

**CANBY CITY COUNCIL
REGULAR SESSION
JULY 7, 1993**

Mayor Scott Taylor presiding. Council members present: Maureen Miltenberger, Dennis Nolder, Terry Prince, Cheryl Stark and Joe Driggers. Absent: Walt Daniels.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Recorder Pro-Tem Marty Moretty, Librarian Beth Saul, Planner Robert Hoffman, James Renner, Jack & Lois Murray, Dan Wilcox, Evelyn Meredith, Sylvia Wiegand, Dorothy McCormick, Kory MacGregor, Bettie Postlewait, George & Dorothy Michael, Anne Kelly Feeney, William Patton, Carol & F.W. Marry, Randy & Cina Bain, Jennifer Montgomery, Lee Wiegand, Leona Sandsness, Cheryl Learfield, Michelene Tharp, Charles Erland, Sue Barnett, Rudy Colliander, Terry Blackwell, Peggy Sigler, Darlene Key, Pete Kelly and others.

Mayor Taylor called the session to order at 7:30 p.m. in the Canby Adult Center.

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve as distributed the minutes of regular session, June 16, 1993. Motion seconded by Councilman Nolder and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Loaves & Fishes - Anne Kelly Feeney, Loaves & Fishes Director, addressed the Council and awarded the City a plaque and "golden ladle" in honor of the past twenty year relationship between Loaves & Fishes and the Canby's Adult Center. Ms. Feeney pledged technical support to the organization, if the need arises, now that they have organized to operate the center on their own.

Mayor Taylor commented that the past years have been a joint process, with Loaves & Fishes and City Adult Center, which gave the Center the foundation needed to proceed on their own.

Flags - Councilman Driggers thanked Coldwell Bankers and Cub Scouts Pack 505 for the American Flags that were distributed throughout the City on July 4th.

ELECTION RESULTS: Clackamas County Election Abstract - Administrator Jordan reviewed the official abstract of votes for the June 29th Election as presented by the Clackamas County Elections office: Measure 3-2, Charter Amendment Prohibiting City from Extending Minority Status to Homosexuals, Yes - 1961; No - 1556; 4 overvotes; 54 undervotes; and 3575 total votes cast.

**Councilman Nolder moved to accept the official abstract of the June 29th election as presented by the Clackamas County Elections Department. Motion seconded by Councilman Prince and approved 5-0.

Proclamation - Administrator Jordan explained that Municipal Code 1.12.130, set forth criteria for the proclamation adopting the results of the City Charter Amendment Election. Mayor Taylor read the proclamation which outlined the number of votes that approved the new City Charter change.

Councilman Driggers commented that he felt the charter change is "unconstitutional" and he will be involved in an action to try and overturn the results. Councilwoman

Miltenberger said she agreed with Mr. Driggers and will be involved in the same action. Ms. Miltenberger said some comments have been forwarded to her from citizens who will no longer shop in Canby or attend the County fair.

PUBLIC HEARING: Historical Preservation Ordinance - Mayor Taylor opened the public hearing that was continued from May 19, 1993. Mayor Taylor asked for a show of hands from those who would be testifying, six indicated an interest. The Mayor limited testimony time to five minutes per person.

Mayor Taylor asked the Council do declare any conflict of interest. None was declared.

Mayor Taylor asked the Council if anyone had any exparte contact:

Miltenberger - none

Nolder - none

Prince - had conversation with Pete Kelley and Peggy Sigler. Mayor Taylor asked the audience if they wished to question Mr. Prince, nothing was voiced.

Stark - had conversation with Diane Anderson. Mayor Taylor asked the audience if anyone wanted to question Mrs. Stark, nothing was voiced.

Driggers - none.

Taylor - had conversation on July 4th with Peggy Sigler, he asked the audience for questions regarding his contact, nothing was voiced.

