such person to jail or admit to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for

contempt of Court. Men not governed by Ordinances or this Charter, all proceeding in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Courts, except that the Municipal Court shall not exercise any civil jurisdiction.

- B. City Attorney. The City Attorney is a legal adviser of the officials of the City of Canby and shall be retained by the Council. It shall be the duty of such Attorney to attend all regular Council meetings and such special meetings as may be required unless excused there from by the Council. The City Attorney shall represent and defend the City in all suits, actions at law and all matters and things in which the City of Canby may be legally interested. The City Attorney, or a deputy appointed by him, shall also represent the City in the Municipal Court including violations of any City Ordinances or for the violation of all other laws under which the Municipal Court has jurisdiction.

Boards, Committees & Commissions

These boards, committees and commissions are advisory to the City Council and assist the Council in forming policy and making law. Committees are encouraged to make an annual presentation to the City Council. Selection of Committee Chairs are decided annually by each committee (except Budget Committee). Committee members who have three unexcused absences from meetings are subject to removal from the committee.

Bike & Pedestrian Committee – The Bicycle and Pedestrian Committee consists of five (5) members. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The duties of the committee shall include:

- A. Recommending policies and procedures conducive to efficient and effective operation of the bicycle and pedestrian transportation system;
- B. Keeping informed about current trends in bicycle and pedestrian services and administration;
- C. Studying growth and needs in the City and its vicinity for bicycle and pedestrian facilities;
- D. Developing long-range plans for bicycle and pedestrian services and facilities, consistent with City priorities;
- E. Investigating sources of funding for bicycle and pedestrian services and facilities;
- F. Recommending policies for the acceptance and use of gifts for bicycle and pedestrian purposes;
- G. Participating in the annual budgetary process of the City as that process pertains to the bicycle and pedestrian facilities and services; ;
- H. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding bicycle and pedestrian facilities and services;
- I. Encouraging widespread public support and use of bicycle and pedestrian facilities and services; and
- J. Performing other duties as authorized by the City Council.

Budget Committee – The Budget Committee consists of the members of the City Council and six (6) citizens-at-large. The Mayor is not a member of this Committee. Members serve three (3) year terms. *Citizens-at-large are appointed and confirmed by the City Council. The Mayor may vote only when necessary to break a tie on an appointment.*

Canby Public Library Board – The Library Board consists of five (5) members. Not less than three members shall be residents of the City. Members serve four (4) year terms. *Members are appointed by City Council upon recommendation by the Board Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The duties of the Library Board shall include:

- A. Keeping informed about current trends in the library services and administration;
- B. Studying library growth and needs in the City and its vicinity;
- C. Developing long-range plans for library service and facilities, consistent with City priorities and with state, regional and national goals pertinent to libraries;
- D. Recommending types of library service for the City and its vicinity;
- E. Investigating sources of funding for library service and facilities;
- F. Recommending policies for the acceptance and use of gifts for library purposes;
- G. Participating in the annual budgetary process of the City as that process pertains to the library;
- H. Recommending policies and procedures conducive to efficient and effective operation of the library;
- I. Reviewing and recommending terms for contracts and working relationships with other public agencies regarding library service;
- J. Encouraging widespread public support and use of the library;
- K. Submitting an annual report to the City Council and the state library; and
- L. Performing other duties as authorized by the City Council.

Canby Urban Renewal Budget Committee – The Urban Renewal Budget Committee consists of members of the Urban Renewal Agency, six (6) citizens-at-large from the City Budget Committee, and one (1) additional citizen-at-large. Members serve three (3) year terms. *Citizens-at-large are appointed and confirmed by the Urban Renewal Agency.*

Canby Utility Board – The Canby Utility Board consists of five (5) members. Members serve three (3) year terms. *Members are appointed by the Mayor and confirmed by the City Council following an interview panel consisting of the Mayor, City Council Liaison, and Canby Utility Board Chairperson. No Board member may serve more than two successive terms. The Mayor may vote only when necessary to break a tie.*

The Board, in the efficient and economical operation of the Electric Department and Water Department, both inside and outside the City limits, may:

- A. Purchase and sell electric power and energy and services to the public and private corporations and to other consumers;
- B. Construct plants, transmission lines and other facilities;
- C. Purchase real estate and franchises in its name;
- D. Enter into all contracts, leases and agreements in furtherance thereof; and
- E. Through an inter-governmental agreement with the City, management of the Water Department and all of its operations and facilities.

The Board may contract with any public or private corporation or any individual, both inside and outside the City limits:

- A. For the joint use of poles and other property belonging either to the Electric Department or to the other contracting party or jointly to both parties; and
- B. For the joint acquisition of real property and franchises and the joint financing, construction and operation of plants, transmission lines and other facilities, whereby any property acquired may become the property of both the Electric Department and other contracting party, for the purchase of energy.

Historic Review Board – The Historical Review Board consists of three (3) to five (5) members. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Board Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

It is the responsibility of the Historic Review Board to ensure that the purposes of this section are implemented, and to perform the following duties:

- A. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings;
- B. Carry out the duties described for it in this ordinance and assist the Planning Director, Planning Commission and Canby City Council on historic preservation matters;
- C. Maintain and update an inventory of historic resources within the City, as provided under section 16.110.035;
- D. Review and render decisions on all historic landmark and historic district applications, as provided under section 16.110.045;
- E. Review and make recommendations on application of the Historical Protection Overlay Zone, as provided under section 16.110.045;
- F. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in section 16.110.080;
- G. Review and render decisions on all proposed new construction on property where a Historic Landmark is located, or within a Historic District, subject to the procedures and criteria set forth in section 16.110.080;
- H. Review all requests for demolition of a historic landmark or contributing resource, as provided under section 16.110.075;
- I. Review and make recommendations to the Planning Commission on all Conditional Use applications under section 16.38;
- J. Review and make recommendations on all partitions and subdivisions of designated properties, as provided under section 16.110.085;

- K. Disseminate information to educate the public as to local, state and federal laws protecting antiquities and historic places;
- L. Act as consultant for local preservation groups, educational workshops, signage and monumentation projects, and other similar projects;
- M. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City; and
- N. Provide design guidance for historic property owners.

Parks and Recreation Advisory Board – The Parks and Recreation Advisory Board consists of seven (7) members. Members serve for three (3) years. *Members are appointed by City Council upon recommendation by the Board Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

- A. Keeping informed about current trends in parks and recreation services and administration;
- B. Studying growth and needs in the City and its vicinity for parks and recreation services;
- C. Developing long-range plans for parks and recreation services and facilities, consistent with City priorities;
- D. Recommending types of parks and recreation services for the City and its vicinity, including marketing of such services;
- E. Investigating sources of funding for parks and recreation services and facilities;
- F. Recommending policies for the acceptance and use of gifts for parks and recreation purposes;
- G. Participating in the annual budgetary process of the City as that process pertains to parks and recreation services;
- H. Recommending policies and procedures conducive to efficient and effective operation of parks and recreation services;
- I. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding parks and recreation services;
- J. Encouraging widespread public support and use of parks and recreation services and facilities;
- K. Submitting an annual report to the City Council;
- L. Advising the Planning Department regarding park land dedication and other park planning issues to meet the public needs identified in the Park Master Plan and Park Acquisition Plan; and
- M. Performing other duties as authorized by the City Council.

