



AGENDA

CANBY CITY COUNCIL REGULAR MEETING

January 4, 2012

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Randy Carson

Council President Walt Daniels
Councilor Richard Ares
Councilor Tim Dale

Councilor Traci Hensley
Councilor Brian Hodson
Councilor Greg Parker

WORK SESSION

6:30 P.M.

City Hall Conference Room
182 N Holly

This Work Session will be attended by the Mayor and City Council to discuss communication between City Council and City Staff.

Pg. 1

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 November 30, 2011 City Council Special Meeting
- B. Approval of Minutes of the December 7, 2011 City Council Regular Meeting
- C. Appointment to City Budget Committee

Pg. 27

7. RESOLUTIONS & ORDINANCES

- A. Ord. 1353, Authorizing Purchase of Two Vehicles for Canby Area Transit from
Emmett Koelsch Coaches, Inc. of Canby, Oregon (**2nd Reading**) Pg. 28

8. NEW BUSINESS

- A. Development Concept Plan Exception for Hope Village Annexation Pg. 30

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

10. CITIZEN INPUT

11. ACTION REVIEW

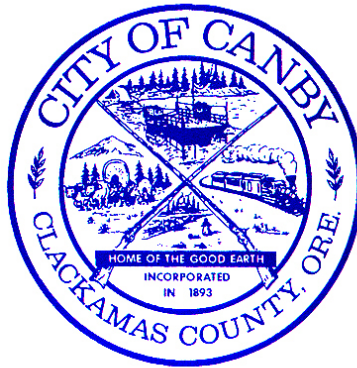
12. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending Litigation

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 503.266.4021 ext. 233. 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.

City of Canby

POLICIES & OPERATING GUIDELINES



Updated October 2010

City of Canby

POLICIES & OPERATING GUIDELINES

Table of Contents

Introduction	Page 1
Act in the Public Interest	Page 1
Comply with the Law	Page 1
Conduct of Members	Page 2
Respect for Process.....	Page 2
Conduct of Public Meetings	Page 2
Decorum in Council Meetings	Page 2
Decisions Based on Merit.....	Page 3
Communications	Page 3
Conflict of Interest.....	Page 3
Gifts and Favors	Page 3
Confidential Information.....	Page 3
Use of Public Resources.....	Page 4
Representation of Private Interests.....	Page 4
Advocacy	Page 4
Policy Role of Members.....	Page 4
Independence of Board and Commissions	Page 4
Positive Work Place Environment	Page 4
Implementation.....	Page 5
Compliance and Enforcement	Page 5
Workshop Guidelines	Page 5
City Council Executive Session News Media Attendance Policy	Pages 6-9
Model of Excellence.....	Page 10
Form of Government	Pages 11-12
Bike & Pedestrian Committee	Pages 13-14
Budget Committee.....	Page 14

Canby Public Library Board.....	Page 14
Canby Urban Renewal Budget Committee	Page 15
Canby Utility Board	Page 15
Historic Review Board	Page 16
Parks & Recreation Advisory Board.....	Page 17
Planning Commission.....	Pages 17-18
Traffic Safety Commission.....	Page 18
Transit Advisory Committee	Page 19



POLICIES & OPERATING GUIDELINES

*For members of Canby City Council,
Boards and Commissions*

Introduction

In January 2003, the newly elected Mayor and City Council determined the need to develop 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, the Mayor and Council believed it was important to articulate a vision of those values and principles that set the cornerstone for the type of governance that the citizens of Canby were entitled to from their elected officials.

The results of that vision for governance are included in the Policies and Operating Guidelines that appear in the following pages. In addition to being the over-riding procedural document for the City Council, these Policies and Operating Guidelines are also intended to assist those volunteer-based advisory boards and commissions that provide the Mayor and City Council with valuable policy recommendations and serve as a sounding board in the community for a wide array of public issues. With this in mind, these Policies and Operating Guidelines were reviewed by those respective City advisory boards and commissions and the City Council actively sought input on the document from these important groups.

Last, but not least, this document is intended to educate the citizens of this community on the mechanism around which the governing body of the City of Canby and its appointed advisory boards and commissions work together to address community issues, develop proactive and responsible public policy and attend to the affairs of the City.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, 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 the Canby City Council, boards and commissions.

2. Comply with the Law

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, and open processes of government; and City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. 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

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions 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

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. 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 presiding officer 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 president officer, and upon recognition by the presiding officer, 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.

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

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

Upon instructions of the presiding officer 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 presiding officer or otherwise disrupts the proceedings of the Council.

7. Decisions Based on Merit

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

8. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

9. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, 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, 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.

10. Gifts and Favors

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.

Before any Council member or the Mayor 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. This consensus can be informal if the gift is time sensitive from being on a City Council Agenda.

11. Confidential Information

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.

12. Use of Public Resources

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.

13. Representation of Private Interests

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.

14. Advocacy

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. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Canby, nor will they allow the inference that they do.

15. Policy Role of Members

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, 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.

