

**City Council**

- Mayor  
Brian Dalton
- Council President  
LaVonne Wilson
- Councilor  
Jim Brown
- Councilor  
Jim Fairchild
- Councilor  
Kelly Gabilks
- Councilor  
Beth Jones
- Councilor  
Jackie Lawson
- Councilor  
Kevin Marshall
- Councilor  
Murray Stewart
- Councilor  
Ken Woods, Jr.

**City Staff**

- City Manager  
Ron Foggin
- City Attorney  
Lane Shetterly
- Community Development/  
Operations Director  
Jason Locke
- Finance Director  
Cecilia Ward
- Fire Chief  
Fred Hertel
- Police Chief  
Tom Simpson
- Engineering Director  
Fred Braun
- City Recorder  
Emily Gagner
- Recording Secretary  
Jeremy Teal

**Dallas City Council Agenda**

Mayor Brian Dalton, Presiding

Monday, May 19, 2014

7:00 pm

Dallas City Hall

187 SE Court St.

Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. COMMENTS FROM AUDIENCE This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.	
4. PUBLIC HEARINGS Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.	
5. CONSENT AGENDA The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.	
a. Approve minutes of April 21, 2014 City Council meeting	PG. 3
b. Appoint members to the Park Advisory Board	PG. 5
c. Recommend approval of the OLCC special event permit for Tony's	PG. 19
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Parking restrictions removal discussion	Discussion PG. 31
b. April financials	Information PG. 35



**Our Vision**

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

**Our Mission**

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

**Our Motto**

Commitment to the Community.  
 People Serving People.

**City Hall**

Dallas City Hall 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 the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

c. Other

**9. RESOLUTIONS**

- a. Resolution No. 3295 – A resolution authorizing the transfer of budgetary funds.
- b. Resolution No. 3296 – A Resolution adopting a Section 3 Plan to comply with 24CFR, Part 135 of the US Department of Housing and Urban Development Section 3
- c. Resolution No. 3297 – A Resolution of the City of Dallas to adopt a Limited English Language Access Plan to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d, et seq and Executive Order 13166.

Roll Call Vote  
 PG. 61  
 Roll Call Vote  
 PG. 63  
 Roll Call Vote  
 PG. 67

**10. FIRST READING OF ORDINANCE**

- a. Ordinance No. 1765 – An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to property maintenance regulations; and amending Dallas City Code section 5.590, relating to Chronic Nuisance Properties.

Roll Call Vote  
 PG. 80

**11. SECOND READING OF ORDINANCE**

**12. OTHER BUSINESS**

**13. ADJOURNMENT**

1 The Dallas City Council met in regular session on Monday, April 7, 2014, at 7:00 p.m. in the  
2 Council Chambers of City Hall with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

4 Council members present: Council President LaVonne Wilson, Councilor Jim Brown, Councilor  
5 Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Murray Stewart, and  
6 Councilor Ken Woods, Jr. Excused: Councilor Jim Fairchild, Councilor Kevin Marshall.

7 Also present were: City Manager Ron Foggin, City Attorney Lane Shetterly, Chief of Police Tom  
8 Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke,  
9 Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia Ward,  
10 HR Manager/City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

11 Mayor Dalton led the Pledge of Allegiance.

12 1:25 **RECOGNITION**

13 Mr. Foggin reported that the City had won the GFOA Distinguished Award for the budget.

14 Ms. McGarva announced Grace Scatterday was selected as the Oregon Library Association  
15 volunteer of the year.

16 **COMMENTS FROM THE AUDIENCE**

17 **PUBLIC HEARINGS**

18 4:15 **CONSENT AGENDA**

19 It was moved by Councilor Gabliks *to approve the Consent Agenda as submitted*. The motion  
20 was duly seconded and carried with a 7-0 vote.

21 Item approved by the Consent Agenda: April 7, 2014, City Council meeting minutes.

22 **ITEMS REMOVED FROM THE CONSENT AGENDA**

23 **REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS**

24 4:50 **GENERAL COMMENTS**

25 Councilor Jones reported that Freedomfest was a sanctioned BBQ competition allowing teams to  
26 qualify for the Jack Daniels World Championship Invitational BBQ competition.

27 Mayor Dalton explained that he was invited to LaCreole Middle School to talk with the kids  
28 regarding the If I Were Mayor contest. He noted that the Downtown Association had met with the  
29 Steering Committee and all officers were nominated.

30 **REPORTS FROM CITY MANAGER AND STAFF**

31 10:00 **PROPERTY MANAGEMENT REGULATIONS**

32 Mr. Locke reported the property maintenance regulations would help the City regulate buildings  
33 and homes before dangerous buildings occur. He noted the City had no regulations between  
34 newly built structures and dangerous buildings, and these regulations would help with the  
35 maintenance and upkeep buildings and homes.

36 It was moved by Council President Wilson *to allow staff to draft the property maintenance*  
37 *ordinance for approval*. The motion was duly seconded and carried by a vote of 7-0.

38 17:30 **MARCH FINANCIALS**

39 Ms. Foggin reported the financial report was pretty bland. He noted a couple of departments  
40 would be watching their expenditures closer than others for the remainder of the year.

41 19:40 **OTHER**

42 Mr. Foggin asked for a scheduling change with upcoming committee and Council meetings. He  
43 recommended the April 28 be a budget meeting at 7 pm instead of committee meeting and the  
44 Council meeting on May 5 should be cancelled to allow the Budget Committee to meet at 7 p.m.  
45 He noted there were no pressing agenda items.

46 It was moved by Councilor Gabliks *to approve the meeting schedule change to coincide with*  
47 *budget meetings*. The motion was duly seconded and carried by a vote of 7-0.

48 Mr. Foggin asked for any feedback about the action minute proposal. He noted the minutes would  
49 be time stamped and available on the website to stream. Councilor Brown and Councilor Gabliks

1 agreed adding the time stamp would be helpful.

2 **RESOLUTIONS**

3 **FIRST READING OF ORDINANCE**

4 **SECOND READING OF ORDINANCE**

5 **OTHER BUSINESS**

6 **EXECUTIVE SESSION**

7 There being no further business, the meeting adjourned at 7:22 p.m.

8 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

DRAFT

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 5 b</b>	<b>Topic:</b> Park Board Appointment
<b>Prepared By:</b> Jeremy Teal	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED ACTION:

Approval of the Consent Agenda would reappoint Andy Groh, Wendy Sparks, Sue Rohde, and Randy Schmidt and appoint Mike Arras and David Solvedt to the Park Advisory Board.

BACKGROUND:

We recently revised the Park Board Ordinance No. 1760 to allow for fewer members on the board. We had a board member recently retire and we are in need of another volunteer.

FISCAL IMPACT:

None

ATTACHMENTS:

Applications from:  
Mr. Arras  
Mr. Groh  
Ms. Sparks  
Ms. Rohde  
Mr. Schmidt  
Mr. Solvedt



**CITIZEN COMMITTEE INTEREST FORM**

Name: Mike ARRAS

Address: [redacted] SW Mill St.

Mailing Address: same

Phone: Work: 503. [redacted] Home: [redacted]

E-mail Address: [redacted] Yrs as Dallas Resident: 2

Occupation and Employer: Pharmacist Consultant

Employer's Address and Telephone: \_\_\_\_\_

May we contact you at work?  Yes  No

I am interested in serving on the following Committee(s):

- Budget Committee
- Citizens Advisory Committee for the Comprehensive Plan
- Economic Development Commission
- Library Board
- Parks and Recreation Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Utility Rate Advisory Group

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

Recently moved to Dallas 3/12, lived since 9/13  
Boards Inv. Sat 60

- ① Planning Commission
- ② Zoning Board
- ③ Police Retirement - chairman

**Educational Background**

High School: \_\_\_\_\_  Graduated  GED

College: \_\_\_\_\_ Degree: \_\_\_\_\_

**Previous Volunteer/Committee Experience:**

Volunteer Agency: \_\_\_\_\_

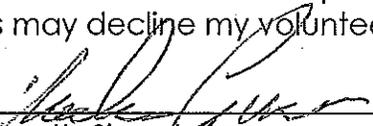
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Duties: \_\_\_\_\_

Have you ever been convicted of a felony?  Yes  No

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

  
\_\_\_\_\_  
Applicant's Signature

  
\_\_\_\_\_  
Date

*Please be advised members of the City Council and the Planning Commission are required to file an annual Statement Of Economic Interest with the State of Oregon. A sample reporting form is available from the City Records Office at 187 SE Court Street indicating the type of information you will be required to disclose if you are appointed.*

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St  
Dallas, OR 97338  
503-831-3502

.....  
Date received at City Hall: \_\_\_\_\_ Date appointed: \_\_\_\_\_

Board, Commission or Committee: \_\_\_\_\_

Michael D. Arras RPh,CPh,  
SW Mill St.,  
Dallas, Oregon 97338

Education: University of Cincinnati College of Pharmacy  
UC School of Business Administration  
Certified Pharmacy Consultant  
ACPE Certified Cardiovascular , Diabetes, MTM and Immunization

Positions : Natural Pharmacy Consultant Group - Consultant Pharmacist- 1995- present, 10-20hr/wk  
Walgreens - Retail - 5-2012 – 11-2013; Staff pharmacist duties  
Winn-Dixie – Retail - 01-2010 – 03-2012 Staff, consultant, MTM duties  
Palms of Pasadena Hospital - 01-2006 - 11-2009  
Consultant/ Clinical /Staff Pharmacist duties  
CVS/Eckerd /Rite-Aid - 11-1982 – 12-2005,  
RA south east stores were acquired by Eckerd in 1998  
which in turn were acquired by CVS in 2004  
Divisional Director of Personnel  
Pharmacy District Manager  
Manager LTC Facilities,  
Chief Pharmacist in a number of high volume pharmacies in Tampa

**Achievements:**

Consultant /Governmental : Providing Inspections, MAR review and compliance, DUR/MTM consulting, Staff/Facility in-services, Pharmacy/Therapeutic Committee, Drug Formulary set-up and review in Nursing home and LTC, as well as Local, State and Federal facility inspection/compliance.(state, federal and FBI security vetted)

Hospital: Consultant services to county wide satellite clinics  
Antibiotic Kinetics and Dosage regimens, TPN review and dosing, Chemo/Oncology dosing and IV prep., IV Admixture certified, as well as general staff duties and data entry. Conversant with Joint Commission rules, regulations and inspection protocols.

Long Term: Managed all aspects of a 1500 bed LTC Pharmacy:, marketing, contracting, fulfillment, delivery, billing and customer service. Facility set-up and work flow

Operations: Increased the profitable operation of multiple pharmacies in North Carolina and Central Florida which encompassed total PL, purchasing, inventory control, store opening, acquisitions, personnel, store and public education with sales of over 100 million dollars

Human Resources: In charge of the hiring, terminations, training, raise/compensation overview, payroll, mediation recruitment and development of SOP's with a national pharmacy chain

**Awards and Affiliations:**

Numerous operational, managerial, HR and profit awards  
Pharmacist and District Manager of the year (Rite Aid)  
Long Term Care Ombudsman Program- appointed by Gov. Jeb.Bush  
Appointed by Gulfport City Council to 3 City Boards  
Chairman – Gulfport Police Pension Fund  
Chairman – Brewster Tech Pharmacy Technician Program  
ASCP – American Society of Consultant Pharmacists  
ASHP—American Society of Health System Pharmacists  
FPA --Florida Pharmacy Association



1211-1211-034 REV0

### CITIZEN COMMITTEE INTEREST FORM

Name: ANDY GROH

Address: [REDACTED]

Mailing Address: \_\_\_\_\_

Phone: Work: 503 [REDACTED] Home: 503 [REDACTED]

E-mail Address: [REDACTED] Yrs as Dallas Resident: 13

Occupation and Employer: Civil Engineer City of Salem

Employer's Address and Telephone: 555 Liberty St SE Salem 97301  
[REDACTED]

May we contact you at work?  Yes  No

I am interested in serving on the following Committee(s):

- Budget Committee
- Citizens Advisory Committee for the Comprehensive Plan
- Economic Development Commission
- Library Board
- Parks and Recreation Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Gasification Facility Advisory Committee

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

I have been involved in design + construction of Parks in Salem, for 4 years as Project Manager and would like to bring my expertise to Dallas

**Educational Background**

High School: Crescent Valley HS  Graduated  GED  
College: OSU Degree: BSCF

**Previous Volunteer/Committee Experience:**

Volunteer Agency: Lee Mission Cemetery  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Duties: Secy/Treasurer

Have you ever been convicted of a felony?  Yes  No

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

[Signature] 12/14/12  
Applicant's Signature Date

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St  
Dallas, OR 97338  
503-831-3502

.....  
Date received at City Hall: \_\_\_\_\_ Date appointed: \_\_\_\_\_  
Board, Commission or Committee: \_\_\_\_\_

CITY OF DALLAS  
CITIZEN COMMITTEE INTEREST FORM

Name: Sue Rohde

Address: [REDACTED]

Mailing Address: (If different) \_\_\_\_\_

Phone: Work Retired Home [REDACTED]

E-mail Address: [REDACTED] Years as a Dallas Resident: 3 years  
moved then returned 4 1/2 years

Occupation and Employer: NA

Employer's address and Telephone NA

May we contact you at work?  yes  no

I am interested in serving on the following Committee(s)

- |  |  |
|--|--|
| <input type="checkbox"/> Aquatic Center Advisory Committee                         | <input checked="" type="checkbox"/> Park and Recreation Board;         |
| <input type="checkbox"/> Budget Committee  | <input type="checkbox"/> Planning Commission                           |
| <input type="checkbox"/> Citizens Advisory Committee for the<br>Comprehensive Plan | <input type="checkbox"/> Urban Renewal District Advisory<br>Committee) |
| <input type="checkbox"/> Economic Development<br>Commission                        | <input type="checkbox"/> Other   |
| <input type="checkbox"/> Library Board   | _____  |

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications and what you hope to accomplish in this position. Please include your skills, experience, and knowledge that you would contribute in this position. (Please feel free to attach a cover letter, resume, or other helpful information.)

- Attached - In nine years, I have missed  
very few meetings and feel it is important  
to attend every meeting for anything I  
volunteer for.

**Education Background**

High School Dallas High Graduated  GED   
College Monmouth Degree BS Biology - Education  
Have you ever been convicted of a felony? Yes  No

**Previous Volunteer/Committee Experience:**

Volunteer Agency Folk Co. Hist. Society / Delbert Hunter Arboretum

Address \_\_\_\_\_ Telephone \_\_\_\_\_

Duties \_\_\_\_\_

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

Sue Roberts  
Applicant's Signature

Feb 5, 2014  
Date

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St.  
Dallas, OR 97338  
503-831-3502

.....  
Date Received at City Hall \_\_\_\_\_ Date Appointed: \_\_\_\_\_

Board, Commission or Committee: \_\_\_\_\_



11-16-11 11:20 AM

CITIZEN COMMITTEE INTEREST FORM

Name: Randy S. Schmidt

Address: [REDACTED] DALLAS OR 97338

Mailing Address: Same

Phone: Work: [REDACTED] Home: same

E-mail Address: [REDACTED] Yrs as Dallas Resident: 56

Occupation and Employer: Self Employed.

Employer's Address and Telephone: \_\_\_\_\_

May we contact you at work?  Yes  No

I am interested in serving on the following Committee(s):

- Budget Committee
- Citizens Advisory Committee for the Comprehensive Plan
- Economic Development Commission
- Library Board
- Parks and Recreation Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Gasification Facility Advisory Committee

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

I have been waiting for an opportunity to volunteer. I have worked closely with the Community Development Dept. not only City of Dallas, Monmouth, Independence Salem Kenner and others. I have donated my service in the past and look forward to this one.

**Educational Background**

High School: DALLAS OREGON  Graduated  GED

College: CHENEKETA Degree: \_\_\_\_\_

**Previous Volunteer/Committee Experience:**

Volunteer Agency: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Duties: \_\_\_\_\_

Have you ever been convicted of a felony?  Yes  No

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

*Randy J. Bluff*  
Applicant's Signature

11-15-2011  
Date

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St  
Dallas, OR 97338  
503-831-3502

.....  
Date received at City Hall: \_\_\_\_\_ Date appointed: \_\_\_\_\_

Board, Commission or Committee: \_\_\_\_\_



CITIZEN COMMITTEE INTEREST FORM

Name: David Solvedt

Address: [Redacted]

Mailing Address: "As listed Above" ↑

Phone: Work: N/A Home: [Redacted]

E-mail Address: [Redacted] Yrs as Dallas Resident: 18

Occupation and Employer: N/A

Employer's Address and Telephone: N/A

May we contact you at work?  Yes  No

I am interested in serving on the following Committee(s):

- Budget Committee
- Citizens Advisory Committee for the Comprehensive Plan
- Economic Development Commission
- Library Board
- Parks and Recreation Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Utility Rate Advisory Group

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

See attachments.

**Educational Background**

High School: Dallas High School

Graduated  GED

College: Attending WOU

Degree: Incomplete

**Previous Volunteer/Committee Experience:**

Volunteer Agency: N/A

Address: " Telephone: "

Duties: "

Have you ever been convicted of a felony?  Yes  No

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

*Darrel Swall*  
Applicant's Signature

3/03/14  
Date

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St  
Dallas, OR 97338  
503-831-3502

.....  
Date received at City Hall: \_\_\_\_\_ Date appointed: \_\_\_\_\_

Board, Commission or Committee: \_\_\_\_\_

**CITY OF DALLAS  
CITIZEN COMMITTEE INTEREST FORM**

Name: WENDY SPARKS

Address: [REDACTED]

Mailing Address: (If different) Same

Phone: Work 503.371-3631 Home [REDACTED]

E-mail Address: [REDACTED] Years as a Dallas Resident: 3

Occupation and Employer: Director of Education and Visitor Experience, A.C. Gilbert's Discovery Village

Employer's address and Telephone [REDACTED]

May we contact you at work?  yes  no

I am interested in serving on the following Committee(s)

- |   |   |
|---|---|
| <input type="checkbox"/> Aquatic Center Advisory Committee                      | <input checked="" type="checkbox"/> Park and Recreation Board;      |
| <input type="checkbox"/> Budget Committee                                       | <input type="checkbox"/> Planning Commission                        |
| <input type="checkbox"/> Citizens Advisory Committee for the Comprehensive Plan | <input type="checkbox"/> Urban Renewal District Advisory Committee) |
| <input type="checkbox"/> Economic Development Commission                        | <input type="checkbox"/> Other                                      |
| <input type="checkbox"/> Library Board  |   |

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications and what you hope to accomplish in this position. Please include your skills, experience, and knowledge that you would contribute in this position. (Please feel free to attach a cover letter, resume, or other helpful information.)

