



City Council

Mayor
Brian Dalton

Councilor
Jim Fairchild

Councilor
Kelly Gabliks

Councilor
Micky Garus

Councilor
Bill Hahn

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
Ken Woods, Jr.

Councilor
LaVonne Wilson

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

Director of Engineering
& Environmental
Services
Fred Braun

City Recorder
Emily Gagner

Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, February 2, 2015

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 <i>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.</i>	
5. PUBLIC HEARINGS <i>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.</i>	
6. CONSENT AGENDA <i>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.</i>	
<ul style="list-style-type: none"> a. Approve minutes of January 20, 2015 City Council meeting Pg. 3 b. Appoint Tory Banford and Paul Trahan and reappoint Pete Christensen to the Budget Committee Pg. 7 	Motion
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
<ul style="list-style-type: none"> a. General Comments from the Councilors and Mayor b. Report of the January 26, 2015, Administrative Committee Meeting (Councilor Gabliks) Pg. 12 c. Report of the January 26, 2016, Building & Grounds Committee (Councilor Marshall) Pg. 40 	Information Information Page 1



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.

9. REPORTS FROM CITY MANAGER AND STAFF

- | | | |
|---|--------|-------------|
| a. Council Rules of Procedure update | Pg. 42 | Motion |
| b. Dallas Comprehensive Plan: Chapter 1 Intro | Pg. 60 | Information |
| b. Legislative update | | Information |
| c. Council goals update | | Information |
| d. Other | | |

10. RESOLUTIONS

11. FIRST READING OF ORDINANCE

Pg. 71

- | | |
|---|---------------|
| a. <u>Ordinance No. 1774</u> : An Ordinance repealing Ordinance 1735, relating to oath of office. | First Reading |
|---|---------------|

12. SECOND READING OF ORDINANCE

13. OTHER BUSINESS

14. ADJOURNMENT

These 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 January 20, 2015, 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.

DALLAS CITY COUNCIL	Tuesday, January 20, 2015
<p>The Dallas City Council met in regular session on Tuesday, January 20, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.</p>	
<p>Council:</p> <p>Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Council President Jim Fairchild</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, Director of Engineering and Environmental Services Fred Braun, Finance Director Cecilia Ward, 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
EMPLOYEE INTRODUCTION/RECOGNITION	There were none.
2:16 COMMENTS FROM THE AUDIENCE	<p>Bob Thiessen, 470 SE Academy, read a letter regarding the future possible use of the Tyco building and a marijuana business, a copy of which is attached to these minutes and incorporated herein.</p> <p>Margo Lucas, legislative liaison for SCIA, Polk County Oregon, not to persuade anyone toward marijuana but to help with anything the City might need and offered herself as an informational consultant.</p> <p>Walt Markee, 4325 Cooper Hollow Road, retired narcotics state police officer, offered his law enforcement knowledge as an informational consultant with regard to the decision facing the Council related to marijuana.</p>
13:45 PUBLIC HEARINGS PROPOSED SUPPLEMENTAL BUDGET FOR FY 2014-15	<p>Mayor Dalton opened the public hearing on the proposed supplemental budget for FY 2014-15 at 7:15 p.m.</p> <p>Ms. Ward stated that a supplemental budget was required by State Law if the total expenditures exceeded 10%. She explained this was related to trust donations and the Capital Projects fund.</p>

	<p>Mayor Dalton asked for comments or questions from the audience.</p> <p>There were none.</p> <p>Mayor Dalton closed the public hearing at 7:16 p.m.</p>
<p>1:38 CONSENT AGENDA</p> <p>Items approved by the Consent Agenda: a) approve minutes of January 5, 2015 City Council meeting: b) appoint Certifying Officer for the Senior Center CDBG project.</p>	<p>It was moved by Councilor Gabliks <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>There were none.</p>
<p>15:50 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</p>	<p>There was discussion among the Councilors regarding the possible Polk County Safety Levy.</p>
<p>REPORTS FROM CITY MANAGER AND STAFF</p>	
<p>23:00 AUDITOR PRESENTATION</p>	<p>Kami Austin, Partner, Merina & Co., stated the audit was completed with no findings of non-compliance.</p>
<p>31:30 COUNCIL RETREAT AND COAL UPDATE</p>	<p>Mr. Foggin stated Jensen Strategies was hired to help fulfill the Dallas 2030 vision. He noted 35 employees participated in workshops and gave valuable feedback. He commented that Jensen Strategies would be calling each Councilor to get their feedback regarding the 2030 vision.</p> <p>Mr. Foggin announced the Council retreat would be Saturday, March 14 and would be an all day retreat.</p>
<p>34:33 DECEMBER FINANCIALS</p>	<p>Mr. Foggin noted the budget was standard. He commented there were some departments close to exceeding expenditures and spending practices would be implemented to help realign the budget.</p>
<p>OTHER</p>	
<p>36:59 RESOLUTIONS</p> <p>Resolution No. 3313 – A Resolution adopting and appropriating a supplemental budget for fiscal year 2014-2015.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3313 to have PASSED BY A UNANIMOUS VOTE with Councilor Kelly Gabliks, Councilor Mick Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p> <p>A roll call vote was taken and Mayor Dalton</p>

<p>Resolution No. 3314 – A Resolution authorizing the transfer of budgetary funds.</p>	<p>declared Resolution No. 3314 to have PASSED BY A UNANIMOUS VOTE with Councilor Kelly Gabliks, Councilor Mick Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p>FIRST READING OF ORDINANCE</p>	
<p>38:20 SECOND READING OF ORDINANCE Ordinance No. 1773 – A Ordinance adopting amendments to the Dallas Transportation System Plan.</p>	<p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1773 to have PASSED BY A UNANIMOUS VOTE with Councilor Kelly Gabliks, Councilor Mick Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p>EXECUTIVE SESSION</p>	
<p>OTHER BUSINESS</p>	<p>There was none.</p>

<p>ADJOURNMENT</p>	<p>There being no further business, the meeting adjourned at 7:39 p.m.</p>
<p>Read and approved this _____ day of _____ 2015.</p> <p style="text-align: center;">_____</p> <p>ATTEST: Mayor</p> <p>_____ City Manager</p>	

<p> </p>

January 17, 2015 Good evening ladies and gentleman

To: Dallas City Mayor, City Manager and Members of the city council

My Name is Robert Thiessen, I live at 470 SE Academy street, Dallas, and I have been a resident here for over 70 years. Generally I prefer to be a part of the silent majority. But the recent newspaper article on possible future use of the old Pragatzer/ Tyco building forced me out.

I love this town and I live here because I still want to. First of all I want to thank each of you for taking time away from your families to make sure that our city is the kind of place we all can continue to be proud of.

Actually I am shocked and very disappointed that we are even here having to talk about the possibility of a Marijuana Production facility to be located in our town. I expected better of our elected and hired leaders than to even consider the idea of a pot growing facility in our community, especially one located just a block from our local high school. And what about property values in Dallas as our pot growing reputation grows?

Please talk to any of our hard working police officers if you still think this is a good fit for Dallas. How many businesses, with good family wage jobs, will you be able attract to our community with us being known as the pot growing capital of Oregon?

May I be among the first to beg you to not allow this type of industry in our community, especially since Polk County did not want the marijuana laws changed anyway.

Let them go where they like this kind of thing. Please, Please do not make Dallas the grow center for Oregon. How many of you actually think that the employees won't be there own best customers. Of course, I know that marijuana is legal in the State of Oregon. Please don't kid yourself; the ramifications of a facility such as this in our community will create a much heavier burden on our hard working police department.

I would like to see a show of hands from you, how many would be proud to have your son/daughter or grandchildren work 40 hrs a week in that toxic social and chemical environment as a long term career choice?

The voters will be watching your progress on this important issue, sincerely hoping you will make the decision to not go forward with this plan. What can possibly be worth the risk to those among us who are vulnerable to abusing drugs and the harm to families it will cause. Please out of respect for families already being challenged do everything you can to limit access to drugs in manufacturing or dispensaries in our city.

Thank you for allowing me to share my views on this very important issue.

Respectfully Robert Thiessen

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No.	Topic: Budget Committee Appointments
Prepared By: Emily Gagner	Meeting Date: February 2, 2015	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Approval of the Consent Agenda would appoint Tory Banford and Paul Trahan and reappoint Pete Christensen to the Budget Committee.

BACKGROUND:

Effective December 31, 2014, the terms for Budget Committee members William Brite and Pete Christensen expired. Additionally, Bill Hahn was elected to the Council, leaving his remaining term on the Budget Committee vacant. Mr. Brite was not interested in serving another term. Mr. Christensen expressed his desire to serve another term. We advertised for the two vacancies and received 2 applications for the positions.

I've attached copies of the 2 interested citizens' applications. Staff has reviewed these and feels both would provide good insight to the budget process. We recommend appointing Paul Trahan and Tory Banford to the Budget Committee and reappointing Pete Christensen to the Budget.

FISCAL IMPACT:

None

ATTACHMENTS:

Applications from Mr. Banford and Mr. Trahan



CITIZEN COMMITTEE INTEREST FORM

Name: Tory BanfordAddress: [REDACTED]

Mailing Address: _____

Phone: Work: [REDACTED] Home: [REDACTED]E-mail Address: [REDACTED] Yrs as Dallas Resident: _____Occupation and Employer: Management, City of Salem Urban DevelopmentEmployer's Address and Telephone: [REDACTED]May we contact you at work? Yes No

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Budget Committee | <input checked="" type="checkbox"/> Parks and Recreation Board |
| <input checked="" type="checkbox"/> Citizens Advisory Committee for
the Comprehensive Plan | <input checked="" type="checkbox"/> Planning Commission |
| <input checked="" type="checkbox"/> Economic Development
Commission | <input checked="" type="checkbox"/> Urban Renewal District Advisory
Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> 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.

I've worked at the City of Salem for over 5 years as a planner,
analyst, and in project management. I have also held various
positions in a consultant firm and large manufacturing companies.
I have an undergraduate degree in planning and a masters in
business administration and I enjoy community service.

Educational Background

High School: Sky View High

Graduated GED

College: Utah State University
University of Colorado

Degree: B.S. Land Arch and Planning
M.B.A. Operations Management

Previous Volunteer/Committee Experience:

Volunteer Agency: Boy Scouts of America Scout Committee Chair

Address: [REDACTED]

Telephone: [REDACTED]

Duties: Organized fund-raising activities, board of review meetings, and rank advancements.

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.

[Handwritten Signature]
Applicant's Signature

10/27/14
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: _____



CITIZEN COMMITTEE INTEREST FORM

Name: Paul Trahan

Address: [REDACTED]

Mailing Address: Same

Phone: Work: [REDACTED] Home: _____

E-mail Address: [REDACTED] Yrs as Dallas Resident: 14+

Occupation and Employer: Retired/Consultant and ME

Employer's Address and Telephone: same as above

May we contact you at work? Yes No

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Budget Committee | <input type="checkbox"/> Parks and Recreation Board |
| <input checked="" type="checkbox"/> <u>Citizens Advisory Committee for the Comprehensive Plan</u> | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Economic Development Commission | <input type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input checked="" type="checkbox"/> 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.

I have previously served on the budget committee, Charter Review Committee, Citizens advisory Committee for the Development Code, School Bond Committee. I'm very familiar with Budgets and the preparation of Budgets

Educational Background

High School: Radford HS, Honolulu, Hawaii

Graduated GED

College: The George Washington University, Wash. D.C.

Degree: BS

Previous Volunteer/Committee Experience:

Volunteer Agency: Perrydale School District since 2005

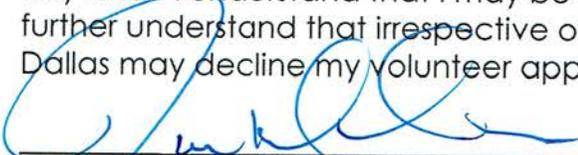
Address: _____ Telephone: (503) 623-2040

Duties: Athletic Trainer and Softball Coach

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: _____

Members Present: Chair Kelly Gabliks, Jim Fairchild, Bill Hahn, Jackie Lawson, and Kevin Marshall.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, Park Supervisor Ron Lines, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Gabliks called the meeting to order at 4:01 p.m.

COUNCIL RULES OF PROCEDURE UPDATE

Ms. Gagner explained the changes to the Council Rules of Procedure were proposed to ensure a smooth transition to the newly adopted Charter in July. She reviewed the proposed changes.

Mayor Dalton recommended changing Section 4.2 regarding Council work sessions as they were no longer on Wednesdays. The Committee agreed to remove that language and have it just read "...at a time and place in the City that the Council may prescribe

It was moved by Council President Fairchild *to recommend the Council approve the Council Rules of Procedure with the revision regarding work sessions.* The motion was duly seconded and carried with a vote of 5-0.

REVIEW FRAUD POLICY

Mr. Foggin stated there were no proposed changes to the policy, but the Council was required to review it every two years per the policy language. The Committee had no changes.

REVIEW ECONOMIC DEVELOPMENT POLICY

Mr. Foggin stated there were no proposed changes to the policy, but the Council was required to review it every two years per the policy language. The Committee had no changes.

FINANCE DIRECTOR'S REPORT

Ms. Ward explained the Finance Department's role in the automatic meter reading process was to enter the received information into the financial software, as well as the meter software. She noted staff was working on the financial long range planning for the upcoming budget. She reported that 30% of utility customers were paying online.

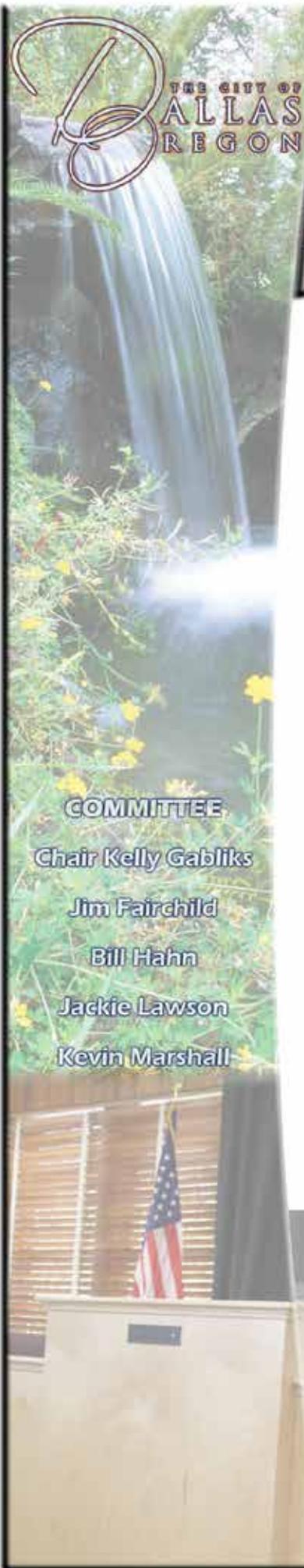
HUMAN RESOURCES MANAGER'S REPORT

Ms. Gagner reported the City had offered Mike Sunday the Code Enforcement position and a part time paramedic was hired.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:15 p.m.



AGENDA

January 26, 2015

4:00 PM

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

- A. Call to order
- B. Council Rules of Procedure update Pg. 2
- C. Review Fraud Policy PG. 20
- D. Review Economic Development Policy PG. 26
- E. Finance Director's report
- F. Human Resources Manager's report
- G. Other
- H. Adjournment

COMMITTEE

- Chair Kelly Gabliks
- Jim Fairchild
- Bill Hahn
- Jackie Lawson
- Kevin Marshall

DALLAS CITY COUNCIL

ADMINISTRATIVE SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. B	Topic: Council Rules of Procedure Update
Prepared By: Emily Gagner	Meeting Date: January 26, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggini		

RECOMMENDED MOTION:

Motion to forward the proposed Council Rules of Procedure changes to the full Council with a recommendation to adopt them.

BACKGROUND:

As discussed at our last workshop, there are some changes we're required to make in order to make a smooth transition to our newly adopted Charter in July of this year. Some of those changes can be made by changes to the Council Rules of Procedure. The City Attorney has provided a copy of the proposed amendments to the Rules of Procedure and they are attached to this report in "track changes" format.

FISCAL IMPACT:

None

ATTACHMENTS:

Draft amended Council Rules of Procedure.



City Council Rules of Procedure

First Review Date January 27, 2009
Adopted by Council December 5, 2011
Amended by Council February 4, 2013
Amended by Council October 20, 2014
Amended by Council February XX, 2015

SECTION 1 – PURPOSE

The purpose of this document is to outline the rules of the Council and procedures for Council proceedings.

SECTION 2 – AUTHORITY

The Charter of the City of Dallas provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council and shall remain in effect until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy.

SECTION 3 – GENERAL RULES

3.1 Open Meetings

All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law (ORS 192.610 to 192.690) which is herein incorporated by reference into these rules. To the extent that any local procedure conflicts with the Public Meetings Law, the latter shall prevail. No final action of the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.

3.2 Quorum; [Compelling Attendance](#)

A majority of the members of the Council shall constitute a quorum for its business. [Chapter IV, Section 14 of the City Charter provides that if less than a quorum is present for a meeting, a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance or the rules of the council. In that case, a majority of the members present may direct the Chief of Police, or a city police office under the direction of the Chief, to undertake a search for the absent members and bring them to the council meeting. Council members consent to be brought by the Chief of Police or a city police office under the direction of the Chief when acting under the authority of this rule.](#)

3.3 Rules of Order

Proceedings of the Council shall be conducted according to the provisions of the City's Charter, the City Code, these rules, and, when not so governed, in accordance with the parliamentary procedure contained in *Robert's Rules of Order*. However, strict adherence to the requirements of these rules is not required. No action of the Council shall be in violation of this section or deemed invalid for the reason that the action was not in conformance with *Robert's Rules of Order*. Any Councilor may move a question, second a motion, debate and vote.

3.4 Address by Council Members

Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager or the City Attorney. The City Manager may respond directly or may redirect the inquiry to a staff member.

SECTION 4 – COUNCIL MEETINGS

4.1 Regular Meeting

The Dallas City Council will meet in regular session at least once per month. The regular meeting shall be held on the first and/or third Monday of each month at such place and hour as the Council may prescribe. If the regular meeting falls on a legal holiday, the meeting shall be convened at the same time and place on the next business day, unless the meeting has been cancelled by the Council in accordance with Rule 4.7

4.2 Work Sessions

In addition to the regular meetings of the Council under Rule 4.1, a meeting, or any portion thereof, may be designated as a work session. The City Council may hold a work session on the second Wednesday of each month in the Council Chambers or at another time and place in the City that the Council may prescribe. Work sessions will be used to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject. Typically, a work session designation indicates that matters of substance will be discussed, but that final action will not be taken. Notice of work sessions shall be given in the same manner as notice of regular meetings. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer by a majority vote of the Council members.

4.3 Special Meetings

The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council for a time not earlier than three nor later than forty-eight hours after the notice is given. Only the subject(s) listed on the special meeting agenda may be acted upon.

4.4 Emergency Meetings

In the case of an actual emergency, an emergency meeting of the Council may be called by common consent of all available Councilors upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. Attempts will be made to contact the media to provide notice of the emergency meeting. [Chapter IV, Section 13 of the City Charter provides that 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.](#)

4.5 Executive Session

The Mayor may call any regular, special, or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings. Prior to opening an executive session, the Presiding Officer shall announce:

- a) The purpose of the executive session;
- b) The state statute authorizing the executive session; and
- c) Notification to all present, including the media, that matters discussed in executive session are not to be disclosed or reported to the public.

Executive sessions shall be held in accordance with the Oregon Public Meetings Law. Matters discussed in executive session shall be exempt from public disclosure pursuant to state statutes. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered. To make a final decision, the Presiding Officer shall call the meeting into open session or place the decision on the agenda of a future open session. Executive session shall be closed to all persons except:

- a) The City Council;
- b) Persons reporting to the Council on the subject of the executive session;
- c) The City Manager unless directed otherwise by the Council;
- d) News media representatives, unless excluded by the Public Meeting Law (The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session);
- e) And other persons authorized by the City Council to attend.
- f) No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

Council members will keep all written materials and verbal information provided to them in executive session or on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Administrator or the City Attorney, except that a Councilor may describe generally the purpose for which an executive session was held.

If the Council, pursuant to an executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiation or litigation. A Council member shall not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

4.6 Attendance by Telephone or Other Electronic Media

Any Council or committee meeting may, upon Council or committee approval or, in the event of an emergency, upon determination by the Mayor (or, in the case of a committee of the council, by the committee chair), be conducted by telephonic conference call or other electronic communication, and any Councilor may participate in such a meeting by telephone or other electronic communication, as available. Notice and opportunity for public access to a meeting held by telephonic conference call or other electronic communication shall be provided, and such meeting shall be conducted in accordance with the Oregon Public Meetings Law. For non-executive sessions of the Council or committee, meetings held by telephonic conference call or other electronic communication must provide at least one place where members of the public can hear (or hear and see) the meeting by speakers or other devices. For executive sessions at which media attendance is provided under the Public Meetings Law, the media must be provided with at least one place where the media can hear (or hear and see) the meeting by speakers or other devices.

4.7 Cancellation of Meeting

Upon a majority vote of the members of the City Council present, a meeting may be cancelled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted on the bulletin board at City Hall, distributed to members of the media, and to interested citizens.

4.8 Americans With Disabilities Act

All meetings of the Council shall be held in compliance with the Americans with Disabilities Act.

4.9 Attendance Duty

It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII, Section [28\(b\)\(3\)](#)~~32~~ that a Council office shall be deemed vacant upon a Councilor's absence from the city for 30 days without the consent of Council or upon the absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

- a) Illness;
- b) Family obligations;
- c) Employment requirements;

- d) Scheduled vacations; or
- e) Other City business

4.10 Excused Absence

When a Council member cannot attend a meeting of the Council for one of the reasons described in Rule 4.9 a) – e), the member shall notify the City Recorder prior to the meeting and the member's absence shall be deemed excused. If the member's absence is for a reason other than described in Rule 4.9. a) – e), the member shall notify the Council President prior to the meeting, and must state the reason for his or her absence. If the Council President determines the reason is for good cause, as identified in Rule 4.9, above, the Council President will excuse the absence and notify the City Clerk and, if there are no objections from other Councilors, the absence shall be listed in the minutes as excused. If the Council President does not excuse the absence the Council President will notify the City Clerk and inform the Council at the meeting and, if there are no objections from other Councilors, the absence shall be listed in the minutes as unexcused. If a Councilor objects to the Council President's determination that another Councilor's absence is excused or unexcused, the Council will determine the question by vote. A Councilor whose absence has been determined to be unexcused may, at the next meeting at which the Councilor is in attendance, ask the Council to reconsider its determination.

SECTION 5 – THE PRESIDING OFFICER

5.1 Mayor

The Mayor shall preside at all regular and special meetings, work sessions, and executive sessions of the City Council. 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 preserve order and enforce the rules of the Council.

5.2 Council President

At the first meeting of the Council in each odd-numbered year, the Council will elect a Council President from its membership. In the Mayor's absence from a Council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of his office, the President shall act as Mayor.

5.3 Sergeant at Arms

The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms.

5.4 Absence of Mayor and Council President

In the absence of the Mayor and Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. The Presiding Officer will immediately assume the duty of Sergeant at Arms, or appoint a designee to do so. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.

SECTION 6 – DECORUM AND ORDER

6.1 Presiding Officer

The Presiding Officer shall enforce the rules of the Council. In addition, the Presiding Officer has the authority to preserve decorum and decide all points of order, subject to the appeal to the Council. The Presiding Officer shall enforce order, prevent personal attacks or impugning members' motives, and restrict in debate to the question under discussion.

6.2 Councilors

Councilors shall maintain order and decorum during Council meetings, and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the order of conduct or these Rules. Councilors shall when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

6.3 Staff and Public

All persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.

6.4 Removal of Any Person

The Presiding Officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the matter of order or procedure. The Presiding Officer or Sergeant at Arms may summon the assistance of the City of Dallas Police to assist in maintaining order. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule.

**SECTION 7 – AGENDA AND ORDER OF BUSINESS; STAFF REPORTS AND CITY ATTORNEY
REVIEW OF CERTAIN ACTIONS**

7.1 Setting the Agenda

The Mayor and City staff shall determine the business to be placed on the Council meeting agenda. Any Councilor may request that an item be placed on the Council agenda.

7.2 Consent Agenda

A consent agenda will be among the first items on the Council agenda. At the beginning of the Council meeting, the Presiding Officer will ask if any Council member wishes to have any item removed from the consent agenda for deliberation. If any Council member requests that an item be removed, it will be removed. Any item removed from the consent agenda shall be discussed and acted upon following approval of other consent agenda items. When there are no more items to be removed, the Presiding Officer will ask the Council for a motion to approve the consent agenda.

7.3 Agenda Distribution

Promptly after it is developed, the agenda for a regular meeting or work session shall be distributed with any supporting materials not later than 48 hours prior to the meeting to members of the Council, staff, news media, and interested citizens who have requested the agenda. The agenda for a special or emergency meeting shall be made available as appropriate under the circumstances.

7.4 Special Accommodations

All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans with Disabilities Act and that persons needing accommodations may contact the City Manager's office at least 48 hours prior to the meeting time to request necessary accommodations. Such notice shall provide the telephone number at which the City Manager may be contacted.

7.5 Alteration of the Agenda

- a) New Matters: Except in emergency meetings, matters not on the printed agenda may come before the Council as determined by the Presiding Officer or a majority of the Council.

7.6 Order of Business

The general rule to the business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor’s attendance or absence in the record, under the guidelines set forth in Section 4.8 and 4.9 to establish a quorum is present to conduct business.
- c) **Pledge of Allegiance** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Comments from the Audience** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting. Participants must state their name and address for the record prior to addressing the Council. Testimony will be limited to three minutes unless additional time is granted by the Presiding Officer. Items brought before the Council from the public during public testimony should be referred to the staff for appropriate action and a report returned to the Council if requested.
- e) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action.
- f) **Consent Agenda** – The consent agenda shall consist of a list of routine, non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion.
- g) **Items Removed from Consent Agenda** – Any item removed from the consent agenda will be discussed, and if appropriate, acted upon.
- h) **Reports or Comments from the Council Members** – Special reports from various boards and commissions may be given at this time. In addition, awards, proclamations, or Council liaison reports may also be presented.
- i) **Reports from City Manager and Staff** – Time provided for City staff to bring administrative action (items that require formal action or Council direction) before the Council.
- j) **Resolutions** – Resolutions shall be read and a roll call vote taken.
- k) **First Reading of Ordinances** – The Mayor shall declare an Ordinance to have passed its first reading.
- l) **Second Reading of Ordinances** – Unless an emergency was declared, an Ordinance will be brought for a second reading at the Council meeting following the first reading. After the Mayor has declared the Ordinance to have passed its second reading, a roll call vote will be taken.
- m) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not

be specifically listed on the agenda, but formal action on these matters should be deferred until a subsequent Council meeting.

- n) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

7.7 Recess

The Presiding Officer may recess any meeting of the Council upon the consensus of the majority of the members present. The Presiding Officer shall announce the time in which the meeting shall reconvene.

7.8 Staff Reports

Each item of business that comes before the council for action will be presented with a staff report that explains the item and provides a recommended action, including options for action, where appropriate. The staff report will be distributed to the Council with the agenda prior to the meeting at which it is to be presented for action. The Council may grant exceptions to this requirement for good cause, as the Council may determine.

7.9 Legal Counsel Review

All resolutions, ordinances and contracts brought before the Council for approval will be reviewed first for legal sufficiency by the City Attorney, and will bear the attestation "Approved as to Form" for the City Attorney's signature.

SECTION 8 – MINUTES

8.1 Recording of minutes

Minutes are the official record of the City Council meetings. They record the substance of a meeting and should be a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript. It is general practice to sound record the meetings of the City Council for back up reference. Minutes will be made available to the public within a reasonable time after the meeting. The minutes are to include, at a minimum:

- a) Councilors present;
- b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c) The result of all votes and the vote of each Councilor by name;
- d) The substance of any discussion on any matter; and
- e) A reference to any public document discussed.

8.2 Distribution of Minutes

Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval.

8.3 Correction and Approval of the Minutes

Approval of the minutes usually takes place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the consent agenda. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the consent agenda being approved. For extensive amendments, the minutes should be pulled off the consent agenda for consideration. All corrections will appear in the minutes of the meeting when the changes took place.

If a Councilor has a concern over the reporting of minutes, it is that Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

SECTION 9 – VOTING

9.1 Method of Voting

The vote on any question shall be taken by voice or by roll call vote. The vote shall be taken by roll call at the direction of the Mayor or at the request of any Councilor. The minutes shall reflect the vote of each Councilor by name. The Mayor is entitled to vote in case of a tie vote of the City Council, except on the final passage of an ordinance.

9.2 Order of Voting

Roll call votes shall be called in alphabetical order by last name, on a rotational basis.

9.3 Vote Required ~~to Decide a Question~~

Except as otherwise provided in the City Charter, the concurrence of a majority of the whole number of the council is necessary to decide a question. [Chapter IV, Section 19 of the City Charter provides that 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. A majority of the council present may compel an absent member to attend and vote in the manner provided in Rule 3.2.](#)

9.4 ~~Abstention~~

~~Abstentions are discouraged. For the purposes of Rule 9.3 above, an abstention shall not be considered an affirmative vote. Councilors who have an actual conflict of interest or a disqualifying bias should declare their conflict or bias and decline to participate rather than abstaining (See Rule 10, below).~~

SECTION 10 – CONFLICT OF INTEREST / BIAS / EX-PARTE CONTACT

10.1 Conflict of Interest

Prior to participating in any decision, a Councilor shall declare any potential or actual conflict of interest. No Councilor shall participate in any manner regarding an agenda item if doing so would create an actual conflict of interest, except as otherwise provided by state law.

- a) "Potential Conflict of Interest" means any action by a Councilor which could be to the private pecuniary benefit or detriment of the Councilor or a member of the Councilor's household, or a business with which the Councilor or member of the Councilor's household is associated. "Potential conflict of interest" does not include pecuniary affects arising out of:
 - i. Membership in a particular occupation or class required by law as a prerequisite to holding the office of Councilor; or
 - ii. An action which would affect to the same degree a class consisting of an industry, occupation, or other group to which the Councilor or a member of the Councilor's household belongs.
- b) "Actual Conflict of Interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in (a) of this section.

10.2 Bias

No Councilor shall participate in any manner in a quasi-judicial decision if the Councilor has actual bias regarding the decision.

- a) "Quasi-judicial decision" means a decision involving the application of existing criteria to identified persons or properties.
- b) "Actual Bias" means prejudice or prejudgment of facts to such a degree that a Councilor is incapable of rendering an objective decision on the merits of the case.

10.3 Ex-Parte Contact

Before participating in any quasi-judicial decision, a Councilor shall declare any ex-parte contacts. An ex-parte contact is an oral or written communication by a member of the public with a member of the Council regarding the facts of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with staff is not an ex-parte contact). Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication.

SECTION 11 – COUNCIL STANDING COMMITTEES (DCC 2.050)

The Mayor shall at the first regular meeting in January of each year, or as soon thereafter as convenient, appoint Council standing committees. Each Council standing committee shall comply with the Council Rules of Procedure, subject to the following exceptions and additions:

- a) The Mayor shall appoint a chair of the Council standing committees to serve as presiding officer.
- b) Council standing committees shall consist of:
 - i. Committee on public works.
 - ii. Committee on public safety.
 - iii. Committee on public building and grounds.
 - iv. Committee on public administration.
- c) At the regular meeting of the council following a committee meeting, the committees shall make a report of their activities.

CITY OF DALLAS
CITY COUNCIL RULES OF PROCEDURE
ACKNOWLEDGMENT

I have received, read and understand the contents of the City Council Rules of Procedure. I agree to comply with the provisions of the City Council Rules of Procedure.

Signature _____

Printed Name _____ Date _____

(This form should be signed, dated and returned to the City Recorder.)

DALLAS CITY COUNCIL

ADMINISTRATIVE SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. C	Topic: Review Fraud Policy
Prepared By: Emily Gagner	Meeting Date: January 26, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

None needed.

BACKGROUND:

In 2012, the Council adopted a Fraud and Financial Irregularity Policy. That policy states it will be reviewed every 2 years. Since we did not have our November meeting, we are bringing it to the Administrative Committee at this time.

Staff has reviewed the policy and feels it is still sufficient for the City's requirements and we do not recommend any changes at this time.

FISCAL IMPACT:

None

ATTACHMENTS:

Adopted Fraud and Financial Irregularity Policy



TITLE FRAUD AND FINANCIAL IRREGULARITY POLICY

PURPOSE The City of Dallas (City) has a stewardship responsibility over all resources entrusted to it. The City is committed to compliance with laws and regulations to which it is subject and expects the highest standards of moral and ethical behavior from all of its employees, volunteers, elected officials, consultants, contractors and vendors. The City’s internal controls are designed to prevent and detect inappropriate activity; however, in the event these controls are circumvented, this policy is designed to encourage all employees and others to report fraudulent acts or irregularities in a timely manner.

SCOPE This policy applies to all City employees, volunteers and elected officials as well as consultants, contractors and vendors. All City employees, volunteers, elected officials, consultants, contractors and vendors should be knowledgeable of this policy.

DEFINITIONS

Fraudulent activity or financial irregularities: An act, misstatement, or omission of information that is intentional and detrimental to the financial interests of the City. These may include but are not limited to the following:

- | | |
|---|---|
| Accounting and financial reporting irregularities | Deliberate misstatement of revenues, expenses, assets, liabilities, and net assets.
Financial reporting assumptions in violations of generally accepted governmental accounting standards.
Purposely misreporting transactions to conceal the true accounting picture of the City or any department of the City.
Accounting and financial reporting errors known to management that they have failed to correct. |
| Conflict of interest and purchasing ethics | Using a City position for personal financial gain. The Oregon State Ethics Law (ORS 244) establishes guidelines for public officials.
Examples may include an employee contracting with a vendor who is a family member or giving, receiving, or soliciting gifts or items of value from a vendor; selling confidential information. |
| Misuse of City assets; Waste | Using City resources for personal use, and spending or allocating resources significantly in excess of reasonable need.
Examples may include using a City-owned car for personal travel, making routine personal long distance calls on City phones, using City-owned copy |



	machines for personal business operation, and incurring unnecessary costs as a result of inefficient or negligent practices, systems or controls.
Payroll and time abuse	Inappropriate reporting of hours and wages. Examples include not recording time away from work (leave) and reporting hours that were not worked – including overtime.
Theft or conversion of City property	Act of unlawfully taking City assets such as cash or equipment and converting them for personal use or selling them for personal gain.
Purchasing and expenditures	Purposeful, unauthorized, or falsified purchases or expenditures for personal gain or in violation of funding restrictions. Examples may include purchases of computers for personal use, falsified travel reimbursements, abuse of procurement card for the use of personal expenses, purchasing of alcohol with public funds.
Falsification of contracts, reports, or records	Altering, fabricating, destroying, misrepresenting, or forging contracts or documents for personal gain or unfair advantage. Examples include forging the signature of a City official on a legal document and claiming ineligible dependents on health care coverage.
Improper disclosure of confidential records	Disclosure of confidential personal data which may lead to identity theft. One example includes the loss of computers containing social security numbers obtained from City databases.
Other financial matters	Improper accounting or financial practices, not categorized above, which lead to a financial detriment to the City.

Suspected fraudulent act or financial irregularity is a reasonable belief or actual knowledge that a fraudulent act or financial irregularity is occurring or has occurred.

RESPONSIBILITIES

All employees, volunteers, elected officials, consultants, contractors, and vendors shall report known or suspected fraudulent acts or financial irregularities as follows:

- Matters involving employees (other than the City Manager), volunteers, and contractors must be reported to the appropriate department head or to the City Manager.
- Matters involving the City Manager must be reported to the Mayor or the City Attorney. Upon receipt of such a report by the Mayor, the Mayor shall notify



the City Attorney and the Council President. Upon receipt of such a report by the City Attorney, the City Attorney shall notify the Mayor and the Council President.

- Matters involving an elected official must be reported to the Mayor, the Council President or the City Attorney; provided, if the matter involves either the Mayor or the Council President, see below. Upon receipt of a report by either of the foregoing individuals, the person receiving the report shall notify the others, unless the matter involves either the Mayor or the Council President, in which case the person whom the matter involves will not be notified.
- Matters involving the Mayor must be reported to the City Manager, the City Attorney or the Council President. Upon receipt of a report by either of the foregoing individuals, the person receiving the report shall notify the others.
- Matters involving the Council President must be reported to the City Manager, the City Attorney or the Mayor. Upon receipt of a report by either of the foregoing individuals, the person receiving the report shall notify the others.
- Matters involving the City Attorney must be reported to the City Manager or the Mayor. Upon receipt of such a report by the Mayor, the Mayor shall notify the Council President. Upon receipt of such a report by the City Manager, the City Manager shall notify the Mayor and the Council President.

Reports of known or suspected fraudulent act or financial irregularity received from persons other than those who are covered by this policy will be forwarded to the appropriate officials, as provided above, and investigated as provided in this policy.

INVESTIGATION AND FOLLOW-UP

Upon receipt of a report of known or suspected fraudulent acts or financial irregularities, the person or persons receiving the report will take the following steps:

- If the matter involves an employee (other than the City Manager) or volunteer, the matter shall be investigated and addressed as provided in Section XII of the City Personnel Rules. (The City Personnel Rules provide that if a violation of the Personnel Rules involves either the violation of (1) the Oregon Government Ethics Laws or any rule, regulation or order of the Oregon Ethics Commission or (2) any criminal law or ordinance, such matter may be referred to the Oregon Ethics Commission or to the appropriate law enforcement officials.)
- If the matter involves a consultant, contractor, vendor or the City Attorney, the City Manager shall make an initial review and, if the report is verified, the matter shall be dealt with in accordance with the applicable provisions of any contract or other legal remedies to which the consultant, contractor, vendor or



attorney is subject. If the matter involves a violation of any criminal law or ordinance, and if the City Manager determines that there is good cause to proceed, the City Manager shall refer the matter to the appropriate law enforcement officials.

- If the matter involves an elected official, the City Manager, the Mayor, the Council President and the City Attorney shall make an initial review and evaluation of the report (provided, that if the matter involves either the Mayor or the Council President, the person involved shall not participate in any investigation) and, if they determine there is good cause to proceed, shall (1) if the matter involves a violation of the Oregon Government Ethics Laws or any rule, regulation or order of the Oregon Ethics Commission, refer the matter to the Oregon Ethics Commission; and (2) if the matter involves a violation of any criminal law or ordinance, refer the matter to the appropriate law enforcement officials.

An initial review of any matter reported above concerning the City Manager, an elected official, or a consultant, contractor, vendor or the City Attorney need not require a full investigation with review of evidence and interview of witnesses, but shall be limited in scope to the determination whether or not there is good cause to proceed, and shall be conducted, as far as possible, in such a manner as not to taint, impair or prejudice any subsequent ethics or criminal investigation. The person or persons who receive a report of a matter and who conduct an initial review may notify the person against whom the report has been made; but they need not do so if there is reason to believe that such notification could taint, impair or prejudice a subsequent ethics or criminal investigation, lead to the destruction or loss of evidence, or for other good cause.

If an investigation determines that there has been some irregular conduct or misconduct, but that such irregularity or misconduct does not merit referral to law enforcement officials or the Oregon Ethics Commission for further investigation and prosecution, the person or persons conducting the investigation, as provided above, may recommend appropriate corrective action. All investigations are considered part of the audit process and the working papers will be kept confidential, in accordance with and subject to state law and administrative rules.

All persons will cooperate with the investigative process under this policy and with law enforcement agencies and the Oregon Ethics Commission in the investigation of any complaint under this policy. Unless otherwise directed or authorized, all persons involved in an investigation under this policy will keep the investigation, and all information relating to the investigation, confidential. If a party conducting an investigation under this policy is contacted by the subject of the investigation, or a person on the subject's behalf, the person contacted will respond that he or she is "not at liberty to discuss this matter."



PROTECTION OF PERSONS MAKING GOOD FAITH REPORTS

Employees who identify themselves and make a good faith report of a known or suspected fraudulent act or financial irregularity are protected from retaliation, in accordance with the law. The City shall take steps to maintain confidentiality for persons reporting suspected financial irregularities to the extent possible under the law. The Oregon State Whistleblowers Protection Law defined in ORS chapter 659 protects employees disclosing fraud in good faith.