STAFF - Bob Hoffman, City Planner, briefly reviewed the history of the drafting of the proposed ordinance. He reported that the ordinance was initiated due to an approximate 20% reduction in potential historic areas or sites in Canby during the past five years. He noted that the current ordinance regarding this issue is "unenforceable". Mr. Hoffman said the primary opposition is that owners cannot veto a designation of their structure. He also said he did not know the current position of the state legislature proposals regarding "owners to opt out" in these type of issues. He also reminded the Council that under current state law, "owner opt out" is not allowed. Mr. Hoffman said there is a violation section in the proposed ordinance, however, no set fee schedule which has been of some public concern.

Councilwoman Stark asked about the proposed "sunset" option for the ordinance. Mr. Hoffman said Kurt Schrader has recommended this action, however, he would not recommend for or against due to the complication of the provision.

Councilman Prince asked about further research on property values. Mr. Hoffman noted that he is not an economist, however, in Oregon City and West Linn that have such ordinances, they have said property values, for the most part, has increased.

Councilman Nolder asked if we could include homeowner veto power in the ordinance. Mr. Hoffman said it would be challenged under the current state law. He also noted that Yamhill County included the veto power and it was declared void.

Councilman Nolder asked what would happen if we totally eliminated the following phrase: "the homeowner shall not be the sole basis for the decision". Mr. Hoffman said that language was put in to make it clear that the homeowners concerns could be a consideration.

Attorney Kelley said if we passed an ordinance in violation of LCDC criteria, it would be appealed.

PUBLIC TESTIMONY - Dan Wilcox, Chamber President, reported that the Chamber had a forum regarding the proposed ordinance, with three speakers. The Chamber

membership was polled with an almost even outcome of pros and cons for the ordinance, with a slight edge of more people against the document. The Chamber Board suggested that the proposed ordinance is not worded correctly and felt there should be consideration to the property owners rights. Mr. Wilcox suggested that the issue be tabled until the legislature issues are finalized.

Charles Erland, 832 N.E. 10th - reported that he bought his property as an investment and felt the City should not take his property owner rights away and should try to come up with "equitable language".

Pete Kelley, 1205 N. Hawthorne Court, reiterated a few things:

1. The committee didn't follow rules as to criteria of members. A realtor and architect were to be on the committee, the realtor resigned and was never replaced. Also, another person resigned.
2. Karen Haring, Coldwell Banker, was on a committee at Macksburg Church that opted, on their own, to be a part of historical preservation, and she related that it took up to 18 months to come to a consensus for remodeling and updating of the church. Another friend of Mr. Kelley's in Forest Grove, on his own, applied to become a historical property and when he placed a third door on his garage he went through "holy hell" with the preservation committee.
3. Mr. Kelley pointed out that many things in the proposed ordinance are ambiguous, most things are talked in generalities unless it is a City right, then it is specific, i.e., you **will** pay a fine, you **will** go to review board. However, when speaking of property rights it is spoken in terms of **may**.
4. Mr. Kelley suggested that one way to ease property owner rights is to allow applications to be made **only** by the property owner and **not** by petition or any other means.
5. Finally, Mr. Kelley challenged the Council members to understand the ordinance if it were to directly affect them. He suggested they start over from "scratch" on the document.

Sue Barnett, Chairman of the Barlow Historic Committee, pointed out that not everything old is worth preserving. She said it is not the intent to take away property rights and urged the Council to work together with the task force for a "happy medium" on the document and not table it forever.

Lee Wiegand, 613 N. Holly, said he is against the proposed ordinance because of not having a "choice". He said in Victoria B.C. a home owner must "volunteer" to get into the historic system with a home 85 years old and they get a 25% property tax relief. Mr. Wiegand said he spoke with a Land Use Attorney who commented that often properties decrease \$20,000 to \$30,000. He said the ordinance is not "user friendly" and in once instance a widow lady he knows is considering selling her home if this ordinance passes because of her concern regarding her home. Mr. Wiegand also suggested that the application be initiated only by owners.

Councilman Driggers asked Mr. Wiegand if there was a structure that the Council and community though should be SAVED, but the owner did not, what his feelings were on this issue. Mr. Wiegand cited a case in New York City with the Union Station and ultimately the U.S. Supreme Court ruled it was to be preserved. Mr. Wiegand said he personally found difficulties with this and did not know the solution. He also pointed out that property rights are included in the U.S. Constitution. Finally, Mr. Wiegand commented, "government knows what's best, I don't know if that's true."