Please see attached .

I sincerely believe Board members should be actively involved in their community via projects, advocacy, and volunteerism. I am interested in helping the City envision a new parks plan and working on projects that support development of new recreation opportunities in our community.

**Education Background**

High School Valley View High School Graduated  GED

College Prescott College Degree Environmental Studies

Have you ever been convicted of a felony? Yes  No

**Previous Volunteer/Committee Experience:**

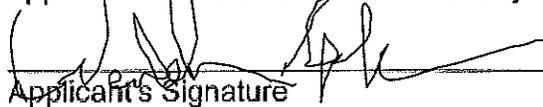
Volunteer Agency City of Dallas

Address \_\_\_\_\_ Telephone \_\_\_\_\_

Duties Parks Board, January 2012-December 2013

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

  
Applicant's Signature

2/20/2014  
Date

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St.  
Dallas, OR 97338  
503-831-3502

-----  
Date Received at City Hall \_\_\_\_\_ Date Appointed: \_\_\_\_\_

Board, Commission or Committee: \_\_\_\_\_

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 5 c</b>	<b>Topic:</b> OLCC Application for Temporary Use of an Annual License (Tony's)
<b>Prepared By:</b> Jeremy Teal	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED MOTION:**

With approval of the consent agenda, the Council would be recommending to the OLCC to grant the request for a temporary use of an annual license (special event) for Tony's.

**BACKGROUND:**

Ray Stratton, owner of Tony's has submitted an Application for Temporary Use of an Annual License to serve alcohol during Bike Nights on May 24, July 26, and August 30 from 5:00 p.m. to 10:00 p.m.

Staff has reviewed the OLCC application and there are no items of concern.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

OLCC Temporary Use of Annual License (special event) applications for Tony's  
Street Closure applications

**TONY'S**  
EST 1927  
DALLAS OREGON

127 SW Court Street  
Dallas, OR 97338  
503.623.6248

March 3, 2014

Ron Foggin, City Manager  
City of Dallas  
187 SE Court Street  
Dallas, OR 97338

Dear Mr. Foggin,

This year will be the 3<sup>rd</sup> year of hosting Bike Nights and we are looking forward to growing the schedule to 3 events! We are changing the event dates from Monday nights to Saturday nights to limit the inconvenience to businesses on Court Street as well as to draw a larger crowd into Dallas on Saturday evenings. We request permission to being our planning for the following dates;

- Saturday, May 24<sup>th</sup>
- Saturday, July 26<sup>th</sup> (as part of Summerfest)
- Saturday, August 30<sup>th</sup>

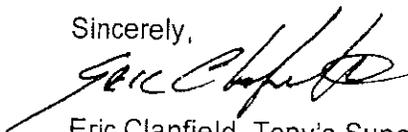
Event details are as follows;

- We request permission to close Court Street from Main Street west to the alley starting at 4:30pm for setup thru 11:00pm for cleanup
- There will be fencing surrounding the location, leaving the sidewalk open on the north side of the street for pedestrian walk thru traffic
- Only bikes will be allowed to access and park on Court Street
- Food will be provided by The Majestic (with BBQ smoker on site)
- Beer will be served on tap in the street (no bottles or cans)
- Security will be placed at the entrance to check id's and issue bracelets, as well as beverage monitors throughout the location and evening
- Live Music will be played in the street from 7pm-10pm
- We would like to invite local business to be vendors (as applicable) and have asked the Chamber to coordinate their details.

As the events get closer; we will secure permission with businesses on Court Street that will be effected by the closure, as well as OLCC paperwork and permit.

Please let me know if you have any questions or concerns.

Sincerely,



Eric Clanfield, Tony's Supervisor

Cc: Ray Stratton; Tony's Owner  
Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce & Visitors Center

I have no concerns of the closure of Court Street for Tony's Bike Night for 3 Saturday events of; May 24<sup>th</sup>, July 26<sup>th</sup> and August 30<sup>th</sup>.

Dallas Chamber  
Business Name

Chelsea Pope  
Signature

Dallas Ballet Academy  
Business Name

M. Stephen Orms  
Signature

Heartstrings  
Business Name

Linda Taylor  
Signature

Countrywide Financial  
Business Name

Heather Espino  
Signature

DALLAS SPORTING GOODS  
Business Name

Michael C Bay  
Signature

Eclipse  
Business Name

W.A.  
Signature

World Gym  
Business Name

Jungle Gym  
Business Name

[Handwritten signature]  
Signature



OREGON LIQUOR CONTROL COMMISSION

APPLICATION FOR TEMPORARY USE OF AN ANNUAL

PRIORS  RAIN  COP   
DMV-w  DL  CCH   
N-DEX  OJIN  Oth   
By: W Date 4/29/14

- **FULL ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**  
Allows an Oregon Full On-Premises Sales Licensee to sell wine, cider, malt beverage drinking on the special event licensed premises. There is no license fee.
- **LIMITED ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**  
Allows an Oregon Limited On-Premises Sales Licensee to sell wine, cider, and malt beverages for drinking on the special event licensed premises. There is no license fee.

**Process Time:** OLCC needs your completed application to us in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #10 below (some events may need extra processing time).

**License Days:** In #10 below, you may apply for a maximum of seven license days per application form. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

1. My **annual** license is a:  FULL ON-PREMISES  LIMITED ON-PREMISES

2. Licensee Name (please print): Key Stratton LLC 3. E-Mail: [REDACTED]

4. Trade Name of Business: Tony's place 5. Fax: \_\_\_\_\_

6. Street Address of **Annual** Business: 127 COURT ST. 7. City/ZIP: 97338

8. Contact Person: Key Stratton 9. Contact Phone: [REDACTED]

10. Date(s) of event (no more than seven days): may 24 July 26 Aug 30 all Saturdays.

11. Start/End hours of alcohol service: 5  AM  PM to 10  AM  PM

**LICENSED AREA BOUNDARIES:** ORS 471.159 prohibits the OLCC from licensing an area that does not have defined boundaries. OLCC may require the licensed area to be enclosed and may require you to submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

12. Address of **Special Event** Licensed Area: 127 COURT ST Oak Hills  
(Street) (City)

13. Identify the licensed area (for example: entire premises; a room within the premises; an area in a park; etc.):  
From the corner of main to the alley on court street. The north side walk on court street will remain open for public access.

14. List the primary activities within the licensed area (like: dinner; auction; beer festival; wine festival; food fair; art show; music; patron dancing; sports event; etc.): motorcycle show + live music, with dance playlist and B.B.Q. pit. pool court.

15. Will minors and alcohol be allowed together in the same area?  Yes  No

16. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)? 100+

**PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA:** If your answer to #16 is 501 or more, in addition to your answers to questions 17, 18, and 19, you will need to complete the OLCC's Plan to Manage Special Events form, unless the OLCC exempts you from this requirement.

17. Describe your plan to prevent problems and violations.  
4 licensed bartenders. 3 DPSST security personnel

18. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors. area is fenced off with security at both entrances.

19. Describe your plan to manage alcohol consumption by adults. we will be providing food for sale and have four O.L.C.C. certified bartenders to control consumption.

**MANAGER AND SERVICE PERMITS:** You must name a manager or managers who will be at the special event.

20. List person(s) on duty and in the licensed area managing alcohol service: Key Stratton  
JENNIFER MORSE

21. List the service permit number of each person managing alcohol service: 384595

**LIQUOR LIABILITY INSURANCE:** If the licensed area is open to the public and expected attendance is 301 or more per day in the licensed area, you must have at least \$300,000 of liquor liability insurance coverage (ORS 471.168).

22. Insurance Company: Scottsdale INS 23. Policy #: [REDACTED] 24. Expiration Date: 4/10/15

25. Name of insurance agent: CROWN-WOODS 26. Agent's phone number: [REDACTED]

**FOOD SERVICE:** See the attached sheet for an explanation of this requirement.

27. If you will **NOT** provide distilled spirits, name at least two different substantial food items that you will provide:

① \_\_\_\_\_ ② \_\_\_\_\_

28. If you are a Full On-Premises Sales Licensee and will provide distilled spirits, name at least five different substantial food items that you will provide:

① Fish & chips ② Chx strips ③ Hamburgers ④ Chx - ribs ⑤ TTTif-pulled pork  
Outside B.B.Q. will have

**GOVERNMENT RECOMMENDATION:** You must obtain a recommendation from the local city or county named in #29 below before submitting this application to the OLCC.

29. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits: Dallas

I affirm that I am authorized to sign this application on behalf of the applicant.

30. Licensee Name (please print): Key Stratton L.L.C.

31. LICENSEE SIGNATURE: [Signature] 32. Date: 4-14-14

**CITY OR COUNTY USE ONLY**

The city/county named in #29 above recommends:

Grant  Acknowledge  Deny (attach written explanation of deny recommendation)

City/County Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM TO OLCC:** This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

**OLCC USE ONLY**

License is:  Approved  Denied

Restrictions: \_\_\_\_\_

OLCC Signature: \_\_\_\_\_ Date: \_\_\_\_\_



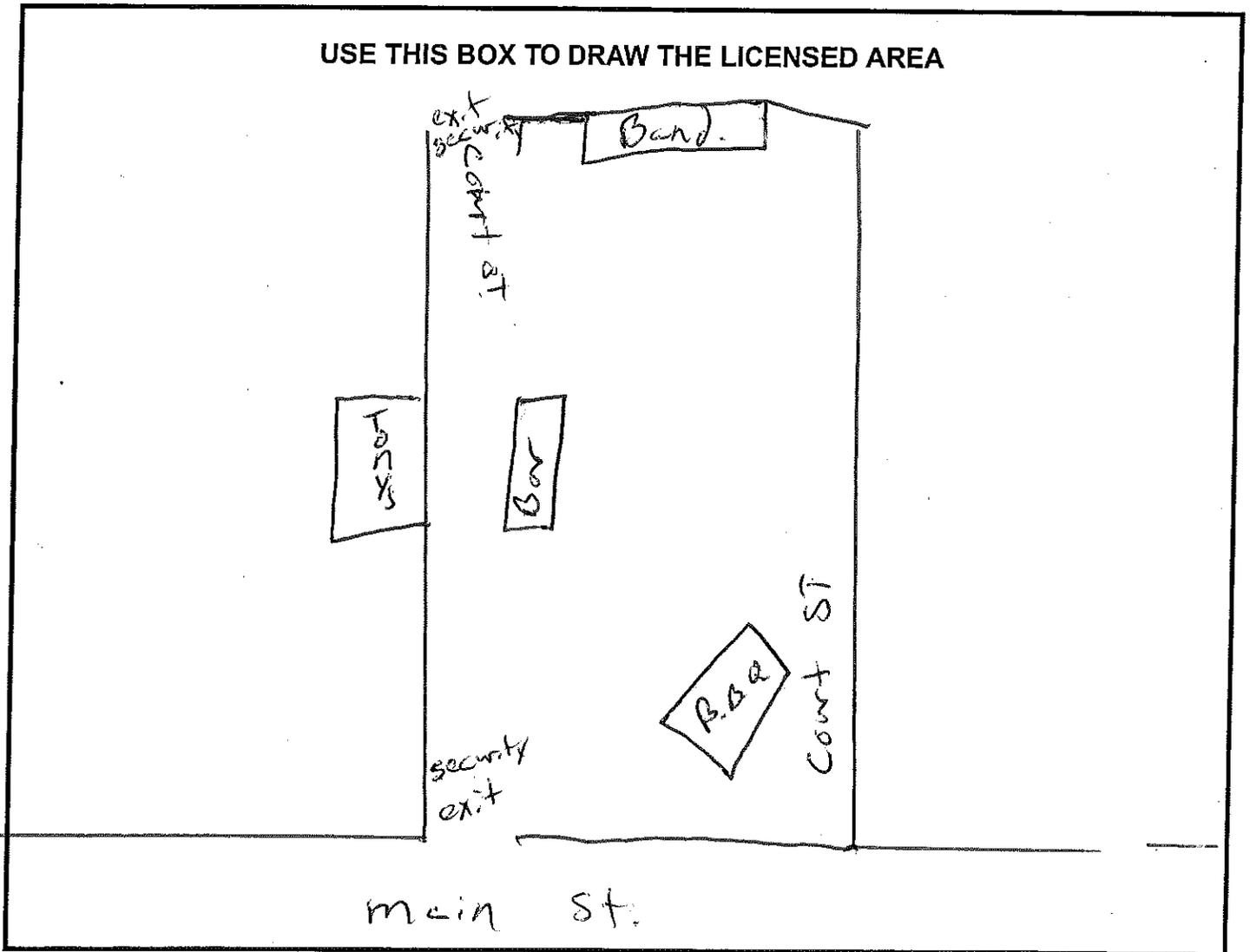
OREGON LIQUOR CONTROL COMMISSION  
**IDENTIFYING A SPECIAL EVENT LICENSED AREA**

The OLCC is prohibited from licensing an area that does not have defined boundaries.

Please complete items 1 – 5 and then use the box below to draw the licensed area.

1. Applicant Name (please print): Tony's place
2. Event Street Address: 127 COURT ST
3. City/County: Dallas / Polk
4. Date(s) of Event: may 24, July 26, Aug 30. all dates are on sat.
5. Please list and describe what barrier(s) will be used to define the boundaries of the licensed area. For example: "A 6 foot high wooden fence."  
A five foot bright orange fence. on the west & east ends.  
Brick storage fronts on the North & south side.

USE THIS BOX TO DRAW THE LICENSED AREA



APR 29 2014



REQUEST FOR STREET CLOSURE

Applicant's Name: Towly's  
Applicant's Address: 127 SW COURT STREET  
DALLAS, OR. 97338

Applicant's Phone: [REDACTED]

Date of Closure: Saturday, August 30th

Reason for Request: END OF SUMMER BIKE NIGHT

Please describe the location of the street(s) you are requesting to close: COURT AND MAIN TO ALLEY ON COURT ST.

Request closure from: 4:30  AM  PM to: 11:00  AM  PM

EC I have contacted everyone on my street within the proposed closure and there are no concerns. Please submit a letter with signatures from each neighbor.

EC I agree to provide immediate access to emergency vehicles if required.

EC I will only use barricades provided by the City of Dallas. Someone from Public Works will contact you at the above phone number.

[Signature] Applicant's Signature 3/14/14 Date

Please submit this form to the Police Department for initial review. Other City Departments will review the request and forward the request to the City Manager's office with their recommendation. The City Manager does have the right to attach conditions to any request he approves.

INTERNAL USE ONLY

Police Department Review:  
We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: \_\_\_\_\_ Initial: [Signature]

Fire Department Review:  
We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: \_\_\_\_\_ Initial: FA

Public Works Department Review:

We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: *[Signature]* Initial: \_\_\_\_\_

City Manager's/Risk Management Review:

We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: \_\_\_\_\_ Initial: \_\_\_\_\_

Application Approved:  YES  NO

*[Signature]*  
Chief of Police

*May 6, 2014*  
Date



# REQUEST FOR STREET CLOSURE

Applicant's Name: TONY'S  
 Applicant's Address: 127 SW Court STREET  
DALLAS, OR. 97338  
 Applicant's Phone: [REDACTED]  
 Date of Closure: Saturday MAY 24<sup>th</sup> 2014  
 Reason for Request: BIKE Night  
 Please describe the location of the street(s) you are requesting to close: \_\_\_\_\_  
Court AND MAIN to Alley on Court ST.  
 Request closure from: 4:30  AM  PM to: 11:00  AM  PM

GC I have contacted everyone on my street within the proposed  
 initial closure and there are no concerns. Please submit a letter with  
 signatures from each neighbor.

GC I agree to provide immediate access to emergency vehicles if  
 initial required.

GC I will only use barricades provided by the City of Dallas. Someone  
 initial from Public Works will contact you at the above phone number.

Eric Chanfield \_\_\_\_\_ 3/14/14  
 Applicant's Signature Date

Please submit this form to the Police Department for initial review. Other City Departments will review the request and forward the request to the City Manager's office with their recommendation. The City Manager does have the right to attach conditions to any request he approves.

### INTERNAL USE ONLY

Police Department Review:  
 We have reviewed the request and  DO have concerns  DO NOT have concerns.  
 Reason: [Signature] Initial: [Signature]

Fire Department Review:  
 We have reviewed the request and  DO have concerns  DO NOT have concerns.  
 Reason: \_\_\_\_\_ Initial: FH





# REQUEST FOR STREET CLOSURE

Applicant's Name: TONY'S

Applicant's Address: 127 SW COURT STREET  
DALLAS, OR, 97338

Applicant's Phone: [REDACTED]

Date of Closure: SATURDAY, July 26th 2014 (Summerfest)

Reason for Request: Bike Night - END OF Summerfest Party

Please describe the location of the street(s) you are requesting to close: Court AND Main to Alley on Court ST.

Request closure from: 4:30  AM  PM to: 11:00  AM  PM

GC I have contacted everyone on my street within the proposed closure and there are no concerns. Please submit a letter with signatures from each neighbor.  
initial

GC I agree to provide immediate access to emergency vehicles if required.  
initial

GC I will only use barricades provided by the City of Dallas. Someone from Public Works will contact you at the above phone number.  
initial

[Signature]  
Applicant's Signature

3/14/14  
Date

Please submit this form to the Police Department for initial review. Other City Departments will review the request and forward the request to the City Manager's office with their recommendation. The City Manager does have the right to attach conditions to any request he approves.

### INTERNAL USE ONLY

Police Department Review:  
We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: \_\_\_\_\_ Initial: [initials]

Fire Department Review:  
We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: \_\_\_\_\_ Initial: FA

Public Works Department Review:

We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: \_\_\_\_\_ Initial: AK

City Manager's/Risk Management Review:

We have reviewed the request and  DO have concerns  DO NOT have concerns.

Reason: \_\_\_\_\_ Initial: \_\_\_\_\_

Application Approved:  YES  NO

[Signature]  
Chief of Police

May 6, 2014  
Date

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8a</b>	<b>Topic:</b> Parking Restrictions Removal
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** If the Council concurs, direct staff to prepare resolutions removing; 1) the 15-minute space on the northeast corner of Main and Mill, and 2) the loading zones on SW 8th Street and SE Clay Street.