16. Independence of Boards and Commissions

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

17. Positive Work Place Environment

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

18. Implementation

As an expression of the standards of conduct for members expected by the City, the Policies & Operating Guidelines is intended to be self-enforcing. It therefore becomes most effective when 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, applicants to board and commissions, and newly elected and appointed officials. 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 annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

19. Compliance and Enforcement

The Policies & Operating Guidelines expresses standards of ethical conduct expected for members of the Canby City Council, boards and commissions. 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 members that appear to be in violation of the Policies & Operating Guidelines are brought to their attention.

The City Council may impose sanctions on 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.

CITY COUNCIL WORKSHOP GUIDELINES

Workshops with our boards and committees should have an agenda, or list of items that are to be discussed.

1. Who leads the meeting and conducts the general discussion of attendees should be established ahead of time.
2. 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.
3. If there are many items to be discussed, setting an “estimated time” of discussion for each point may help to move things along.

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

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

The goal is to have Workshops with our boards and committees attended by all (or at least a large majority) of committee members.

The Council, board or commission, or City staff originating the workshop should come to meetings prepared.

1. If boards, committees, or City staff are generating the workshop, 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.
2. 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.

1. 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).

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:

1. 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:
 - a. Canby Herald Newspaper
 - b. Oregonian Newspaper

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

2. Recognition of Other News Media Organizations.
 - a. The following entities are recognized as news media organizations eligible to attend executive sessions:
 - i. 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
 - ii. A newspaper that the City of Canby uses for publication of public notices and that meets the requirements of ORS 193.020; or
 - iii. An entity recognized by the City of Canby as being a news source that:
 1. 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:

1. The entity has multiple personnel with defined roles within its organizational structure;
 2. The names of news-reporting personnel, and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available;
 3. The entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.
- b. 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).
3. 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:
- a. 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:
 - i. A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
 - ii. 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

- iii. 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.
 - b. 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).
 - c. 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).
 - d. 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.
4. 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.
 5. Exclusion Based on a Direct Personal Interest. A representative if 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.
 6. 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 ORS 192.660 (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.

MODEL OF EXCELLENCE

Canby City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Canby City Council or of a Canby board or commission,
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. Keeping informed about current trends in bicycle and pedestrian services and administration;
- B. Studying growth and needs in the City and its vicinity for bicycle and pedestrian facilities;
- C. Developing long-range plans for bicycle and pedestrian services and facilities, consistent with City priorities;

- D. Investigating sources of funding for bicycle and pedestrian services and facilities;
- E. Recommending policies for the acceptance and use of gifts for bicycle and pedestrian purposes;
- F. Participating in the annual budgetary process of the City as that process pertains to the bicycle and pedestrian facilities and services;
- G. Recommending policies and procedures conducive to efficient and effective operation of the bicycle and pedestrian transportation system;
- 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 performing other duties as authorized by the City Council; 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. 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.***

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 seven (7) 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. (This text update will be contained within Title 16 of the Planning Code the next time a text amendment occurs.)*

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.



Improving Council-Manager Relations

We can all get along

By Roger Jordan, Bill Monahan and Bob Wells

City government sometimes resembles the game of basketball—plenty of jostling for position, coaching changes and boisterous fans.

In fact, there are many similarities between a successful basketball team and a successful city government. Successful basketball teams have clear goals, they have the right talent, and the interests of the team come first. The owners, the coaches and the players understand their roles and work hard to make the team successful. The fans are energized and supportive.

Unsuccessful teams are characterized by conflicts between and among the owners, coaches and players. There is constant turnover of personnel and roles are unclear. Personal goals become more important than team goals. The fans become hostile towards the team and demand change.

So which kind of team is your city government?

- Are council meetings long, divisive and conclude with little accomplished?
- Is there turnover of elected officials and staff?
- Is there mistrust among the elected officials and between the staff and elected officials?
- Is the public negative towards city government?

If one or more of these apply to your city, it's time for a new game plan, and the first step is making sure everyone involved understands their role.

Understanding Roles

Three primary groups are involved in the operation of city government: elected officials, the city manager or administrator, and city staff. The success of a municipality depends on the ability of these three groups to work together for the benefit of the community. This requires that each group understand its role in the process. To this end, two key questions must be answered:

- What is each individual's role and how do they play it effectively so that the organization can be successful; and
- Does everyone understand the roles of the other players, value their contribution, assist them to be successful and understand the pressures they face?

Roles of the Elected Officials

City charters spell out the duties of the mayor and these can vary from city to city. However the mayor generally acts as the ceremonial head of the city; runs the council meetings and votes under varying circumstances.

While mayors are sometimes characterized as another member of the council, their role can be much broader. Often the mayor is the bridge between the council and the community, and between the council and the city manager. An effective mayor develops strong relationships with councilors, with staff and with the community. The mayor is often the one who finds common ground on divisive issues and explains council actions to other organizations, the media and the public. When speaking on behalf of the city, it is important the mayor's comments support the council's decisions.

The success of a municipality depends on the ability of elected officials, the city manager and city staff to work together for the benefit of the community.

