

**CANBY CITY COUNCIL
WORKSHOP
March 3, 2004**

Present: Mayor Melody Thompson, Councilors Walt Daniels, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Finance & Court Services Director Chauncey Seifried, Finance Operations Manager Laura Dornbusch, Leonard Walker, Rita Rush, Paul Carlson, Ron Berg, and Auditor John Merina. Councilors Georgia Newton and Wayne Oliver absent.

Mayor Thompson called the session to order at 6:35 p.m. A light dinner was served.

The Council met in the City Hall Conference Room to discuss the auditor's review of the 2002-2003 annual financial statement.

Mayor Thompson adjourned the session at 7:00 p.m.

**CANBY CITY COUNCIL
REGULAR SESSION
March 3, 2004**

Mayor Melody Thompson presiding. Council members present: Walt Daniels, Patrick Johnson, Randy Carson and Teresa Blackwell. Councilors Georgia Newton and Wayne Oliver absent.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Library & Parks Director Beth Saul, Community Development & Planning Director John Williams, Police Chief Ken Pagano, Executive Assistant Kim Scheafer, Bev Doolittle, Curtis & Lila Gottman, Cole Norris, and David Howell.

Mayor Thompson called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: **Councilor Carson moved to approve the Minutes of the Regular Meeting of February 18, 2004; Accounts Payable of \$162,135.00; and a Clackamas County Mutual Aid Intergovernmental Agreement. Motion was seconded by Councilor Johnson and passed 4-0.

COMMUNICATIONS: None.

NEW BUSINESS: None.

UNFINISHED BUSINESS: Findings, Conclusion & Final Order ANN 03-07 G.Cam/Dodds -

****Councilor Carson moved to approve the Findings, Conclusion and Final Order for ANN 03-07. Motion was seconded by Councilor Johnson and passed 4-0.**

Findings, Conclusion & Final Order ANN 03-08 Wightman/Netter -

****Councilor Johnson moved to approve the Findings, Conclusion and Final Order for ANN 03-08. Motion was seconded by Councilor Daniels and passed 4-0.**

RESOLUTIONS & ORDINANCES:

Resolution 845 - City Attorney Kelley said this was brought to the Council earlier because changes needed to be made to the personnel policy. The language was changed in the personnel policy regarding drug policy testing, they only tested people with safety sensitive responsibilities or duties. The per diem meal allowances for exempt employees language had been added.

****Councilor Daniels moved to adopt Resolution 845, A RESOLUTION AMENDING THE CITY OF CANBY'S PERSONNEL POLICY MANUAL REGARDING PREEMPLOYMENT DRUG TESTING AND PER DIEM MEAL ALLOWANCES FOR EXEMPT EMPLOYEES. Motion was seconded by Councilor Blackwell.**

Councilor Carson said he had a minor problem with the fact that private companies were stricter and they were going the other way with public employees. He personally didn't feel it set a good example, but was willing to go with this since it was the law of the land.

Motion passed 4-0.

Resolution 850 - ****Councilor Carson moved to adopt Resolution 850, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 19.91 ACRES DESCRIBED AS TAX LOTS 400 AND 500 OF TAX MAP 3-1E-28C LOCATED IN THE NORTH CENTRAL PORTION OF THE CITY, NORTH OF NE TERRITORIAL ROAD, BETWEEN N LOCUST AND N HOLLY, SOUTH OF NE 22ND AVENUE; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 18, 2004 ELECTION. Motion was seconded by Councilor Johnson and passed 4-0**

Resolution 851 - ****Councilor Carson moved to adopt Resolution 851, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 1.65 ACRES DESCRIBED AS TAX LOT 5100 OF TAX MAP 4-1E-04DA LOCATED IN THE SOUTH CENTRAL PORTION OF THE CITY AT 1550 S IVY STREET, SOUTH OF SE 13TH AVENUE; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE**

MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 18, 2004 ELECTION. Motion was seconded by Councilor Daniels and passed 4-0

Ordinance 1135 - Police Chief Pagano said they received a \$25,000 grant from the State Domestic Preparedness. This grant would reimburse the City for materials and supplies to do site security for the front of the Police Department. The total cost to the City would be \$3,570.

****Councilor Daniels moved to adopt Ordinance 1135, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH NORTHWEST PACIFIC ALUMINUM AND GLASS, LLC OF WILSONVILLE, OREGON FOR THE PURCHASE AND INSTALLATION OF SECURITY GLASS FOR THE CANBY POLICE DEPARTMENT AND MUNICIPAL COURT; AND DECLARING AN EMERGENCY to come up for second reading on March 17, 2004. Motion was seconded by Councilor Johnson and passed 4-0 on first reading.**

MANAGER'S REPORT: None.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Daniels said there was an applicant named Bruce Parker for the Bike & Pedestrian Committee.