**BACKGROUND:** The 15-minute space on Main Street does not seem to serve a purpose, and there has been a request by the owners of Pressed to remove the restriction, which would allow for an additional 2-hour parking space.

The two loading zones proposed for removal were designated in 1991. Both zones appear to have been designated for the purpose of loading and unloading patients at medical facilities. However, neither location contains medical facilities and haven't for some time. In addition, it also appears that these zones are being largely ignored and are not being targeted for any parking enforcement action. Therefore, staff believes these spaces are no longer necessary or useful.

**FISCAL IMPACT:** Removal of signs, minimal cost.

**ATTACHMENTS:**

- Photos
- Resolutions 2528 and 2532
- Letter requesting removal of 8th Street Loading zone

**MAIN STREET 15-minute sign**



**SW 8<sup>th</sup> Loading zone**



## SE Clay Loading Zone



# DALLAS CITY COUNCIL REPORT

To: DALLAS CITY COUNCIL

<i>City of Dallas</i>	<b>Agenda Item No. 8 b</b>	<b>Topic:</b> April 2014 Financial Report
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Provided is the monthly financial reports for the month of April 2014.

For April 2014:

- Percent collected/spent should be at 83.33%. This can vary up or down depending on seasonal or one-time revenues and expenditures.
- The following budgeted capital improvement payments were made in April:  
Fleet Fund (purchase of dump truck) \$54,500

FISCAL IMPACT:

None

ATTACHMENTS:

April 2014 Financial Reports



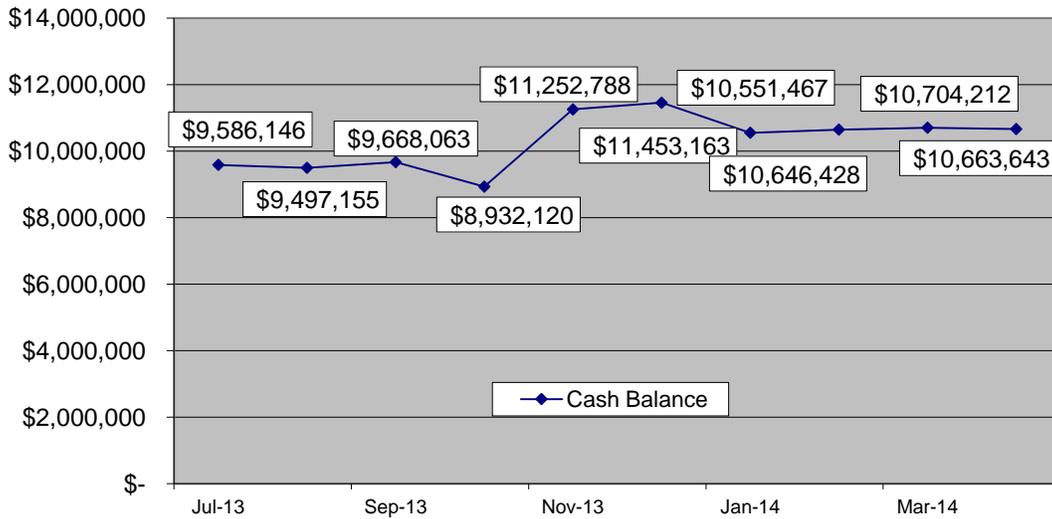
**Monthly Financials  
for the Month of  
April 2014**

**CITY OF DALLAS**  
**Cash Report**  
**For the Period Ending April 30, 2014**

Cash on hand	\$ 645
Cash in Investments	10,103,086
Cash in Bank	560,557
Total Cash Balance as of 04/30/2014	\$ 10,664,288

Restricted/Committed	\$ 7,076,602
Unrestricted	3,587,686
	\$ 10,664,288

Cash Balance



<u>Investment Breakdown</u>	<u>Ending Bal</u>	<u>Interest YTD</u>
LGIP	\$ 8,924,773	\$ 36,760
Wells Fargo Savings	1,178,312	\$ 294
	\$ 10,103,085	\$ 37,055

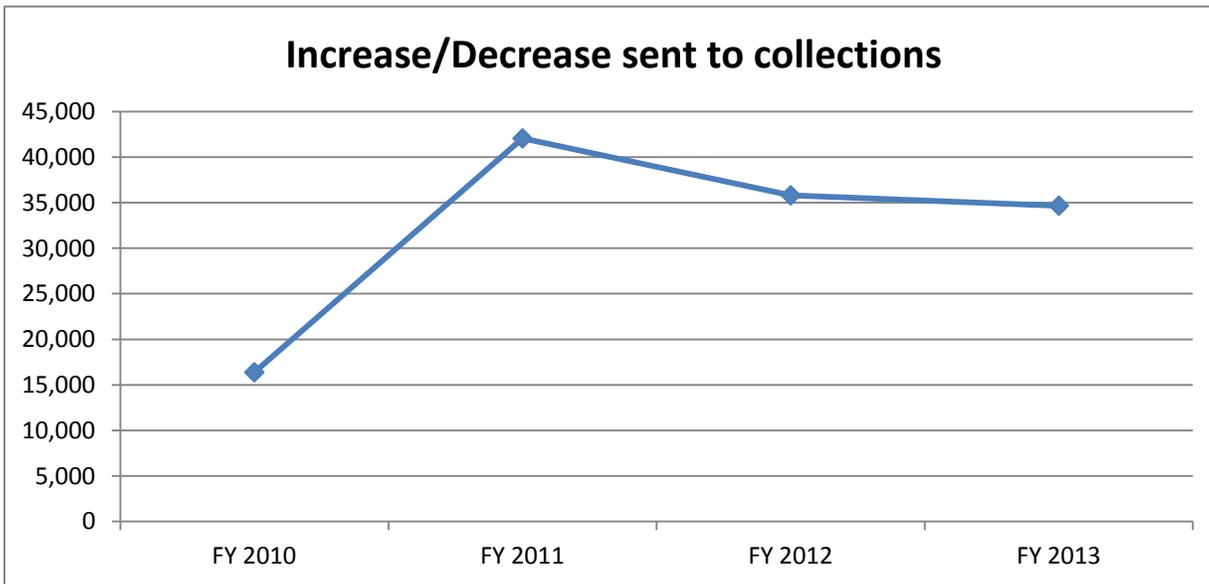
**UTILITY AGING REPORT**  
**April 30, 2014**

Current Accounts Receivable

Current	30+ days	Total
248,341	30,012	278,352

60+ Days Accounts Receivable

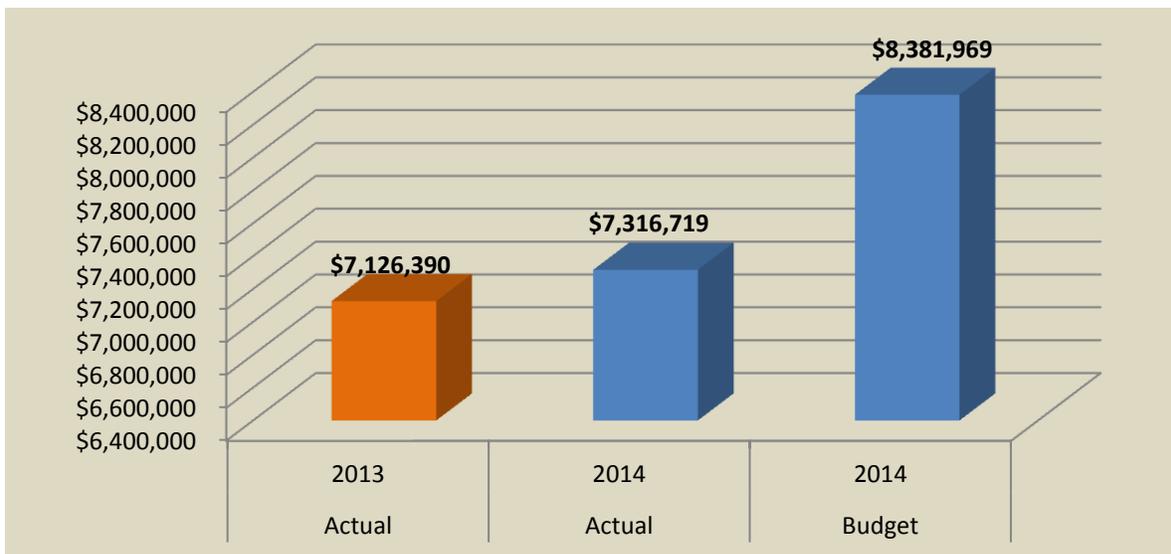
		Payments Made	Sent to Collections	Balance to Collect	Increase/Decrease sent to collections
FY	2013	5,449	40,115	151,093	34,666
FY	2012			116,427	35,803
FY	2011			80,624	42,056
FY	2010			38,568	16,378
FY	2009			22,190	



**City of Dallas**  
**Monthly Financials**  
**April 2014**

**General Fund Revenue**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Licenses, Permits and Fees	\$ 1,032,285	\$ 1,120,663	\$ 1,379,000	\$ 258,337	81.3%
Fines and Forfeitures	89,641	106,268	155,000	48,732	68.6%
Recreation Fees	350,167	373,816	461,000	87,184	81.1%
Library Fees	62,334	78,339	75,000	(3,339)	104.5%
Property Taxes	3,257,833	3,257,184	3,444,000	186,816	94.6%
Miscellaneous Taxes	218,509	166,308	225,000	58,692	73.9%
Franchise Fees	915,799	952,605	1,105,000	152,395	86.2%
Inter-governmental	126,749	143,367	187,000	43,633	76.7%
Miscellaneous Revenue	49,612	41,815	48,000	6,185	87.1%
Interest Earnings	11,599	11,673	15,000	3,327	77.8%
Transfers	1,011,860	1,064,683	1,287,969	223,286	82.7%
	<b>\$ 7,126,390</b>	<b>\$ 7,316,719</b>	<b>\$ 8,381,969</b>	<b>\$ 1,065,250</b>	<b>87.3%</b>



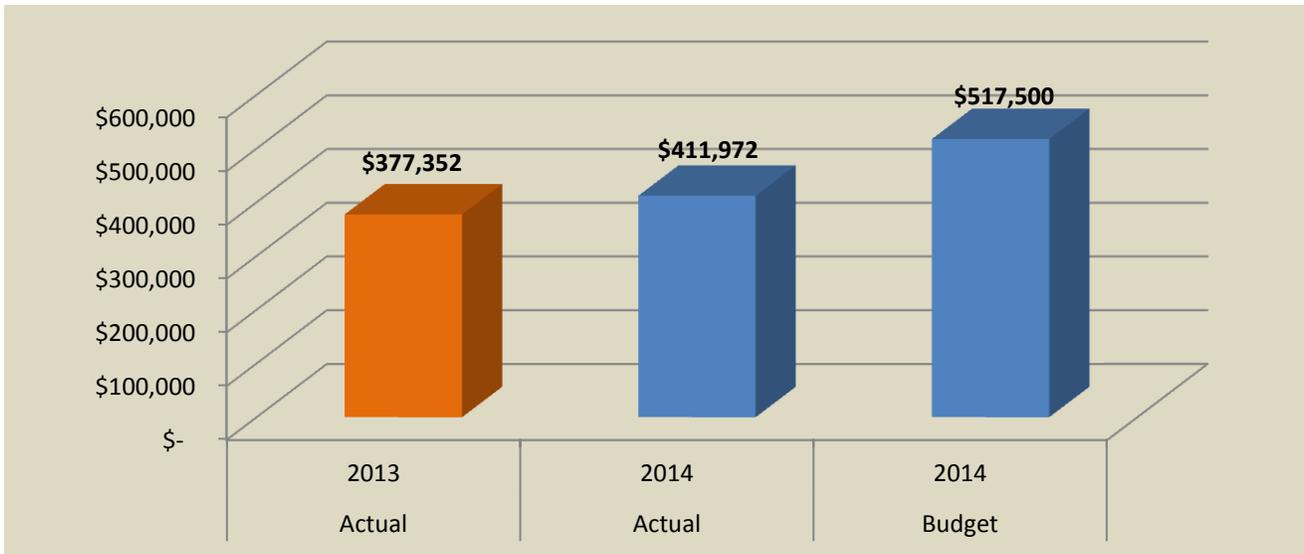
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Administration**

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Spent
Personnel Services	\$ 278,813	\$ 309,152	\$ 376,000	\$ 66,848	82.2%
Materials and Supplies	98,540	102,819	141,500	38,681	72.7%
	<b>\$ 377,352</b>	<b>\$ 411,972</b>	<b>\$ 517,500</b>	<b>\$ 105,528</b>	<b>79.6%</b>

There are no capital expenditures budgeted in this department.



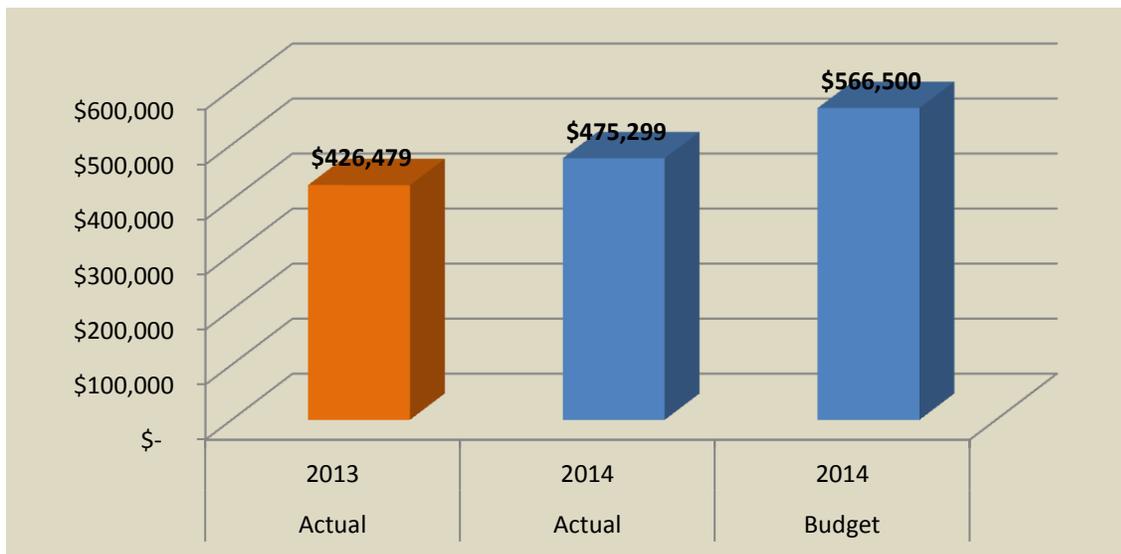
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Finance**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 274,404	\$ 297,066	\$ 361,000	\$ 63,934	82.3%
Materials and Supplies	152,075	178,232	205,500	27,268	86.7%
	<b>\$ 426,479</b>	<b>\$ 475,299</b>	<b>\$ 566,500</b>	<b>\$ 91,201</b>	<b>83.9%</b>

There are no capital expenditures budgeted in this department.



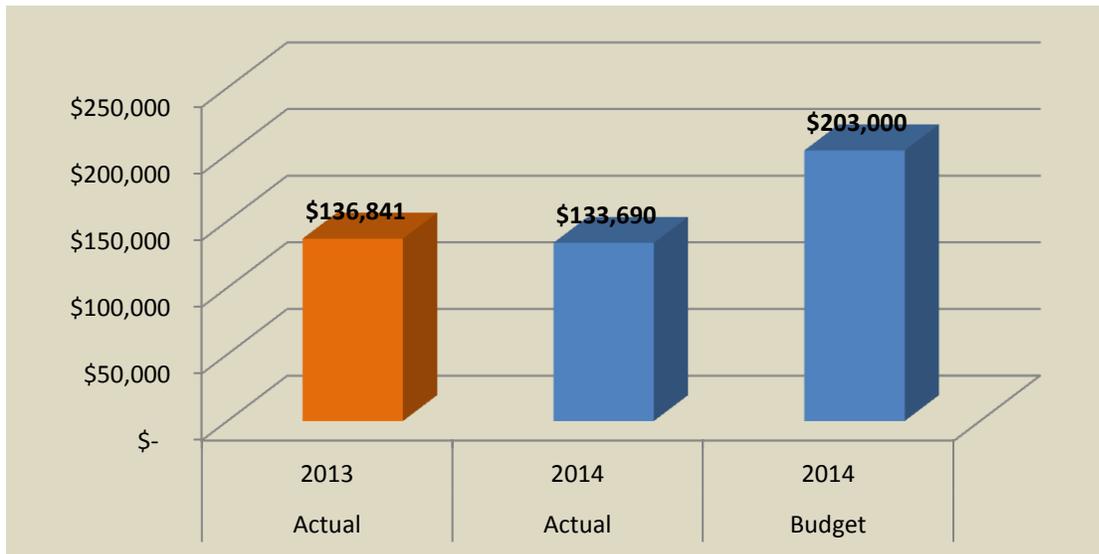
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Facilities**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 89,589	\$ 88,624	\$ 121,000	\$ 32,376	73.2%
Materials and Supplies	47,251	45,066	67,000	21,934	67.3%
Capital Outlay	-	-	15,000	15,000	0.0%
	<b>\$ 136,841</b>	<b>\$ 133,690</b>	<b>\$ 203,000</b>	<b>\$ 69,310</b>	<b>65.9%</b>

Capital Expenditures: HVAC system for Carnegie Building - \$15,000



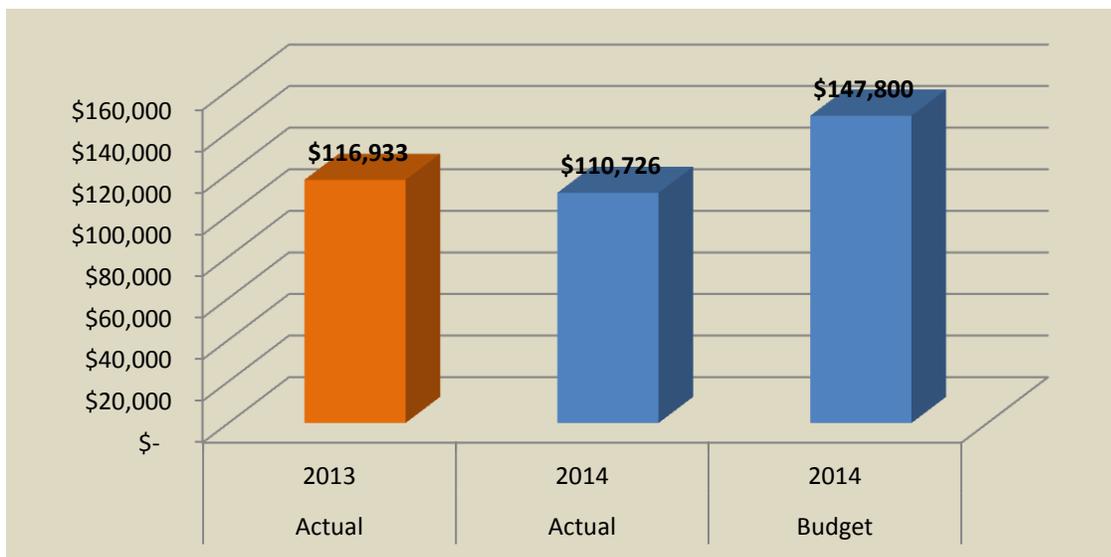
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Municipal Court**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 103,965	\$ 86,581	\$ 108,500	\$ 21,919	79.8%
Materials and Supplies	12,967	24,145	39,300	15,155	61.4%
	<b>\$ 116,933</b>	<b>\$ 110,726</b>	<b>\$ 147,800</b>	<b>\$ 37,074</b>	<b>74.9%</b>

There are no capital expenditures budgeted in this department.