Along with the mayor, city council members act as the legislative and policy making body of city government. As individuals, councilors have no expressed powers. Only a majority of the council can approve policies or enact ordinances.

It is therefore important for councilors to develop good working relationships with other councilors, with the mayor, with the staff and with the public. There can be healthy disagreements among councilors, and votes certainly don't have to be unanimous. But the council should be able to have a robust discussion without making it personal or acrimonious. Once the council makes a decision, those on the losing side of the vote should not undermine the council's decision or expect staff to represent their views. Establishing ground rules is an excellent way for the council to decide how they will work together.

Effective councils do not micromanage. Instead, they take a long-term view. Effective councils develop a vision for the community and establish goals, strategic plans and policies that align with the vision. They involve the public and advisory boards in the decision making process. Councils also select diverse community members to serve on boards and commissions so all viewpoints can be represented. Finally, effective councils take seriously their fiduciary responsibility to oversee city finances and review the effectiveness of city programs. They are willing to make the tough decisions.

The city council also hires the city manager, provides timely feedback to the manager on his or her performance, and has authority to remove the manager. Good communication is critical to improving or rewarding performance. Compliments to the manager or staff are always appreciated.

Role of the City Manager

The city manager is the administrative head of the city organization. Unless otherwise specified in the city charter, the city manager is responsible for hiring, insuring proper evaluation of, and final authority to remove employees. The manager is ultimately responsible for the day-to-day operations of the city.

One of the key roles of the city manager is to provide translation between the elected officials and the staff. The manager provides background information to the staff on council policies and concerns. The manager also explains professional and technical concerns of the staff to the elected officials.

The manager can help the mayor and council get through difficult issues by scheduling work sessions and study sessions to provide more detailed information and to receive feedback, questions and concerns before an issue is placed on the council agenda. The manager works for the whole council, and should keep them all informed about city issues and help them with constituent concerns.

The manager ensures that staff reports are concise but contain complete, unbiased information. Usually the manager will make a recommendation, but the staff reports should also include options for the council to consider. Once the council makes a decision, it is the responsibility of the manager to ensure that it is implemented in a timely manner.

No one likes surprises and the manager should keep elected officials apprised of events that could have policy, media or public interest.

The manager should also provide training opportunities to the mayor and council. This can include orientation sessions for new councilors, as well as the excellent training classes offered through the League of Oregon Cities.

Role of Staff

The staff play key roles in the daily operation of a city. They provide different types of professional and technical expertise in the delivery of day-to-day services. In that role, they need to understand and respect the democratic system in which the local government operation is a partnership between elected officials and professional staff. They must respect the council and follow the direction given by the council and the manager. They are also part of a functional team with the council and manager. Staff enables the manager and council to make good decisions by providing technical information, alternatives for policy choices and providing support to carry out the council's goals. Staff insures city ordinances are followed and propose changes as needed. Communicating issues, successes and failures in a timely manner is essential.

In many cities, the city attorney also plays a critical role as the legal adviser and often is the only other direct official appointed by the council. The city attorney generally works for the city council and often provides advice to the council on policy, at least the legal aspects of policy and its implementation. The city attorney does not represent individual councilors or staff members; rather his or her client is always the city as an entity.

(continued on page 17)

Council-Manager Relations

continued from page 13

If a crime is committed by an employee or council member, the city attorney is obligated to deal with the facts from the city's perspective. The council, manager and staff should remember that a good city attorney will sometimes be someone who helps deal with difficult issues by providing an independent evaluation. The attorney has the obligation to preserve attorney-client privileges and has a duty to avoid conflict of interest that may arise from the relationship.

Practice Makes Perfect

Any successful relationship is built upon respect, trust and communication; the relationships within city government are no exception. Just as a basketball team will practice in order to perform at the highest level in competition, the council, manager and staff responsible for city government services must make the necessary investment to improve their performance.

This may involve workshops that can help a city:

- Develop a clear vision of where it's going and what it wants to accomplish;
- Establish goals and policies to align the city with its vision;
- Define the city's organizational values; and
- Foster mutual respect among elected officials, staff and the public.

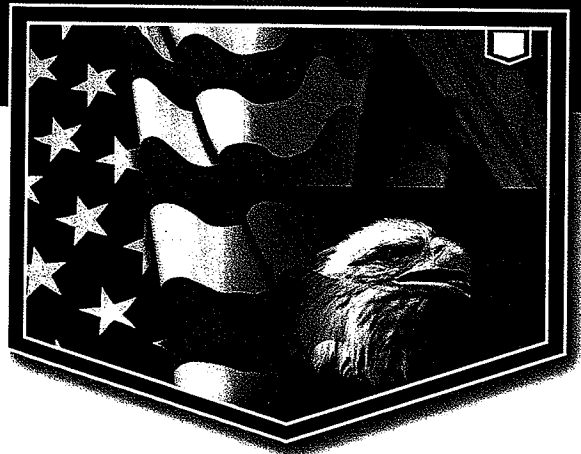
Healthy council-manager-staff relations don't just happen; it takes practice. And it starts with everyone involved knowing their roles.