****Councilor Daniels moved to appoint Bruce Parker to the Bike & Pedestrian Committee for a term to end on June 30, 2006. Motion was seconded by Councilor Carson and passed 4-0.**

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving the findings, conclusion, and final orders for ANN 03-07 and ANN 03-08.
3. Passing Resolution 845.
4. Passing Resolution 850.
5. Passing Resolution 851.
6. Passing Ordinance 1135 on first reading to come up for second reading on March 17, 2004.
7. Appointing Bruce Parker to the Bike & Pedestrian Committee for a term to end on June 30, 2006.

****Councilor Carson moved to go into executive session under ORS 192.660(1)(e) real property.**

Mayor Thompson read the executive session format and recessed the regular session at 7:48 p.m.

Mayor Thompson reconvened the regular session and immediately adjourned at 8:30 p.m.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
March 3, 2004**

Present: Mayor Melody Thompson, Councilors Walt Daniels, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, and Library and Parks Director Beth Saul. Councilors Georgia Newton and Wayne Oliver absent.

Mayor Thompson called the session to order at 7:55 p.m.

ORS 192.660(1)(e) – The Council discussed an inquiry from Steve Workman to purchase property from the City.

Mayor Thompson adjourned the session at 8:25 p.m.

Chaunce F. Seifried

Chaunce F. Seifried
City Recorder pro tem

Melody Thompson

Melody Thompson
Mayor

Kim Scheafer

Prepared by Kim Scheafer
and Susan Wood Office Specialists

Molalla Police Department

P.O. Box 248 117 N. Molalla Avenue
Molalla, Oregon 97038

January 15, 2004

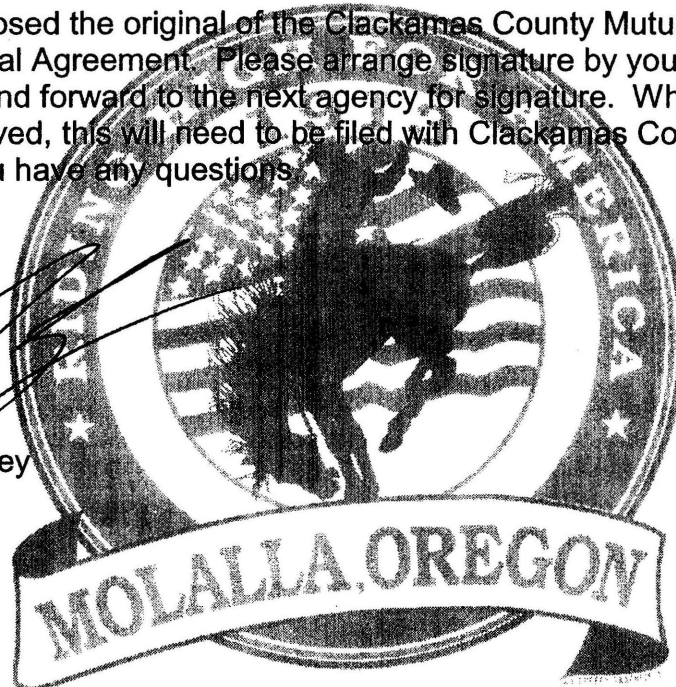
Clackamas County Law Enforcement Executives

Dear colleague,

Please find enclosed the original of the Clackamas County Mutual Aid Intergovernmental Agreement. Please arrange signature by your Mayor or Commissioner and forward to the next agency for signature. When all signatures have been received, this will need to be filed with Clackamas County. Please contact me if you have any questions.

Sincerely;


Nicholas R. Kelsey
Chief of Police



INTERGOVERNMENTAL AGREEMENT MUTUAL AID

This Agreement is between those participating agencies whose names appear at the end of this Agreement concerning mutual aid in critical law enforcement incidents.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

- a). Major Incident is defined as a crime of notoriety, homicide, aggravated murder, or any disaster or event causing or having potential to cause injury, death, or substantial property damage, or any special event that exceeds the capabilities of the Entity.
- b). Assistance means law enforcement personnel and equipment, to include officers, cadets, explorers, support staff, and animals.
- c). Technology is the equipment and supplies used in the location, identification and preservation of physical evidence.
- d). Technical Expertise is the knowledge, skills and abilities possessed by an individual in investigative techniques and technology use.
- e). Entity means a public body as defined in ORS 30.260 (4) (a)(b)(c)(d).
- f). Requesting Official means the person authorized by an Entity who is responsible for requesting assistance from other Entities.
- g). Requesting Entity means an Entity that requests assistance from other Entities.
- h). Responding Official means person authorized by an Entity who is responsible to determine whether and to what extent that Entity should provide assistance to a Requesting Entity.
- i). Responding Entity means an Entity that provides assistance to a Requesting Entity.