Julie Blake, a teacher, said she felt we should preserve history for the future generations. She read a document which pointed out numerous statistics regarding the enhancement of tourism in historically preserved areas.

Darlene Key, owner of the Pioneer Canby Chapel, said that next month her Chapel will have 700 visitors, many from out of town and benefiting the community. She also felt historic preservation increases business and tourism.

Mayor Taylor asked the audience to only submit new information and not reiterate what the Council has already heard.

Jim Gilchrist, 517 N.E. 10th, pointed out that according to Webster's Dictionary, the word "choice" means the right, power and opportunity to choose. He said he felt this issue threatened his personal freedom.

William Patton, 289 S. Grant, spoke to Section 16.10.080, alterations, which sets forth the type of materials that can be used for restoration. He felt this strict criteria was an infringement on his rights.

Leona Sandsness, addressed the Council and noted that the Council was aware of her personal feelings on the issue. However, she did point out that as Canby develops with "new" construction, this provides Canby with employment and business.

Peggy Sigler, Preservation Task Force, reported that there were two bills before the legislature at this time regarding historic preservation. The bills include "voluntary compliance", one bill which is complicated may not make it through the session; and the other bill also involves tax credits.

Ms. Sigler said that she spoke with a relator that specializes in historic properties and in September, 1992, historic properties within a six county area had 25% less value for a structure without designation than a comparable house with designation. Historic designated structures in West Linn and Willamette have skyrocketed in 18 months. She also noted that such structures in Canemah have increased.

Ms. Sigler noted that nothing in the ordinance delays the sell of a home, and felt the ordinance is not that restrictive. She reported that she serves on the Clackamas County Board, and the Canby ordinance is "tailored" after their criteria which doesn't seem to prove any problems. She pointed out that the County uses a point system for criteria which is not in Canby's ordinance.

Ms. Sigler recommended a workshop to go through the ordinance in its entirety.

Mayor Taylor closed the hearing at this time and called for a short recess.

Mayor Taylor reconvened the session and asked for discussion by the Council.

Councilman Prince asked for clarification on the task force members. Bob Hoffman said the task force was made up of volunteers and there was no formal process to recruit others.

Councilwoman Stark asked why there were resignations from the task force. Mr. Hoffman said that Ken Perinchief resigned because he didn't support the direction of the committee. The other person had conflicts with his job.

Councilwoman Miltenberger had no comments at this time.

Councilman Nolder said he felt there was a need for the ordinance, however, he was not willing to sacrifice property owner rights and would be against the ordinance until this issue was resolved.

Councilman Prince felt there was a need for the ordinance but said it should not be forced on property owners. He said the suggestion for the owners to be the only applicant had some merit. Mr. Prince also thought the sunset clause was a viable option with review at the end of one year. He was willing to wait four months, but no more to proceed with implementing an ordinance.

Councilwoman Stark said she would not pass it as is, which would take rights away from property owners, she felt it should totally be there choice.

Councilman Driggers felt there is a need, but felt property owners rights are paramount. He wanted the "petition" criteria removed from the ordinance and would be supportive of the ordinance if the conflict regarding property rights was resolved.

Councilwoman Miltenberger felt a compromise could be worked out regarding property owners rights. She noted that we are losing structures as time goes on.

Mayor Taylor said the ordinance was implemented due to the lose of historic structures, however, he was not sure what degree of lose we have really experienced. He said he was in favor of an "incentive" program, rather than a "hammer" program. Mayor Taylor said the legislature issues may allow us to deal with this issue in a positive manner. He proposed that workshops on the issue be set and schedule it on a December, 1993 agenda.

Mayor Taylor CONTINUED the public hearing until December 15, 1993. Between now and December 15th, workshops will be held with the Council, Staff, Planning Commission and interested citizens for an in depth discussion of the proposed historic preservation ordinance. Citizens that have testified will be notified of the proposed workshops. Mr. Taylor thanked everyone in attendance for their courteous participation.