Editor's Note: Roger Jordan served as city manager in both Sandy and Dallas over a 30-year career. Bob Wells worked for the city of Salem for 33 years, serving as budget officer, assistant city manager and city manager. Bill Monahan is currently the city manager in Milwaukie and has previously worked as a city attorney for Jordan Schrader Ramis PC. ■

86th Annual Conference

September 29 – October 1, Bend

Roger Jordan, Bob Wells and Bill Monahan will present "Council/Manager/Staff Relations" on Thursday, September 29, at 9:30 a.m. For more information and to register, visit the Conference page at www.orcities.org.



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Five Biggest Mistakes of the Newly-Elected Councilor

By Kirk Mylander, Staff Attorney, City County Insurance Services

Newly elected councilors brim with energy and good intentions. Sometimes, however, a new council-person's enthusiasm can lead him or her to make avoidable mistakes. Here are the top five mistakes of the newly-elected, and quick tips on how you can get things done the right way.

1. Assuming You Are THE LEADER

- You ARE a leader, and you deserve to be commended for that. But many city councilors mistakenly assume that they are THE LEADER, and forget that their power only comes from acting together with their fellow councilors.
- Remember, you are part of a leadership *group*. Stay away from individually managing city staff, and resist the urge to make quick changes by taking management duties upon yourself.

Success Hint: You're a councilor now, you get to leave the day to day stuff to others!

2. Anyone Who Votes Against You Commits an Ethics Violation

- Of course you're right. But keep in mind that even though you were chosen by the voters, reasonable people may still disagree with you.
- Remember, the best way to implement the agenda you campaigned on is to convince other councilors of the benefits of voting with you. Scaring your co-councilors into following your lead by reporting them to the Oregon Government Ethics Commission is not a strategy for long-term success.

Success Hint: Oftentimes honey really is better than vinegar.

3. Protecting the Public From Unpleasantness with Executive Sessions

- Of course *you* can handle the truth. And, as an elected official you will now be a part of what goes on behind the closed doors of executive sessions.
- Remember, though, that Oregon's "open meetings" law means that aside from a few narrow exceptions (staff discipline, litigation, purchasing property) the public gets to observe you in action, taking care of the people's business.

Success Hint: Before going into executive session, don't turn to the audience and shout "You can't handle the truth!"

4. Not Protecting Staff From Unpleasantness with Executive Sessions

- Hey, we don't doubt that your staff member messed up... and you are totally justified in being upset. But be careful where you express that sentiment.
- Remember, one of the exceptions to the open meetings law is staff discipline, and unless the staff member in question wants a public discussion, it's there for a reason. If you have a problem with staff, get an executive session put on the agenda more than 24 hours before the next council meeting, and say your piece then.

Success Hint: The "public comment" period is not designed for councilors to comment publically on the job performance of city staff.

5. Starting a Blog to Publicize All of the Above

- You absolutely are allowed to communicate with your constituents! Of course that is a dignified aim of any noble public servant such as you. But be careful of what communications you stamp with your political seal of approval, which happens when you "approve" comments to your blogged wisdom.
- Remember, blogs are magnets for the disaffected to anonymously vent their frustrations with city management, city staff, councilor ethics, and "what really happens" during executive sessions.

Success Hint: When you host their post, their words are your bond.

More Resources For Success

To learn even more common mistakes and quick steps for city council success, sign up for one of OLLI's "Governing Basics for Elected Officials" training seminars, co-sponsored by City County Insurance Services. You'll learn a lot and laugh a few times in the process. ■

Kirk Mylander heads CIS' Pre-Loss Legal program, and is an instructor for "Governing Basics" and other employment law seminars for local officials.

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

Instructions: By using either your tab key or arrow keys, navigate to each field and type in your information. When complete, save the document to your computer and either mail, fax or email to the addresses listed below.

Date: 11/29/2011

Name: Daniel Stearns

Occupation: Tax Consultant

Home Address: 5777

Employer: Self Employed

Position:

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? City Budget Committee

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

Experience and educational background: BS Degree in business management, Licensed Tax Consultant, Enrolled Agent, Member of United States Tax Court Bar

Reason for your interest in this position: Interest in helping the community prioritize spending

List any other City or County positions on which you serve or have served: None

Information on any special membership requirements:

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: 503.266.4021 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.

12-4-07

RECEIVED

NOV 29 2011

CITY OF CANBY

ORDINANCE NO. 1353

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO PURCHASE TWO (2) VEHICLES FOR CANBY AREA TRANSIT FROM EMMETT KOELSCH COACHES, INC. DBA EK COACHES OF CANBY, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby/Canby Area Transit (CAT) wish to purchase two (2) 20 passenger, 26' Arboc Spirit of Mobility accessible transit vehicles; and

WHEREAS, based on Federal Transit Administration useful life standards bus #20003 (VIN 1FDXE45F63HA17519) and bus # 20021 (VIN#1GNDX03E91D250973) in CAT's current fleet have exceeded these standards; and

WHEREAS, the Federal program (49 U.S.C. 5310) provides capital assistance for the purpose of supporting public transportation.