DIRECT REPORTS TO LAW ENFORCEMENT OFFICIALS OR OREGON ETHICS COMMISSION

Nothing in this policy shall prohibit any person from reporting any known or suspected fraudulent act or financial irregularity directly to the appropriate law enforcement officials or the Oregon Ethics Commission; and an employee who makes such a direct report shall be entitled to the protection of the Oregon State Whistleblowers Protection Law according to the terms thereof.

DISTRIBUTION

All city employees, volunteers and elected officials will be given a copy of this policy. All newly hired employees and newly appointed volunteers will be provided with a copy as part of their orientation and required to provide written acknowledgment upon receipt of the policy, which will be retained by the Administrative Services Department.

REVIEW AND UPDATE

This policy will be reviewed by City Council every two years.

Date Approved:	Date Amended:
Mayor:	
Attest:	

DALLAS CITY COUNCIL

ADMINISTRATIVE SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. D	Topic: Review Economic Development Trust Funding Policy
Prepared By: Emily Gagner	Meeting Date: January 26, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

None needed.

BACKGROUND:

In 2012, the Council adopted an Economic Development Trust Funding Policy. That policy states it will be reviewed every 2 years. Since we did not have our November meeting, we are bringing it to the Administrative Committee at this time.

Staff has reviewed the policy and feels it is still sufficient for the City's requirements and we do not recommend any changes at this time.

FISCAL IMPACT:

None

ATTACHMENTS:

Adopted Economic Development Trust Funding Policy



TITLE ECONOMIC DEVELOPMENT TRUST FUNDING POLICY

PURPOSE To establish a process for directing economic development funding expenditures for the City of Dallas.

REFERENCE

Dallas City Code 2.900 establishes an Economic Development Commission to oversee economic development activities of the City of Dallas. Included in these activities is making recommendations to City Council on the expenditures of Economic Development Trust funds.

POLICY Following approval of the annual budget and prior to October 1 of each year, staff will prepare a recommended Economic Development Trust funds spending plan for Economic Development Commission consideration. The Economic Development Commission recommendation, as accepted from staff or revised, will be presented to City Council for their consideration following Economic Development Commission Action.

REVIEW AND UPDATE

This policy will be reviewed by City Council every two years.

Date Approved:	Date Amended:
Mayor:	
Attest:	

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Members Present:, Chair Kevin Marshall, Jim Fairchild, Kelly Gabliks, Bill Hahn, and Jackie Lawson.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, HR Manager Emily Gagner, Park Supervisor Ron Lines, and Recording Secretary Jeremy Teal.

Chair Marshall called the meeting to order at 4:15 p.m.

PARK RESTROOM PROJECT UPDATE

Mr. Lines reported the project was currently out to bid. He noted the cost of the entire project would be \$67,000. He explained that the City received two grants equaling \$50,000 and \$10,000 more would be applied with in-kind labor that left only \$7,000 of fiscal impact to remodel both restrooms in the Dallas City Park.

PLAYGROUND EQUIPMENT PURCHASE

Mr. Foggin reported the Parks Advisory Board approved two play structures for neighborhood parks. He noted the new Academy Park would get a new playground and the Roger Jordan Community park would also get a new playground west of the Aquatic Center next to the patio. He indicated the total cost of the two structures was about \$80,000.

SENIOR CENTER BUILDING UPDATE

Mr. Foggin reported the City had received the \$1.9 million CDBG project grant for the Senior/Community Center and staff was working with Polk CDC to complete the preliminary paperwork.

COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR'S REPORT

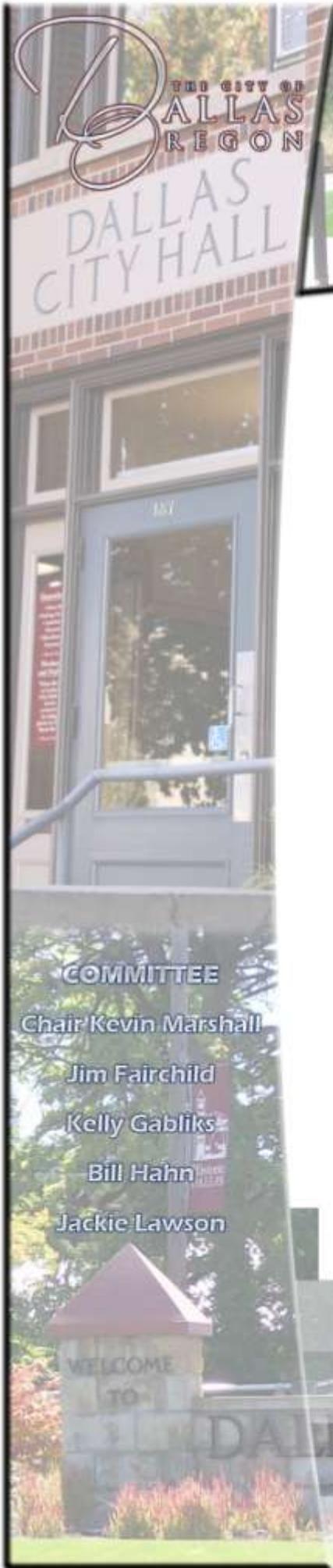
Mr. Locke stated the City was fully engaged in the branding and marketing project and the Dallas 2030 Vision project both being overseen by the Economic Development Commission. He noted the Planning Commission was waiting for a infrastructure agreement for the Barberry Node. He reported the Public Works crew would be filming every foot of the City sewer lines over the next few months. Mr. Locke announced a façade grant was given to the locksmith on Main Street. He commented that a lot of building activity was taking place and the City had a new ePermitting online program.

OTHER

Mr. Foggin noted the City's strategic plan did not include long-range planning for buildings. He stated that with the budget coming a plan needed to be created for each building for maintenance and possible future use.

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:42 p.m.



Building & Grounds Committee

AGENDA

January 26, 2015

4:00 PM

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

- A. Call to Order**
- B. Park restroom project update**
- C. Playground equipment purchase**
- D. Senior Center building update**
- E. Community Development/
Operations Director's report**
- F. Other**
- G. Adjournment**

COMMITTEE

- Chair Kevin Marshall**
- Jim Fairchild**
- Kelly Gabliks**
- Bill Hahn**
- Jackie Lawson**

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9a	Topic: Council Rules of Procedure Update
Prepared By: Emily Gagner	Meeting Date: February 2, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Motion to direct staff to draft a resolution adopting amendments to the Council Rules of Procedure, effective July 1, 2015.

BACKGROUND:

As discussed at our last workshop, there are some changes we're required to make in order to make a smooth transition to our newly adopted Charter in July of this year. Some of those changes can be made by changes to the Council Rules of Procedure.

The Administrative Committee discussed the proposed changes, and with one additional amendment recommended by the Mayor, recommended the Council adopt them as presented. That additional amendment was to correct section 4.2, which stated the Council would hold work sessions at noon on a Wednesday, which is not the current practice. The City Attorney has provided a copy of the proposed amendments to the Rules of Procedure and they are attached to this report in "track changes" format.

FISCAL IMPACT:

None

ATTACHMENTS:

Draft amended Council Rules of Procedure



City Council Rules of Procedure

First Review Date January 27, 2009

Adopted by Council December 5, 2011

Amended by Council February 4, 2013

Amended by Council October 20, 2014

[Amended by the Council February 17, 2015 \(Effective July 1, 2015\)](#)

SECTION 1 – PURPOSE

The purpose of this document is to outline the rules of the Council and procedures for Council proceedings.

SECTION 2 – AUTHORITY

The Charter of the City of Dallas provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council and shall remain in effect until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy.

SECTION 3 – GENERAL RULES

3.1 Open Meetings

All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law (ORS 192.610 to 192.690) which is herein incorporated by reference into these rules. To the extent that any local procedure conflicts with the Public Meetings Law, the latter shall prevail. No final action of the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.

3.2 Quorum; [Compelling Attendance](#)

A majority of the members of the Council shall constitute a quorum for its business. [Chapter IV, Section 14 of the City Charter provides that if less than a quorum is present for a meeting, a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance or the rules of the council. In that case, a majority of the members present may direct the Chief of Police, or a city police officer under the direction of the Chief, to undertake a search for the absent members and bring them to the council meeting. Council members consent to be brought by the Chief of Police or a city police officer under the direction of the Chief when acting under the authority of this rule.](#)

3.3 Rules of Order

Proceedings of the Council shall be conducted according to the provisions of the City's Charter, the City Code, these rules, and, when not so governed, in accordance with the parliamentary procedure contained in *Robert's Rules of Order*. However, strict adherence to the requirements of these rules is not required. No action of the Council shall be in violation of this section or deemed invalid for the reason that the action was not in conformance with *Robert's Rules of Order*. Any Councilor may move a question, second a motion, debate and vote.

3.4 Address by Council Members

Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager or the City Attorney. The City Manager may respond directly or may redirect the inquiry to a staff member.

SECTION 4 – COUNCIL MEETINGS

4.1 Regular Meeting

The Dallas City Council will meet in regular session at least once per month. The regular meeting shall be held on the first and/or third Monday of each month at such place and hour as the Council may prescribe. If the regular meeting falls on a legal holiday, the meeting shall be convened at the same time and place on the next business day, unless the meeting has been cancelled by the Council in accordance with Rule 4.7

4.2 Work Sessions

In addition to the regular meetings of the Council under Rule 4.1, a meeting, or any portion thereof, may be designated as a work session. The City Council may hold a work session ~~on the second Wednesday of each month in the Council Chambers or~~ at another time and place in the City that the Council may prescribe. Work sessions will be used to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject. Typically, a work session designation indicates that matters of substance will be discussed, but that final action will not be taken. Notice of work sessions shall be given in the same manner as notice of regular meetings. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer by a majority vote of the Council members.

4.3 Special Meetings

The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council for a time not earlier than three nor later than forty-eight hours after the notice is given. Only the subject(s) listed on the special meeting agenda may be acted upon.

4.4 Emergency Meetings

In the case of an actual emergency, an emergency meeting of the Council may be called by common consent of all available Councilors upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. Attempts will be made to contact the media to provide notice of the emergency meeting. [Chapter IV, Section 13 of the City Charter provides that 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.](#)

4.5 Executive Session

The Mayor may call any regular, special, or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings. Prior to opening an executive session, the Presiding Officer shall announce:

- a) The purpose of the executive session;
- b) The state statute authorizing the executive session; and
- c) Notification to all present, including the media, that matters discussed in executive session are not to be disclosed or reported to the public.

Executive sessions shall be held in accordance with the Oregon Public Meetings Law. Matters discussed in executive session shall be exempt from public disclosure pursuant to state statutes. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered. To make a final decision, the Presiding Officer shall call the meeting into open session or place the decision on the agenda of a future open session. Executive session shall be closed to all persons except:

- a) The City Council;
- b) Persons reporting to the Council on the subject of the executive session;
- c) The City Manager unless directed otherwise by the Council;
- d) News media representatives, unless excluded by the Public Meeting Law (The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session);
- e) And other persons authorized by the City Council to attend.
- f) No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

Council members will keep all written materials and verbal information provided to them in executive session or on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Administrator or the City Attorney, except that a Councilor may describe generally the purpose for which an executive session was held.

If the Council, pursuant to an executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiation or litigation. A Council member shall not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

4.6 Attendance by Telephone or Other Electronic Media

Any Council or committee meeting may, upon Council or committee approval or, in the event of an emergency, upon determination by the Mayor (or, in the case of a committee of the council, by the committee chair), be conducted by telephonic conference call or other electronic communication, and any Councilor may participate in such a meeting by telephone or other electronic communication, as available. Notice and opportunity for public access to a meeting held by telephonic conference call or other electronic communication shall be provided, and such meeting shall be conducted in accordance with the Oregon Public Meetings Law. For non-executive sessions of the Council or committee, meetings held by telephonic conference call or other electronic communication must provide at least one place where members of the public can hear (or hear and see) the meeting by speakers or other devices. For executive sessions at which media attendance is provided under the Public Meetings Law, the media must be provided with at least one place where the media can hear (or hear and see) the meeting by speakers or other devices.

4.7 Cancellation of Meeting

Upon a majority vote of the members of the City Council present, a meeting may be cancelled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted on the bulletin board at City Hall, distributed to members of the media, and to interested citizens.

4.8 Americans With Disabilities Act

All meetings of the Council shall be held in compliance with the Americans with Disabilities Act.

4.9 Attendance Duty

It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII, Section [28\(b\)\(3\)](#)~~32~~ that a Council office shall be deemed vacant upon a Councilor's absence from the city for 30 days without the consent of Council or upon the absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

- a) Illness;
- b) Family obligations;
- c) Employment requirements;

- d) Scheduled vacations; or
- e) Other City business

4.10 Excused Absence

When a Council member cannot attend a meeting of the Council for one of the reasons described in Rule 4.9 a) – e), the member shall notify the City Recorder prior to the meeting and the member's absence shall be deemed excused. If the member's absence is for a reason other than described in Rule 4.9. a) – e), the member shall notify the Council President prior to the meeting, and must state the reason for his or her absence. If the Council President determines the reason is for good cause, as identified in Rule 4.9, above, the Council President will excuse the absence and notify the City Clerk and, if there are no objections from other Councilors, the absence shall be listed in the minutes as excused. If the Council President does not excuse the absence the Council President will notify the City Clerk and inform the Council at the meeting and, if there are no objections from other Councilors, the absence shall be listed in the minutes as unexcused. If a Councilor objects to the Council President's determination that another Councilor's absence is excused or unexcused, the Council will determine the question by vote. A Councilor whose absence has been determined to be unexcused may, at the next meeting at which the Councilor is in attendance, ask the Council to reconsider its determination.

SECTION 5 – THE PRESIDING OFFICER

5.1 Mayor

The Mayor shall preside at all regular and special meetings, work sessions, and executive sessions of the City Council. 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 preserve order and enforce the rules of the Council.

5.2 Council President

At the first meeting of the Council in each odd-numbered year, the Council will elect a Council President from its membership. In the Mayor's absence from a Council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of his office, the President shall act as Mayor.

5.3 Sergeant at Arms

The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms.

5.4 Absence of Mayor and Council President

In the absence of the Mayor and Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. The Presiding Officer will immediately assume the duty of Sergeant at Arms, or appoint a designee to do so. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.

SECTION 6 – DECORUM AND ORDER

6.1 Presiding Officer

The Presiding Officer shall enforce the rules of the Council. In addition, the Presiding Officer has the authority to preserve decorum and decide all points of order, subject to the appeal to the Council. The Presiding Officer shall enforce order, prevent personal attacks or impugning members' motives, and restrict in debate to the question under discussion.

6.2 Councilors

Councilors shall maintain order and decorum during Council meetings, and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the order of conduct or these Rules. Councilors shall when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

6.3 Staff and Public

All persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.

6.4 Removal of Any Person

The Presiding Officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the matter of order or procedure. The Presiding Officer or Sergeant at Arms may summon the assistance of the City of Dallas Police to assist in maintaining order. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule.

**SECTION 7 – AGENDA AND ORDER OF BUSINESS; STAFF REPORTS AND CITY ATTORNEY
REVIEW OF CERTAIN ACTIONS**

7.1 Setting the Agenda

The Mayor and City staff shall determine the business to be placed on the Council meeting agenda. Any Councilor may request that an item be placed on the Council agenda.

7.2 Consent Agenda

A consent agenda will be among the first items on the Council agenda. At the beginning of the Council meeting, the Presiding Officer will ask if any Council member wishes to have any item removed from the consent agenda for deliberation. If any Council member requests that an item be removed, it will be removed. Any item removed from the consent agenda shall be discussed and acted upon following approval of other consent agenda items. When there are no more items to be removed, the Presiding Officer will ask the Council for a motion to approve the consent agenda.

7.3 Agenda Distribution

Promptly after it is developed, the agenda for a regular meeting or work session shall be distributed with any supporting materials not later than 48 hours prior to the meeting to members of the Council, staff, news media, and interested citizens who have requested the agenda. The agenda for a special or emergency meeting shall be made available as appropriate under the circumstances.

7.4 Special Accommodations

All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans with Disabilities Act and that persons needing accommodations may contact the City Manager's office at least 48 hours prior to the meeting time to request necessary accommodations. Such notice shall provide the telephone number at which the City Manager may be contacted.