Planning Commission – The Planning Commission consists of seven (7) members. Members serve three (3) year terms. *Members are appointed by the City Council upon recommendation of the Mayor, Council Liaison, and Planning Commission Chairperson. The Mayor may vote only when necessary to break a tie.*

Except as otherwise provided by law, it shall be the duty of the commission and it shall have power to:

- A. Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, and locating of streets, parking, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures;
- B. Recommend to the City Council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, and transportation facilities;
- C. Act as the City's official citizen involvement entity, hearing any and all comments, criticisms, and suggestions concerning City planning policies, procedures, or regulations as members of the public may wish to convey to the City;
- D. Do and perform all other acts and things necessary or proper to carry out the provisions of City ordinances and of Oregon Revised Statutes, Chapter 227, and all amendments thereto;
- E. Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the City and of the surrounding area;
- F. Perform such acts as are now, or may hereafter be, specified in the Land; and
- G. Development and Planning Ordinance or otherwise authorized by the City Council. (Ord. 740 section 10.2.60, 1984)

Traffic Safety Commission – The Traffic Safety Commission consists of a seven (7) member voting board with non-voting liaisons representing the Canby Police Department, the Public Works Department, and the City Council. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Commission Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The Traffic Safety Commission is specifically responsible for, but not limited to the following:

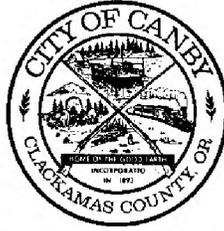
- A. Developing and implementing coordinated traffic safety programs that meet local needs;
- B. Act in an advisory capacity to the City Council in the coordination of traffic safety activities of the official agencies and departments of Canby;
- C. Reviewing and recommending project applications for funding to the City Council;
- D. Serving as liaison between the City of Canby, the Clackamas County Safety Commission, and the Oregon Traffic Safety Commission in developing the State Highway Safety Programs and in meeting the National Highway Safety Programs Standards;
- E. Promoting public acceptance of official programs authorized or instigated by the City;
- F. Fostering public knowledge and support of traffic law enforcement and traffic engineering problems;
- G. Cooperating with Canby schools in promoting educational traffic safety aids; and
- H. Educating the public in traffic safety aids.

Transit Advisory Committee – The Transit Advisory Committee consists of seven (7) members. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The Canby Transit Advisory Committee is specifically responsible for, but not limited to the following:

- A. Developing and assessing, on an ongoing basis, the transportation needs of the citizens of Canby;
- B. Acting in an advisory capacity to the Transit Director in the coordination of transit services;
- C. Promoting and educating the public regarding acceptance and usage of the transit system; and
- D. Promoting and educating the public regarding special problems associated with the use of the transit system by youth, elderly and disable citizens.

Urban Renewal Budget Committee – The Urban Renewal Budget Committee consists of all the members of the Urban Renewal Agency, six (6) citizens-at-large from the City Budget Committee and one (1) additional citizen at large, 3 year terms (*Citizens-at-large are appointed by the Urban Renewal Agency.*)



MEMORANDUM

DATE: APRIL 8, 2013
TO: MAYOR HODSON AND CANBY CITY COUNCIL
FROM: KIM SCHEAFER, MMC, CITY RECORDER
RE: AMENDMENT TO CHAPTER 9.48.050 OF THE CANBY MUNICIPAL CODE

Issue: The current wording regarding noise control variances is outdated and does not address certain procedures.

Background: For the past several summers we have had noise variance requests go before the City Council for a public hearing. The current language in the code is confusing and makes reference to public notice being provided in the same manner as all other variance applications. Staff felt that the language needed to be more specific as minor land use variances have more requirements. An application has been developed to streamline the process. The Police Chief will now be signing off on the applications prior to them going before the Council.

A fee of \$75 for Noise Variances will be added to the Master Fee Schedule, which comes before the Council for an annual update in May. This fee covers staff time and charges incurred for mailing and publication of the Notice of Public Hearing for a noise variance.

Recommendation: Staff recommends that the Council approve Ordinance 1373 so that clear procedures and wording are incorporated into the code.

Motion: “I move to approve Ordinance 1373, an ordinance amending Canby Municipal Code Chapter 9.48.050 regarding noise control exceptions and variances, to come up for second reading on May 1, 2013.”