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to approve payment of accounts payable in the amount of \$629,116.57. Motion seconded by Councilman Nolder.

Mayor Taylor informed the Council that the total included year end accounts which were reviewed and approved by Councilman Daniels.

**Motion was approved by roll call vote, 5-0.

SB 34 - Administrator Jordan informed the Council that SB 34 has been substituted by HB 3500. He said the House has passed HB 3500 on to the Senate for consideration.

Councilman Driggers introduced a Resolution to support HB 3500. **Councilman Driggers read his proposed Resolution and moved to adopt it. Motion seconded by Councilwoman Miltenberger

Councilman Prince asked for a clarification on the term of "unconstitutional". Mayor Taylor interjected that Mr. Driggers felt the recent City Charter Amendment was unconstitutional and therefore supported HB 3500.

Attorney Kelley read Section 8, Paragraph A of the "new charter amendment" and stated that in his opinion, the Council should not pass the Resolution supporting HB 3500.

Councilman Driggers said he felt it was incomprehensible that the legislature has issues that affects the rights of free speech.

Councilman Prince noted that this presented a dilemma for him personally, since the community passed the amendment.

Mayor Taylor said he was concerned that the City Council must take a stand on behalf of the City versus personal convictions. He noted that in this issue, the citizens have made it clear by their vote on what they want the Council to represent.

Attorney Kelley said if the Resolution was passed it could be challenged in court for violation of the City Charter.

Councilman Driggers said his understanding of HB 3500 was that it prevents enactment of ordinances and does not speak to affirmative action or sexual preference. He did comment that promoting the Resolution could, in a "stretch", be viewed as supporting homosexuality. He noted that the process was not the problem or illegal, it was the results.

Mayor Taylor said because HB 3500 does speak to the rights of peoples because of sexual orientation, perhaps we could be in violation of the recent charter change.

Attorney Kelley said a citizen could sue the Council or City to rescind the Resolution, if passed, due to the new charter revision.

****Motion was approved 4-1, with Councilman Nolder voting nay.**

Fultano's Pizza Liquor License - Administrator Jordan said that due to OLCC requirements a new license is required in the event of relocation, which is what Fultano's request relates too.

****Councilman Driggers moved to recommend approval to the OLCC for a liquor license due to the changed location for Fultano's Pizza. Motion seconded by Councilwoman Stark and approved 5-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 892 - Administrator Jordan informed the Council that this is a "housekeeping" measure in compliance with local budget law.

****Councilwoman Stark moved to adopt on final reading Ordinance No. 892, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1993-94 FISCAL YEAR. Motion was seconded by Councilman Prince and approved by roll call vote, 5-0.**

Ordinance No. 894 - Mayor Taylor noted that this ordinance was scratched.

Ordinance No. 895 - Administrator Jordan noted that this street vacation was made in exchange for a right-of-way dedication of John Watson who will be developing in that area.

****Councilman Prince moved to adopt on final reading Ordinance No. 895, AN ORDINANCE VACATING A PORTION OF THE PUBLIC WAY KNOWN AS SOUTH PINE STREET WITHIN THE PRESENT CITY LIMITS OF CANBY, AND DECLARING AN EMERGENCY. Motion seconded by Councilman Nolder and approved 5-0, by roll call vote.**

Resolution 546 - Administrator Jordan explained that this is basically a "housekeeping" document to renew our current insurance program with CIS for the next three years.

****Councilwoman Stark moved to adopt Resolution No. 546, A RESOLUTION REGARDING MEMBERSHIP IN CITY/COUNTY INSURANCE SERVICES TRUST**

PROPERTY SELF-INSURANCE POOL. Motion seconded by Councilman Driggers and approved 5-0.

Councilman Driggers asked why Ordinance 894 was scratched from the agenda. Administrator Jordan explained that the ordinance was for a Parker Northwest Paving project on N.W. 4th Avenue and at this time we have some budgetary concerns and may scale down the project.

