

CANBY CITY COUNCIL

SPECIAL MEETING

JANUARY 14, 1981

Mayor Robert A. Swayze presiding. Councilmembers present: Beryl Brown, Lee Funrue, Michael Gabrion, Beauford Knight, William Pulver and Gary Sowles.

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, Chief of Police Richard Seigler, Secretary Marilyn Perkett, Oregonian Reporter Pat Jeffries, Canby Herald Editor Steve Fredrick, Phil Colbaugh, Miriam E. Bettis, Frances Amundson, Jack Howay, Howard Barlow, Kenneth Stuart, Carl Plesants, David Bury, Mr. and Mrs. Gordon Christiansen, Mr. and Mrs. Richard Flower, David Lowe, John Beckham, William Garmire, Carl Menkel, James Renner, Annette Tatone, Jean Pierce, Maggie Hubbard, Bev Williams, George and Leona Julian, Sharon Imholt, George and Opal Ray, Ted Ellingboe, Antonio Seco, Marine Garmire, Lyle and Joyce Read, Curt Johnson, David Gustafson, Vern and Deborah Walker, Ron Chase, Burnell Vernon and Others.

Mayor Swayze called the Special Meeting to order at 7:32 p.m., followed by the flag salute and roll call of Council.

Mayor Swayze asked the City Attorney to explain the necessary action for Special Meetings to the audience. Attorney Bettis read Chapter 3, Section 7, of the City Charter and also pointed out certain state laws on notice requirements for public meetings. Attorney Bettis asked Mr. Wyman who called the meeting and what notices were given. Administrator Wyman replied that Mayor Swayze called the meeting and Mr. Wyman hand delivered the notices to the Councilmembers on Monday, morning, January 12th and also posted notices of the meeting at the Post Office, City Hall outside and inside bulletin boards and also notified the local newspaper on Monday morning, January 12th. Attorney Bettis noted that we did meet the requirements for the Special Meeting.

Mayor Swayze explained to the audience that the reason for the meeting was that in surrounding communities there is a large group of people involved in gambling and the movement is trying to come to Canby and he felt it was up to the Council to decide if the citizens wanted this type of "store-front gambling" in the community. Mayor Swayze noted that he was willing to hear anyone who wanted to address the Council, however, if the meeting became disorderly he would close it. Citizens wishing to address the Council were instructed to first state their name and address for the records. Mayor Swayze noted that there were two options: do nothing, and leave Ordinance No. 591 in affect; or appeal Ordinance No. 591 and prepare a new Ordinance to better define gambling in the City of Canby. At this time citizens were asked to address the Council.

LYLE READ, 580 N. Juniper, Canby - Mr. Read spoke in support of changing the Ordinance, to not allow "store-front gambling". He is an owner of a business, 334 N.W. 1st Avenue, located half a block away from the proposed area and felt this would cause traffic problems and bring in undesirable people to the community. As a businessman, he was concerned about the welfare of downtown Canby and as a citizen, of over 20 years, he was also in favor of changing the Ordinance.

CARL PLESANTS, 7227 Comer Creek, Molalla - Representing the Canby Christian Church, and noting about 30 members of the congregation were present, spoke in favor of appealing the Ordinance to abolish gambling.

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GORDON CHRISTIANSEN, 2165 Country Club Drive, Canby - A citizen for about six years and member of Canby Christian Church, seconded what Mr. Read and Mr. Pleasants said.

TED ELLINGBOE, 1245 N. Lupine Court, Canby - Speaking as Pastor of the Christo Fellowship, and noting that he met with 8 or 10 fellow Pastor's on Tuesday, and they were in support of an Ordinance to abolish gambling.

BURNELL VERNON, 20718 S. End Road, Canby - Asked to have the Ordinance clarified.

Mayor Swayze said the Council could take no action at all on the present Ordinance or on first reading of the proposed Ordinance, instructed the Attorney to prepare a new one. Mr. Vernon then inquired if gambling could take place if no action was taken on the present Ordinance. Attorney Bettis explained that Ordinance No. 591 briefly defines that social gambling is permitted in the City of Canby in accordance with ORS 167.117. Mr. Bettis explained that the state law is, "difficult to read, difficult to understand, difficult to interpret, and almost impossible to enforce." Under the Ordinance we now have, it is a question of defining social games. Mr. Bettis read an advertisement from El Gazebo Saloon, downtown Canby, promoting "Black Jack" with "Reno Rules". Attorney Bettis recommended appealing Ordinance No. 591 and if the Council would like to redefine "social gambling" with smaller confines and a greater limit, then they could start over with a new Ordinance.

KENNETH STUART, 603 N.W. 13th Ave., Canby - He pointed out that he had heard negative attitudes in surrounding communities and as a businessman and citizen was recommending support of changing the present Ordinance.