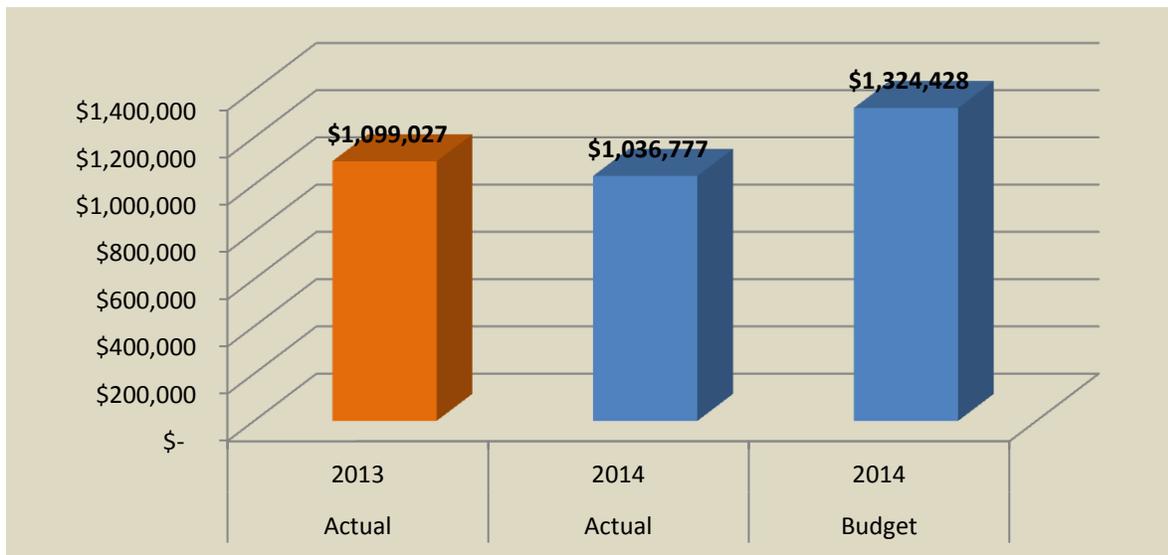
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Ambulance**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 775,634	\$ 746,504	\$ 927,000	\$ 180,496	80.5%
Materials and Supplies	253,922	222,838	320,125	97,287	69.6%
Capital Outlay	7,331	5,941	10,000	4,059	59.4%
Debt Service	37,140	36,493	37,303	811	97.8%
Transfers	25,000	25,000	30,000	5,000	83.3%
	<b>\$ 1,099,027</b>	<b>\$ 1,036,777</b>	<b>\$ 1,324,428</b>	<b>\$ 287,651</b>	<b>78.3%</b>

Capital Expenditures:                      Replacement of medical equipment - \$7,000  
    Replacement of turnouts - \$3,000



**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Fire**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 403,906	\$ 329,344	\$ 421,000	\$ 91,656	78.2%
Materials and Supplies	169,427	191,915	230,000	38,085	83.4%
Capital Outlay	37,595	25,732	81,000	55,268	31.8%
Transfers	24,500	24,500	29,400	4,900	83.3%
	<b>\$ 635,428</b>	<b>\$ 571,491</b>	<b>\$ 761,400</b>	<b>\$ 189,909</b>	<b>75.1%</b>

Capital Expenditures:                      Replacement of equipment - \$8,000  
    Replacement of turnouts - \$30,000



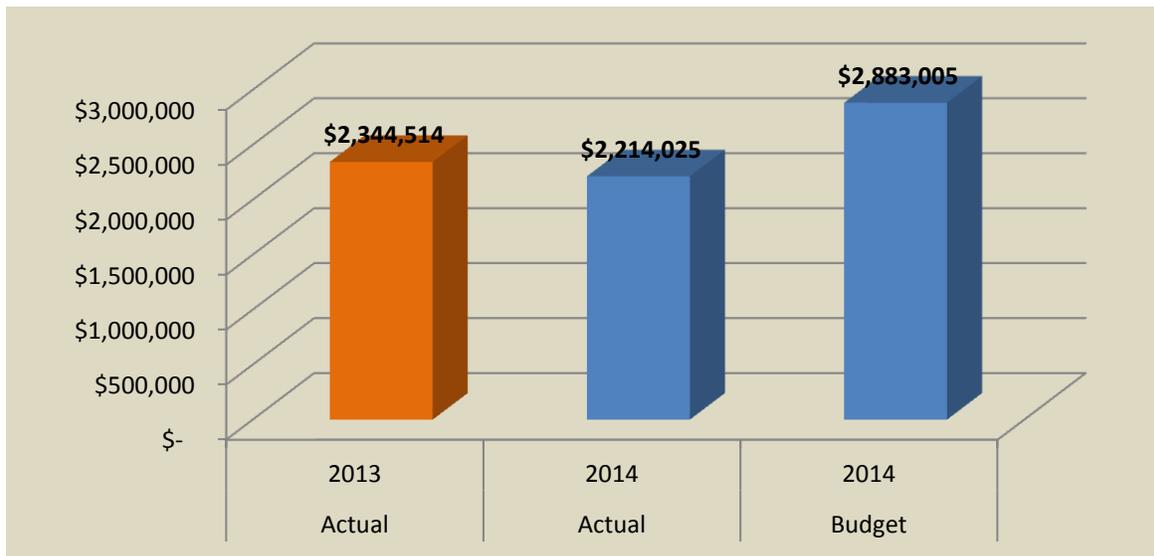
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Police**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 2,020,644	\$ 1,906,023	\$ 2,445,000	\$ 538,977	78.0%
Materials and Supplies	301,371	277,502	403,005	125,503	68.9%
Capital Outlay	-	8,000	8,000	-	100.0%
Transfers	22,500	22,500	27,000	4,500	83.3%
	<b>\$ 2,344,514</b>	<b>\$ 2,214,025</b>	<b>\$ 2,883,005</b>	<b>\$ 668,980</b>	<b>76.8%</b>

There are no capital expenditures budgeted in this department.



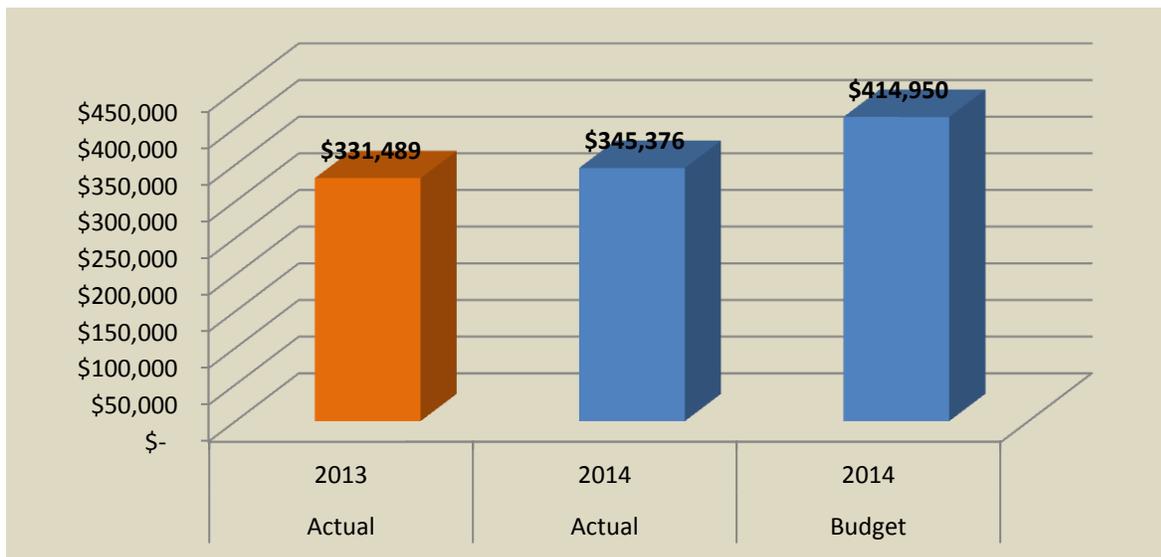
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Library**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 275,971	\$ 285,407	\$ 339,000	\$ 53,593	84.2%
Materials and Supplies	55,518	59,968	75,950	15,982	79.0%
	<b>\$ 331,489</b>	<b>\$ 345,376</b>	<b>\$ 414,950</b>	<b>\$ 69,574</b>	<b>83.2%</b>

There are no capital expenditures budgeted in this department.



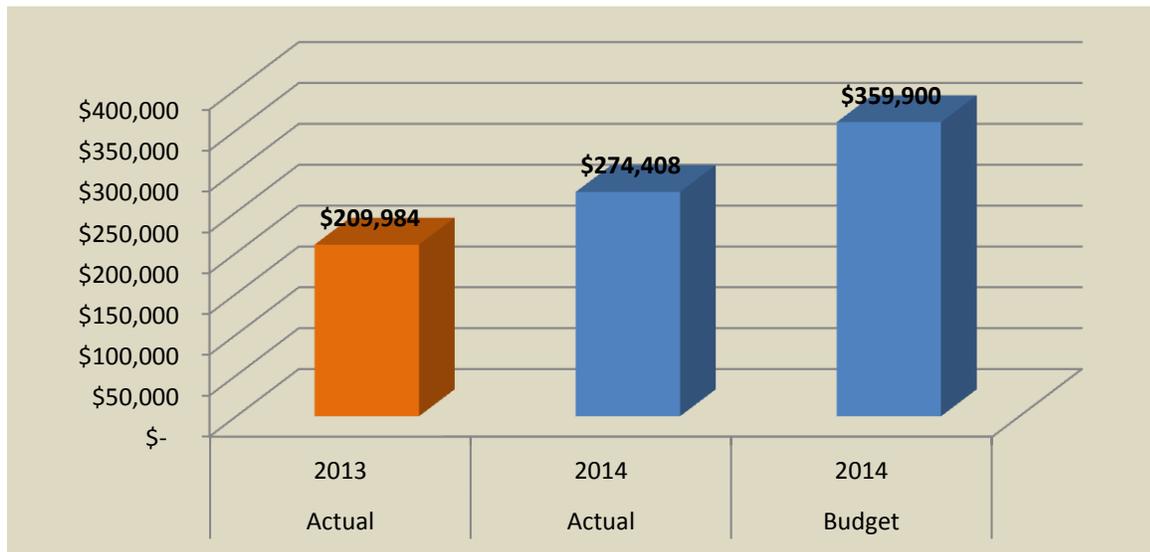
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Parks**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 130,493	\$ 175,435	\$ 208,000	\$ 32,565	84.3%
Materials and Supplies	65,138	62,295	101,900	39,605	61.1%
Capital Outlay	-	32,512	45,000	12,488	72.2%
Transfers	14,353	4,167	5,000	833	83.3%
	<b>\$ 209,984</b>	<b>\$ 274,408</b>	<b>\$ 359,900</b>	<b>\$ 85,492</b>	<b>76.2%</b>

Capital Expenditures:                      Equipment - \$45,000



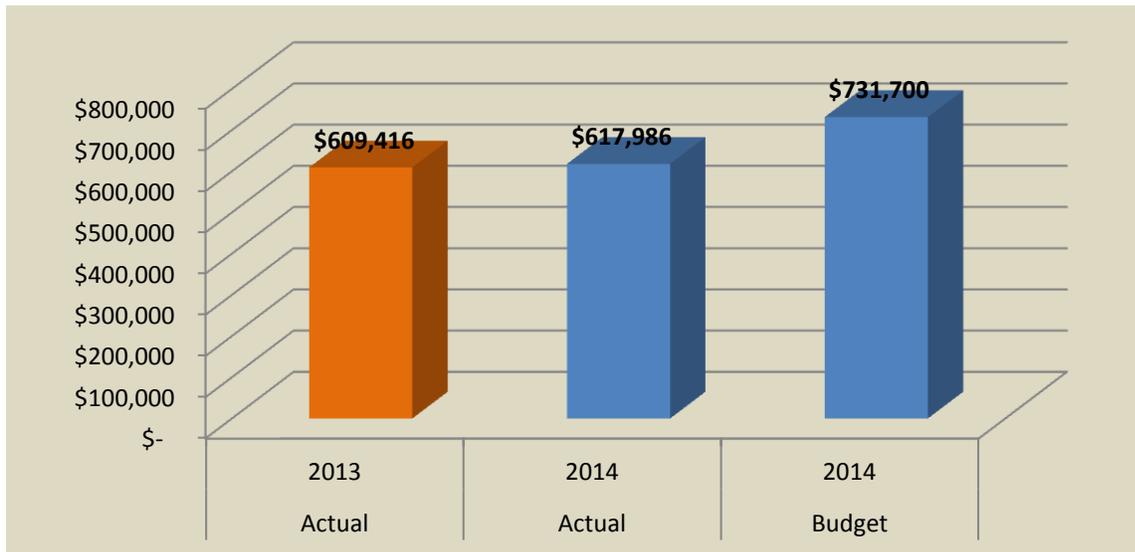
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Aquatic Center**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 339,300	\$ 348,173	\$ 410,000	\$ 61,827	84.9%
Materials and Supplies	228,450	228,146	271,700	43,554	84.0%
Capital Outlay	41,667	41,667	50,000	8,333	83.3%
	<b>\$ 609,416</b>	<b>\$ 617,986</b>	<b>\$ 731,700</b>	<b>\$ 113,714</b>	<b>84.5%</b>

Capital Expenditures:                      Equipment Reimbursement - \$50,000



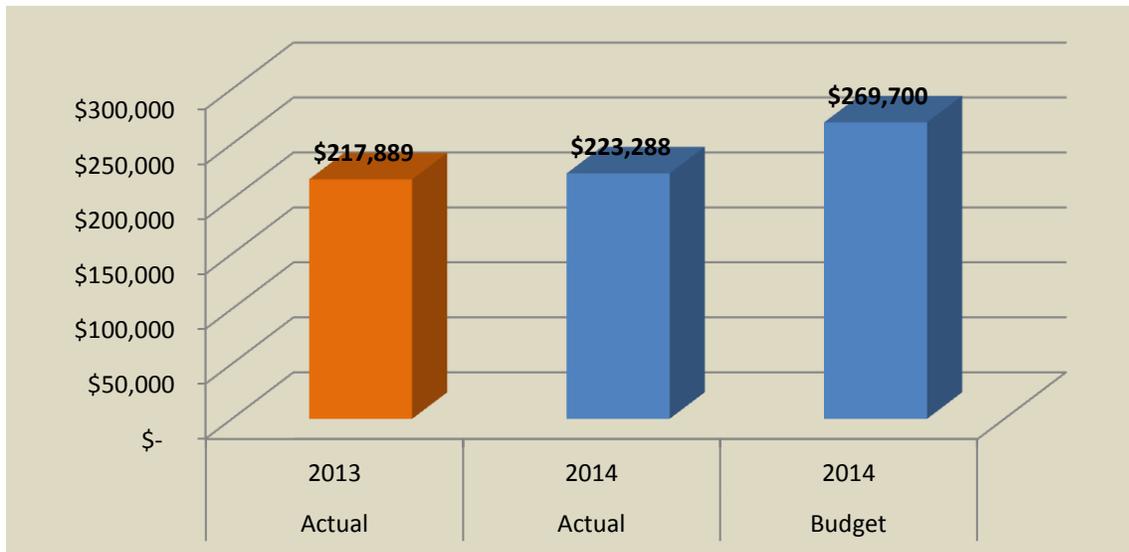
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Building Inspections**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 206,640	\$ 209,725	\$ 253,000	\$ 43,275	82.9%
Materials and Supplies	11,248	13,564	16,700	3,136	81.2%
	<b>\$ 217,889</b>	<b>\$ 223,288</b>	<b>\$ 269,700</b>	<b>46,412</b>	<b>82.8%</b>

There are no capital expenditures budgeted in this department.



