



## CITY COUNCIL Agenda

222 NE 2<sup>nd</sup> Avenue, Canby, OR, 97013 | Ph: (503) 266-4021 | [www.canbyoregon.gov](http://www.canbyoregon.gov)

**APRIL 3, 2024**

The City Council meeting may be attended in person in the Council Chambers at  
222 NE 2<sup>nd</sup> Avenue, Canby, OR 97013

The meetings can be viewed on YouTube at:

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

The public can register to attend the meeting virtually by contacting the City Recorder;  
[benhamm@canbyoregon.gov](mailto:benhamm@canbyoregon.gov) or call 503-266-0720.

For questions regarding programming, please contact: Willamette Falls Studio (503) 650-0275;  
[media@wfmstudios.org](mailto:media@wfmstudios.org)

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### WORK SESSION – 6:00 PM

1. CALL TO ORDER
2. MUNICIPAL COURT CASELOAD/ PROSECUTION OF MISDEMEANOR CRIMES/ CITY ATTORNEY SERVICES Pg. 1
3. ADJOURN

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### REGULAR MEETING – 7:00 PM

1. CALL TO ORDER
  - a. Invocation
  - b. Pledge of Allegiance
2. NEW EMPLOYEE INTRODUCTIONS
3. NATIONAL LIBRARY WEEK PROCLAMATION Pg. 2
4. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. If you are attending in person, please complete a testimony/comment card prior to speaking and hand it to the City Recorder. If you would like to speak virtually, please contact the City Recorder by 4:30 pm on April 3, 2024 with your name, the topic you'd like to speak on and contact information: [benhamm@canbyoregon.gov](mailto:benhamm@canbyoregon.gov) or call 503-266-0720.

**5. CLACKAMAS COMMUNITY COLLEGE BOND PRESENTATION**

**6. WILLAMETTE FALLS & LANDINGS HERITAGE AREA COALITION PRESENTATION**

**7. CONSENT AGENDA**

- a. Approval of March 20, 2024 City Council Work Session and Regular Meeting Minutes. Pg. 3
- b. Approval of the Distillery OLCC Application for Archetyp located at 181 N Grant Street. Pg. 8
- c. Appointment of Member David Tate to the Budget Committee with a term ending June 30, 2026. Pg. 13

**8. ORDINANCES & RESOLUTIONS**

- a. Consider **Ordinance No. 1619**: An Ordinance Authorizing the City Administrator to enter into an Agreement with Robert Half of Los Angeles, CA to provide Temporary IT Staffing Not to Exceed \$315,000 and Declaring an Emergency. (*Second Reading*) Pg. 17

**9. OLD BUSINESS**

- a. City Attorney Recruitment

**10. MAYOR'S BUSINESS**

**11. COUNCILOR COMMENTS & LIAISON REPORTS**

**12. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

**13. CITIZEN INPUT**

**14. ACTION REVIEW**

**15. ADJOURN**

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\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Maya Benham at 503-266-0720. A copy of this Agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov).



## CITY COUNCIL WORK SESSION STAFF REPORT

Meeting Date: 4/3/2024

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, City Administrator  
From: Maya Benham, Administrative Director/ City Recorder  
Agenda Item: Municipal Court Caseload/Prosecution of Misdemeanor Crimes/City Attorney Services

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### **Summary**

The purpose of this work session is to discuss the caseload of Municipal Court, primarily to discuss whether to resume prosecuting misdemeanor crimes. Secondly, to receive a status report on the costs spent to date on the outside City Attorney firm.

### **Background**

The Canby Municipal Court has historically processed all traffic and misdemeanor matters that occur within the city limits of Canby. The court consists of presiding Judge Rod Grafe, a City Prosecutor, public defenders, and court staff. Prior to 2020, the role of the City Prosecutor had been filled by the City Attorney. In October 2020, the City divided the City Attorney and City Prosecutor positions and hired a contracted City Prosecutor. In April 2021, the Council allowed the duties and title of Assistant City Administrator to be added to the City Attorney's role. In July 2022, the City decided to refer all misdemeanor charges to the Clackamas County District Attorney's Office. The Municipal Court has been working toward phasing out the misdemeanor docket since July 2022. However, the docket remains full with cases previously filed in the Canby Municipal Court. Meanwhile, the Council has been considering whether to reinstate prosecution of misdemeanor crimes.

### **Discussion**

In November 2023, the Council decided to wait until after the 2024 Legislature to know whether the state would re-criminalize possession of small amounts of drugs (Measure 110 crimes) which had been prosecuted as a violation. The Legislature decided to re-criminalize possession of small amounts of drugs but made them a special type of misdemeanor. With this development, staff recommends re-instating the prosecution of misdemeanor crimes with the exception of domestic violence and drug related crimes, that these cases be prosecuted by the District Attorney who has access to the drug treatment programs and facilities that these offenses require.

**City Attorney Costs.** A related issue was the use of an outside City Attorney and what these services cost. In November, the Council decided to de-couple the City Attorney-City Prosecutor role and retain the use of an outside City Prosecutor. The City continues to contract with Lucy Heil for this work. The Council has not decided whether to hire an in-house City Attorney. It has been past practice of an in-house City Attorney. Currently, the City has been contracting out legal services. The cost to date (July, 2023 – February, 2024) of Beery Elsner and Hammond is \$65,214.22. The costs for an in-house City Attorney were budgeted at \$230,629 in FY 23-24.