Lyle Read questioned that if the old Ordinance is appealed tonight, does this allow gambling to move in until another Ordinance is passed? Mayor Swayze commented, "I am not convinced that even with the Ordinance we have, that it will allow store-front gambling such as we see in the neighboring cities around us, and that's a personal opinion." Attorney Bettis said, "The Mayor's comment is a correct interpretation and evaluation of the Ordinance." "The type of gambling that we hear, know about, and have seen is not permitted in Canby under our Ordinance that now exists, no way!" Mr. Bettis felt we should eliminate the possible court challenge on social gaming and appeal the Ordinance. Attorney Bettis pointed out that it would be February 4, 1981, before the final passage of the proposed Ordinance, due to posting provisions of the City Charter. Mr. Read questioned if we anticipate a two or three week move-in to try and get it going? Mr. Bettis replied, "No, I don't anticipate that." Councilman Knight questioned that if we repeal Ordinance No. 591 and replace it with an Ordinance that "spells-out" what we want in Canby, this would be the action to take. Mr. Bettis noted that he was correct.

At this point, someone in the audience asked, "What happens to the rights of a person to decide whether he gambles or not?" Mayor Swayze asked the gentleman to state his name and address, the unidentified person refrained.

RON CHASE, 20606 Butteville, N.E., Hubbard - Mr. Chase is the Chairman of the Elders at the Canby Christian Church and on their behalf spoke out as being totally against the gambling.

At this point, the same unidentified gentleman again tried to address the Council. Mayor Swayze again asked the citizen to please state his name and address which he refused to do and therefore was not acknowledged.

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Mayor Swayze then instructed the City Attorney to read Ordinance No. 692 in full for first reading for the Council action. Attorney Bettis read in full Ordinance No. 692. **Councilman Pulver moved that Ordinance No. 692 AN ORDINANCE REPEALING SOCIAL GAMBLING ORDINANCE NO. 591 AND DECLARING AN EMERGENCY be properly posted and second and final reading be on February 4, 1981, after 7:30 p.m. in the Council Chambers. Seconded by Councilwoman Funrue and roll call vote was 6 yeas and zero nays.

At this point Attorney Bettis read a "Press Release" (a copy is attached to the minutes of this meeting), which gave notice that all who would-be-participants in the activity of gambling will be arrested, citations will be issued and violators will be prosecuted and the City Police Department has been alerted to the fact of the action that may occur.


Mayor Swayze then requested Attorney Bettis to prepare an Ordinance that will define what exactly will be allowed in the City of Canby under social gambling.

The unidentified gentleman (who twice spoke before) asked when this would be effective. Mayor Swayze replied, noting that the gentleman was too embarrassed to state his name, that the Ordinance No. 692 would become effective February 4, 1981, on final reading. The unidentified person then stated, "then it can go on until that meeting?" He was told, "No." Mayor Swayze reminded him of the "Press Release" that Attorney Bettis read, and it was the Attorney's opinion that it is an illegal activity.

Approval ^{requisitions} For other business, Mayor Swayze noted that former Councilman Westcott had in the past been overseeing the transactions on the water bond and signing his signature to the bonds. Due to the fact Mr. Westcott is most knowledgeable on this issue, Mayor Swayze suggested he be appointed to continue, noting that he had discussed this with the City Attorney. **Councilman Pulver moved that the Council appoint Mr. Robert Westcott as a committee of one, to handle the transactions of water bonds for the City of Canby and that he report to the Mayor on these bonds. Seconded by Councilwoman Brown and approved unanimously. of

Mayor Swayze thanked the audience for coming to the meeting and invited them back at anytime, including the February 4th meeting.

Mayor Swayze adjourned the Special Meeting at 8:00 p.m.


Robert A. Swayze, Mayor


Harold A. Wyma, Administrator/Recorder

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AREA CODE 503

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From what I have seen, heard and read, I am of the opinion there is a plan to introduce gambling into the City of Canby, which is not permitted by our "Social Gambling" Ordinance No. 591 (now planned for repeal) and which would clearly constitute "gambling offenses" as defined in ORS 167.117 et seq.

If such gambling should occur I give notice now to all would-be participants in that activity that arrests will be made, citations will be issued and violations will be prosecuted vigorously and to the fullest extent of the law for imposition of maximum penalties. Furthermore, civil suits or actions will be commenced as may be required to enjoin such illegal activities, and wherever they may occur within the City. This matter has been discussed with our Police Chief Richard Seigler and Deputy City Attorney and Chief Prosecutor Michael J. Clancy, and all of us are alert to the threatened violations and potential problems and we are ready to act promptly as the situation may require.

Wade P. Bettis
WADE P. BETTIS
City Attorney for City of Canby