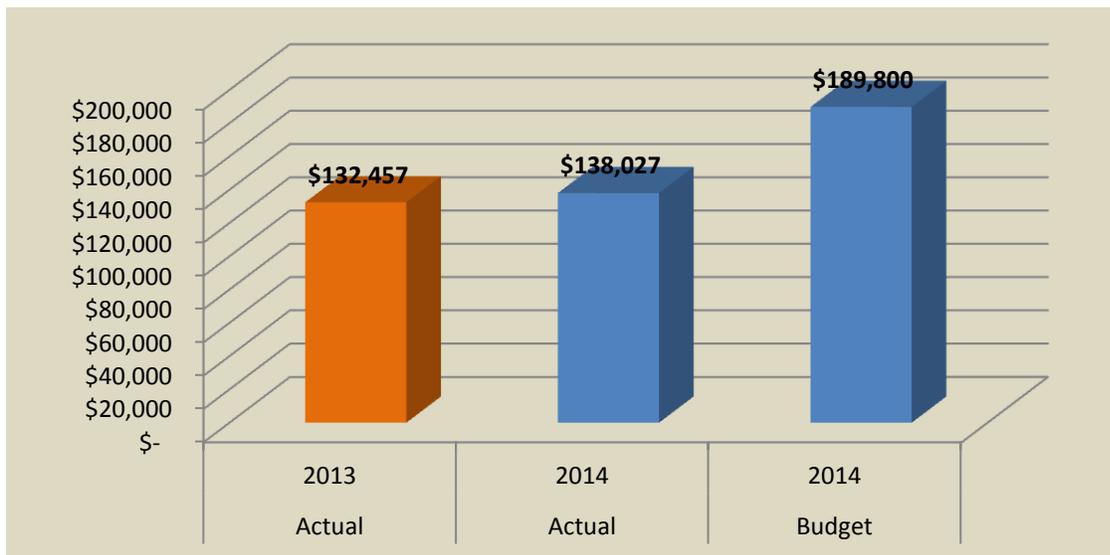
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Planning**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 118,480	\$ 119,680	\$ 147,000	\$ 27,320	81.4%
Materials and Supplies	11,144	15,514	39,400	23,886	39.4%
Transfers	2,833	2,833	3,400	567	83.3%
	<b>\$ 132,457</b>	<b>\$ 138,027</b>	<b>\$ 189,800</b>	<b>\$ 51,773</b>	<b>72.7%</b>

There are no capital expenditures budgeted in this department.



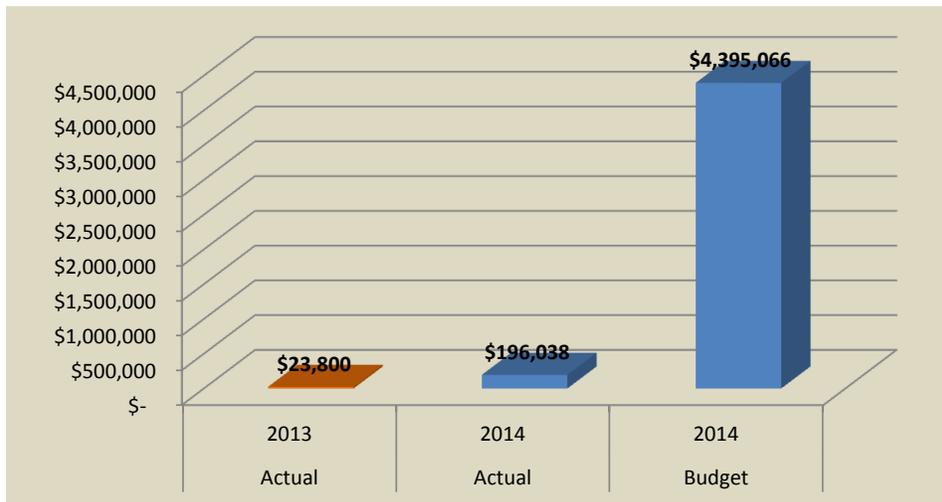
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

Department: System Development Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Streets SDC	\$ 43,926	\$ 52,383	\$ 50,000	\$ (2,383)	104.8%
Parks SDC	89,382	102,381	100,000	(2,381)	102.4%
Water SDC	110,904	183,576	100,000	(83,576)	183.6%
Sewer SDC	57,035	185,582	60,000	(125,582)	309.3%
Storm Water SDC	35,837	40,900	30,000	(10,900)	136.3%
Transfers	662,167	159,233	160,066	833	99.5%
	<b>\$ 999,250</b>	<b>\$ 724,055</b>	<b>\$ 500,066</b>	<b>\$ (223,989)</b>	<b>144.8%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Street SDC Projects	\$ -	\$ -	\$ 240,000	\$ 240,000	0.0%
Park SDC Projects	3,050	-	242,451	242,451	0.0%
Water SDC Projects	-	-	225,000	225,000	0.0%
Sewer SDC Projects	-	196,038	3,627,615	3,431,577	5.4%
Storm Water SDC Projects	-	-	60,000	60,000	0.0%
Transfers (none for 2014)	20,750	-	-	-	
	<b>\$ 23,800</b>	<b>\$ 196,038</b>	<b>\$ 4,395,066</b>	<b>\$ 4,199,028</b>	<b>4.5%</b>



83.33% Through the Fiscal Year

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Streets**

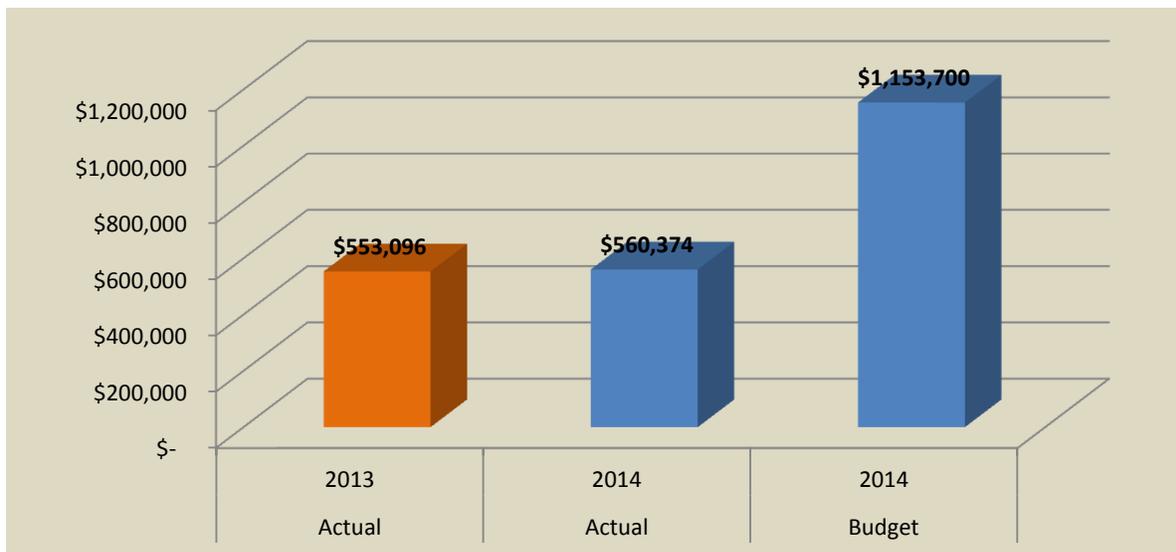
Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Highway Reimbursement & Appropriations	\$ 1,023,301	\$ 865,118	\$ 1,025,000	\$ 159,882	84.4%
Miscellaneous Revenue and Interest	11,363	67,126	66,060	(1,066)	101.6%
	<b>\$ 1,034,665</b>	<b>\$ 932,244</b>	<b>\$ 1,091,060</b>	<b>\$ 158,816</b>	<b>85.4%</b>

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personnel Services	\$ 257,587	\$ 239,573	\$ 292,000	\$ 52,427	82.0%
Materials and Supplies	201,455	195,876	286,700	90,824	68.3%
Capital Outlay	27,388	58,258	495,000	436,742	11.8%
Transfers	66,667	66,667	80,000	13,333	83.3%
	<b>\$ 553,096</b>	<b>\$ 560,374</b>	<b>\$ 1,153,700</b>	<b>\$ 593,326</b>	<b>48.6%</b>

Capital Expenditures:

Contractual Overlays - \$475,000

Sidewalks - \$20,000



**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

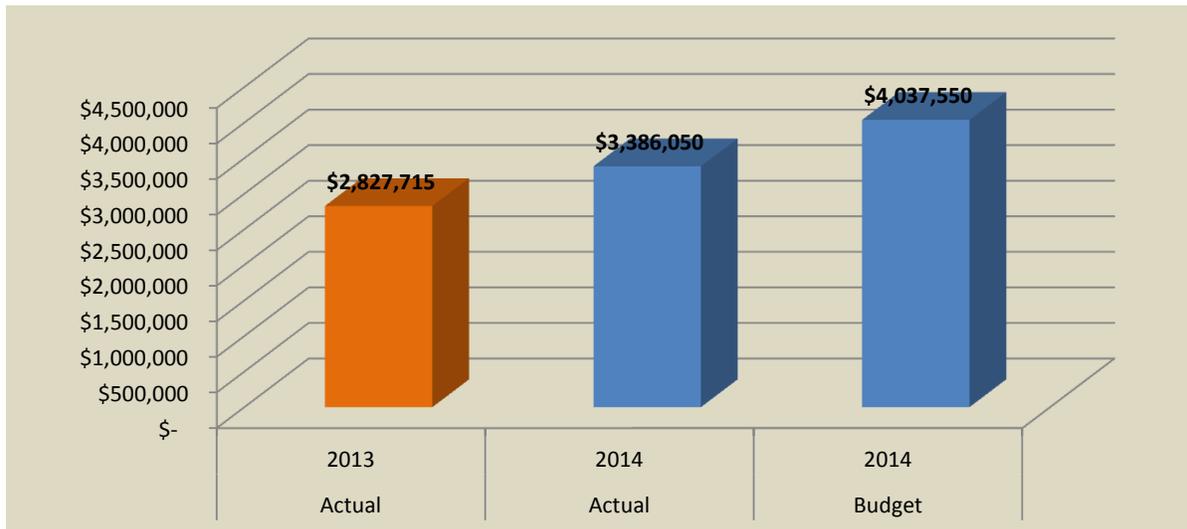
**Department: Sewer**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Service Charges and Hook Up Fees	\$ 2,966,626	\$ 2,550,399	\$ 3,037,000	\$ 486,601	84.0%
Miscellaneous Revenue and Interest	204,721	346,775	120,000	\$ (226,775)	289.0%
	<b>\$ 3,171,347</b>	<b>\$ 2,897,174</b>	<b>\$ 3,157,000</b>	<b>\$ 259,826</b>	<b>91.8%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personnel Services	\$ 494,217	\$ 491,920	\$ 593,500	\$ 101,580	82.9%
Materials and Supplies	772,022	840,257	1,070,500	230,243	78.5%
Capital Outlay	97,499	591,005	810,000	218,995	73.0%
Transfers	1,463,977	458,333	559,000	100,667	82.0%
Debt Service (2013 in Debt Service Fund)	-	1,004,534	1,004,550	16	100.0%
	<b>\$ 2,827,715</b>	<b>\$ 3,386,050</b>	<b>\$ 4,037,550</b>	<b>\$ 651,500</b>	<b>83.9%</b>

Capital Expenditures:

- Equipment - \$65,000
- Rickereall Crk Interceptor CIP - \$500,000
- Siphon Replacement - \$100,000
- I & I - \$25,000
- Storm Projects - \$20,000
- WWTF Capital Improvements - \$50,000
- Sewer Replacement Projects - \$50,000



**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

Department: Water

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Service Charges and Connection Fees	\$ 2,084,881	\$ 1,785,316	\$ 2,142,000	\$ 356,684	83.3%
Miscellaneous Revenue and Interest	49,558	87,199	1,545,000	1,457,801	5.6%
	<b>\$ 2,134,440</b>	<b>\$ 1,872,516</b>	<b>\$ 3,687,000</b>	<b>\$ 1,814,484</b>	<b>50.8%</b>

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personnel Services	\$ 334,185	\$ 331,058	\$ 398,000	\$ 66,942	83.2%
Materials and Supplies	539,287	596,108	705,000	108,892	84.6%
Capital Outlay	-	9,005	1,650,000	1,640,995	0.5%
Transfers	-	347,967	347,968	1	100.0%
Debt Service (2013 in Debt Service Fund)	877,359	354,167	434,000	79,833	81.6%
	<b>\$ 1,750,832</b>	<b>\$ 1,638,305</b>	<b>\$ 3,534,968</b>	<b>\$ 1,896,663</b>	<b>46.3%</b>

Capital Expenditures:

- AMR Project- \$1,500,000
- Water Line Replacement Project - \$50,000
- Transmission Water Line- \$100,000



**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

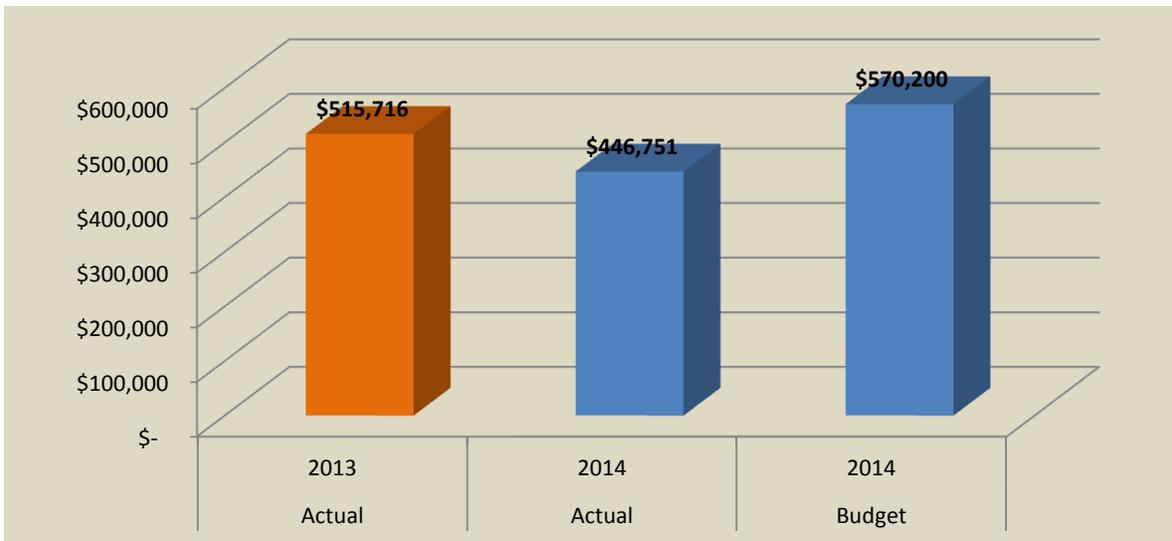
Department: Fleet

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Service Charges and Total Care	\$ 429,802	\$ 357,652	\$ 427,000	\$ 69,348	83.8%
Miscellaneous Revenue	103,958	72,716	84,800	12,084	85.8%
	<b>\$ 533,761</b>	<b>\$ 430,368</b>	<b>\$ 511,800</b>	<b>\$ 81,432</b>	<b>84.1%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personnel Services	\$ 167,922	\$ 164,372	\$ 201,000	\$ 36,628	81.8%
Materials and Supplies	151,779	160,399	192,200	31,802	83.5%
Capital Outlay	129,348	55,314	97,000	41,686	57.0%
Transfers	66,667	66,667	80,000	13,333	83.3%
	<b>\$ 515,716</b>	<b>\$ 446,751</b>	<b>\$ 570,200</b>	<b>\$ 123,449</b>	<b>78.3%</b>

Capital Expenditures:

Equipment - \$65,000 (Sewer Camera System)  
 Building Improvements - \$32,000



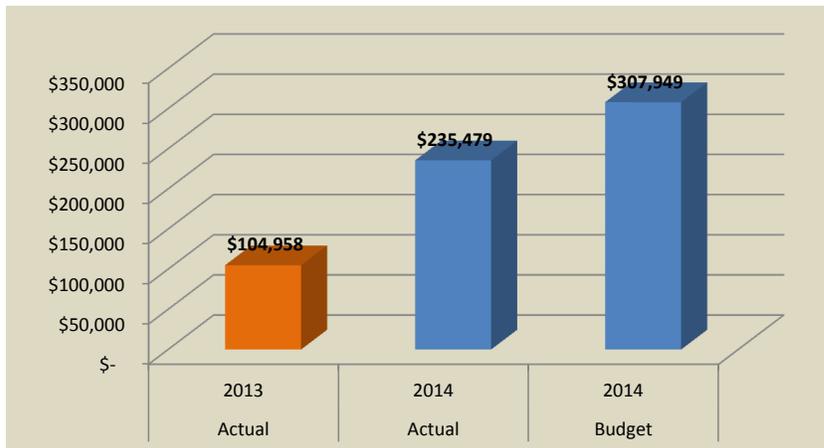
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

Department: Trust Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Aquatics	\$ -	\$ -	\$ -	\$ -	
Fire and Ambulance	34,669	24,012	36,000	11,988	66.7%
Street	-	-	-	-	
Transient Lodging	68,542	-	-	-	
Miscellaneous	1,257	591	1,000	409	59.1%
Economic Development	28,831	20,000	30,000	10,000	66.7%
Park	4,725	3,069	4,000	931	
Police	12,245	-	-	-	
Library	3,289	23,577	20,000	(3,577)	117.9%
	<b>\$ 153,559</b>	<b>\$ 71,249</b>	<b>\$ 91,000</b>	<b>\$ 19,751</b>	<b>78.3%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Aquatics	\$ 6,379	\$ -	\$ -	\$ -	
Fire and Ambulance	29,990	26,660	64,274	37,614	41.5%
Street	-	-	-	-	
Transient Lodging	58,116	-	-	-	
Miscellaneous	240	1,732	3,000	1,268	57.7%
Economic Development	2,965	26,919	48,000	21,081	56.1%
Park	2,500	1,868	4,000	2,132	46.7%
Police	557	-	-	-	
Library	4,212	13,573	20,000	6,427	67.9%
Transfers	-	164,727	168,675	3,948	97.7%
	<b>\$ 104,958</b>	<b>\$ 235,479</b>	<b>\$ 307,949</b>	<b>\$ 72,470</b>	<b>76.5%</b>