## National Library Week 2024 Proclamation

**WHEREAS**, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life;

**WHEREAS**, libraries have long served as trusted institutions for *all* members of the community;

**WHEREAS**, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

**WHEREAS**, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships;

**WHEREAS**, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs;

**WHEREAS**, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals;

**WHEREAS**, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

**WHEREAS**, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week.

**NOW, THEREFORE**, I, Brian Hodson, by virtue of the authority vested in me as the Mayor of the City of Canby, do proclaim April 7-13, 2024 as National Library Week. During this week, I encourage all residents to visit their library to explore the wealth of resources available.

Dated this 3<sup>rd</sup> day of April, 2024

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Brian Hodson  
Mayor

**CANBY CITY COUNCIL  
WORK SESSION MINUTES  
March 20, 2024**

**PRESIDING:** Traci Hensley/Brian Hodson.

**COUNCIL PRESENT:** James Davis, Jason Padden, Scott Sasse, and Daniel Stearns.

**COUNCIL ABSENT:** Herman Maldonado.

**STAFF PRESENT:** Eileen Stein, City Administrator; Maya Benham, Administrative Director/ City Recorder; Jamie Stickel, Economic Development Director/Communications Specialist; Don Hardy, Planning Director; Jerry Nelzen, Public Works Director, Jorge Tro, Police Chief; Ryan Potter, Planning Manager; and Heidi Muller, Transit Coordinator.

**CALL TO ORDER:** Council President Hensley called the Work Session to order at 6:01 p.m.

**SPORTS COMPLEX UPDATE:** Patrick Sampson, Cogeo, discussed the proposed partnership structure between Cogeo and the City and answered questions that had been previously raised by Council.

Mayor Hodson arrived at 6:06 p.m.

There was discussion regarding why Cogeo had decided to bring the project to Canby, sports complex layout, who would own the facility and who could use it, longevity of the Oregon Youth Soccer organization, risks and benefits to the City, comparison to Medford, profitability, community subsidizing the facility, timeframe for the project, cost calculations, facility uses to meet the community's needs, role of the City in this scenario, and next steps.

Councilor Maldonado arrived at 6:56 p.m.

Mayor Hodson adjourned the Work Session at 7:00 p.m.

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
March 20, 2024**

**PRESIDING:** Brian Hodson.

**COUNCIL PRESENT:** James Davis, Jason Padden, Traci Hensley, Scott Sasse, Herman Maldonado, and Daniel Stearns.

**STAFF PRESENT:** Eileen Stein, City Administrator; Maya Benham, Administrative Director/ City Recorder; Todd Wood, Transit, Fleet, & IT Director; Heidi Muller, Transit Coordinator; Jerry Nelzen, Public Works Director, Jamie Stickel, Economic Development Director/

Communications Specialist; Don Hardy, Planning Director; Jorge Tro, Police Chief; and Ryan Potter, Planning Manager.

**CALL TO ORDER:** Mayor Hodson called the meeting to order at 7:15 p.m.

**CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS:**

Council President Hensley read a letter from Carol Palmer, Canby resident, regarding compliance of the proposed sports complex with Oregon Revised Statutes regarding historical artifacts and approval for demolition.

Pat Schauer, Canby resident, spoke about National Vietnam War Veterans Day on March 29.

Irene Breshears, Canby resident representing VFW Auxiliary, invited everyone to a luncheon at 11 a.m. at Burgerville on March 29.

Celeste Graves, Canby resident, spoke about Transgender Day on March 31 and thanked trans people for their contributions to the community.

Kristi Smith, Canby resident, read a proclamation for International Transgender Day of Visibility on March 31.

Stephanie Boyce, Canby resident, spoke about marginalized individuals being harassed at the high school. She asked for a proclamation to recognize the group, Turning Point USA.

Rachel Plyler, Canby resident, spoke about the Don't Mess With Our Kids organization and how they supported the Mayor's decision to deny a requested proclamation for Transgender Day.

Audrey Barnett, Canby resident, spoke about what the acknowledgement of Transgender Day would mean and how she also supported the Mayor's decision.

Shawn Varwig, Canby resident, expressed gratitude to the Mayor for his dedicated leadership, service to the community, and commitment to making Canby the best it can be.

**CONSENT AGENDA: \*\*Council President Hensley moved to approve the minutes of the March 6, 2024, City Council Regular Meeting. Motion was seconded by Councilor Maldonado and passed 6-0.**

**ORDINANCES & RESOLUTIONS:** Ordinance 1618 – Jerry Nelzen, Public Works Director, answered Council's questions regarding the cost breakdown of the project and lifespan of the LED lighting.

There was discussion regarding spending money on projects that would benefit a smaller group of residents vs. projects that would benefit more residents, setting aside reserves for turf replacement, how these amenities would benefit all residents, lighting schedule, and adding scoreboards.

Barry Johnson, Parks and Recreation Advisory Board Chair, said this was the initial quote and was subject to change. He expected the cost to be lower. They saw what the community needed and tried to accommodate everyone. They were not focusing on just one group and had a number of other projects that would be done in the future.

**\*\*Council President Hensley moved to adopt Ordinance 1618, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH FIELD TURF USA INC, IN THE AMOUNT OF \$1,441,540.50 FOR TURFING AND LIGHTING MAPLE STREET PARK INFIELDS. Motion was seconded by Councilor Davis and passed 6-0 by roll call vote.**

Ordinance 1619 – Todd Wood, Transit, Fleet, & IT Director, gave a background on the agreement with Robert Half and how staff turnover led to going over the original \$50,000 amount in the agreement. Everything over that amount had to be approved by ordinance. The \$315,000 was not what was spent this year, but the total amount of the contract. He explained where the funds came from to pay for it.

**\*\*Councilor Davis moved to approve Ordinance 1619, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH ROBERT HALF OF LOS ANGELES, CA TO PROVIDE TEMPORARY IT STAFFING NOT TO EXCEED \$315,000 AND DECLARING AN EMERGENCY to come up for second reading on April 3, 2024. Motion seconded by Councilor Padden and passed 6-0 on first reading.**

Resolution 1400 – **\*\*Council President Hensley moved to approve Resolution 1400, A RESOLUTION ADOPTING THE UPDATED CITY COUNCIL GOALS. Motion seconded by Councilor Padden and passed 6-0.**

**OLD BUSINESS:** City Attorney Recruitment – Councilor Padden asked for an update on the cost of the current contractor to date.

**NEW BUSINESS:** Discussion regarding Council Policies and Operating Guidelines – Councilor Padden suggested the City Attorney go through the policies and identify the areas that needed to be taken out or modified for legal purposes, then have a Work Session for Council to discuss what should be added or changed, and create a subcommittee to work on the wording. Another Work Session would be held to go over the changes before adoption. He and Councilor Sasse could be on the subcommittee.

There was discussion regarding working with staff first before the City Attorney and making sure the rules promoted the City's goals.

There was consensus for Councilors Padden and Sasse to work with staff on possible changes to the policies.

**MAYOR'S BUSINESS:** None.

### **COUNCILOR COMMENTS & LIAISON REPORTS:**

Councilor Sasse reported on the Library Board meeting. The library was awarded a grant for a paid teen intern for the summer.

Councilor Stearns reported on the Bicycle and Pedestrian Committee meeting and concern about orphan sidewalks. He asked about police patrol for the Traverso property.

Jorge Tro, Police Chief, said the police did patrol the area and were the first ones to respond to calls.

Councilor Davis reported on the Park and Recreation Advisory Committee meeting and parks projects that were discussed. He passed out a sheet on the current boundaries of CAPRD.

Council President Hensley reported on the Traffic Safety Commission meeting and citizen concerns that were discussed. She thanked Bob Cambra for his service as Chair.

Mayor Hodson suggested the Traffic Safety and Bicycle and Pedestrian Committee hold a joint meeting to discuss common concerns.

Councilor Padden gave an update on Canby Utility Board and Planning Commission meetings. On April 9 there would be a public hearing on the water rate increase and on April 17 there would be a joint Work Session on the Housing Needs Analysis. He had met with staff about the Street Maintenance Fee to reinstate the task force. He asked if another Councilor wanted to be on the task force along with him.

Council President Hensley and Councilor Stearns volunteered.

There was consensus to move forward with the Street Maintenance Fee Task Force as discussed.

**CITY ADMINISTRATOR'S BUSINESS:** Ms. Stein said they needed Bicycle and Pedestrian Committee, Budget Committee, Urban Renewal Budget Committee, Heritage and Landmark Commission, and Transit Advisory Committee members. She explained proposed customer service changes at City Hall. The library currently had an intern and had received a grant for an additional intern. The Community Park restrooms had been completed.

Jamie Stickel, Economic Development Director, discussed the new banners downtown.

There was discussion regarding banners on 99E and a banner sponsor program.

**CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS:** Chief Tro announced Canby had been named the second safest city in Oregon.

### **ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Ordinance 1618.
3. Approved Ordinance 1619 to a second reading on April 3, 2024.

4. Approved Resolution 1400.
5. Consensus for Councilors Padden and Sasse to work with staff on the Council policies.
6. Consensus to move forward with the Street Maintenance Fee task force with Councilors Padden, Hensley, and Stearns.

Mayor Hodson adjourned the Regular Meeting at 9:09 p.m.

Maya Benham  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood

DRAFT

# Memo

To: Mayor Brian Hodson & Members of City Council  
From: Jorge Tro, Chief of Police  
CC: Maya Benham, Administrative Director/ City Recorder  
Date: April 3, 2024  
Re: Liquor License Application / Additional Privilege  
Archetyp, 181 N. Grant St., Suite LL9 Canby, Oregon 97013

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I have reviewed the attached Additional Privilege Liquor License Application for Archetyp, located at 181 N. Grant St., Suite LL9, Canby, Oregon 97013.

Archetyp has an existing Winery Liquor License and is now requesting an additional privilege through OLCC. I spoke to Michael Gottlieb, Attorney for Archetyp over the phone. He explained that Archetyp is expanding their business by importing distilled spirits from Europe to distribute to restaurants and stores through OLCC. The location is mostly a storage facility and will not have on premise consumption. He conveyed that the owner is trained in OLCC laws and regulations as it pertains to distributing wine and distilled spirits in Oregon and is aware of the consequences for failure to comply with the rules as set forth by Oregon State Law.