WHEREAS, CAT received contract no. 26583 from ODOT – Public Transit Division for \$255,207 in (49 U.S.C. 5310) funds to provide 89.73% of the funding to purchase two (2) replacement vehicles; and

WHEREAS, the grants from the Federal Transit Administration and the proposed purchase of the vehicle are included in the approved fiscal year 2011/12 budget for the City of Canby; and

WHEREAS, the purchase will comply with ORS 279.820 - 279.855 and will be made utilizing Statewide Price Agreement number 9706 which was approved under Solicitation #ITB 102-1402-08 establishing multiple award price agreements for use by the State of Oregon and authorized Participants of the State of Oregon Cooperative Purchasing Program (ORCPP) to purchase American Disabilities Act (ADA) transit vehicles; and

WHEREAS, Emmett Koelsch Coaches, Inc. dba EK Coaches of Canby, Oregon has supplied a quote under Price Agreement 9706 for Arboc Spirit of Mobility/Chevrolet accessible vehicles in the amount of \$125,941.00 each, including all scheduled options.

WHEREAS, In accordance with Statewide Price Agreement 9706 all Purchase Orders accepted by EK Coaches shall create a separate Contract between parties. The City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed the Purchase Order and believes it to be in the best interest of the City to submit such Purchase Order for the vehicle purchase to EK Coaches; now therefore

2nd Reading

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby (Canby Area Transit) and on its behalf, an appropriate Purchase Order (contract) with EK Coaches for two (2) 20 passenger, 26' Arboc Spirit of Mobility accessible transit vehicles for the quoted amount of one hundred twenty-seven thousand, four hundred forty-one dollars (\$125,941) each. A copy of the quote from EK Coaches is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to purchase these vehicles as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 7, 2011 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 Wednesday, January 4, 2012 commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2nd Avenue in 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 4th day of January, 2012 by the following vote:

YEAS _____

NAYS _____

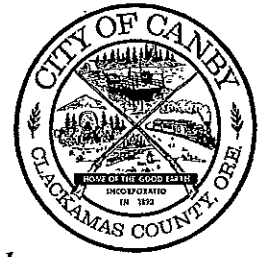
Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

2nd Reading

MEMORANDUM



TO: Honorable Mayor Carson and City Council
FROM: Bryan C. Brown, Planning Director
DATE: December 14, 2011 for January 4, 2012 Council Agenda
THROUGH: Greg Ellis, City Administrator
SUBJECT: Development Concept Plan Exception for Hope Village Annexation

Issue/Objective:

The applicant is requesting an exception from CMC 16.84.040 which requires that a property located within the boundaries of a designated Development Concept Plan area, as shown on the City of Canby Annexation Development Map, prepare and gain Council adoption of a DCP for the larger defined area prior to a change of zoning being granted. This request is authorized for Council consideration by CMC 16.84.090.

Synopsis/Rationale:

Hope Village is in the process of preparing an additional annexation application and request for a ballot vote for the November, 2012 general election. They recently purchased two additional tax lots at 1665 S. Ivy Street adjacent to and southeast of the Hope Village campus. This 0.79 acre property aligns with the 4 acre tract recently approved for annexation by Canby voters in November, 2011.

Hope village successfully made a case for an exception for the adjacent 4 acre tract with a similar request in January, 2011. Negotiations for this property had not progressed enough to allow them to include this parcel in the previous annexation and exception application. The reasoning for this request as identified in the applicant's attached letter is identical to that presented with the previous request

Staff supported the findings presented by the applicant with the previous request and continues to support the same findings associated with this request. The Development Concept Plan requirement has value but its development by the applicant and adoption by the Council can present a burden and present significant difficulties in certain situations such as this Hope Village annexation request.

Recommendation: *Staff recommends Option #1 with the following suggested motion: Based on the findings submitted, I move to exempt Hope Village's newly acquired 0.79 acre site area (Tax Lots 1100 and 1101 in T4S, R1E, SE ¼ of Section 4) from the requirements of Chapter 16.84 requiring a Development Concept Plan prior to possible action by the City Council to move the associated annexation forward to a future ballot before the citizens of Canby.*

Options:

1. Approve Hope Village's request for an exception from the Development Concept Plan requirements of CMC 16.84.040.

2. Deny the request and instruct Hope Village to prepare a Development Concept Plan for adoption with their proposed annexation application.

Attachments:

1. Hope Village letter dated 11.20.2011 with findings to support exception request.
2. Vicinity Map
3. Conceptual Site Development

Received Dec. 8, 2011

Robert Price

Planning Consultant

3935 N.E. 72nd Avenue
Portland, OR 97213-5711

503-281-1037
rprice5956@comcast.net
Fax 503-281-1447

HVI-02

November 29, 2011

Honorable Randy Carson,
Mayor of the City of Canby
and Canby City Councilors
% Bryan Brown, Planning Director
182 N. Holly St.
P.O. Box 930
Canby, OR 97013

**Subject: Hope Village Expansion and Annexation - Request for Exemption
from the Development Concept Plan (DCP) Requirement**

Dear Mayor Carson and members of the City Council:

As a representative of Hope Village, Inc., through this letter we request an exemption to the requirement for a "Development Concept Plan" (DCP) for specific property to be proposed for annexation to the City of Canby. Under Title 16 of the Canby Municipal Code, Chapter 16.84 would require annexation to the City by a vote of the people. Prior to a vote of the people, Section 16.84.040.A.1.b requires a "Development Concept Plan" be prepared illustrating all of the elements identified in 16.84.040.A.1.b, 1 through 8, with review and approval by the Canby Planning Commission and Canby City Council.