83.33% Through the Fiscal Year

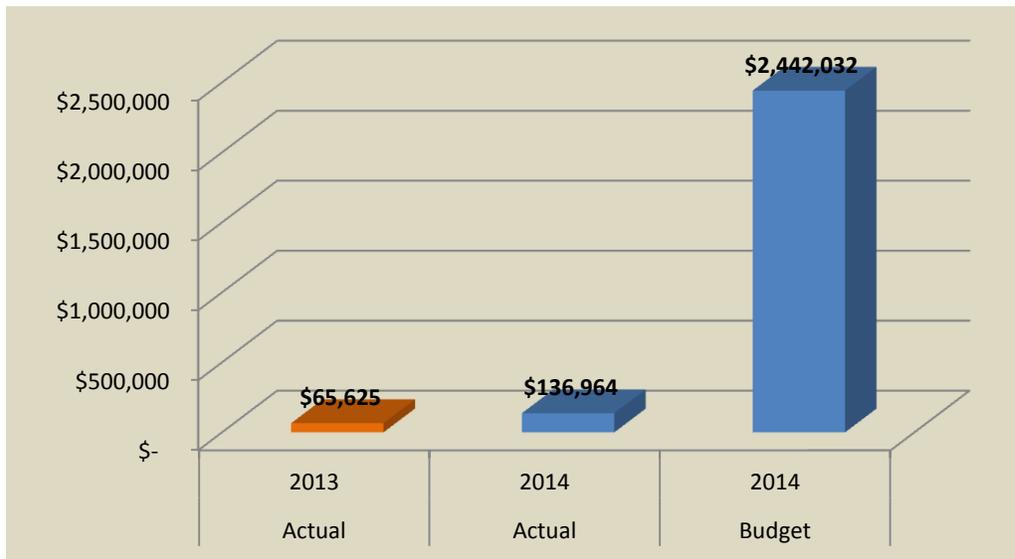
**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Grant Fund**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Police	\$ 8,018	\$ 9,143	\$ 12,000	\$ 2,857	76.2%
Fire	38,000	-	456,532	456,532	0.0%
Parks and Trails	501	501	470,000	469,499	0.1%
Miscellaneous	2,739	1,020	1,503,500	1,502,480	0.1%
	<b>\$ 49,258</b>	<b>\$ 10,664</b>	<b>\$ 2,442,032</b>	<b>\$ 2,431,368</b>	<b>0.4%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Police	\$ 2,625	\$ 750	\$ 12,000	\$ 11,250	6.3%
Fire	38,000	-	456,532	456,532	0.0%
Parks and Trails	-	134,743	470,000	335,257	28.7%
Miscellaneous	25,000	1,471	1,503,500	2,803	0.1%
	<b>\$ 65,625</b>	<b>\$ 136,964</b>	<b>\$ 2,442,032</b>	<b>\$ 805,842</b>	<b>5.6%</b>

Grant Projects: Police - vests, misc.  
 Fire - Hydraulic rescue tool system, pumper  
 Parks and Trails - Rickreall Crk Trail System  
 Miscellaneous - CDBG; Ready to Read



**83.33% Through the Fiscal Year**

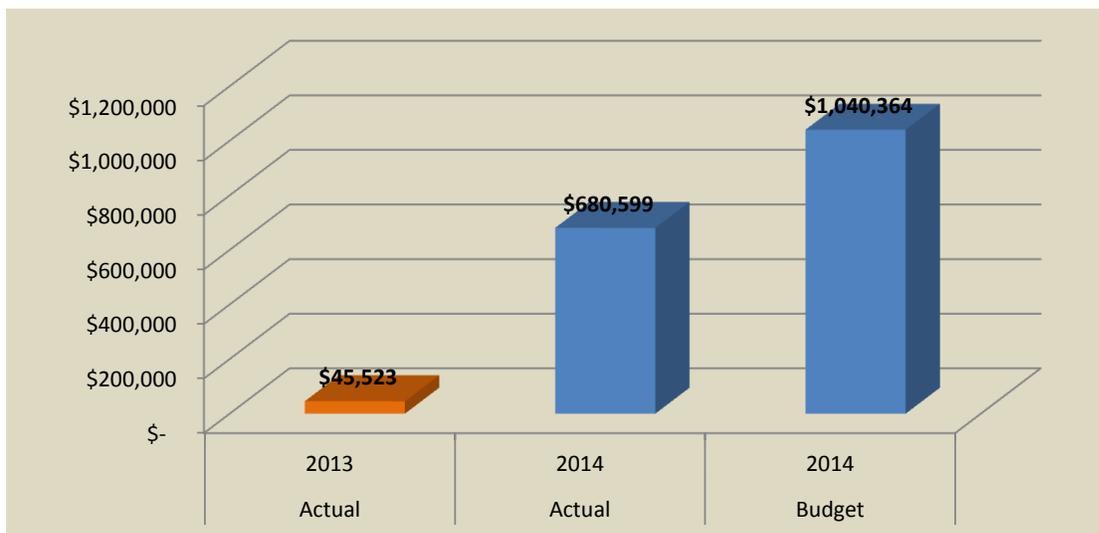
**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: Urban Renewal Fund**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Property Taxes	\$ 121,062	\$ 131,904	\$ 125,000	\$ (6,904)	105.5%
Interest Earnings	2,311	2,299	1,000	(1,299)	229.9%
Miscellaneous Revenue	-	50	1,000	950	5.0%
Finance Proceeds	-	750,000	750,000	-	100.0%
	<b>\$ 123,373</b>	<b>\$ 884,253</b>	<b>\$ 877,000</b>	<b>\$ (8,203)</b>	<b>100.8%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personal Services	\$ 12,202	\$ 14,562	\$ 16,000	\$ 1,438	91.0%
Materials and Services	-	11,859	13,000	1,141	91.2%
Debt Service Reserve	-	-	86,395	86,395	0.0%
Capital Expenditures	33,321	639,996	875,000	235,004	73.1%
Grants	-	4,213	40,000	35,787	10.5%
Transfers	-	9,969	9,969	0	100.0%
	<b>\$ 45,523</b>	<b>\$ 680,599</b>	<b>\$ 1,040,364</b>	<b>\$ 359,765</b>	<b>65.4%</b>

Capital Expenditures: 800/900 Block Main Street Project  
Property Acquisition



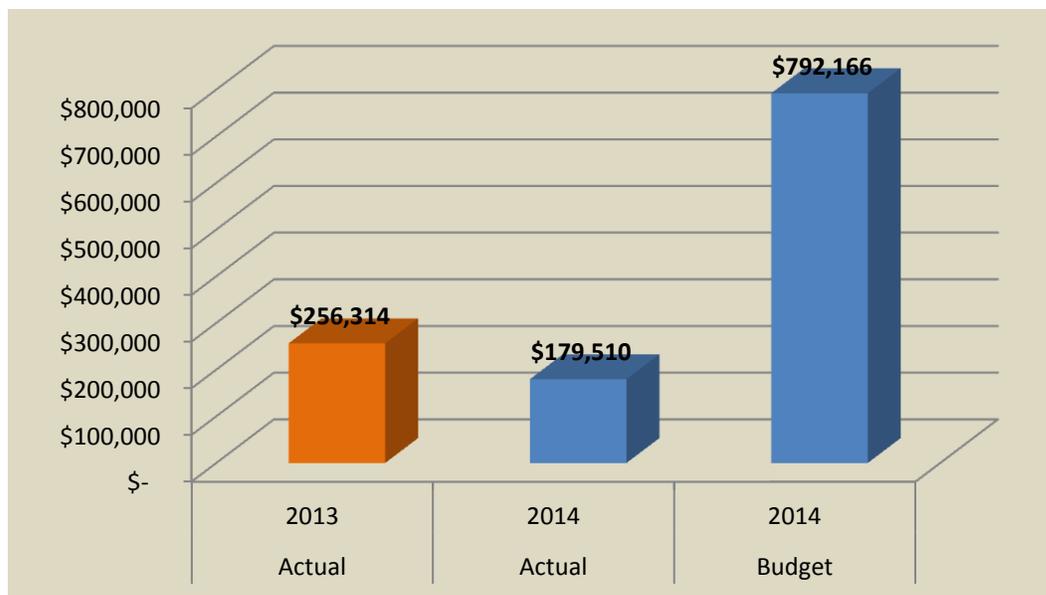
**83.33% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**April 2014**

**Department: General Obligation and Long Term Debt Funds**

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Collected
<b>Revenue</b>					
Property Taxes	\$ 696,953	\$ 692,724	\$ 735,000	\$ 42,276	94.2%
Transfers	88,342	89,952	109,627	19,675	82.1%
	<b>\$ 785,294</b>	<b>\$ 782,676</b>	<b>\$ 844,627</b>	<b>\$ 61,951</b>	<b>92.7%</b>

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Spent
<b>Expenditures</b>					
Principal	\$ 100,000	\$ 75,000	\$ 585,000	\$ 510,000	12.8%
Interest	156,314	104,510	207,166	102,656	50.4%
	<b>\$ 256,314</b>	<b>\$ 179,510</b>	<b>\$ 792,166</b>	<b>\$ 612,656</b>	<b>22.7%</b>



**83.33% Through the Fiscal Year**

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b>	<b>Topic:</b> Budget Transfer Resolution 3295
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Approval of Budget Transfer Resolution 3295

BACKGROUND:

Oregon Budget Law allows for unanticipated changes to the budget throughout the fiscal year. ORS 294.463 allows for appropriation transfers which includes intra-and inter-fund transfers between appropriation categories and contingency transfers. Appropriation transfers require a budget resolution.

Following are the necessary transfers:

**General Fund:**

From:	To:	Purpose:	Amount:
Planning Department-Materials and Services-Professional Services	Aquatic Center-Materials and Services-Repairs and Maintenance	Repairs to boiler	\$ 15,000
Parks Department-Capital Outlay-Equipment	Municipal Court-Capital Outlay-Equipment	Livescan electronic fingerprinting system for capturing fingerprints of defendants with criminal cases.	\$ 9,000

**Water Fund:**

From:	To:	Purpose:	Amount:
Contingency	Material and Services-Professional Services	Land appraisal and timber cruise at reservoir	\$ 15,000

FISCAL IMPACT:

Appropriation impact:

- General Fund:** Decrease Planning Department-Materials and Services-Professional Services from \$20,000 to \$5,000.  
 Decrease Parks Department-Capital Outlay-Equipment from \$45,000 to \$36,000.  
 Increase Aquatic Center-Materials and Services-Repairs and Maintenance from \$22,000 to \$37,000.  
 Increase Municipal Court-Capital Outlay-Equipment from \$0 to \$9,000.
- Water Fund:** Decrease Contingency from \$652,032 to \$637,032.  
 Increase Material and Services-Professional Services from \$215,000 to \$224,000.

ATTACHMENTS:

Budget Transfer Resolution 3295

RESOLUTION NO. 3295

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$15,000 from the General Fund, Planning Department-Professional Services to the General Fund, Aquatic Center-Repairs and Maintenance, for unanticipated equipment repairs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$15,000 from the Water Fund, Operating Contingency, to the Water Fund, Professional Services, for unanticipated land appraisal and timber cruise at reservoir; and

WHEREAS, it is necessary to transfer the appropriation authority of \$9,000 from the General Fund, Parks Department-Equipment, to the General Fund, Municipal Court-Equipment, for unanticipated electronic fingerprinting system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$15,000 from the General Fund, Planning Department-Professional Services to the General Fund, Aquatic Center-Repairs and Maintenance.

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$15,000 from the Water Fund, Operating Contingency, to the Water Fund, Professional Services.

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$9,000 from the General Fund, Parks Department-Equipment, to the General Fund, Municipal Court-Equipment.

Section 4. This Resolution shall be effective upon its passage.

Adopted: May 19, 2014  
Approved: May 19, 2014

\_\_\_\_\_  
BRIAN W. DALTON, MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
LANE P. SHETTERLY,  
CITY ATTORNEY

ATTEST:

\_\_\_\_\_  
RON FOGGIN, CITY MANAGER

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9 b</b>	<b>Topic:</b> Res No 3296 – Adopting a Section 3 Plan
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution 3296

BACKGROUND:

One of the requirements of the CDBG Housing Rehabilitation Grant the City recently was awarded is that we adopt a Section 3 Plan to comply with 24CFR, Part 135 of the US Department of Housing and Urban Development Section 3. The City's proposed plan states the City will require its contractors to "make a good faith effort to provide equal employment opportunity to all employees and applicants for employment...and to take affirmative action to ensure that both jobs applicants and existing employees are given fair and equal treatment."

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution 3296

RESOLUTION NO. 3296

A Resolution of the City of Dallas adopting a Section 3 Plan to comply with 24CFR, Part 135 of the US Department of Housing and Urban Development Section 3.

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development (HUD) Act of 1968 (12 U.S.C 170u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects fund wholly or in part by those funds; and

WHEREAS, Part 135 of Section 3 establishes the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the City Of Dallas staff have developed a Section 3 Plan in accordance with 24CFR, Part 135 that more comprehensively addresses the standards and procedures prescribed in the Act; and

WHEREAS, the Section 3 Plan has been reviewed by the City of Dallas senior staff members and their comments incorporated into the Plan, and a copy of the Plan is attached hereto as Exhibit 1 and by reference incorporated herein.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS, OREGON, AS FOLLOWS:

Section 1. The City Council authorizes the City of Dallas to adopt and implement the Section 3 Plan to ensure compliance with Federal Law as it pertains to the use of HUD funding and to designate the City Manager as the Section 3 Coordinator for the City of Dallas.

Adopted: May 19, 2014  
Approved: May 19, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN, CITY MANAGER

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LANE P. SHETTERLY,  
CITYATTORNEY

HUD SECTION 3 PLAN  
Specific to City of Dallas CDBG H

General Policy Statement

It is the policy of the City of Dallas to require its contractors to make a good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The City of Dallas implements this policy through the awarding of contracts partially or wholly funded with the US Department of Housing and Urban Development (HUD) monies, to the greatest extent feasible, to contractors, vendors, professional service providers, consultants and suppliers, to create employment and business opportunities for Dallas city residents and other low-very low-income persons. The policy will ensure that in good faith the City of Dallas will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 residents and other eligible persons and business concerns working on contracts partially or wholly funded with the US Department of Housing and Urban Development (HUD) monies. The City of Dallas shall examine and consider a contractor's, professional service provider, consultant, or vendor's potential for success by providing employment and business opportunities to Section 3 residents and business concerns prior to acting on any proposed contract award for any contract partially or wholly funded with the US Department of Housing and Urban Development (HUD) monies. In the event that no Section 3 business bids on a contract or bids, but is not able to demonstrate the ability to perform successfully under the terms and conditions of the propose contract, then that contract will be awarded to a non-Section 3 business concern that can meet the terms and conditions of the proposed contract.

Good Faith Effort

At a minimum, the following tasks must be completed to demonstrate a good faith effort with the requirements of Section 3. The City of Dallas and each contractor, subcontractor, professional services provider, vendor or supplier seeking to establish a good faith effort as required should be filling all training positions with persons residing in the target area.

- 1 Send notices of job availability/contracting opportunities subject to these requirements to recruitment sources, organizations and other community groups capable of referring eligible Section 3 applicants, including Work Source Oregon.
- 2 Outreach and advertising will encourage eligible Section 3 residents to apply for the project.
- 3 When using a newspaper of major circulation to request bids or to advertise employment opportunities to also advertise in minority-owner newspapers.
- 4 Maintain a list of all residents from the target area who have applied either on their own or by referral from any service, and employ such persons, if otherwise eligible. A list of eligible applicants will be maintained for available future vacancies.

Any construction contractor, professional services provider, vendor or supplier working on contracts partially or wholly funded with the US Department of Housing and Urban Development (HUD) monies must certify that any vacant employment positions, including training positions, are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed were not filled to circumvent the contractor's obligation under 24 CFR Part 135

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>9 b</b>	<b>Topic:</b> Res No 3297 – Adopting a Limited English Language Access Plan
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution 3297

BACKGROUND:

One of the requirements of the CDBG Housing Rehabilitation Grant the City recently was awarded is that we adopt a Limited English Proficiency Language Access Plan (LAP). The City's proposed plan incorporates much of what is already done to assist people with limited English proficiency (LEP). Once adopted, we will post notices on our website and throughout City Hall in commonly encountered languages to encourage LEP persons needing language assistance to self-identify.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution 3297  
Proposed Limited English Proficiency Language Access Plan (LAP)

RESOLUTION NO. 3297

A Resolution of the City of Dallas to adopt a Limited English Language Access Plan to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d, et seq and Executive Order 13166.

WHEREAS, Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d, et seq, prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance ; and

WHEREAS, under regulations implementing Title VI of the Civil Rights Act of 1964, recipients of federal financial awards have a responsibility to ensure meaningful access to their programs and activities by persons with Limited English Proficiency (LEP); and

WHEREAS, pursuant to Executive Order 13166, under Title VI, the meaningful access requirement and the four-factor assessment analysis set forth in the LEP Guidance of the Federal Register, FR-4878-N-01) apply to programs and activities receiving federal assistance including financial assistance, grants, training, use of equipment, donations of surplus property, or any other federal assistance; and

WHEREAS, recipients of federal assistance are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to recipient programs, activities and services; and

WHEREAS, the City of Dallas, as a recipient of federal assistance, has conducted a four-factor assessment, developed a Language Access Plan (LAP) and provided access to appropriate language assistance; and

WHEREAS, the City Council of the City of Dallas desires now to adopt the city's LAP, attached hereto as Exhibit 1 and by reference incorporated herein;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS, OREGON, AS FOLLOWS:

Section 1. The Dallas City Council hereby adopts the Language Assistance Plan attached hereto as Exhibit 1 to ensure compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d, et seq, and Executive Order 13166, and the rules and regulations promulgated thereunder.

Adopted: May 19, 2014  
Approved: May 19, 2014

\_\_\_\_\_  
BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
RONALD W. FOGGIN,  
CITY MANAGER

\_\_\_\_\_  
LANE P. SHETTERLY,  
CITY ATTORNEY

# **CITY OF DALLAS**

## **Limited English Proficiency Language Access Plan (LAP)**

### **CONTACT INFORMATION**

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This document addresses the language equity needs of Dallas area citizens with Limited English Proficiency

**City of Dallas, Oregon**  
**Limited English Proficiency Language Access Plan (LAP)**

**Introduction**

The City of Dallas (City) is located in Polk County, Oregon with a population of 14,583 as of the 2010 Census. The City is proximate to Salem, the state capitol, and part of the Metropolitan Statistical Area (MSA). The City provides many important governmental and departmental services including the City Council and Mayor, City Manager, Community Development, Public Works, Human Resources, Finance, Parks and Recreation, Fire and Emergency Services, Police, Municipal Court, Senior Center, and Library.

The City's population is predominantly English speaking, with the largest minority language being Spanish\* which includes a variety of Latino language groups. English is the primary language of approximately 96% of the population with Spanish as the primary language of 2.6% (353 persons) of the population. The remaining 1.3% (176 persons) identify as speaking other Indo-European and Asian or Pacific Island languages. With limited English proficiency below 4% within the City approximately 529 individuals aged six or more speak English less than very well.

The City undertakes to ensure that persons with Limited English Proficiency (LEP) shall neither be discriminated against nor denied meaningful access to or participation in, the programs and services provided by the City. In order to ensure meaningful access and participation by LEP persons, the City has taken reasonable steps to ensure that language services are provided according to the City's Language Access Plan (LAP).

