

**CANBY CITY COUNCIL
WORK SESSION MINUTES
July 9, 2008**

Presiding: Mayor Melody Thompson

Council Present: Paul Carlson, Teresa Blackwell, Wayne Oliver, Walt Daniels, Randy Carson, and Tony Helbling.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; and Kim Scheafer, City Recorder Pro Tem.

Others Present: Bob Cornelius, Carol Luce, Don Smeback, Jim Newton, Lee Wiegand, and Donald Kylo.

Mayor Thompson called the Work Session to order at 6:30 p.m. in the Council Chambers. The Council met to discuss proposed changes to the City Charter with the public.

Mayor Thompson said the Charter had been before the voters twice. The Council started looking at the Charter in January 2007 because there were several places where it did not conform to State law. They also looked at other areas of concern. They looked at the League of Oregon Cities model charter, took public input, and then put it out for a vote. It failed, and they thought they did not do enough talking about the Charter, so they tried a second time.

Councilor Blackwell said she had been asked why they did not break it out into sections.

Carol Luce said she did not understand and that was why she voted no. She was not sure what issues were State issues and what were City Council issues. There were some specific things she could not agree with. She wanted to know what needed to be done and what was a maybe. She objected to the City Administrator not being required to live in the City. She didn't understand why certain responsibilities were no longer going to be a part of the City Council and why the Mayor needed to vote on all issues instead of being a tie-breaker.

Bob Cornelius said he wanted to know what the State requirements were, what they were in violation of, and if they didn't come under them, what would happen.

John Kelley, City Attorney, said they were not in compliance with Election Law, Condemnation Law, and Tort Claim Law. He had advised the Council to do what the State law said even though the Charter did not comply with that.

Mr. Cornelius suggested that they put that as the primary issue. Anything else they wanted to tack on they needed to explain. He suggested publishing a Mayor's column in the Canby Herald that addressed each issue.

Don Kylo asked why all of the other things were in the Charter, because if they did not like one thing they voted the whole thing down.

Don Smeback said he thought the City Administrator should live in the City limits. He wanted to know where his money was going and was concerned about the \$50,000 limit for purchases. The Mayor being a voting member was also a concern.

Lee Wiegand said he did not have a big problem with any specific items. He had talked with a lot of people as to why they did not get to vote on the street maintenance fee, Then they were asked to vote on the Charter and there might have been backlash from that. His perception was it was a general trust issue. His personal opinion was there was too much and what difference did it make what they called it. Why were they changing it when it had been good for 100 years and was not good anymore.

Jim Newton said he heard that the \$50,000 limit for purchases was an issue with a lot of people. If everything wasn't in a package and they could vote on separate issues. That might help.

Mr. Cornelius asked what the dollar limit was for Clackamas County.

Mr. Kelley said he did not know.

Mr. Cornelius said they could say they were making their limit the same as the County's. He suggested they do several ballot items to address the issues. If they did the compliance with the State alone, it would pass.

Mr. Kelley said they changed the wording in the Charter to be more general to say they would be in compliance with the State law so they did not have to go back and change it again.

Mayor Thompson read emails that she had received regarding the proposed changes to the Charter from Susan Myers, Michelle Webber, Nancy Kopelk, and Northeast and Riverside Neighborhood Associations.

Councilor Blackwell read comments from Charles Blackwell.

Councilor Carson read comments from Carol Meeuwsen.

Councilor Helbling read a letter from Jack Pendleton.

Councilor Daniels said one of the problems was that they did not have day to day supervision of the Treasurer or City Recorder. They still received reports. These were not elected officials. There was a lot more involved to being the City Treasurer now and they looked for someone that had more education and experience.

Councilor Helbling said regarding accountability, they still reviewed the performance of the City Administrator and they would monitor those positions through him. This would make it more efficient and would not cost any more money.

Mr. Kelley said this was not State law, but part of the model charter from the League of Oregon Cities that was used for a lot of the changes in Canby's charter.

Councilor Carlson said he had heard there were too many things. He had heard from people to just put in the things to be compliant with State law and do the wish list later. Regarding the \$50,000, people said it did not take that long to discuss it in the meeting and they wanted to know where their money was going. He was proud to say that no one on the Council had an agenda, but he thought they could do a better job at educating the people.

Mayor Thompson said regarding the issue of whether the Mayor voted or not, what did it hurt to know where the Mayor stood on issues. If anyone had to vote to break a tie they had to be ready to vote on any subject. It was a transparency issue. If that many people felt it was that important then they should remove it.

Councilor Daniels said the reason they took out the requirement for the City Administrator to live in the City limits was for recruiting in the future. The school superintendant and teachers did not have to live in town. The City Administrator worked for the Council and the Council made the decisions.

Ms. Luce said it concerned her there was no geographical limitation, such as within 5 miles or within Clackamas County or Tri-County area.

Councilor Blackwell said it could affect the City in a monetary way if they were asking someone to give up their home and spouse's job to come and live in Canby. They would have to entice them to move to Canby.

Mayor Thompson said they did not make that requirement for other employees.

Councilor Carson said most towns did not have a requirement to have their city manager live in the town.

Mayor Thompson said the condemnation and public contracting laws had changed and the City needed to be in compliance. It was a housekeeping issue to change the reference to Canby Utility Board. They had good people that wanted to serve on the board and by putting a term limit on it kept people from continuing to serve. The debt limit and tort liability were being amended to conform to State law. The previous limitation to require approval of contracts and ordinances was \$15,000 and that was being changed to \$50,000.

Councilor Helbling said in 1984 \$15,000 was acceptable to be appropriated, and if they adjusted the number for inflation today it was between \$34,000 and \$38,000. Since it would be a long time before the Charter was amended again they put it at \$50,000. Every dime that went through the City Council was part of an approved budget that was adopted by the City Council and was done in public session. It was more of a technical formality to have an ordinance passed that authorized the expenditure. All budget meetings were open to the public.

Councilor Daniels said it took three weeks to a month to pass an ordinance and issue a contract. Changing it to \$50,000 would speed the process.

Councilor Oliver said a lot of people did not understand. It was basically the authorization to spend the money they budgeted. It was frustrating to pass the ordinance and wait two weeks.

Sometimes there were things you needed to move on right away. You could not do that having to wait to pass an ordinance. Things needed to be streamlined.

Councilor Blackwell clarified that the City Administrator did not have a City credit card or check signing ability. There were a lot of checks and balances in place.

Mr. Cornelius asked if it would be possible to give, as part of their reasoning, what the City would save in time and money by increasing the limit.

Councilor Helbling said the limit should be increased for inflation.

Mr. Kelley clarified how the inflation could be written in.

Mr. Adcock suggested running an article in the paper once a week on each issue and the last one a summary of all the issues to help people understand.

Other ideas were daytime meetings, putting it on the web page, and advertising every place they could to give out information.

Mayor Thompson asked if there was anything that was non-negotiable. The residency requirement for the City Administrator was a concern voiced by two citizens.

Mayor Thompson adjourned the Work Session at 8:10 p.m.



Kimberly Scheafer, CMC
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood