

City Council

- Mayor
Brian Dalton
- Council President
LaVonne Wilson
- Councilor
Jim Brown
- Councilor
Jim Fairchild
- Councilor
Kelly Gabliks
- 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, August 4, 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. EMPLOYEE RECOGNITION / INTRODUCTION | |
| 4. 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. | |
| 5. 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. | |
| 6. 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 July 21, 2014 City Council meeting p. 3 | |
| 7. ITEMS REMOVED FROM CONSENT AGENDA | |
| 8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS a. General Comments from the Councilors and Mayor b. Report of the July 28, 2014, Administration Committee Meeting (Councilor Brown) p. 6 c. Report of the July 28, 2014, Building and Grounds Committee (Councilor Lawson) p. 10 | <p>Information</p> <p>Information</p> |
| 9. REPORTS FROM CITY MANAGER AND STAFF a. Discuss August 18 Council Meeting b. Other | <p>Motion</p> |



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.

10. RESOLUTIONS

- a. Resolution No. 3301: A Resolution calling for an election to submit to the electors of the City of Dallas the question of amending the Dallas City Charter; and adopting a ballot title for the election. p . 12

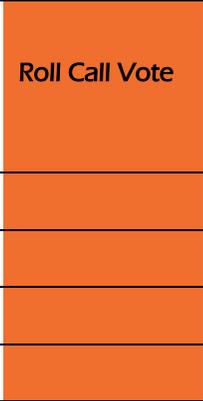
Roll Call Vote

11. FIRST READING OF ORDINANCE

12. SECOND READING OF ORDINANCE

13. OTHER BUSINESS

14. ADJOURNMENT



These final minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from July 21, 2014, forward can be found online at <http://www.dallasor.gov/archive> under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the "Council Agendas" archive.

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| DALLAS CITY COUNCIL | Monday, July 21, 2014 |
| <p>The Dallas City Council met in regular session on Monday, July 21, 2014, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.</p> | |
| <p>Council:</p> <p>Council President LaVonne Wilson, Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, and Councilor Murray Stewart. Excused: Councilor Ken Woods, Jr.</p> <p>Councilor Marshall arrived at 7:01 p.m.</p> | |
| <p>Staff:</p> <p>City Manager Ron Foggin, City Attorney Lane Shetterly, Chief of Police Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder/HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.</p> | |
| <p>Pledge of Allegiance:</p> <p>Mayor Dalton led the Pledge of Allegiance.</p> | |

| AGENDA | ACTION |
|--|---|
| 1:00 EMPLOYEE INTRODUCTION | <p>Mr. Foggin announced that the new planner, Suzanne Dufner, had been hired and would start on August 6.</p> <p>Chief Hertel introduced Sean Hoxie the new training officer for the Fire Department.</p> |
| 4:17 COMMENTS FROM THE AUDIENCE | <p>Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitor's Center, 119 SW Court St., Dallas, reported that Freedomfest was a great success, and Summerfest was coming up.</p> <p>David Shein, 1680 SW Bridlewood, Dallas, announced the Rotary Breakfast was Sunday and tickets were on sale at local businesses in town.</p> |
| 11:03 PUBLIC HEARINGS | <p>PUBLIC HEARING REGARDING A REQUEST FOR AN OFF-SITE DIRECTIONAL SIGN</p> <p>Mayor Dalton opened the public hearing regarding a request for an off-site directional sign at 7:12 p.m.</p> <p>Mr. Locke reported that a request for off-site sign from American Outdoor was proposed. He noted the sign was 32 square feet and illuminated on the existing pole at the corner of Polk Station Road and</p> |