The LAP applies to all City administered programs, services, and facilities, irrespective of Federal financial support or award. However; the LAP does not apply to any properties or projects wherein the City is not the primary owner. (i.e., the City is the funding agency and does not have primary control over the said property) and the primary owner qualifies as a recipient or sub-recipient of federal financial resources.

It is the intent of the City, in providing LAP services, to achieve a balance that ensures meaningful access to programs and services while preventing undue financial burden to City resources.

The office of the Dallas City Manager is the central coordinator for the LAP and associated language services. The office provides oversight for implementation of the LAP, facilitates delivery of LAP services, ensures that staff is apprised of LAP services and procedures, and directs the monitoring and assessment of LAP effectiveness.

*GOAL: The City of Dallas shall provide access to timely, quality language assistance services to individuals with limited English proficiency (LEP)*

## **Definitions:**

*Language Access Plan (LAP):* This Language Access Plan establishes a system within the City to implement [Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), which states that people with limited English proficiency should have meaningful access to federally conducted and federally funded programs and activities, including services and benefits.

*Limited English Proficiency (LEP) person:* Any person who does not speak English as their primary language and who has a limited ability to read, write, speak, and/or comprehend the English language. Such persons shall be entitled to language assistance at no cost with respect to an LAP service, benefit, or encounter.

*Vital Document:* Any document necessary for obtaining or maintaining services or benefits supported by the Federal funds awarded or that is required by law. Such documents may include but are not limited to applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a response from the participant or beneficiary, legal notices, and notices advising LEP persons of available languages access services.

*Interpretation:* The act of transferring the meaning of spoken or written words from one language (the source) to another language (the target) in order to ensure understanding.

*Translation:* The replacement of spoken or written language from one language to another in an equivalent spoken or written text to provide equivalent meaning.

NOTE: Some LEP persons may not be able to read in their language of origin and oral interpretive services may be required in order to execute written documents.

*Four-Factor Assessment:* This is an assessment tool used by the City, as a recipient of federal funding, to determine the extent of its obligation to provide LEP services. These four factors are: (1) The number or percentage of LEP persons expected to be eligible for the grant funded program; (2) the frequency with which LEP persons would come in contact with the program; (3) The value and impact of the program, activity, or service provided to LEP persons and their households; (4) the resources available to the grantee/subgrantee and recipients compared to expenses.

## **Who is covered?**

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As President John F. Kennedy said in 1963: Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

Under regulations implementing Title VI Civil Rights Act of 1964 42 U.S.C. § 2000d et seq. (Title VI), recipients of federal financial award have a responsibility to ensure meaningful access to their programs and activities by persons with LEP. The purpose of the LAP is to ensure that the City, as a recipient of federal funding, is complying with Title VI in the delivery of federally funded programs and/or activities normally provided in the English language in that LEP persons have equal access to the same programs and services.

In order to ensure equal access to the programs and services offered by the City and avert discrimination on the grounds of national origin, the City has taken adequate steps to make meaningful language assistance tools and services available to LEP persons free of charge.

Pursuant to [Executive Order 13166](#), under Title VI, the meaningful access regulatory requirement and the four-factor analysis set forth in the LEP Guidance of the Federal Register (FR-4878-N-01) apply to programs and activities receiving federal assistance including financial assistance, grants, training, use of equipment, donations or surplus property, or any other federal assistance.

Recipients of federal assistance are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to recipient programs, activities, and services. To facilitate this, the recipient has: (1) conducted a four-factor assessment; (2) developed a language access plan (LAP); and, (3) provided access to appropriate language assistance.

Coverage under Title VI and Executive Order 13166 extends to all of the recipient's programs, activities, and operations. This is true—even if federal assistance is received by an only one part of the recipient organization. As the City of Dallas encompasses a variety of services, application of the Four -Factor analysis will vary depending upon a specific service or program.

## **Four-Factor Assessment**

### **1. Size of LEP population in Need of Language Assistance Services**

The City has employed the following data sources and methodology to identify and determine the number of LEP persons currently using City services, the number of LEP persons residing within the City's area of operations who may be eligible for programs and services, and the particular languages used in both. The City used several methods to help identify LEP persons who currently use city services.

- Historic contact with LEP persons by City Staff
- Current Census Data (2010) (Updates will be occur per census year)

**Assessment:** Housing and Urban Development (HUD), in its final guidance for providing equal access for LEP persons, describes a "Safe Harbor" wherein a certain level of translated materials appropriate to the LEP population are provided which will " be

considered strong evidence of compliance with the recipient’s written translation obligations” The City of Dallas has determined that, with regard to its LEP population, the Spanish LEP population, in less than 5% and less than 500 individuals and thus translated vital documents are not required. No other LEP populations reside in the City of Dallas. According to the “Safe Harbor Guidelines” any language group population that falls below *5% of the of the eligible population or beneficiaries and less than 1,000 in number require not written translation.*

<b>Size of Language Group</b>	<b>Recommended Provision of Written Language Assistance</b>
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

**2. Frequency of Contact with LEP Persons needing Language Services Assistance**

Polk County is the primary provider of social services in Dallas and has the most contact with LEP persons in need of language services assistance. The most common contact between the City of Dallas and the LEP population occurs through Police Department stops and other activities. Contact between the LEP population and the City for routine services such as applications, consent forms, legal notices, and/or permits is relatively rare, with less than an annual occurrence. City staff indicates that individuals with limited English Language proficiency generally bring a family member or friend , who will act as a translator.

Assessment: Need for LEP services approximates the percentage of Dallas residents with limited English Language proficiency which is less than 5% of city staff encounters. Ongoing monitoring of LEP contact with city staff occurs and should the level or difficulty of serving the LEP population increase, the City of Dallas will reassess to add resources.

**3. Nature & Importance of Programs & Services Utilized or Needed by LEP Persons**

The City recognizes that, within the range of programs and services it provides, some of these, such as services that directly impact the health and well-being of the population, are higher in priority than other services. While it is the City’s intent to provide

meaningful access to services for all eligible persons, the availability of resources may limit the provision of language services in some instances.

Activities such as outreach that require intake forms, leases, rules of occupancy, legal actions, safety notices, and similar essential action have a high priority. Information that supports a basic understanding of these activities should be effectively communicated to all persons who may be impacted. Other activities such as recreation programs, social events, optional meetings, and related areas of activity are of lesser priority.

**Assessment:** Given that the highest contact with the LEP population occurs with Police stops, the City has designated translation services to be available during normal working hours within the Police Department. For other services, the City offers on-call translation services and public information in LEP appropriate language at City offices.

#### **4. Availability of Resource to LEP Persons in Need of Language Assistance.**

The City of Dallas has several staff members who are bi-lingual in the Spanish and English languages. These include two police officers and a staff person at City Hall. When additional translation services are needed Polk County offices located in Dallas have bi-lingual staff that has been able to assist with Spanish and English languages translation. Several community groups that serve the Dallas area are also able to offer LEP translation services. These include the Polk Community Development Corporation (Polk CDC) and the Polk County Service Integration Team (SIT) both of which serve all jurisdictions in Polk County. The City is working to ensure that at a minimum one bi-lingual staff person is available during normal business hours to provide translation when scheduled in advance.

#### **City of Dallas Limited English Proficiency (LEP) Language Access Plan (LAP)**

The City utilizes a variety of methods to provide language services to LEP persons based upon: 1) the relative number of LEP persons in the community as described in the most recent census data, 2) the frequency of contacts with LEP persons as reported by staff, 3) the prominence of services needed by LEP persons such as legal, health, safety, and other critical areas and 4) the availability of resources to LEP persons in need of assistance.

##### **I. Identification of LEP Persons in Need of Language Assistance.**

LAP Method of Distribution:

- Notices posted in the lobby areas of city facilities available to the public are posted in commonly encountered languages and encourage LEP persons needing language assistance to self-identify.
- “Language Identification” cards (Marque esta casilla si lee o habla español) will be available to help LEP persons self-identify and to assist staff on a day-day basis in determining the need for LEP language services during routine business.

- Notices will indicate LEP assistance when conducting business with the city will be provided at no cost.
- The City will conduct periodic reviews with staff to determine if and how the needs of LEP residents are being met.

## **II. Language Assistance Measures Provided**

### LAP Procedures and Activities:

#### **A. Types of Languages Services Available**

##### **1. Written Translation Measures**

- Postings in conspicuous entry places in City Hall, Police Department, and other City facilities access by the public will inform LEP persons and members of the general public that the City has a LAP and that a reasonable amount of translation services are available when needed at no cost to the LEP person.
- Postings regarding the availability of translation services to LEP persons at no cost will also be placed on the City's website where outreach efforts are made to apprise the community of its programs and services.

##### **2. Oral Translation Measures**

- The City will strive to ensure that at minimum, one staff person bilingual in the Spanish and English languages is available during normal business hours and can provide interpretation and translation with advanced scheduling. In the event that the City no longer employs bi-lingual staff, the City will work with other public service agencies in Dallas to provide service or contract with a telephone interpretive service that will allow LEP persons equal access to city services and programs.
- The City will offer oral interpretation at no cost in meetings, events, and other public activities where the need has been identified by the LEP participant(s) forty eight (48) hours prior to the event, depending upon the availability of an appropriate interpreter for the request.

##### **3. Additional Measures Based Upon Ongoing LAP Needs Assessment**

- Hire additional staff bi-lingual appropriate to the LEP needs of the population in order to better support adequate language services that would be essential to the daily interaction between the LEP population and the City.

- Contract with qualified interpreters and translators, either individually, through existing services, or through the Oregon State University (OSU) Extension Service which currently provides such services in Dallas when no other staff is available.
- Collaborate with other agencies and public service groups to centralize and share language access services in order to attain efficiency and reduce costs.
- Employ telephone and/or video conferencing when feasible
- Use community volunteers where language service needs are informal
- Pool resources such as standardized documents and forms.
- Maintain a website list of available bi-lingual documents (i.e.HUD)

**B. Connecting Staff to Available Language Services**

The City strives to ensure that at minimum, one staff person bilingual in the Spanish and English languages is present during normal business hours and will provide translation and interpretive services when arranged in advance.

**C. Telephone System Protocols**

If City staff cannot provide sufficient language access services to an LEP caller and a translator is not immediately available, the caller's phone number is documented and provided to a bi-lingual interpreter/translator who then returns the call to provide LEP assistance.

**D. Written Communication from LEP Persons**

The City maintains access to a bi-lingual interpreter/translator that will read and respond in the LEP person's language.

**E. Person to Person communication with LEP Persons**

In the event that staff is unable to communicate with an LEP person, the City will contact bi-lingual staff within one of several city departments and communication will ensue by phone or in person as needed. Should bi-lingual staff be unavailable at the City, other public service entities such as Polk County DHS, Public Health, or OSU Extension Services are available to assist. If no bi-lingual staff are available within the area at the time the LEP person's contact information along with the nature of their inquiry is documented. The person is contacted by a bi-lingual staff member as soon as possible.

**F. Competency of Interpretive and Translation Services**

The City makes every reasonable effort to ensure that the translation and interpretive services offered provide LEP persons competent and equitable access to language appropriate to the situation. This applies to all aspects of LEP services when working with City staff, City contractors, and any persons representing the City.

- 1) Interpreters and translators (outside the use of internal bilingual employees). Interpretation at many departmental levels, in meetings, in interviews, and other areas require bi-lingual competency and professionalism. This level of competency is not equivalent to simply

being bi-lingual. Many documents utilized by the City do not readily translate into the Spanish language and fluency that includes the combination of a colloquial and a professional understanding of the language is required. Formal certification may be helpful but may not always be required. The nature of the LEP inquiry will guide the level of bi-lingual competency required. When using interpretive services the City is guided by the following general criteria in order to ensure effective communication with LEP persons:

- a) The interpreter has demonstrated proficiency in their ability to communicate information accurately in both the English and Spanish languages. The interpreter can employ the appropriate mode of interpreting (consecutive, simultaneous, summarization, or sight translation).
  - b) The interpreter has demonstrated knowledge in both languages of any specialized terms or concepts particular to the City programs or services and of particular vocabulary or colloquial phraseology used by the LEP person and can explain in the two languages these specialized terms, concepts, particularized vocabulary or colloquialisms.
  - c) The interpreter has demonstrated an understanding of the need for confidentiality, propriety, and impartiality to the same extent as the City staff they are assisting or to the extent required of the staff position.
  - d) The interpreter is able to adhere to their role as interpreter without deviating to the role of counselor or legal advisor.
- 2) Translators (outside the use of internal bilingual employees). When selecting translators, the list of criteria applied to determine competency as stated above will be applicable to the extent that the criteria is appropriate. If bi-lingual staff is unavailable, the City will seek to obtain translation and interpretive services from a certified language service appropriate to the LEP person in need.

### **III. Staff Training and LAP**

The City reviews the LAP with staff. The frequency of staff encounters with LEP persons determines the level of review. Employees who are likely to have contact with LEP persons are provided the LAP with agreed upon protocols for working effectively by phone, in person, or through written communication with LEP persons. This includes a list of translators and interpreters provided to staff. Staff with the greatest potential contact with the LEP population will review the LAP and be trained to effectively implement the plan. Staff who do not interface with the public on a regular basis but may be called upon to do so in the absence of other staff will be made aware of the plan, understand the

dynamics of the plan and how to utilize the interpretive and translation protocols when needed.

LEP training is part of new employee orientation and employees not yet aware of the plan will be offered the same orientation.

#### **IV. Notice of Language Access Services to LEP Persons**

The City provides appropriate notice to LEP persons of the availability of free language interpretive services that seek to ensure meaningful access to programs and service provided by the City. Notices in appropriate languages informing LEP persons will be posted in common areas and offices within the City's public buildings wherever applications or jurisdictional documents are taken by staff. These notices will describe how the LEP person can receive language services as needed.

#### **V. LAP Monitoring**

The City monitors implementation of the LAP on an ongoing basis and revises LAP procedures and protocols as may be required. The City reviews the overall effectiveness of the LAP on an annual basis. The review will consider information from the following sources and make changes utilizing the criteria as well as other factors as may be appropriate.

- 1) Demographic changes including new language groups or the size of existing language groups.
- 2) Frequency of encounters with LEP persons and the level of efficiency achieved with current LAP practices.
- 3) Assess whether current practices are meeting LEP persons needs
- 4) Availability of new resources including new technology
- 5) Availability and viability of interpretive resources and assistance
- 6) Efficiency of current protocols as determined by staff
- 7) Feedback from LEP persons and community at large

Based upon finding in the periodic review, the City will revise the LAP to ensure that the LEP needs of the community are being met.

#### **VI. Grievance Procedures and EEO Monitoring**

LEP persons are provided notice of their opportunity to file a complaint citing discrimination in accordance with federal regulations. This notice will be provided in the LEP language.

B16001: LANGUAGE SPOKEN AT  
 2008-2012 American Community Survey

	Dallas city, Oregon		Percent of
	Estimate	Margin of	
Total:	13,562	+/-204	100%
Speak only English	13,039	+/-272	96%
Spanish or Spanish Creole:	346	+/-153	3%
Speak English "very well"	164	+/-80	1%
Speak English less than "very well"	182	+/-135	1%

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9a</b>	<b>Topic:</b> Proposed Property Maintenance Regulations
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> May 19, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** If the Council wishes to adopt the Property Maintenance Regulations, direct staff to prepare an adopting Ordinance.

**BACKGROUND:** The attached draft has been reviewed by the Admin Committee on 3 occasions, and is the culmination of that review process, which also included review by the Building Official and staff. The Property Maintenance Regulations as proposed contain basic maintenance items and fixes that would allow the city to address issues that we are not currently able to address except when a building or structure either gets to the point of being a dangerous building or becomes a significant nuisance. Once a building reaches that stage, there are far fewer options and a long and potentially costly process to abate the problem. The proposed regulations would apply to all structures and dwellings within the City.

As discussed at the Committee level, it would be the intent that the proposed regulations to be used in a pro-active yet judicious and common sense way as a tool to ensure public health and safety and avoid long-term problem structures.

**FISCAL IMPACT:** Some additional staff time, but not a significant resource drain.

**ATTACHMENTS:**

Proposed Property Maintenance Regulations

ORDINANCE NO. 1765

An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to property maintenance regulations; and amending Dallas City Code section 5.590, relating to Chronic Nuisance Properties.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are hereby added to and made a part of Dallas City Code Chapter 8:

PROPERTY MAINTENANCE REGULATIONS

**8.800 Title.**

Sections 8.800 to 8.833 shall be known as the "property maintenance regulations." and is referred to herein as "this sub-chapter."

**8.801 Purpose.**

The purpose of this sub-chapter is to protect the health, safety and welfare of city citizens, to prevent deterioration of existing structures, and to contribute to vital neighborhoods by:

- (1) Regulating and abating dangerous and derelict buildings.
- (2) Establishing and enforcing minimum standards for buildings and other structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

**8.802 Scope; conflict with state law.**

The provisions of this sub-chapter shall apply to all property in the city limits except as otherwise provided by law; however, the provisions of this sub-chapter do not apply to jails, institutions and similar occupancies as classified by the state-adopted structural specialty code. In the event that a provision of this sub-chapter conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

**8.803 Application.**

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this sub-chapter shall be done in accordance with applicable building codes as adopted by the city.

#### **8.804 Inspections.**

The building official and his or her designee, or code enforcement officer, or both, are authorized to conduct inspections to enforce the provisions of this sub-chapter.

#### **8.806 Definitions.**

(1) For the purpose of this sub-chapter:

- (a) Certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this sub-chapter.
- (b) Words used in the singular include the plural and the plural the singular.
- (c) Words used in the masculine gender include the feminine and the feminine the masculine.
- (d) The term "and" indicates that all connected items or provisions apply.
- (e) The term "or" indicates that the connected items or provisions may apply singly or in combination.
- (f) Terms, words, phrases and their derivatives used, but not specifically defined, in this sub-chapter either shall have the meanings defined in other chapters of the Dallas City Code, as the context may indicate, or if not defined, shall have their commonly accepted meanings. If a conflict exists between a definition in other chapters and a definition in this section, the definitions in this section shall apply to actions taken pursuant to this sub-chapter.