Over the past 3 years, Hope Village has been working on a future plan for the Hope Village campus, with the idea that properties which Hope Village would acquire would be annexed to the City of Canby. Originally, Hope Village was looking at a considerably larger area for annexation. However, Hope Village's goals have changed to the point where the land needs have been significantly reduced. At this point in time, Hope Village is anticipating the annexation of Tax Lots 1100 and 1101 (T4S, R1E, Section 4, SE ¼) which are directly adjacent to and on the southeasterly corner of the existing Hope Village campus. These two tax lots are 0.79 acre in total size and both have a Comprehensive Plan designation of "RC", or "Residential-Commercial". The address of this developed site is 1665 S. Ivy. Hope Village recently purchased this property from Mr. and Mrs. Bob Pendell.

Geographically, this small parcel completes the connection between Fir Street on the west and Ivy Street on the east. As can be seen on the accompanying map and sketch

plan, it fits perfectly with the recent 4-acre annexation of property purchased from the Scott family. Unfortunately, this purchase from the Pendells was not as timely as the purchase from the Scott family, and we were unable to complete the transaction by the annexation petition deadline this past year, as we had hoped to do.

Because this less-than-one-acre site area is small in comparison to the overall 60+ acre DCP that would be required, and because the site is contiguous to and will be served by the existing Hope Village campus, Hope Village seeks an exemption to the requirements of Section 16.84.040 through an exemption under the provisions of Section 16.84.090 of the Municipal Code. Section 16.84.090 states:

The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development potential, or administrative error. An exception to referring an annexation application that meets the approved criteria to an election cannot be granted except as provided in the Oregon Revised Statutes.

Section 16.84.040 requires that the first to annex property into the City that is within a DCP area complete a plan for the entire DCP. We believe this is overly burdensome given the limited site area and the limited development potential of the proposed annexation that makes up only 1.3% of the entire 60+ acre DCP area. Therefore, we request an exemption under the provisions of Section 16.84.090 of the Canby Municipal Code. The specific reasons or findings for this exemption request are as follows:

1. This less-than-one-acre site area is of limited development potential because it is limited in size and access, and has limited serviceability based on sanitary sewer and surface water drainage capacities. It may be possible, depending on the scale of development proposed by Hope Village, that a sanitary sewer connection to the east across Ivy Street may be the best alternative for servicing this property. However, when combined with the previous 4-acre annexed area in a single development plan for Hope Village, services and facilities may be made to work together because of the unified development scheme. In addition, since there is no public storm drainage system in the area, all storm drainage will be through on-site disposal systems;
2. This site area is directly adjacent to and at the southeasterly corner of the existing Hope Village campus, meaning that Hope Village is able to propose a very specific site development plan that will involve only the uses appropriate to Hope Village on this 0.80-acre site;
3. While Hope Village had numerous discussions regarding a sale with the McMartin family, owners of the 32 +/- acre property to the south of the Scott property, no suitable sale agreement was reached;
4. The McMartin family already has a master plan for their approximately 32 acres to the south of the Hope Village site area, and are not willing to see that plan changed. While no city approval has been given to the McMartins for their master plan, this would make Hope Village responsible for the DCP that would include all of the McMartin property, a situation that neither Hope Village nor the McMartin family are comfortable with;
5. Further, the McMartin family does not want its properties included in a DCP over which they have little to no control.