It is my recommendation the Canby City Council approve this application to the Oregon Liquor Control Commission (OLCC).

# LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

- [New Outlet](#) |  [Change of Ownership](#) |  [Greater Privilege](#) |  [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

## Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

## Winery

- Primary location
- Additional locations:  2nd  3rd  4th  5th

## Brewery

- Primary location
- Additional locations:  2nd  3rd

## Brewery-Public House

- Primary location
- Additional locations:  2nd  3rd

## Grower Sales Privilege

- Primary location
- Additional locations:  2nd  3rd

## Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

## Limited On-Premises

## Off Premises

## Warehouse

## Wholesale Malt Beverage and Wine

## LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT  
After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

City of Canby

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received: 3/8/2024

Optional: Date Stamp Received Below

- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Archetyp

Trade Name

# LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION	
<b>Identify</b> the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: <b>Archetyp, LLC</b>	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): <b>Archetyp</b>		
Premises street address (The physical location of the business and where the liquor license will be posted): <b>181 N Grant Street, Suite LL9</b>		
City: <b>Canby</b>	Zip Code: <b>97013</b>	County: <b>Clackamas</b>
Business phone number: [REDACTED]	Business email: [REDACTED]	
Business mailing address (where we will send any items by mail as described in <a href="#">OAR 845-004-0065[1]</a> ): [REDACTED]		
City: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]
Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is <u>not</u> an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.	
Application Contact Name: <b>Michael Gottlieb</b>	
Phone number: [REDACTED]	Email: [REDACTED]

# LIQUOR LICENSE APPLICATION

Page 3 of 4

## TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

## ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-005-0311](#) and attests that:
  1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
  2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
  3. The licensed premises at the premises street address proposed to be licensed either:
    - a. Does not include any common areas; or
    - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
  4. The licensed premises at the premises street address either:
    - a. Has no area on property controlled by a public entity (like a city, county, or state); or
    - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

# LIQUOR LICENSE APPLICATION

Archetyp

Page 4 of 4

**Applicant Signature(s):** Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

• Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-006-0362](#) and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Aric Wood



26/02/2024

ARIC WOOD (FEB 26, 2024 14:58 PST)

Applicant name

Signature

Date

Applicant name

Signature

Date

Applicant name

Signature

Date

Applicant name

Signature

Date

**Applicant/Licensee Representative(s):** If you would like to designate a person/entity to act on your behalf you must complete the [Authorized Representative Form](#). You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

*Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.*



## CITY COUNCIL Staff Report

Meeting Date: 4/3/2024

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, City Administrator  
From: Maya Benham, Administrative Director/ City Recorder  
Agenda Item: Appointment of Member David Tate to the Budget Committee with a term ending June 30, 2026.

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### **Summary**

A Budget Committee position was advertised. David Tate's application was kept on-file since he was interviewed during the Council vacancy. There were no other applications received.

### **Background**

The City has [11 various Boards, Commissions and Committees](#): Bike and Pedestrian Committee, Budget Committee, Canby Utility Board, Heritage and Landmark Commission, Library Board, Parks and Recreation Advisory Board, Planning Commission, Public Transit Advisory Committee, Traffic Safety Commission, Urban Renewal Agency and the Urban Renewal Budget Committee. Each Board, Commission and Committee has members that are appointed by the City Council and the term lengths are established through the Canby City Charter or the City Code.

### **Discussion**

Mr. Tate was interviewed on March 26, 2024. After the interview, it was recommended that Mr. Tate be appointed to the Budget Committee.

### **Attachments**

David Tate's Application

### **Fiscal Impact**

None

### **Recommendation**

1. Appoint David Tate to the Budget Committee.
2. Take no action.

### **Proposed Motion**

"I move to approve the appointment of David Tate to the Budget Committee for a term ending June 30, 2026."

**EMPLOYMENT APPLICATION**



**CITY OF CANBY**  
222 NE 2nd Ave  
Canby, Oregon 97013  
503-266-4021  
<http://www.canbyoregon.gov>

**Tate, David**  
**VOL-0723 APPOINTED CITY COUNCILOR**

**Received:** 11/28/23 9:39 AM  
**For Official Use Only:**  
QUAL: \_\_\_\_\_  
DNQ: \_\_\_\_\_  
 Experience  
 Training  
 Other: \_\_\_\_\_

**PERSONAL INFORMATION**

<b>POSITION TITLE:</b> APPOINTED CITY COUNCILOR	<b>EXAM ID#:</b> VOL-0723
<b>NAME:</b> (Last, First, Middle) Tate, David	<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Canby, Oregon 97013	<b>EMAIL ADDRESS:</b> [REDACTED]
<b>HOME PHONE:</b> [REDACTED]	<b>NOTIFICATION PREFERENCE:</b> Email

**PREFERENCES**

Nothing Entered For This Section

**EDUCATION**

Nothing Entered For This Section

**WORK EXPERIENCE**

Nothing Entered For This Section

**CERTIFICATES AND LICENSES**

Nothing Entered For This Section

**Skills**

Nothing Entered For This Section

**ADDITIONAL INFORMATION**

Nothing Entered For This Section

**REFERENCES**

Nothing Entered For This Section

**Job Specific Supplemental Questions**

**1. If employed, who is your employer and what is your position?**

I am the Executive Director of the Northwest Osteopathic Medical Foundation. I will be retiring on December 31, 2023. I have over 35 years of experience in not-for-profit leadership, including Executive Director, Chief Financial Officer, and Development Director.