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| | <p>East Ellendale Ave.</p> <p>Micky Garus, 2421 SW Oakwood Dr., Dallas, noted the sign would help his business in this small community and help the citizens know he is there.</p> <p>Mayor Dalton asked for comments from the public. There were none.</p> <p>Mayor Dalton closed the public hearing at 7:15 p.m.</p> <p>Mr. Foggin noted there was a letter of support from Les Oehler.</p> <p>It was moved by Councilor Lawson <i>to approve the off-site directional sign for American Outdoors.</i> The motion was duly seconded and carried with a vote of 8-0.</p> <p>PUBLIC HEARING REGARDING THE PROPOSED AMENDED DALLAS CITY CHARTER</p> <p>Mayor Dalton opened the public hearing regarding the proposed amended Dallas City Charter at 7:20 p.m.</p> <p>Mr. Shein, chair of the Citizen Charter Revision Committee, noted the proposed new Charter would take effect July 1, 2015.</p> <p>Mayor Dalton asked for comments from the public. There were none.</p> <p>Mayor Dalton closed the public hearing at 7:32 p.m.</p> <p>It was moved by Council President Wilson <i>to direct the City Attorney to draft a resolution for adoption at the August 4 Council meeting calling for an election to submit to the electors of the City of Dallas the question of amending the Dallas City Charter; and adopting a ballot title for the election.</i> The motion was duly seconded and carried with a vote of 8-0.</p> |
| <p>32:52 CONSENT AGENDA</p> <p>Item approved by the Consent Agenda: a) June 16, 2014, City Council meeting minutes; b) OLCC Application for Temporary Sales for Pressed Coffee & Wine Bar.</p> | <p>It was moved by Councilor Fairchild <i>to approve the Consent Agenda as submitted.</i> The motion was duly seconded and carried with a vote of 8-0.</p> |
| <p>ITEMS REMOVED FROM CONSENT AGENDA</p> | |
| <p>33:34 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</p> | <p>Councilor Gabliks gave Ms. Chelsea Pope praise for her work with Freedomfest.</p> <p>Councilor Lawson commended Councilor Jones for coming up with the idea for Freedomfest and</p> |

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| | making it a reality. |
| REPORTS FROM CITY MANAGER AND STAFF | |
| 39:20 JUNE FINANCIALS | Mr. Foggin reported the financials were tracking well and all the departments were on budget. |
| 40:05 PARKS MASTER PLAN UPDATE | Mr. Foggin noted a Parks Master Plan was being created with the Park Advisory Board. He announced the team would have a booth on Saturday at Summerfest and a workshop on August 19 at Kingsborough Park at 6 p.m. |
| 42:40 OTHER | Mr. Foggin announced the City App was available for download on the Apple Store and Google Play Store. He noted the City had bought a GoPro camera and would start shooting footage of the City and its departments and posting them on YouTube. |
| RESOLUTIONS | |
| FIRST READING OF ORDINANCE | |
| SECOND READING OF ORDINANCE | |
| OTHER BUSINESS | There was none. |
| ADJOURNMENT | There being no further business, the meeting adjourned at 7:45 p.m. |
| Read and approved this _____ day of _____ 2014. | |
| ATTEST: | _____ Mayor |
| _____ City Manager | |

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Members Present: Chair Jim Brown, Jackie Lawson, Kevin Marshall, Murray Stewart, and LaVonne Wilson.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, and Recording Secretary Jeremy Teal.

Chair Brown called the meeting to order at 5:25 p.m.

Council President Wilson arrived at 5:27 p.m.

UTILITY BILLING POLICY UPDATE

Mr. Foggin noted that a letter was received from Les Oheler regarding landlords having to pay the reconnect fee every time a tenant moved out so the landlord could clean, and then get reimbursed after a new tenant moved in. He stated that provision wasn't covered in the original verbiage but had been added and implemented to alleviate that situation.

FINANCE DIRECTOR'S REPORT

Ms. Ward reported the auditors had started the process and would return for a week in September. She announced that the City won the CAFR award again this year. She noted there had been a lot of garage sales.

HR MANAGER'S REPORT

Mr. Foggin reported the HR Department had been busy over the last few months with the hiring of part-time lifeguards and EMTs. He noted that a receptionist, an administrative intern, and a training officer all had been hired. He stated the new City Planner Suzanne Dufner, and the Library Manager Mark Greenhalgh-Johnson had been hired and would start the first week of August. He indicated that a new volunteer coordinator would be hired for the Fire Department.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 5:35 p.m.



AGENDA

July 28, 2014

5:00 PM

Council Chambers
Dallas City Hall
187 SE Court St
Dallas, OR 97338

- A. Call to order
- B. Utility billing policy update
- C. Finance Director's report
- D. Human Resources Manager's report
- E. Other
- F. Adjournment

COMMITTEE

Chair Jim Brown

Jackie Lawson

Kevin Marshall

Murray Stewart

LaVonne Wilson



DALLAS CITY COUNCIL
ADMINISTRATIVE COMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

| | | |
|----------------------------------|------------------------------------|---|
| <i>City of Dallas</i> | Agenda Item No. B | Topic: Utility Policy Update |
| Prepared By: Cecilia Ward | Meeting Date: July 28, 2014 | Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Approved By: Ron Foggin | | |

RECOMMENDED MOTION:
Information Only

BACKGROUND:
Effective July 1, 2013, the city implemented new policies for utility accounts including an application process, late fees, and deposit requirements. Through this past year we have adjusted some of the policies to better serve our customers. This is reflective in the updated Utility Policies and Procedures effective July 1, 2014.

FISCAL IMPACT:
None

ATTACHMENTS:
Utility Policies and Procedures, effective July 1, 2014.



City of Dallas **Revised Utility Policies and Procedures** **Effective July 1, 2014**

Customers who need to establish or to reactivate utility service need to complete an application.

In order to establish service at a new address or under a new name, the account holder must complete a new application and pay the applicable service charges and deposits.

To apply for service, each applicant is required to complete and sign an application provided by the city. In addition to a completed application, a DMV issued photo ID must be presented for all account holders. If you would like to have a joint account holder that person must complete the same process. A nonrefundable service charge of \$15.00 and a deposit are required to establish a new account. The service charge of \$15.00 is required on all accounts regardless if the water is on or off or if the account has been previously in the customer's name.

Deposits - A refundable deposit of \$125.00 (no checks) for water and sewer will be collected upon the start of new service for both a homeowner and a renter. For homeowners, the deposit will be applied to the customer's account balance after one year of payments with no late fees or upon close of service. Renter deposits will be applied to their final bill. At the time the account is closed if any deposit remains after it is applied to the final bill the remaining deposit will be refunded to the customer.

The deposit may be waived for homeowners and owners with multiple properties who have established good credit (18-months of on time payments) with the City and property management and real estate companies establishing service.

Late Fee - A utility bill is considered late if not paid by the due date. A **late fee of \$10.00** will be applied to an utility account on the eighth (8) business day after the due date if not paid in full. The due date is noted on the bill.

Disconnect Policy - Accounts delinquent after 30 days will be subject to disconnection without further notice. In the event the customer has not paid **prior** to the disconnect date and is placed on the disconnect list, full payment of the utility bill, including additional service fees, will be required before service can be restored. No checks or online payments accepted on accounts disconnected for non-payment.

Collection Fee - A collection fee of \$25.00 will be added to any account sent to collections.

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Members Present: Chair Jackie Lawson, Jim Brown, Kevin Marshall, and Murray Stewart. Absent: LaVonne Wilson.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, Community Development/Operations Director Jason Locke, and Recording Secretary Jeremy Teal.

Chair Lawson called the meeting to order at 5:00 p.m.

CARNEGIE BUILDING UPDATE

Mr. Locke reported that the Carnegie building had heat and the basic engineering evaluation of the building was good. He noted that a responsible group could take it over, or an agency that could use the building would be ideal. He stated the other option was to hold on to the building and make the minor fixes.

Mr. Foggin noted the Senior/Community Center was moving ahead on the property adjacent to the Carnegie building.

There was discussion regarding the Carnegie building, but no outcome.

COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR'S REPORT

Mr. Locke reported the Bridlewood pump station had been refurbished with new pumps and electrical panel. He noted a piece of the pump for the river at the Aquatic Center was repaired. He added that general development in the community was moving ahead.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 5:25 p.m.



THE CITY OF
DALLAS
OREGON

DALLAS
CITY HALL



Building & Grounds Committee

AGENDA

July 28, 2014

5:00 PM

Council Chambers
Dallas City Hall
187 SE Court St
Dallas, OR 97338

- A. Call to Order**
- B. Carnegie Building update**
- C. Community Development/
Operations Director's report**
- D. Other**
- E. Adjournment**

COMMITTEE

Chair Jackie Lawson

Jim Brown

Kevin Marshall

Murray Stewart

LaVonne Wilson

WELCOME
TO

DALLAS

RESOLUTION NO. 3301

A Resolution calling for an election to submit to the electors of the City of Dallas the question of amending the Dallas City Charter; and adopting a ballot title for the election.

