

Councilman Kariker, who is Chairman of the Citizen's Advisory Committee, reported that the Committee has held two organizational meetings and that the membership has been increased to include David Weston of the Canby Herald, Gerry Deurksen of Globe Union and Duane Weeks of Canby Realty. He further reported that six sub-committees had been designated as a task force to correlate plans for land use, tax base, charter revision and Library and City Hall improvements, etc. The six sub-committees were designated as residential, commercial, industrial, park, transportation and government.

Administrator Wyman reported that he had received a bill from Eldon Edwards in the amount of \$1,680.00 for the first month's cost of the Comprehensive Planning Development Program. After a period of discussion a motion was made by Councilman Gerber, seconded by Westcott and carried unanimously authorizing the Administrator to issue a purchase order to cover the cost.

The Administrator and Recorder recommended to the Council that some provisions be made by the Council to eliminate the existing Investor's insurance policies carried by the City on regular employees in that said insurance was now duplicated by coverage meeting State requirements. Mayor Roth stated that this question would be further discussed at the January 7 regular meeting and requested an up-to-date staff report at that time.

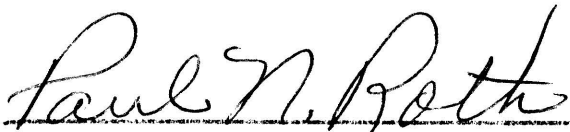
Councilman Gerber recommended that the City establish a policy of limiting the City annexation to an area within natural barriers consisting of the Molalla River, the logging road and connecting section lines.

Councilman Wagner called the Council's attention to the deplorable condition of the road leading into the Globe Union plant and asked if some temporary provisions could be made for improvement. Thereupon Supt. Whiteside and Foreman Atwood reported that such measures had been taken recently for temporary improvement.

The meeting was adjourned at 10:02 p.m.



J.R. Richardson, Recorder



Paul N. Roth, Mayor

WADE P. BETTIS
RAYMOND R. REIF
WADE P. BETTIS, JR.

BETTIS & REIF
ATTORNEYS AT LAW
160 N.W. THIRD AVENUE
CANBY, OREGON 97013

TELEPHONES
266-1113
655-1674
AREA CODE 503

December 11, 1973

Honorable Paul N. Roth, Mayor
City of Canby
P. O. Box D
Canby, Oregon 97013

Re: Senate Bill 15 (Public Meetings)

Dear Mayor Roth:

Senate Bill 15 enacted by the 1973 legislature expressly provides in Section 6 that:

"Nothing contained in this Act shall be construed to prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting after the presiding officer has identified the authorization under this Act for the holding of such executive session."

This Section continues and provides that an executive session may be held for any one of the following three purposes:

- (a) To consider the employment of a public officer, employee, staff member or individual agent. -
- (b) To consider the dismissal or disciplining of or to hear complaints or charges brought against a public officer, employee, staff member or individual agent unless such person requests an open hearing. -
- (c) To consider matters pertaining to the function of the medical staff of a public hospital, etc.

If an executive session is called and for any one of the three reasons indicated above and to be held during a regular, special or emergency meeting of the Council, no additional or further notice of such executive session is required, and the prior notice of the public meeting is sufficient and notwithstanding the fact that it may not contain any reference to the plan for an executive session. Executive sessions by their definition are for the Council or governing body only and are not open to the general public.

Honorable Paul N. Roth, Mayor
City of Canby
12/11/73
Page 2

Subsection 2 of Section 6 of the Act also provides that if the chairman of the governing body announces the need for an executive session in conjunction with either a regular, special or emergency meeting of the board or council, it will require a two-thirds majority vote of the members of the governing body in order to change the plan and the presiding officer's announced intention to hold an executive session. If you feel that there is a need for an executive session to be held in conjunction with or immediately prior to or immediately following a regular, special or emergency meeting of the Council and announce that fact publicly to the Council and identify the general reason for it without identifying names or particulars and if any Councilmen present objects, he should submit a motion that the "executive session not be held," and that motion requires a second and a two-thirds vote of a quorum present. If such motion carries, the executive session cannot be held, but otherwise it can be held but limited in scope and purpose to the reasons identified in the Act and mentioned above.

This opinion is confirmed by the Attorney General's Opinion No. 6996 and the apparently clear intent of the Act. I must also point out in concluding that any results of a special session must be formalized by a final decision of the governing body during a public meeting, but the deliberations and reasoning of the body in special session need not be repeated for the record unless the Council desires to do so. To hold otherwise would be contra to the intent of the Act and the purpose of the executive session whose non-public deliberations are an exception to the public meeting law.