**2. What are your community interests (committees, organizations, special activities)?**

I am a Community Emergency Response Team (CERT) member with the Canby Fire Department. I've been a member of Rotary International for over 25 years, past club President, and Paul Harris Fellow. Life member of the National Eagle Scout Association. Past President of Portland Honor Flight. Distinguished Toastmaster and past club President.

**3. What are your major interests or concerns in the City's programs?**

My primary interests in city services would be administration, budgeting/finance, and infrastructure (information technology, parks, public works, sewers, streets, transportation, and wastewater).

**4. Why are you interested in this volunteer position?**

I've lived in a community of 1,200 people and an apartment building with over 1,500 apartments, but Canby is, and always has been, home. I grew up here, the son of the Police Commissioner/City Council member and the elementary school secretary. I graduated from Canby High School, and my first job was at the Canby Community Pool. I'm an Eagle Scout from Canby's oldest Boy Scout Troop and learned to shoot at the Canby Rod and Gun Club, where my Dad has been a life member for over 60 years. I was raised committed to helping others and have worked in the not-for-profit sector for almost 40 years. As I begin my retirement, I will continue to serve, and my background, experience, and commitment make me an excellent choice for the Canby City Council.

**5. Please share your experience and educational background.**

My years of professional experience in not-for-profit management give me various experiences in strategic leadership and planning, consensus building, diversity advocacy, staff and volunteer development, and relationship building. As an Osteopathic Health Policy Fellow, I have leadership experience in forming good public health policy and preparing physicians and medical students to testify on health policy issues at the county and state levels. I hold a Bachelor of Arts degree in Mathematics from Whitman College in Walla Walla, WA.

**6. Please list any other City or County positions on which you serve or have served.**

I was elected to the Board of the Los Alamos Community Services District, a water, sewer, and parks district in an unincorporated community in Santa Barbara County, CA. The Board elected me to serve as Chair. The Santa Barbara County Supervisors appointed me to serve on the Los Alamos Community Plan Committee, which elected me as Vice Chair.

**7. If you were referred by someone, please list.**

Albert Tate, Police Commissioner and Council member, City of Canby; late 1960s - early 1970s. Sandy Tate, secretary at Eccles Elementary School; 1970s - 1990s  
Linda Tate, mother of two children in the Canby School district and active community volunteer for over 40 years  
A variety of local CUHS alumni, members of local service clubs, churches, community organizations, and small business owners

The following terms were accepted by the applicant upon submitting the online application:

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

**Additional Information for Employment Applications:**

I understand this application does not represent a contract for employment. I understand that an acceptance of an offer for employment does not create a contractual obligation upon the City of Canby to continue to employ me for any period of time in the future. I understand that no representative from the City has any authority to enter into any special agreement with me to promise and/or guarantee my employment for any specific time period or to promise me a promotion or transfer, etc. either prior to commencement of employment or after I have become employed, or to assure me of any benefits or terms and conditions of employment, or to make any agreement contrary to the aforementioned.

I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

**EQUAL EMPLOYMENT OPPORTUNITY:** We are an Equal Opportunity/Affirmative Action Employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, or mental and/or physical disability.

**BACKGROUND:** Finalists for City jobs must successfully pass a background investigation and may be required to pass a pre-employment medical exam as a final condition of the job offer. Finalists for safety sensitive positions must also successfully pass a pre-employment drug-screening test.

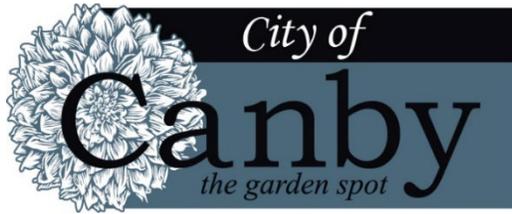
**PROBATIONARY PERIOD:** New employees or employees changing job positions will be considered Trial service employees for at least six (6) months before attaining regular status.

**IMMIGRATION LAW:** In accordance with the Immigration Reform and Control Act of 1986 (IRCA), all newly hired employees will be required to complete and sign an Employment Eligibility Verification Form and present documentation verifying identity and employment eligibility.

This application was submitted by David Tate on 11/28/23 9:39 AM

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_



## CITY COUNCIL Staff Report

Meeting Date: 4/3/2024

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, City Administrator  
From: Todd Wood, Transit & Fleet Services Director  
Agenda Item: Consider Ordinance No. 1619: Authorizing the City Administrator to enter into an Agreement with Robert Half of Los Angeles, CA to provide Temporary IT Staffing Not to Exceed \$315,000 and Declaring an Emergency. (*Second Reading*)

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### **Summary**

Consider an ordinance for the Robert Half agreement that commenced May 2023 to cover Tech Services staffing needs.