WHEREAS, the City Council of the City of Dallas duly appointed a committee of residents to review the Dallas City charter and make recommendations for the amendment thereof; and

WHEREAS, the committee appointed by the City Council reviewed the charter and, upon the conclusion of its review, recommended to the City Council that the charter be amended and restated in its entirety; and

WHEREAS, the City Council received the recommendation of the committee and made certain changes to the proposed amended charter that was presented to the City Council; and

WHEREAS, a copy of the proposed amended and restated charter, as modified and approved by the City Council, is attached hereto as Exhibit A and by reference incorporated herein; and

WHEREAS, the City Council has determined, and hereby determines, that the amendment and restatement of the charter in the manner set forth on Exhibit A is in the best interest of the City of Dallas and its residents, and should be placed before the electors of the City for adoption;

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

Section 1. That an election is hereby called for the purpose of placing a question on the ballot of whether the city charter of the City of Dallas should be amended and restated in its entirety as set forth in Exhibit A, attached hereto.

Section 2. That the Election hereby called shall be held in the city on November 4, 2014.

Section 3. The city Elections Officer shall publish in the next available edition of a newspaper of general distribution in the city a notice of receipt of the ballot title

including notice that an elector may file a petition for review of the ballot title not later than the seventh business day after the date thereof.

Section 4. That the city approves the ballot title for the Notice of Measure Election, attached hereto as Exhibit B, and by reference incorporated herein. The city Elections Officer shall deliver the attached ballot title for the Notice of Measure Election to the Elections Officer of Polk County, Oregon, not later than the 61st day prior to November 4, 2014.

Section 5. That the City Recorder shall post notice of the election and the attached ballot title at Dallas City Hall and in one public place in each voting precinct of the City, as provided in Section 24 of the Dallas Charter.

Section 6. That the County Clerk of Polk County, Oregon, shall conduct the election in accordance with the laws of the State of Oregon.

Adopted: August 4, 2014
Approved: August 4, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

EXHIBIT A

DALLAS CHARTER OF 2014

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF DALLAS, POLK COUNTY, OREGON AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT, EXCEPT AS PROVIDED HEREIN.

Be it enacted by the people of the city of Dallas, Polk County, Oregon:

CHAPTER I
Name and Boundaries

Section 1. Title of Enactment. This charter may be referred to as the City of Dallas Charter of 2014.

Section 2. Name of City. The city of Dallas, Polk County, Oregon, shall continue as a municipal corporation with the name "City of Dallas."

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or may hereafter be modified in a manner provided by law. The city will maintain as a public record an accurate and current description of the boundaries.

CHAPTER II
Powers

Section 4. Powers of the City. The city shall have all powers that the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the city would have if the particular power were not mentioned. The charter shall be liberally construed so that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may exercise pursuant to state and federal laws and to the municipal home rule provisions of the state constitution.

CHAPTER III
Form of Government

Section 6. Where Powers Vested. The Oregon Constitution reserves initiative and referendum powers as to municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council may not delegate its authority to adopt ordinances.

Section 7. Council. The council shall be composed of nine council members elected from the city at large.

Section 8. Council Members. The council members in office at the time this charter is adopted shall continue in office, each until the end of their terms of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, four or five council members, as the case may be, shall be elected, each for a term of four years.

Section 9. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. Manager and Other Officers. Additional officers of the city shall be a city manager, who shall be appointed and subject to removal by the council in consultation with the mayor, and such other officers as the council deems necessary.

Section 11. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of election or, in the case of appointment to fill a vacancy in an elective office under Chapter VII, Section 33, he or she is a qualified elector within the meaning of the state constitution and has been a resident of the city for the 12 months immediately preceding the election or appointment. The council shall be final judge of the qualifications and election or appointment of its own members.

CHAPTER IV
Council

Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor may, and at the request of three members of the council must, by giving notice to the council, call a special or emergency meeting of the council. A special meeting shall be called for a time not earlier than 24 hours after the notice is given. Emergency meetings may be held on less than 24 hours' notice, subject to the

requirements of state law. In the absence or incapacity of the mayor, an emergency meeting may be called by the council president or, in the absence of the council president, by the most senior member of the council available to call the meeting.