The foregoing information is furnished at your request in my office on December 11, 1973; and if you have any questions concerning this opinion or Senate Bill 15, please let me know.

Sincerely,

BETTIS & REIF

/s/ Wade P. Bettis

Wade P. Bettis

WPB:EN

cc: Mr. Harold A. Wyman, Administrator
Mr. J. R. Richardson, Recorder
City of Canby

CANBY DISPOSAL SERVICE, INC.

December 6, 1973

Canby City Council
Canby City Hall
Canby, Oregon

Re: Canby Disposal Service, Inc.
Garbage Collection Contract

Gentlemen:

At the present time, I am the sole shareholder of Canby Disposal Service, Inc., contractor under that certain garbage collection contract with the City of Canby dated April 20, 1970. However, I now find that I cannot continue the strenuous work that I have performed in the past due to hypoglycemia and back problems.

I have searched diligently for someone to take over the business and have found three individuals, namely Fred A. Kahut, Jerald A. Kahut and George C. Findling, who are experienced in the garbage collection business and who I feel can ably carry on and perform the garbage collection business covered by my contract with the City of Canby.

The sale of my stock is projected for January 1, 1974. It is the opinion of the buyers' counsel and C. P. A. that for tax purposes, the buyers will set up a new corporation with the sole purpose of continuing the services now being performed by the Canby Disposal Service, Inc. The new corporation will, of course, take over the existing franchise. The sole owners of this new corporation will be the above mentioned operators. In the meantime, I will be happy to introduce the purchasers to you prior to closing for your approval of the new operators and the procedure outlined above.

Very truly yours,

CANBY DISPOSAL SERVICE, INC.

7A

VAD/hh

By


Vito Andrew DiTommaso



Oregon Sanitary Service Institute

4645 18th Pl. S., Salem, Oregon 97302 Phone 362-1526

Research
Standards
Service

December 13, 1973

Mayor Paul N. Roth
Members of the City Council
Canby City Hall
Post Office Box D
Canby, Oregon 97013

Gentlemen:

OSSI member Andy DiTommaso is selling Canby Disposal Service to one of our promising young leaders, Fred Kahut and to his brother Jerald and George Findling. We earnestly and confidently recommend your approval of the transfer.

Before making our recommendation, we double checked our own knowledge of the buyers and the service they currently provide in the City of Portland. By phone this morning, I checked with Bill Culham, Director of Solid Wastes for Portland and former State Director under the Board of Health; with Jim McCallister in the Health Division; and, with Gene Swan in the License Division. All reported no complaints on service and all were very willing to confirm this with you by telephone. (Portland 248-4334; 248-3400; and, 248-4069 resp.)

Currently serving a population of nearly 5,000 people and with 100 commercial accounts, they have between five and eight years each in providing this service. Now operating both a twenty and twenty-five yard packer, they know equipment. They do all of their own maintenance and most of the repairs. This insures good service with few equipment failures. In an emergency, one of these trucks could be used as an emergency spare for Canby and the surrounding area.

Not satisfied with just providing service, Fred helped form PASSO, an organization of residential, commercial and drop box haulers. Formerly a Director and currently President, Fred is a key leader in the Tri-County Disposal Committee which coordinates all industry programs and organizations, works with local governments such as yours, with the Metropolitan Service District and with the Legislature. He is just beginning work with others on proposals for the major transfer stations and satellite transfer stations proposed by the MSD.

Fred and George Findling would provide the service along with employees. Fred already has his Portland home for sale and wants to move to your area. George would do the same later.

We can assure you that these alert and energetic young men will uphold the high standards of service required by you and provided by Andy.

7A

Sincerely yours,

Ezra Koch, President
Roger Emmons, Ex. Director

GUARDIAN PROPERTIES, INC.



811 EAST BURNSIDE
PORTLAND, OREGON 97214
(503) 232-0171

November 29, 1973

Canby City Council
Canby City Hall
Canby, Oregon

c/o Mr. Harold A. Wyman
Subject: Annexation request

Gentlemen:

Enclosed is a plat map and a legal description of property which is presently partially within and partially outside of the City of Canby.

We wish to request annexation to the City of Canby that portion of this property lying outside the city limits.

The purpose of this annexation request is to develop a neighborhood shopping center for the Canby Trading area as requested in the application for zone change approved by the Council. This request is in accordance with our agreement with the Council to apply for annexation as soon as permitted by the expiration of the annexation moratorium.

Very truly yours,

R. W. Brenneke
President

Encl. (2)
cc: Mr. Eldon Edwards
RWB:ng