Attached: Ordinance 1373.

ORDINANCE NO. 1373

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050 REGARDING NOISE CONTROL EXCEPTIONS AND VARIANCES

WHEREAS, Chapter 9.48.050 of the Canby Municipal Code provides for exceptions and variances for noise control;

WHEREAS, the current language is outdated and does not properly address application and publication notification procedures; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 9.48.050 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, April 17, 2013 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 May 1, 2013 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 May 1, 2013 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit "A"

UPDATE TO 9.48 NOISE CONTROL

§ 9.48.050 Exceptions and variances.

- A. Exceptions. The following sounds are exempted from the provisions of this chapter:
1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
 2. Aircraft operations in compliance with applicable federal laws or regulations;
 3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
 4. Sounds produced by sound-amplifying equipment at activities sponsored by Canby School District between 7:00 a.m. and 12:00 p.m. midnight, local time;
 5. Sounds created by refuse pickup operations during the period of 6:00 a.m. to 10:00 p.m., local time;
 6. Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;
 7. Sounds made by warning devices operating continuously for 5 minutes or less;
 8. Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00 a.m. to 10:00 p.m., local time, provided they are equipped with an exhaust system which is in good working order and in constant operation;
 9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;
 10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;
 11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order; and
 12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.

B. Variances. Any person who owns, controls or operates any sound source which violates any of the provisions of this chapter may apply, in writing, to the City Council for a variance from the provisions. Any person who is planning a noise source which is expected to violate any provision of this chapter may apply to the City Council for a variance from the provisions. Any person granted a variance under this chapter may apply for renewal of that variance upon its expiration. The renewal application shall be processed just as if it was an initial application.

1. Application. An application for a noise variance shall be made on forms provided by the City Recorder's office. The application shall be accompanied by all the required information and fees. If more than one date is being requested for a noise variance at one location, they can be on one application. The written application shall state the provision from which a variance is being sought, the period of time the variance is to apply, the reason for which the variance is sought, and any other supporting information which the City Council may

reasonably require. **A list of property owners and addresses within 200' of the location of the variance shall be provided by the Applicant with the application.**

2. Review Standards. In establishing exceptions or granting variances, the City Council shall consider:

- a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
- b. The ~~past, present and future patterns of~~ **surrounding type of existing** land uses;
- c. ~~The relative timing of land use changes;~~
- c. The acoustical nature of the sound emitted; and
- d. Whether compliance with the provision would produce a benefit to the public.

3. Time Duration of Variance. Any variance shall be granted for a specific time interval, not to exceed 1 year.

4. Public Notification and Public Hearing.

a. **Public Notice of the Public Hearing shall be published in a newspaper at least 10 days prior to the public hearing.** ~~shall be given in the manner provided for by city ordinance for all variance applications.~~

b. **Notice of the Public Hearing shall be mailed to all property owners within 200' of the location for the variance at least 10 days prior to the public hearing.**

c. **The City Council shall hold a** ~~A public hearing shall be held~~ before the granting of a variance. ~~if the hearing is requested by any affected party.~~

5. Variances.

a. Conditions for Granting. The City Council may grant specific variances from the particular requirements of any rule, regulation or order, to specific persons, class of persons or specific noise source upon those conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with the rule, regulations or order is inappropriate because of conditions beyond the control of the persons requesting the variance; because of special circumstances which would render strict compliance unreasonable or impractical due to special physical conditions or cause; because strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or because no other alternative facility or method of handling is yet available. Granting of the variance shall not be materially detrimental to other property within the same vicinity and the variance requested shall be the minimum which will alleviate the hardship.

b. Revocation or Modification. A variance granted may be revoked or modified by the City Council after a public hearing held upon not less than 20 days' notice. The notice shall be served upon the holder of the variance by certified mail and all persons who have filed with the City Council a written request for this notification.