Section 14. Quorum. A majority of members of the council constitutes a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance or the rules of the council.

Section 15. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

Section 16. Proceedings To Be Public. No action by the council shall have legal effect unless the motion for the action and the vote on the motion takes place at a meeting open to the public.

Section 17. Mayor's Functions at Council Meetings. The mayor shall be chair of the council and preside over its deliberations. The mayor is entitled to vote in case of a tie vote of the council, except on the final passage of an ordinance. The mayor shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. President of the Council. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it and shall be entitled to vote when presiding over the council as president in place of the mayor. Whenever the mayor is unable to perform the functions of the mayor's office, the president shall act as mayor, but shall not have the power of veto.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the whole number of the council shall be necessary to decide any question before the council. A council member who is present for a vote of the council may not abstain from voting, but must vote aye or nay, and the council may postpone a vote, or recess or adjourn a meeting of the council, to compel an absent council member to attend and vote.

CHAPTER V

Powers and Duties of Officers

Section 20. Mayor. The mayor shall appoint committees as provided by ordinance, resolution or the rules of the council, shall sign all approved records of proceedings of the council and shall have the power of veto as provided in chapter VIII, Section 31, of this charter. After the council approves a bond for a license, contract, or proposal, the mayor shall endorse the bond.

Section 21. City Manager.

(a) Qualifications. The city manager shall be the administrative head of the government of the city. The manager shall be chosen by the council without regard to political considerations and solely with reference to the manager's executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment. But immediately following appointment the manager shall become and remain a resident of the city during his or her entire term of office. Before taking office, the manager shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(b) Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council.

(c) Powers and duties. The manager shall:

(1) Devote his or her entire time to the discharge of the manager's official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

(2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed.

(3) Appoint and may remove appointive city officers and employees except as this charter or the ordinances of the city otherwise provide, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council or over the judicial activities of any municipal judge that may be appointed by the council.

(4) Act as purchasing agent for all departments of the city. All purchases shall be made by requisition authorized by the manager.

(5) Be the budget officer of the city and, as such officer, be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) Supervise the operation of all public utilities and facilities owned and operated by the city and shall have general supervision over all city property.

(7) Be the clerical and accounting officer of the city. The manager is clerk of the council and shall keep a fair and correct journal of the proceedings of the council and shall be custodian of all papers and books connected with the business of the council. The manager shall sign all checks and warrants or otherwise authorize the payment of money out of the city treasury.

(8) Perform other duties as directed by the council.

(9) Have the authority to delegate duties, but will remain responsible for acts of all subordinates.

(d) Seats at council meetings. The manager and such other officers as the council designates shall sit with the council but shall have no vote on questions before it. The manager may take part in all council discussions.

(e) Manager pro tem. In case of the manager's absence from the city, temporary disability to act as manager, discharge by the council, or resignation, the council shall appoint a manager pro tem who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the council.

(f) Ineligible persons. No person related to the manager or the manager's spouse by consanguinity or affinity within the third degree, nor the manager's spouse, shall hold any appointive office or employment with the city.

(g) Neither the mayor nor any council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, the mayor and councilors may discuss or suggest anything with the manager relating to city business.

Section 22. Municipal Court and Judge. The council may, by ordinance, establish a municipal court, and may appoint and remove a municipal judge as provided by ordinance.

CHAPTER VI

Elections

Section 23. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof. All elections for city offices must be nonpartisan.

Section 24. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns shall be filed with the manager on or before noon of the day following, and not later than five days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the council meeting record. The council meeting record shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the manager shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 25. Commencement of Terms of Office. The terms of office of a person elected at a regular city election shall commence the first day of January of the year immediately following the election.

Section 26. Oath of Office. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon, and the charter and ordinances of the City of Dallas.

Section 27. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

Chapter VII Vacancies in Office

Section 28. What Creates Vacancy. An office becomes vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Conviction of a felony, other offense pertaining to the office, or unlawful destruction or falsification of public records;
- (4) Resignation; or
- (5) Recall from office.