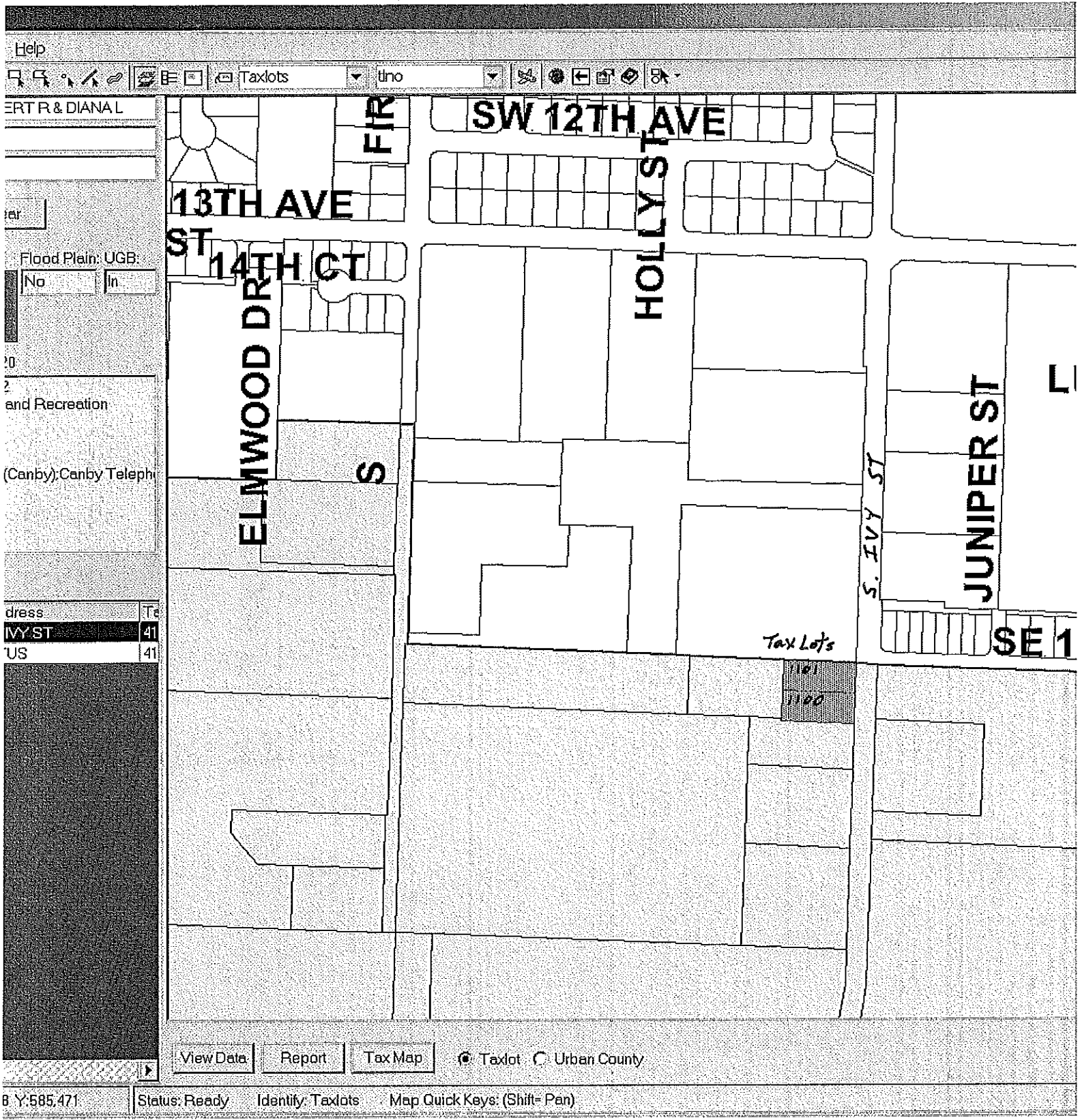
Based on these findings, Hope Village requests that the Canby City Council exempt Hope Village's newly acquired 0.79 acre site area (Tax Lots 1100 and 1101 in T4S, R1E, SE ¼ of Section 4) from the requirements of Chapter 16.84 requiring a Development Concept Plan prior to approval by the City Council that this proposed annexation be moved forward to a future ballot before the citizens of Canby.