### **Background**

In 2023 in-house Tech Services staff resigned and, in an effort, to support Tech Services service during the transition period temporary staff was brought in from Robert Half, an agency specialized in providing temporary staffing, by way of the Houstin-Galveston Area Council procurement system. The agreement was to be temporary until such a time as a new Tech Services contractor or new in-house staff could be hired. However, due to the transition of leadership staffing no new employees or contractors were hired, leading to the continued use of Robert Half.

### **Discussion**

The Robert Half agreement has exceeded the \$50,000 threshold and needs to be covered under ordinance. A total contract amount of \$241,000 amount has been spent with approximately \$200,000 of that this fiscal year as well as additional anticipated expenditures of \$65,000 for one Tech Services person. The total cost will depend on when new staffing for the Tech Services department can be put into place.

### **Attachments**

Ordinance 1619  
Robert Half Agreement

### **Fiscal Impact**

Tech Services has spent only 1.5% of its \$305,000 budget on personnel. This money will be used to cover the cost of the contract through a supplemental budget. With \$200,000 so far spent an expected addition of \$65,000 is expected to be incurred. The amount not to exceed has been set at \$315,000 or \$75,000 over currently spent amounts to cover unforeseen overtime expenses.

**Recommendation**

Staff recommends the City Council approve the request to enter into the agreement with Rober Half to provide temporary Tech Services staffing.

**Proposed Motion**

"I move to adopt **Ordinance No. 1619**: An Ordinance Authorizing the City Administrator to enter into an Agreement with Robert Half of Los Angeles, CA to provide Temporary IT Staffing Not to Exceed \$315,000 and Declaring an Emergency.

**ORDINANCE NO. 1619**

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH ROBERT HALF OF LOS ANGELES, CA TO PROVIDE TEMPORARY IT STAFFING NOT TO EXCEED \$315,000 AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Canby required IT support staff on a temporary basis;

**WHEREAS**, the City of Canby is a member of Houstin-Galveston Area Council;

**WHEREAS**, the Houstin-Galveston Area Council procurement includes an agreement with Robert Half;

**WHEREAS**, the City of Canby requested temporary IT staff from Robert Half;

**WHEREAS**, the amount of the agreement is not to exceed \$315,000; and

**WHEREAS**, the Canby City Council adopts this ordinance on an emergency basis in order to ratify amounts the City has spent in excess of \$50,000 and immediately provide the City Administrator the authority to continue to pay Robert Half for services the City needs over the next four to six months.

**NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:**

The City Administrator is hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate agreement with Robert half of Los Angeles, CA to provide temporary IT staffing not to exceed \$315,000. In order to protect the welfare of the City of Canby and immediately provide the City Administrator the authority to continue to pay for IT services from Robert Half, the Canby City Council declares an emergency and this ordinance will take effect immediately upon enactment on April 3, 2024.

**SUBMITTED** to the Canby City Council and read for the first time at a regular meeting thereof on Wednesday, March 20, 2024, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, April 3, 2024.

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Maya Benham, CMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 3<sup>rd</sup> of April, 2024 by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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Brian Hodson  
Mayor

**ATTEST:**

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Maya Benham, CMC  
City Recorder

May 22, 2023



Job Order Number: 03600-0012678612

  
Thank you for selecting Robert Half to meet your talent solutions needs.  is scheduled to start with City of Canby as a Network Engineer on 05-22-2023. As agreed, we will invoice your firm at the rate of . Overtime will be billed at 1.00 times such rate. Please find the enclosed General Conditions of Assignment and Terms of Payment (collectively, the "T&Cs") for your review.

Our professional will submit a time report for verification and approval at the end of each week. Your approval thereby will indicate you have read and agree to the enclosed T&Cs. Your approval of our professional's time report will be deemed a signed writing and considered an original for all purposes.

These T&Cs are issued pursuant to Contract No. TS06-21 between the Houston-Galveston Area Council (H-GAC) and Robert Half. You agree this letter and the enclosed T&Cs satisfy HGACBuy's purchasing requirements, including, but not limited to, HGACBuy's quote and purchase order requirements.

Please do not hesitate to contact us if you have any questions or we can be of additional service. We look forward to working with you.

Sincerely,

Robert Half  
222 SW Columbia St  
Suite 1100  
Portland, OR 97201  
(800) 793-5533

## GENERAL CONDITIONS OF ASSIGNMENT

Thank you for your confidence in *Robert Half*. The following General Conditions of Assignment and the enclosed Terms of Payment apply to this assignment.