(b) Upon declaration of the council after:

(1) The incumbent ceases to possess the qualifications for the office;

(2) The failure of the person elected or appointed to the office to qualify for the office within 10 days after the time for his or her term of office to commence; or

(3) In the case of the mayor or a council member, upon his or her absence from the city for 30 days without the consent of the council or absence from meetings of the council for 60 days without like consent.

(4) In the case of a council member, upon his or her refusal to vote on a matter as required in Chapter IV, Section 19, or if the council member has absented himself or herself from a meeting of the council for the purpose of avoiding a vote.

(5) In the case of the mayor or a council member, the council has determined the person has violated Chapter V, Section 21 (g).

Section 29. Filling of Vacancies. Vacancies in elective offices in the city shall be filled by vote of a majority of the incumbent members of the council. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the appointee's predecessor. During the temporary disability of any officer or during his or her absence temporarily from the city for any cause, his or her office may be filled pro tem in the manner provided for filling vacancies in office permanently except as otherwise provided herein.

CHAPTER VIII **Ordinances**

Section 30. Enacting Clause. The enacting clause of all ordinances shall be, "The City of Dallas does ordain as follows:"

Section 31. Mode of Enactment.

(a) Except as otherwise provided in this section, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.

(b) Except as otherwise provided in this section, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only (1) if no council member present at the meeting requests to have the ordinance read in full or (2) if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city manager not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by (i) written notice posted at the city hall and two other public places in the city or (ii) advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone will have no legal effect if it differs substantially from its terms as it was filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.

(e) Upon the enactment of an ordinance the manager shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor, if the mayor approves the ordinance, shall sign it with the date of the mayor's signature, the mayor's name, and the title of the mayor's office. If the mayor does not approve of the ordinance, the mayor must, within 10 days of the receipt thereof, return it to the city manager with his or her reasons for not approving it in writing. At the first meeting of the council after the return of an ordinance which is not approved by the mayor, the city manager shall deliver it to the council with the mayor's reasons for not approving it in writing. The ordinance shall then be put upon its final passage again and if two-thirds of the whole number of the council vote for its passage, it shall become law without the approval of the mayor.

Section 32. When Ordinances Take Effect. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX

Public Improvements

Section 33. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 34. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by ordinance or to the extent not so governed, by state law.

Section 35. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by ordinance or, to the extent not so governed, by state law.

CHAPTER X
Bonds

Section 36. General Obligation and Revenue Bond Authority. The city council may issue and sell general obligation or revenue bonds, or a combination thereof, of the city at any time without further charter authority, subject to and as provided by state law.

CHAPTER XI
Miscellaneous Provisions

Section 37. Debt Limit. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 38. Existing Ordinances Continued. Any ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 39. Repeal of Previously Enacted Provisions. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed; provided, those sections of the prior charter that authorized the issuance of bonds for financing public improvements and in respect to which the bonds or some part thereof are outstanding obligations of the city at the time this charter takes effect shall remain in effect until the bonds so authorized have been fully paid.

Section 40. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 41. Time of Effect of Charter. This charter shall take effect July 1, 2015.

EXHIBIT B

NOTICE OF MEASURE ELECTION CITY OF DALLAS, POLK COUNTY, OREGON

Notice is hereby given that on Tuesday, November 4, 2014, an election will be held in the City of Dallas, Polk County, Oregon. The following shall be the ballot title for the measure submitted to the electors thereof.

CAPTION:

Proposed new City Charter for Dallas, Oregon.

QUESTION:

Should Dallas adopt the proposed new City Charter?

SUMMARY:

This measure, if adopted, would adopt a new Charter for the City of Dallas. The Charter is the basic document governing how city government functions. The city's current charter was adopted in 1964. The proposed Charter would keep many of the same provisions as the existing Charter, such as the number of council members and the term of the mayor and council, and provision for a city manager as the city's chief administrative officer. The proposed charter includes new provisions requiring council members to vote on a matter if they are present for a vote; prohibiting the mayor or a council member from coercing the city manager; and adopting state law in place of specific provisions regarding elections and municipal bonds. The proposed charter eliminates the current charter provision for appointment of a municipal judge; state law authorizes the city to establish a municipal court without the need for charter authority. The proposed charter eliminates gender-specific language in the current charter. A copy of the proposed Charter is available at <http://www.ci.dallas.or.us> and at City Hall.