UNFINISHED BUSINESS: Committee Appointments - Administrator Jordan reported that there were a number of various recommendations for various committee appointments. Mr. Jordan noted that on the Traffic Safety Committee, Don Molinsky asked that Barbara Kirwan be substituted for him, since she usually attends for him.

****Councilman Driggers moved to nominate Earl Walker for reappointed to the Canby Library Board for a four year term.** Motion seconded by Councilman Prince and approved 5-0.

****Councilman Driggers moved to nominate for reappointment Evelyn Meredith and new appointments of Dorothy McCormick, Clarence Potampa and Will Hight to four year terms on the Canby Adult Center Advisory Board.** Motion seconded by councilman Nolder and approved 5-0.

****Councilman Prince moved to reappoint Burt Lindsay and appoint Barbara Kirwan for three terms on the Traffic Safety Committee.** Seconded by Councilman Nolder.

Administrator Jordan noted that Traffic Safety Committee Chairman, Matt Knoblauch, was the one who recommended the appointment of Ms. Kirwan.

****Motion for the Traffic Safety Committee appointment was approved 5-0.**

Mayor Taylor reported that Mr. Nolder chaired a sub-committee to review applicants for the position on the Canby Utility Board.

Councilman Nolder said that three men were interviewed for the position. ****Councilman Nolder nominated David Hoover, 2217 N. Maple for the position on the Canby Utility Board, with the unexpired term ending in February, 1995.** Motion seconded by Councilman Driggers.

Councilman Driggers asked for a brief bio of Mr. Hoover. Mr. Nolder said he was about his same age, private business owner of software products and of all the candidates had the largest knowledge of issues that CUB will be facing. He has been a Canby resident two years. Mr. Driggers was concerned about any conflict of interest with Dirk Borges, CUB Manager, as being a part of the interview process. Mr. Nolder said the interview was done with the same questions presented to everyone and a fair comparison, and felt there was no conflict.

****Motion for the CUB appointment was approved 5-0.**

S. Pine Street Dedication - Administrator Jordan said the Municipal Code 16.88.060 requires formal acceptance of dedication of property. The dedications are for right-of-way purposes for the current S. Pine Street to the where the new Redwood Street would intercept Township Road.

****Councilman Driggers moved to accept for recording the dedications of right-of-way for the Logging Road Industrial Park project.** The dedications were from Gilbert & E. Adelyn

Borg, Wilhelm & Dolores Guttormsen, David & Cheryl Anderson and Clayton & Janice Christian. Motion seconded by Councilman Nolder and approved 5-0.

Council President Appointment - Mayor Taylor reminded the Council that the Council President appointment was to be reviewed after six months and suggested the Council confirm the appointment of Terry Prince.

****Councilman Driggers** moved that Councilman Prince remain Council President for the remainder of Mayor Taylor's term to January, 1995. Motion seconded by Councilwoman Stark and approved 5-0.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan reported that several delegates from our Sister City, Kurisawa, Japan, will be arriving on Friday. A ground breaking ceremony for the "Friendship Garden" was to be scheduled for Friday evening. Also, a Centennial message will be presented by the delegation at the Sunday Slice of Summer program.

Planner Hoffman informed the Council that the Northwoods applications has been filed with a public hearing scheduled before the Planning Commission on July 26 th.

Chief Giger reported on his three month schooling at the FBI Academy. He said is was difficult with intense training and studying. Some of his classes included forensics, legal classes, computer classes, P.E., gang related classes and a national computer network class. He commented that the instructors were the best he had ever experienced. Mr. Giger commended Lt. Scharmota for an excellent job overseeing the Police Department during his absence.

ACTION REVIEW:

1. Post proclamation for the Charter Amendment.
2. Schedule workshops on the Historic Ordinance and set action for December 15, 1993.
3. Formalize the Resolution on HB 3500 and send it on to Senator Kintigh.
4. Recommendation to OLCC for approval of Fultano's liquor license.
5. Implementing Ordinances 892 and 895.
6. Implementing Resolution 546 for our insurance renewal.
7. Notify all of the appointees to the various committees.
8. Record all the dedications for the Industrial Park.
9. Congratulating Mr. Prince on his continued appointment as Council President.