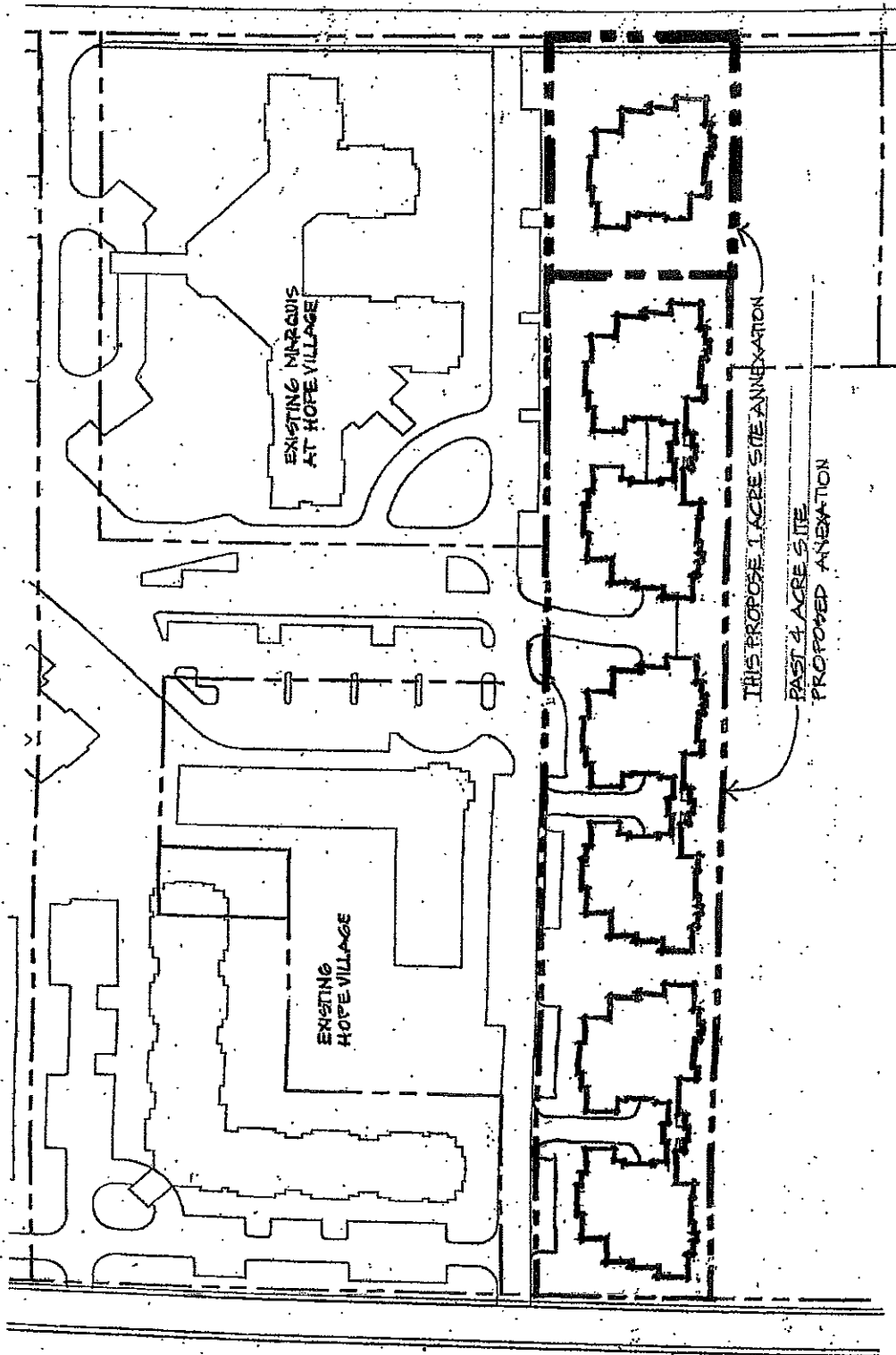
We would be happy to answer any questions, or have any discussion with city staff regarding this request. Thank you for your consideration.

Sincerely,



Robert Price





**CONCEPTUAL
HOPE VILLAGE SITE**
1" = 100'



LRS ARCHITECTS 8/28/11

Management Team Meeting Minutes
December 12, 2011
2:00 PM
City Hall Conference Room

In attendance: Greg Ellis, Darwin Tramel, Bryan Brown, Eric Laitinen, Amanda Klock, Julie Wehling, and Kim Scheafer.

Kim Scheafer

- On vacation December 19-22
- Need January 4 City Council Agenda items by December 27

Greg Ellis

- The Work Session with City Council on January 4 is regarding communication between Council and staff. Management staff are welcome to attend.
- Resolution adopting IGA with Clackamas County for Building Official services passed last Wednesday
- First Avenue public hearing will be held at tonight's Planning Commission meeting

Darvin Tramel

- Starting to move his office on Friday to the Development Services Building
- On vacation December 27-30
- Working on contracting with a lab for doing sample analysis

Eric Laitinen

- Will be having special public swims over Christmas vacation
- Animal Meet will be held on December 17

Julie Wehling

- Buses will be on normal schedules during holidays
- New schedules will go into effect January 30

Bryan Brown

- Winstead and Associates will be phased out. As of December 19 new building permits will be issued through the County. People will still start the process with the Building Department in Canby.
- Working with Canby Psychic on compliance issues
- Zoar Lutheran is moving forward with their expansion
- Canby Evangelical Church will be expanding

Amanda Klock

- Non Represented staff need to turn in their VEBA forms by Wednesday
- Holiday luncheon will be at 11:30 on Wednesday

Minutes taken by Kim Scheafer

CITY COUNCIL / URA MEETING FOLLOW-UP ITEMS

ORIG. CC / URA MTG. DATE	ITEM	STATUS	ASSIGNED TO	FOR CC OR URA MTG. OF
11/2/2011	Knights Bridge Road - Entrance Sign	Waiting for TSP	Renate - Annie?	January 18, 2012
10/12/2011 URA	Entrance Sign Power - ODOT	Contact appropriate person at ODOT	Dan	January 11, 2012
10/12/2011 URA	Other use or market for Solar Panels	Researching	Dan	January 11, 2012
11/2/2011	NW 3rd Ave. Parking	Researching	Greg	February 8, 2012
11/9/2011 URA	Sequoia Parkway to 13th Extension Design	Presentation by Curt McLoed	Greg	January 11, 2012 URA

OTHER STAFF ITEMS

DATE	ITEM	STATUS	ASSIGNED TO	TARGET DATE
	Home Business Survey		Renate	???
	Property Purchase Negotiations - CUB & Oliver Insurance	Meeting W/ Property Owners / Representatives	Greg	On-going Updates
12/7/2011	Road Improvement & Sidewalk Extension on NE 4th Avenue by CC Event Center		Greg	On-Going

12/27/2011