(2) The following words, terms and phrases, when used in this sub-chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Apartment house.* See *Dwelling classifications.*

*Approved* means meets the standards set forth by applicable provisions of the Dallas City Code including any applicable regulations for electric, plumbing, building, mechanical or other sets of standards included by reference in this sub-chapter .

*Basement* means the usable portion of a building which is below the main entrance story and is partly or completely below grade.

*Building* means any structure used or intended to be used for supporting or sheltering any use or occupancy.

*Building, existing,* means a building constructed and legally occupied prior to the adoption of this sub-chapter , and one for which a building permit has been lawfully issued and has not been revoked or lapsed due to inactivity.

*Building Official* means the Building Official charged with the enforcement and administration of this sub-chapter .

*Carbon monoxide alarm* means a device that detects carbon monoxide; produces a distinctive audible alert when carbon monoxide is detected; is listed by Underwriters Laboratories as complying with ANSI/UL 2034 or ANSI/UL 2075 or any other nationally recognized testing laboratory or an equivalent organization; and operates as a distinct unit, as two or more single station units wired to operate in conjunction with each other, or as part of a system that includes carbon monoxide detectors.

*Carbon monoxide source* means a heater, fireplace, furnace, appliance, or cooking source that uses coal, wood, petroleum products, and other fuels that emit carbon monoxide as a by-product of combustion. Petroleum products include, but are not limited to, kerosene, natural gas, or propane.

*Court* means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

*Duplex.* See *Dwelling classifications, Two-family dwelling.*

*Dwelling* means any structure containing dwelling units, including all dwelling classifications covered by this sub-chapter.

*Dwelling classifications.* Types of dwellings covered by this sub-chapter include:

*Apartment house* means any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.

*Hotel* means any structure containing dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.

*Manufactured dwelling.* The term "manufactured dwelling" includes the following types of single-family dwellings:

*Manufactured dwelling* does not include any unit identified as a recreational vehicle by the manufacturer.

*Manufactured home* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

*Mobile home* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and

June 15, 1976, and met the construction requirements of state mobile home law in effect at the time of construction.

*Residential trailer* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

*Single-family dwelling* means a structure containing one dwelling unit, including adult foster care homes.

*Single-room occupancy housing unit* means a one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

*Social care facilities* means any building or portion of a building which is designed, built, rented, leased, let, hired out or otherwise occupied for group residential living purposes, which is not an apartment house, single-family dwelling or two-family dwelling. Such facilities include, but are not limited to, retirement facilities, assisted living facilities, residential care facilities, halfway houses, youth shelters, homeless shelters and other group living residential facilities.

*Two-family dwelling* means a structure containing two dwelling units, also known as a "duplex."

*Dwelling unit* means one or more habitable rooms that are occupied by, or in the case of an unoccupied structure or portion of a structure, are designed or intended to be occupied by, one person or by a family or group living together as a single housekeeping unit that includes facilities for living and sleeping and, unless exempted by this sub-chapter .

*Exit (means of egress)* means a continuous, unobstructed means of escape to a public way, as defined in the building code in effect in the city.

*Extermination* means the elimination of insects, rodents, vermin, vector or other pests at or about the affected building.

*Habitable room or space* means a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

*Hotel.* See *Dwelling classifications.*

*Infestation* means the presence within or around a structure of insects, rodents, vermin, vector or other pests to a degree that is harmful to the structure or its occupants.

*Inspection* means the examination of a property by a person authorized by law for the purpose of evaluating its condition as provided by this sub-chapter.

*Inspector* means an authorized representative of the Building Official or Code Enforcement Officer whose primary function is the inspection of properties and the enforcement of this sub-chapter .

*Kitchen* means a room used or designed to be used for the preparation of food.

*Lavatory* means a fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

*Maintenance* means the work of keeping property in proper condition to perpetuate its use.

*Manufactured dwelling.* See *Dwelling classifications.*

*Occupancy* means the lawful purpose for which a building or part of a building is used or intended to be used.

*Occupant* means any person (including an owner, tenant or operator) using a building, or any part of a building, for its lawful, intended use.

*Occupied* means used for an occupancy.

*Operator* means any person who has charge, care or control of a building or part of a building.

*Owner* means the person whose name and address is listed as the owner of the property by the County Tax Assessor in the county assessment and taxation records.

*Permit* means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to an act, or failure to act.

*Plumbing* or *plumbing fixtures* means any water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, sewer, or vent lines.

*Property* means real property and all improvements or structures on real property, from property line to property line.

*Repair* means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

*Resident* means any person (including owner, tenant or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

*Residential property* means real property and all improvements or structures on real property used or, in the case of unoccupied property, intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this sub-chapter and any mixed-use structures which have one or more dwelling units.

Hotels that are used exclusively for transient occupancy, as defined in this section, are excluded from this definition of residential property.

*Residential structure* means any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. The term "residential structure" includes any dwelling as defined in this section.

*Responsible person* means an agent, occupant, lessee, tenant, contract purchaser, owner, or other person having possession or control of property or the supervision of any construction project.

*Shall*, as used in this sub-chapter, is mandatory.

*Single-family dwelling*. See *Dwelling classifications*.

*Single-room occupancy housing unit*. See *Dwelling classifications*.

*Sink* means a fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

*Sleeping room* means any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

*Smoke alarm or detector* means an approved detection device for products of combustion other than heat that is either a single station device or intended for use in conjunction with a central control panel and which plainly identifies the testing agency that inspected or approved the device.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner, including but not limited to buildings.

*Supplied* means installed, furnished or provided by the owner or operator.

*Swimming pool* means an artificial basin, chamber, or tank constructed of impervious material, having a depth of 24 inches or more, and used or intended to be used for swimming, diving, or recreational bathing.

*Toilet* means a flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

*Toilet compartment* means a room containing only a toilet or only a toilet and lavatory.

*Transient occupancy* means occupancy of a dwelling unit in a hotel where the following conditions are met:

- (a) Occupancy is charged on a daily basis and is not collected more than six days in advance;
- (b) The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy; and

(c) The period of occupancy does not exceed 30 days.

*Two-family dwelling.* See *Dwelling classifications.*

*Unoccupied* means not used for occupancy.

*Unsecured* means any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

*Yard* means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

#### **8.807 Maintenance.**

No responsible person shall maintain or permit to be maintained any property which does not comply with the requirements of this sub-chapter. All properties shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair and shall meet the minimum requirements described in this sub-chapter.

#### **8.808 Accessory structures.**

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. All accessory structures, including exterior steps and walkways, shall be maintained free of unsafe obstructions or hazardous conditions.

#### **8.809 Roofs.**

The roof of any structure shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater into approved receivers. Temporary use of tarps, sheet plastics and similar products shall be limited to a 30-day duration. Up to two, 60-day extensions may be granted upon request by the Building Official or his or her designee if needed because of inclement weather or other emergency conditions.

#### **8.810 Chimneys.**

Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

#### **8.811 Foundations and structural members.**

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. The supporting structural members in every structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

#### **8.812 Exterior walls and exposed surfaces.**

- (1) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
- (2) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to the earth shall be treated wood or wood having a natural resistance to decay.
- (3) Exterior metal surfaces shall be protected from rust and corrosion.
- (4) Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

#### **8.813 Stairs and porches.**

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

#### **8.814 Handrails and guardrails.**

Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced in accordance with current building code requirements with a permit.

### 8.815 Windows.

All windows shall be maintained in good condition and meet the following requirements or as required by building codes at the time of construction:

- (1) All windows within ten feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.
- (2) Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:
  - a. Every window sash shall be fully supplied with glass window panes without open cracks and holes.
  - b. Every window sash shall be in good condition and fit weathertight within its frames.
  - c. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

### 8.816 Doors.

- (1) Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
- (2) In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
- (3) Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.
- (4) Every exterior door shall comply with the following:
  - (a) Every exterior door shall be able to be securely locked and every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.

- (b) Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.
  - (c) Every door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.
- (5) Every existing interior door and door frame shall be maintained in a sound condition for its intended purpose with the door fitting within the door frame.

**8.817 Interior walls, floors, and ceilings.**

- (1) Every interior wall, floor, ceiling, and cabinet shall be constructed and maintained in a safe and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint, to permit the interior wall, floor, ceiling and cabinet to be kept in a clean and sanitary condition.
- (2) Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

**8.818 Interior dampness.**

Every structure, including basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

**8.819 Insect and rodent harborage.**

Every structure shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent re-infestation.

**8.820 Cleanliness and sanitation.**

The interior and exterior of every structure shall be constructed in a safe and structurally sound condition to permit the interior and exterior to be maintained in a clean and sanitary condition. The interior and exterior of every structure shall be free from accumulation of rubbish, unused appliances, discarded furniture or garbage which is affording a breeding ground for insects and rodents, producing dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or a fire hazard.

### **8.821 Bathroom facilities.**

- (1) Except as otherwise noted in this division, bathroom facilities shall be maintained in a safe and sanitary working condition.
  - (a) Every dwelling unit shall be provided with a toilet, lavatory, and a bathtub or shower.
  - (b) Every commercial building shall be provided with toilet and lavatory facilities. Exception: Toilet facilities may be located in an adjacent building on the same property for all commercial or industrial uses, except drinking and dining establishments.
- (2) In hotels, apartment houses and social care facilities where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower, each provided at the rate of one for every 12 residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.
- (3) When there are practical difficulties involved in carrying out the provisions of this section for hotels, apartment houses and social care facilities where private toilets, lavatories or baths are not provided, the Building Official may, upon application, grant modifications for individual cases. The Building Official shall first find that a special and individual reason makes the requirements of this section impractical and that the modification is in conformance with the intent of this section and that such modification does not result in the provision of inadequate bathroom facilities in the dwelling.

### **8.822 Kitchen facilities.**

- (1) Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under section 8.821 and social care facilities complying with subsection (3) of this section.
- (2) Except as otherwise provided for in subsection (3) of this section, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.
- (3) Social care facilities may be provided with a community kitchen with facilities for cooking, refrigeration, and washing utensils.

### **8.823 Plumbing facilities.**

- (1) Every plumbing fixture or device shall be properly connected to a public or approved private water system and to a public or an approved private sewer system.

- (2) Commercial structures shall be served with plumbing systems that comply with the Oregon Structural Specialty Code.
- (3) All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water-heating facilities adequate for each dwelling unit which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all sinks, lavatory basins, bathtubs and showers. Dwelling water-heating facilities shall be capable of heating enough water to permit an adequate amount of water to be drawn at every facility. Water capable of being drawn from bathtubs and showers shall not exceed 120 degrees Fahrenheit.
- (4) In every structure, all required plumbing or plumbing fixtures shall be:
  - (a) Properly installed, connected, and maintained in good working order;
  - (b) Kept free from obstructions, leaks, and defects;
  - (c) Capable of performing the function for which they are designed; and
  - (d) Installed and maintained so as to prevent structural deterioration or health hazards.
- (5) All plumbing repairs and installations shall be made in accordance with the provisions of the plumbing code adopted by the city.

#### **8.824 Heating equipment and facilities.**

- (1) All heating equipment, including that used for cooking, water heating, heat, and clothes drying shall be:
  - (a) Properly installed, connected, and maintained in safe condition and good working order;
  - (b) Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
  - (c) Capable of performing the function for which they are designed.
- (2) Every dwelling unit shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three feet from the floor in all habitable spaces.
  - (a) Portable heating devices may not be used to meet the dwelling heat requirements of this section.
  - (b) No inverted or open flame fuel burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

#### **8.825 Electrical system, outlets, and lighting.**

- (1) Any structure using power must be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, or similar reasons.
- (2) In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this section, the following outlets and lighting fixtures are required:
  - (a) Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.
  - (b) Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar nonhabitable spaces shall have one supplied electric light fixture available at all times.
  - (c) Every public hallway, corridor, and stairway in apartment houses, hotels and social care facilities shall be adequately lighted at all times with an average intensity of illumination of at least one footcandle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least one-half footcandle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor.

#### **8.826 Sleeping room requirements.**

Every room used for sleeping purposes:

- (1) Shall be a habitable room as defined in this sub-chapter; and
- (2) Shall have natural or approved artificial light, ventilation, and windows or other means for escape purposes as required by this sub-chapter.

#### **8.827 Overcrowding.**

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more than two residents for each bedroom and living or sleeping room in the dwelling unit.

### **8.828 Emergency exits.**

- (1) Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full, clear opening without the use of special knowledge, effort, or separate tools.
- (2) Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.
- (3) All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

### **8.829 Smoke alarms and carbon monoxide alarms.**

- (1) Smoke alarms or detectors shall be maintained in accordance with the requirements applicable at the time of construction of the dwelling. Notwithstanding the provisions of the requirement at the time of construction, a single station smoke alarm or detector shall be located in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. A single station smoke alarm or detector shall be installed in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements, cellars and attics with habitable space. Required smoke alarms shall not be located within kitchens or garages, or in other spaces where temperatures can fall below 40 degrees Fahrenheit (38 degrees Celsius). All alarms and detectors shall be approved, shall comply with all applicable laws, shall be installed in accordance with the manufacturer's instructions and shall be operable.
- (2) A properly functioning carbon monoxide alarm shall be installed for all new dwelling construction and all dwelling units for sale, lease or rent. A carbon monoxide alarm shall be located:
  - (a) In each bedroom or within 15 feet outside of each bedroom door; and
  - (b) In any enclosed common area within the dwelling, if the common area is connected by door, ductwork or ventilation shaft to a carbon monoxide source located within or attached to the dwelling.
- (3) Allowable carbon monoxide alarm systems for the purposes of this section include:
  - (a) Single station alarms;
  - (b) Household carbon monoxide detection systems; or
  - (c) Combination smoke and carbon monoxide alarms.

### **8.830 Hazardous materials.**

- (1) When paint is applied to any surface of a structure, it shall be lead-free.

- (2) Property shall be free of dangerous levels of hazardous or explosive materials, contamination by toxic chemicals, or other circumstances that would render the property unsafe or be detrimental to life or health.

#### **8.831 Maintenance of facilities and equipment.**

In addition to other requirements for the maintenance of facilities, such as bathrooms, kitchens, etc., and equipment described in this sub-chapter:

- (1) All facilities in structures shall be constructed and maintained to properly and safely perform their intended function; and
- (2) All facilities or equipment present in a structure shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

#### **8.832 Swimming pools.**

A swimming pool may be located within a required rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by meeting current building code barrier requirements.

#### **8.833 Penalties.**

- (1) A violation of any provision of sections 8.800 to 8.832 is a civil infraction.
- (2) Each day that a continuing violation of sections 8.800 to 8.832 exists shall be deemed a separate violation.

Section 2. Dallas City Code Section 5.590 is hereby amended as follows:

5.590. Definitions. In addition to those terms defined in section 5.500, for purposes of sections 5.590 through 5.597, the following definitions shall apply:

Chronic Nuisance Property. Property upon which three or more nuisance activities have occurred during any sixty (60) day period; or property upon which, or within 200 feet of which, any person associated with the property, including owners, tenants, occupants, guests, patrons, employees, or employers, has engaged in three or more nuisance activities during any sixty (60) day period.

Nuisance Activities. (1) Any commission, attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), the following activities, behaviors, or criminal conduct:

- (a) Alcoholic liquor violations as provided in ORS 471.105 through ORS 471.482;
- (b) Animal Abuse or Neglect as provided in ORS 167.315 through 167.330;
- (c) Animal or Dog Fighting as provided in ORS 167.355 or ORS 167.365;
- (d) Arson or related offences as provided in ORS 164.315 through 164.335;
- (e) Assault as provided in ORS 163.160 through ORS 163.185, or in section 5.010 of this code;
- (f) Criminal Mischief as provided in ORS 164.345 through 164.365, or in sections 5.120 and 5.122 of this code;
- (g) Criminal Trespass as provided in ORS 164.243 through 164.265 or or in sections 5.128 and 5.130 of this code;
- (h) Discharging a Weapon as provided in section 5.102 of this code;
- (i) Disorderly Conduct as provided in ORS 166.025 or in section 5.000 of this code;
- (j) Harassment as provided in ORS 166.065 or in section 5.006 of this code;
- (k) Illegal Gambling as provided in ORS 167.117, and ORS 167.122 through 167.127;
- (L) Intimidation as provided in ORS 166.155 through 166.165;
- (m) Menacing as provided in ORS 163.190 or in section 5.012 of this code;
- (n) Offensive Littering as provided in ORS 164.805;
- (o) Prohibited Exposure as provided in section 5.203 of this code;
- (p) Prostitution or related offenses as provided in ORS 167.007, ORS 167.012, and ORS 167.017;
- (q) Public Indecency as provided in ORS 163.465 or in section 5.202 of this code;
- (r) Rape as provided in ORS 163.375;
- (s) Sex Abuse, Contributing to the Delinquency of a Minor, or sexual misconduct as provided in ORS 163.415 through 163.445;

(t) Theft as provided in ORS 164.015 through 164.140 or in sections 5.132 through 5.136 of this code;

(u) Unlawful Entry into a Motor Vehicle as provided in ORS 164.272 or in section 5.142 of this code;

(v) Offenses involving firearms or destructive devices, including Unlawful Possession of a Firearm as provided in ORS 166.250 or in section 5.100 of this code, Possession of a Destructive Device as provided in ORS 166.382, Possession of a Hoax Destructive Device as provided in ORS 166.385, and Discharge of Weapons as provided in section 5.102 of this code;

(w) Unlawful Manufacture, Delivery, or Possession of a Controlled Substance or related offenses as provided in ORS 167.203, ORS 475.005 through 475.285, and ORS 475.940 through 475.995;

(x) Unnecessary Noise as provided in section 5.020 of this code.

(y) Maintenance of a Dangerous Building in violation of sections 8.400 through 8.455 of this code.

(z) A violation of the Property Maintenance Regulations in sections 8.800 through 8.833 of this code.

(aa) Any nuisance condition or activity in violation of sections 5.540, (Nuisances affecting public health), 5.550 (Creating a hazard), 5.552 (Attractive nuisance), 5.556 (Scattering rubbish), 5.562 (Surface waters, Drainage), 5.582 (Junk), 5.584 (Inoperable motor vehicles and recreational vehicles), 5.586 (Exterior lighting), 5.588 (Graffiti).

Read for the first time: May 19, 2014  
Read for the second time: June 2, 2014  
Adopted by the City Council: June 2, 2014  
Approved by the Mayor: June 2, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY, CITY  
ATTORNEY