****Councilman Prince** moved to go into Executive Session under ORS 192.660 (1)(d), labor negotiations, (1)(e) to negotiate real property and (1)(h), regarding pending litigations. Motion seconded by Councilwoman Stark and approved 5-0.

Mayor Taylor recessed the regular session at 10:00 p.m. to go into Executive Session. The regular session was reconvened at 10:52 p.m. and immediately adjourned.

**EXECUTIVE SESSION
JULY 7, 1993**

Present: Mayor Taylor, Councilors Miltenberger, Prince, Nolder, Stark and Driggers, Attorney Kelley and Administrator Jordan.


Mayor Taylor opened the session at 10:08 p.m. in an Adult Center class room.

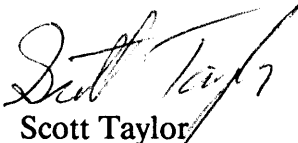
ORS 192.660 (1)(h) - The Council discussed the Faist issue.

ORS 192.660 (1)(e) - The Council discussed the S. Side Park property matter.

ORS 192.660 (1)(d) - Labor negotiations for AFSCME and Police Department were discussed.

Mayor Taylor adjourned the session at 10:51 p.m.


Marilyn K. Perkett
City Recorder


Scott Taylor
Mayor

**CANBY CITY COUNCIL
REGULAR MEETING
JULY 7, 1993**

AGENDA - 7:30 P.M.

- 1. CALL TO ORDER:**
- 2. FLAG SALUTE:**
- 3. ROLL CALL OF COUNCIL:**
- 4. MINUTES OF PREVIOUS SESSION:**
 - A. Regular Meeting, June 16, 1993**
- 5. CITIZEN INPUT ON NON-AGENDA ITEMS:**
 - A. Anne Kelly Feeney-Loaves & Fishes Executive Director**
- 6. ELECTION RESULTS:**
 - A. Clackamas County Election Abstract**
 - B. Proclamation**
- 7. PUBLIC HEARING:**
 - A. Historical Preservation Ordinance (Continued)**
- 8. COMMUNICATIONS:**
 - A.**
- 9. NEW BUSINESS:**
 - A. Accounts Payable: \$ 629,116.57 (including year end)**
 - B. SB 34**
 - C. Liquor License - Fultano's Pizza**
- 10. ORDINANCES & RESOLUTIONS:**
 - A. Ord. 892, Election to Receive State Revenues (2nd rdg.)**
 - B. Ord. 894, Parker NW Paying Contract (2nd rdg.)**
 - C. Ord. 895, S. Pine Street Vacation (2nd rdg.)**
 - D. Res. 546, CIS Insurance Renewal**
- 11. UNFINISHED BUSINESS:**
 - A. Committee Appointments**
 - B. S. Pine Street Dedications**
 - C. Council President Appointment**
- 12. OTHER REPORTS OR ANNOUNCEMENTS:**
- 13. ACTION REVIEW:**
- 14. EXECUTIVE SESSION: ORS 192.660 (1)(d), labor negotiations; (1)(e), to negotiate real property; (1)(h), pending litigation & (1)(i), employee performance evaluations.**
- 15. ADJOURN:**

SUMMARY OF VOTES CAST
6/29/93
21:07

CLACKAMAS COUNTY, OREGON
SPECIAL ELECTION
JUNE 29, 1993

ELR200 ISSUE 2
PAGE 1
JOHN KAUFFMAN, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :
* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

* DATE OF ABSTRACT : *
* JUN 30 1993 *

CITY OF CANBY
MEASURE 3-2
CHARTER AMENDMENT

CANDIDATE KEYS:

CAND-01 = YES
CAND-02 = NO
CAND-97 = OVERVOTES
CAND-98 = UNDERVOTES
CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-97	CAND-98	CAND-99
122	271	188	1	6	466
123	284	186	0	11	481
124	505	452	1	18	976
125	412	292	2	8	714
126	489	438	0	11	938
TOTALS	1,961	1,556	4	54	3,575