<b>Scope of Assignment</b>	<p>Our professional is only authorized to perform work within the scope of the assignment. It is your responsibility to provide appropriate direction, guidance or oversight to our professional for satisfactory performance on your assignment. Unless otherwise agreed to in writing by <i>Robert Half</i>, you will not permit our professional to use computers or other electronic devices, software, services, tools, e-mail accounts or network equipment owned or licensed by our professional.</p> <p>It is expressly understood that our professionals are not authorized to sign contracts, statements, or binding agreements on your behalf or on behalf of <i>Robert Half</i>.</p>
<b>Client's Responsibility</b>	<p><b>You shall not permit or require our professional to make any final decisions on your behalf with regard to system design, software development, or acquisition of hardware or software, nor permit or require our professional to make any management decisions.</b></p> <p><b>It is understood that you are responsible for implementing and maintaining usual, customary and appropriate internal accounting procedures and controls, internal controls and other appropriate procedures and controls (including information technology, proprietary information, creative designs and trade secret safeguards) for your company and we shall not be responsible for any losses, liabilities or claims arising from the lack of such controls or procedures. Please notify us immediately if you require <i>Robert Half</i> to perform background checks or other placement screenings of our professional. We will conduct such checks or screenings for you only if they are described in a signed, written amendment to these General Conditions of Assignment.</b></p> <p><b><i>Cash Handling and Other Financial Transactions and Activities:</i></b> If you permit or allow our professional to sign, endorse, wire, transport or otherwise convey cash, securities, checks, or any negotiable instruments or valuables, or conduct financial transactions or other related activities, you accept sole responsibility for all claims, demands and liability that may arise from permitting these activities. You represent and warrant that to the extent you permit or allow our professional to engage in the activities described in this paragraph, you will not permit or allow our professional to handle more than (i) \$1,000 per day if you are a non-profit entity, or (ii) \$25,000 per day if you are a for-profit entity.</p> <p><b><i>Workplace Safety:</i></b> It is understood that you have full responsibility for: (i) providing safe working conditions as required by law, including compliance with all public health and occupational safety regulations and guidelines applicable to your business, and (ii) ensuring that safety plans exist for, and safety related training is provided to, our professional working on your premises. To ensure the safety of potentially vulnerable individuals on your premises, you agree not to permit our professional to have unsupervised or unmonitored contact with (1) minors and (2) adults who are under your care, custody or supervision because of mental health impairments.</p> <p><b><i>Government Contracts:</i></b> If this assignment is for work to be performed under a government contract or subcontract, you will notify us immediately (1) of any obligations in the government contract or subcontract relating to wages, and (2) if we are legally required to initiate E-Verify verification procedures for our professional.</p> <p><b><i>Operation of Vehicles and Equipment:</i></b> It is understood that we will not authorize our professional to operate machinery (other than office machines) or vehicles. If you wish to permit our professional to drive for business purposes, you accept sole responsibility for all liability, damages, injuries or other claims that may arise or be incurred as a result of driving. If you require our professional to drive a vehicle owned by you or an employee of your company, you agree to maintain such vehicle in good working condition and maintain all necessary and appropriate insurance for the operation of such vehicle. Under no circumstances will you permit our professional to: make bank deposits; carry cash in excess of \$100, negotiable instruments or other valuables while driving; or have passengers in the vehicle. It is agreed that you accept full responsibility for, and that we do not maintain insurance to cover any injury, damage, or loss that may result from your failure to comply with the foregoing.</p> <p><b><i>Claims:</i></b> It is understood that you are responsible for reporting any claim to us in writing during or within ninety (90) days after the assignment. Under no circumstance will <i>Robert Half</i> be responsible for any claim related to the assignment, including but not limited to work performed by our professional, unless you have reported such claim in writing to us within ninety (90) days after termination of the assignment.</p>
<b>Remote Work</b>	<p>You may request that our professional provide services to you remotely (i.e., from a location other than your or your customer's premises) using a laptop and/or other computer or telecommunications equipment provided by you or <i>Robert Half</i> (collectively, the "Equipment"). In such case, you acknowledge and agree that <i>Robert Half</i> shall have no control over, and you shall be solely responsible for, (i) the logical and physical performance, reliability and security of the Equipment or related devices, network accessibility and availability, software, services, tools and e-mail accounts (collectively, "Computer Systems") used by our professional, and (ii) the security, integrity and backing up, of the data and other information stored therein or transmitted thereby. Moreover, you must not permit our professional to save or store any of your files or other data on the Computer Systems provided by us (including, but not limited to, any virtual desktop infrastructure solution). You agree that we shall not be liable for any loss, damage, expense, harm, business interruption or inconvenience resulting from the use of such Computer Systems.</p>

<b>Confidentiality</b>	<p>Our professional will agree to execute any confidentiality agreement you may require. You are responsible for obtaining our professional's signature.</p> <p>You agree to hold in confidence the social security number and other legally protected personal information of our professional and to implement and maintain reasonable security procedures and practices to protect such information from unauthorized access, use, modification or disclosure.</p>
<b>Limitation on Liability</b>	<p>We make no express or implied warranty, including, but not limited to, any warranty of quality, performance, merchantability or fitness for any purpose with respect to any services performed or any goods provided, including, but not limited to, financial or accounting services performed, or software developed, for you. Under no circumstances are we liable for any special, incidental, exemplary, indirect damages, lost profits or consequential damages (including, but not limited to, lost business, revenue, goodwill, or anticipated savings), even if informed of the possibility. Our liability, if any, will (in the aggregate for all claims, causes of action or damages) be limited to any actual direct damages up to an amount equal to the fees actually paid by you to us for the services that are the subject of the claim, regardless of the basis on which you are entitled to claim damages from us (including, but not limited to, fundamental breach, negligence, misrepresentation, or other contract or tort claim).</p>
<b>Insurance</b>	<p>In addition to workers' compensation insurance for our professional, we also maintain commercial liability insurance.</p>
<b>No Contrary Agreements</b>	<p>These General Conditions of Assignment contain the complete and final agreement on the topics they address, and they supersede any prior agreements or understandings on these topics. Our professionals do not have authority either to verbally modify these General Conditions of Assignment or to assume additional responsibilities other than those set forth in these General Conditions of Assignment.</p>