2. PURPOSE

This Agreement is made pursuant to Chapter 190 of the Oregon Revised Statutes (ORS) that authorizes the joint and cooperative exercise of powers common to local government entities. The intent of this Agreement is to make equipment, personnel and other resources available to public bodies, as defined in ORS 30.260 (4)(a)(b)(c)(d) from other public entities when it reasonably appears that additional personnel, equipment is needed to respond to a major criminal incident, natural disaster, civil disorder or special event occurring within the jurisdiction of the Requesting Entity.

3. PROCEDURE

- a). Request for Assistance. Whenever, in the opinion of a Requesting Official, there is a need for assistance from other Entities, the

Requesting Official may call upon the Responding Official of any other entity to furnish assistance.

- b). Response to Request. Upon the request for assistance from a Requesting Entity, the Responding Official may authorize and direct his/her Entity's personnel to provide assistance to the Requesting Entity. This decision will be made after considering the needs of the Responding Entity and the availability of resources.
- c). Recall of Assistance. The Responding Official may at any time recall such assistance when in his or her best judgment or by order from the governing body of the responding Entity, it is considered to be in the best interests of the Responding Entity to do so.
- d). Command of Scene. The Requesting Entity shall be in Command of the mutual aid scene. The personnel and equipment of the Responding Entity shall be under the direction and control of the Requesting Entity until the Responding Official withdraws assistance.
- e). Specialty Units. Units such as Tactical, SWAT, Hazardous Materials, Explosives and other specialized teams should maintain their unit integrity, and will be responsible to an Incident Commander from their Entity. The Incident Commander will coordinate their units actions with the Requesting Official.

4. WORKERS' COMPENSATION

Each Entity shall be responsible for the injuries or death of its own personnel. Each entity will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this Agreement.

Each Entity waives the right to sue any other Entity for any workers' compensation benefits paid to its own employee or volunteer or their dependants, even if the injuries were caused wholly or partially by negligence of any other Entity or its officers, employees or volunteers.

5. DAMAGE TO EQUIPMENT

Each Entity shall be responsible for damages to, or loss of its own equipment.

6. COSTS

Mutual Aid incidents are usually considered to be short-term, and costs are borne by each Responding Entity. However, for Major Incidents that would fall under the Federal Emergency Management Agency rules, this Agreement constitutes a written agreement that costs can be charged and reimbursed to the Responding Agency.

7. LIABILITY

For the purposes of the Oregon Tort Claims Act (ORS 30.260 to 30.300), the personnel of the Responding Entity are deemed to be agents of the Requesting Agency.

The Requesting Agency agrees to defend and indemnify the Responding Entity against any claims brought or actions filed against the Responding Entity or any officer, employee or volunteer of the Responding Entity for injury to, death of, or damage to the property of any third person or persons, arising from the performance and provision of assistance in responding to a request for assistance by the Requesting Entity pursuant to this Agreement.

Under no circumstances, however, shall an Entity be required to pay on behalf of itself and other parties, any amounts in excess of the limits on liability established in ORS Chapter 30 applicable to any one Entity. The limits of liability for some or all entities may not be added together to determine the maximum amount of liability for any entity.

The intent of the section is to impose on each Requesting Entity a limited duty to defend and indemnify a Responding Entity for claims arising within the Requesting Entity's jurisdiction subject to the limits of liability under ORS Chapter 30. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating the conflicts among defendants, and to permit liability claims to be defended by a single attorney.

No Entity signing this agreement nor any officer of any Entity shall be liable to any other Entity or to any other person for failure of any Entity to furnish assistance to any other Entity, or for recalling assistance, both as described in the Agreement.

8. DURATION

This Agreement will be in force for a period of five (5) years from the date of execution. Any Entity may withdraw from this agreement upon thirty (30) days written notice to the other entities signing this agreement.

9. EXECUTION

Each Entity hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated.

CLACKAMAS COUNTY

BY: _____
Commissioner/Date

CITY OF CANBY

BY: Melody Thompson 3/4/04
Mayor/Date

CITY OF GLADSTONE

BY: Wade Byers 1/22/04
Mayor/Date

CITY OF MILWAUKIE

BY: _____
Mayor/Date

CITY OF SANDY

BY: Linda K. Malone
Mayor/Date

CITY OF LAKE OSWEGO

BY: _____
Mayor/Date

CITY OF WEST LINN

BY: _____
Mayor/Date

CITY OF OREGON CITY

BY: _____
Chief of Police/Date

CITY OF MOLALLA

BY: Mike Clark 1/15/04
Mayor/Date