SUMMARY OF VOTES CAST

6/29/93

21:07

CLACKAMAS COUNTY, OREGON

SPECIAL ELECTION

JUNE 29, 1993

ELR200

ISSUE

2

PAGE

1

JOHN KAUFFMAN, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :

* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

* DATE OF ABSTRACT :

* JUN 30 1993 *

CITY OF CANBY

MEASURE 3-2

CHARTER AMENDMENT

CANDIDATE KEYS:

CAND-01 = YES

CAND-02 = NO

CAND-97 = OVERVOTES

CAND-98 = UNDERVOTES

CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-97	CAND-98	CAND-99
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TOTALS	1,961	1,556	4	54	3,575

RECEIVED

JUL 02 1993

CITY OF CANBY

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election, BY MAIL BALLOT, on June 29, 1993; and

WHEREAS, by initiative petition, the following measure was submitted to the City of Canby electors:

"CHARTER AMENDMENT PROHIBITING CITY FROM EXTENDING MINORITY STATUS TO HOMOSEXUALS" and

WHEREAS, the City Charter Amendment is fully described, in "Exhibit A"; and

WHEREAS, the Clackamas County Elections Department offers the following as an official abstract count of votes:


Measure 3 - 2 "Charter Amendment Prohibiting City from Extending Minority Status to Homosexuals"

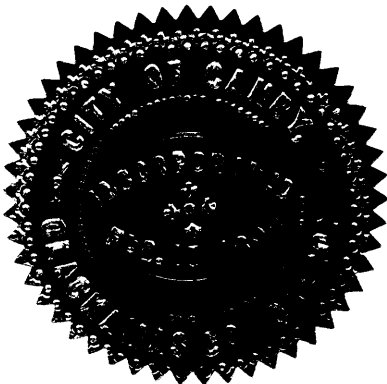
YES - 1,961

NO - 1,556

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 7th day of July in the year of our Lord One Thousand Nine Hundred and Ninety-Three.


Scott Taylor, Mayor



AN ACT

BE IT ENACTED by the People of the City of Canby:

PARAGRAPH 1. The Charter of the City of Canby is amended by adding a new Section 8, to Chapter XI as follows:

SECTION 8 :

A. The City of Canby, including its Council and elected or appointed officers, shall not make, pass, adopt, or enforce any ordinance, rule, regulation, policy or resolution that extends minority status, affirmative action, quotas, special class status, or any similar concepts, based on homosexuality or which establishes any categorical provision such as "sexual orientation", "sexual preference", or any similar provision which includes homosexuality.

B. City funds shall not be expended to promote homosexuality or express approval of homosexual behavior.

C. This Section shall not be construed to deny any Citizen, based on perceived or actual private lawful sexual practices, any City services, licenses, or approvals otherwise due or available.

D. This Section shall not be construed to limit public libraries from providing materials for adults which address homosexuality.

E. Subsection (A) of this Section shall not nullify or be construed to nullify any city, state, or federal civil rights protections based on race, religion, color, sex, marital status, familial status, national origin, age or disability. Neither shall Subsection (A) be construed to abrogate, abridge, impede, or otherwise diminish the holding, enjoyment, or exercise of any rights guaranteed to Citizens by the Constitution of the State of Oregon or the Constitution of the United States.

F. Subsection (A) of this Section shall not be construed to forbid the adoption of provisions prohibiting employment decisions based on factors not directly related to employment. If such a provision is adopted, it is the intent of the People that lawful private sexual behavior, or rumor, perception, or knowledge of a person's lawful private sexual behavior, are factors not directly related to employment. If such a provision is adopted, it is the intent of the People that personal expression, conversation or any other free expression concerning private lawful sexual behavior shall also be considered factors not directly related to employment, unless such actions disrupt the workplace.

G. This Section shall be explicit and necessary restriction and limitation upon the authority of the Council.

H. It shall be considered that it is the intent of the People in enacting this Section that if any part thereof is held unconstitutional by a court or competent jurisdiction, the remaining parts shall be held in full force and effect. This Section shall be in all parts self-executing.