Job Order: 03600-0012678612

Date: 05-22-2023

## TERMS OF PAYMENT

Thank you for your confidence in *Robert Half*. Our professional for this assignment of Network Engineer is William Ledgering. The assignment will start on 05-22-2023. As agreed or otherwise communicated, we will invoice your firm at the rate of \$61.25 per hour. Should you wish to use our professional for other assignments, please let us know. The hourly billing rate may then change to reflect the experience necessary for the assignment. Call *Robert Half* for any changes in the assignment. We request a minimum thirty (30) days' notice prior to ending any assignment.

The following Terms of Payment apply to this assignment:

<b>Guarantee</b>	<i>Robert Half</i> guarantees your satisfaction with our professional's services by extending to you a 40 hours guarantee period. If, for any reason, you are dissatisfied with our professional, <i>Robert Half</i> will not charge for the first 40 hours of work by the professional, provided that <i>Robert Half</i> is allowed to replace the professional. Unless you contact us before the end of the first 40 hours guarantee period, you agree that our professional is satisfactory.												
<b>Time Report</b>	Our professional will submit a time report for verification and approval at the end of each week. Your approval thereby indicates your acknowledgement of the General Conditions of Assignment and these Terms of Payment. Our compensation to our professional is on a weekly basis, and you will be billed weekly for the total hours of work by the professional, including time spent completing, revising, and/or resubmitting a time report during business hours, and we ask that you respect those guidelines. Because <i>Robert Half</i> invoices reflect payroll we have already paid, our invoices are due upon receipt. Applicable sales and service taxes shall be added to these invoices. In the event that you fail to pay the invoice when due, you agree to pay all of our costs of collection, including reasonable attorneys' fees, whether or not legal action is initiated. Additionally, we may, at our option, charge interest on any overdue amounts at a rate of the lesser of 1 1/2% per month or the highest rate allowed by applicable law from the date the amount first became due.												
<b>Overtime</b>	Overtime will be billed at 1.00 times the normal billing rate. Overtime applies when hours of work by the professional exceed 40 hours per week (and in California exceed more than 8 hours in a day and as other state laws may require). If state law requires double time pay, the double time hours will be billed at 1.00 times the normal billing rate.												
<b>Hiring the Person Referred to You</b>	<p>After you evaluate the performance and potential of our professional, you may wish to employ this person directly. Our professionals represent our pool of skilled professionals and in the event you wish them converted to your employ or another employer to whom you refer them, you agree to pay a conversion fee. The conversion fee is payable if you hire our professional, regardless of the employment classification, on either a full-time, temporary (including temporary assignments through another agency) or consulting basis within twelve months after the last day of the assignment. You also agree to pay a conversion fee if our professional is hired by (i) a subsidiary or other related company or business as a result of your referral of our professional to that company or (ii) one of your customers as a result of our professional providing services to that customer.</p> <p>The conversion fee will equal a percentage of the professional's annual starting salary, as follows:</p> <table style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Hours Billed</th> <th style="text-align: left;">Conversion Fee</th> </tr> </thead> <tbody> <tr> <td>0 - 240</td> <td>25%</td> </tr> <tr> <td>241 - 480</td> <td>20%</td> </tr> <tr> <td>481 - 720</td> <td>15%</td> </tr> <tr> <td>721 - 960</td> <td>10%</td> </tr> <tr> <td>961+</td> <td>No conversion fee</td> </tr> </tbody> </table> <p>The conversion fee will be owed and invoiced upon your hiring of our professional, and payment is due upon receipt of this invoice. The same calculation will be used if you convert our professional on a part-time basis using the full-time equivalent salary.</p>	Hours Billed	Conversion Fee	0 - 240	25%	241 - 480	20%	481 - 720	15%	721 - 960	10%	961+	No conversion fee
Hours Billed	Conversion Fee												
0 - 240	25%												
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481 - 720	15%												
721 - 960	10%												
961+	No conversion fee												
<b>Employment Taxes and Withholdings</b>	<i>Robert Half</i> will handle, to the extent applicable, any workers' compensation insurance, federal, state and local withholding taxes and unemployment taxes, as well as social security, state disability insurance or other payroll charges.												
<b>General Conditions</b>	<p><i>Robert Half</i> may charge you a technology fee for the provision of equipment or technology, if you request that our professional use equipment or technology provided by us. <i>Robert Half</i> may also increase our rates provided under the Terms of Payment to reflect increases in our own costs of doing business, including costs associated with higher wages for workers and/or related tax, benefit and other costs. We will provide written or verbal notice of the technology fees and/or increase in our rates. Any increase in our rates will be prospective, starting as of the effective date <i>Robert Half</i> specifies.</p> <p>A copy of the General Conditions of Assignment has been provided to you. We reserve the right to replace our professional.</p>												

Job Order: 03600-0012678612

Date: 05-22-2023