6. Emergency and Safety Hazard. In the case of an emergency or safety hazard, the City Administrator or his or her designee may revoke a variance immediately by setting forth the nature of the emergency or hazard in a letter mailed or hand-delivered to the holder of the variance. A public hearing before the City Council shall be held at the next regularly scheduled City Council meeting following the revocation to reverse, affirm or modify the revocation action.

Management Team Meeting Minutes
April 1, 2013
2:00 PM
City Hall Conference Room

In attendance: Greg Ellis, Amanda Zeiber, Julie Wehling, Renate Mengelberg, Bryan Brown, Kim Scheafer, Jorge Tro, Eric Laitinen, Darwin Tramel, Haley Fish, and Joseph Lindsay.

Kim Scheafer

- Out Thursday afternoon and all day Friday to attend the OAMR Mid Year Conference with Sue Ryan

Amanda Zeiber

- Six proposals were received for the CM/CG Project Manager. Will be interviewing four firms next week
- New Police Officer and Court Clerk started today

Joseph Lindsay

- Working on pawn shop & transient room tax ordinances

Haley Fish

- Rest of Departmental Budgets are due today
- CAFR was submitted last week

Jorge Tro

- Working with Chamber on business crime prevention

Eric Laitinen

- Life guard class was held last week
- Gearing up for summer
- Public swims are becoming busier

Julie Wehling

- Had over 10,000 rides in March
- There may be changes on how they piggy back on contracts to purchase buses
- Out of office Tuesday and April 9-16

Darwin Tramel

- Doing inspections this week
- Will be deposed on Thursday for the WWTP litigation

Bryan Brown

- Pre-application was received today for Northwoods Phase II
- Annexation ordinance may be going back to the Planning Commission for changes
- Lots of activity is happening around town

Renate Mengelberg

- Proposal is being submitted on a lead for a new business that could bring 125 employees to Canby
- Project “White Rose” will open their doors in January 2014, if they decide to relocate to Canby
- Working with the American Legion on a revolving loan

Greg Ellis

- Private investment increased to \$103 million in UR Annual Report
- Still looking at locations where City offices could be moved to during construction. June 27 is a tentative move date
- He and URA Chair Ares met with CUB last week to talk about property

Minutes taken by Kim Scheafer

CITY COUNCIL / URA MEETING FOLLOW-UP ITEMS				
ORIG. CC / URA MTG. DATE	ITEM	STATUS	ASSIGNED TO	TARGET DATE FOR CC OR URA MTG.
	Northwoods Park Playground Construction Contract	Ready for Bid in March	Matilda Deas	May 2013
July 11, 2012	Retail Business Recruitment Update	Begun	Jamie Stickel	TBD
	Dog Park Construction Contract	Engineering underway	Matilda Deas	June 2013
	New Tree Ordinance	Underway	Matilda Deas/Sol Jacobsen	May 2013
July 11, 2012	Main Street Annual Report	Not started	Jamie Stickel	June 12, 2013
	Stormwater Master Plan Adoption	Consultant is working on plan	Darvin Tramel	June 2013
	Buildable Land Needs Study	Analysis underway	Matilda Deas	August 2013
	NE Canby Master Plan	1st meeting in March	Matilda Deas	December 2013
	N Redwood Master Plan	Not started (Need Funding)	Matilda Deas	June 2014

OTHER STAFF ITEMS				
DATE	ITEM	STATUS	ASSIGNED TO	TARGET DATE
	Maintain Police Accreditation - Police	On-Going	Melody Thompson & Lt. Jorge Tro	Next Assessment 2014
	Selling Property Partitioned Next to Maple Street Park (former location of Marshall House)	Waiting for better economic times to sell property		
	Participate as member of NW Regional Computer Forensic Laboratory - Police	Underway	Bret J. Smith	TBD
	Develop Dept Website - Police	Underway	Melody Thompson & Lt. Jorge Tro	June 2013
	Formalize Volunteer Program - Police	Underway	Melody Thompson & Lt. Jorge Tro	April 2014