7.5 Alteration of the Agenda

- a) New Matters: Except in emergency meetings, matters not on the printed agenda may come before the Council as determined by the Presiding Officer or a majority of the Council.

7.6 Order of Business

The general rule to the business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor’s attendance or absence in the record, under the guidelines set forth in Section 4.8 and 4.9 to establish a quorum is present to conduct business.
- c) **Pledge of Allegiance** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Comments from the Audience** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting. Participants must state their name and address for the record prior to addressing the Council. Testimony will be limited to three minutes unless additional time is granted by the Presiding Officer. Items brought before the Council from the public during public testimony should be referred to the staff for appropriate action and a report returned to the Council if requested.
- e) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action.
- f) **Consent Agenda** – The consent agenda shall consist of a list of routine, non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion.
- g) **Items Removed from Consent Agenda** – Any item removed from the consent agenda will be discussed, and if appropriate, acted upon.
- h) **Reports or Comments from the Council Members** – Special reports from various boards and commissions may be given at this time. In addition, awards, proclamations, or Council liaison reports may also be presented.
- i) **Reports from City Manager and Staff** – Time provided for City staff to bring administrative action (items that require formal action or Council direction) before the Council.
- j) **Resolutions** – Resolutions shall be read and a roll call vote taken.
- k) **First Reading of Ordinances** – The Mayor shall declare an Ordinance to have passed its first reading.
- l) **Second Reading of Ordinances** – Unless an emergency was declared, an Ordinance will be brought for a second reading at the Council meeting following the first reading. After the Mayor has declared the Ordinance to have passed its second reading, a roll call vote will be taken.
- m) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not

be specifically listed on the agenda, but formal action on these matters should be deferred until a subsequent Council meeting.

- n) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

7.7 Recess

The Presiding Officer may recess any meeting of the Council upon the consensus of the majority of the members present. The Presiding Officer shall announce the time in which the meeting shall reconvene.

7.8 Staff Reports

Each item of business that comes before the council for action will be presented with a staff report that explains the item and provides a recommended action, including options for action, where appropriate. The staff report will be distributed to the Council with the agenda prior to the meeting at which it is to be presented for action. The Council may grant exceptions to this requirement for good cause, as the Council may determine.

7.9 Legal Counsel Review

All resolutions, ordinances and contracts brought before the Council for approval will be reviewed first for legal sufficiency by the City Attorney, and will bear the attestation "Approved as to Form" for the City Attorney's signature.

SECTION 8 – MINUTES

8.1 Recording of minutes

Minutes are the official record of the City Council meetings. They record the substance of a meeting and should be a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript. It is general practice to sound record the meetings of the City Council for back up reference. Minutes will be made available to the public within a reasonable time after the meeting. The minutes are to include, at a minimum:

- a) Councilors present;
- b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c) The result of all votes and the vote of each Councilor by name;
- d) The substance of any discussion on any matter; and
- e) A reference to any public document discussed.

8.2 Distribution of Minutes

Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval.

8.3 Correction and Approval of the Minutes

Approval of the minutes usually takes place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the consent agenda. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the consent agenda being approved. For extensive amendments, the minutes should be pulled off the consent agenda for consideration. All corrections will appear in the minutes of the meeting when the changes took place.

If a Councilor has a concern over the reporting of minutes, it is that Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

SECTION 9 – VOTING

9.1 Method of Voting

The vote on any question shall be taken by voice or by roll call vote. The vote shall be taken by roll call at the direction of the Mayor or at the request of any Councilor. The minutes shall reflect the vote of each Councilor by name. The Mayor is entitled to vote in case of a tie vote of the City Council, except on the final passage of an ordinance.

9.2 Order of Voting

Roll call votes shall be called in alphabetical order by last name, on a rotational basis.

9.3 Vote Required ~~to Decide a Question~~

Except as otherwise provided in the City Charter, the concurrence of a majority of the whole number of the council is necessary to decide a question. [Chapter IV, Section 19 of the City Charter provides that 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. A majority of the council present may compel an absent member to attend and vote in the manner provided in Rule 3.2.](#)

9.4 ~~Abstention~~

~~Abstentions are discouraged. For the purposes of Rule 9.3 above, an abstention shall not be considered an affirmative vote. Councilors who have an actual conflict of interest or a disqualifying bias should declare their conflict or bias and decline to participate rather than abstaining (See Rule 10, below).~~

SECTION 10 – CONFLICT OF INTEREST / BIAS / EX-PARTE CONTACT

10.1 Conflict of Interest

Prior to participating in any decision, a Councilor shall declare any potential or actual conflict of interest. No Councilor shall participate in any manner regarding an agenda item if doing so would create an actual conflict of interest, except as otherwise provided by state law.

- a) "Potential Conflict of Interest" means any action by a Councilor which could be to the private pecuniary benefit or detriment of the Councilor or a member of the Councilor's household, or a business with which the Councilor or member of the Councilor's household is associated. "Potential conflict of interest" does not include pecuniary affects arising out of:
 - i. Membership in a particular occupation or class required by law as a prerequisite to holding the office of Councilor; or
 - ii. An action which would affect to the same degree a class consisting of an industry, occupation, or other group to which the Councilor or a member of the Councilor's household belongs.
- b) "Actual Conflict of Interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in (a) of this section.

10.2 Bias

No Councilor shall participate in any manner in a quasi-judicial decision if the Councilor has actual bias regarding the decision.

- a) "Quasi-judicial decision" means a decision involving the application of existing criteria to identified persons or properties.
- b) "Actual Bias" means prejudice or prejudgment of facts to such a degree that a Councilor is incapable of rendering an objective decision on the merits of the case.

10.3 Ex-Parte Contact

Before participating in any quasi-judicial decision, a Councilor shall declare any ex-parte contacts. An ex-parte contact is an oral or written communication by a member of the public with a member of the Council regarding the facts of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with staff is not an ex-parte contact). Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication.

SECTION 11 – COUNCIL STANDING COMMITTEES (DCC 2.050)

The Mayor shall at the first regular meeting in January of each year, or as soon thereafter as convenient, appoint Council standing committees. Each Council standing committee shall comply with the Council Rules of Procedure, subject to the following exceptions and additions:

- a) The Mayor shall appoint a chair of the Council standing committees to serve as presiding officer.
- b) Council standing committees shall consist of:
 - i. Committee on public works.
 - ii. Committee on public safety.
 - iii. Committee on public building and grounds.
 - iv. Committee on public administration.
- c) At the regular meeting of the council following a committee meeting, the committees shall make a report of their activities.

CITY OF DALLAS
CITY COUNCIL RULES OF PROCEDURE
ACKNOWLEDGMENT

I have received, read and understand the contents of the City Council Rules of Procedure. I agree to comply with the provisions of the City Council Rules of Procedure.

Signature _____

Printed Name _____ Date _____

(This form should be signed, dated and returned to the City Recorder.)

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9b	Topic: Chapter 1 Citizen Involvement
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: February 2, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION: None

BACKGROUND: The Planning Commission has recommended the adoption of a new Citizen Involvement Chapter of the Dallas Comprehensive Plan (Chapter 1) as well as revisions to the existing language currently in the Comp Plan. This is an opportunity to provide the Council with an introduction to the document prior to the public hearing scheduled for February 17.

FISCAL IMPACT: None.

ATTACHMENTS:

Recommended Chapter 1
Revisions to existing Comp Plan

INTRODUCTION: Organization & Implementation

Citizen Involvement and Plan Update Goals

- ~~A. Encourage citizen involvement in all phases of the comprehensive planning and development review processes.~~**
- ~~B. To periodically review and update the Dallas Comprehensive Plan and Dallas Development Code.~~**

Citizen Involvement and Plan Update Policies

The following policies govern comprehensive plan and development code amendments:

- ~~1. The comprehensive plan and implementation measures should be comprehensively reviewed every 7-10 years, in accordance with the LCDC's periodic review schedule.~~
- ~~2. The Dallas Planning Commission shall serve as the Committee for Citizen Involvement and shall be assigned the task of coordinating the citizen involvement program.~~
- ~~3. In addition to the Planning Commission, the Dallas Citizens Advisory Committee shall be involved in the review of legislative plan amendments and revisions to the Dallas Comprehensive Plan Map #1.~~
- ~~4. Proposed amendments to the comprehensive plan and implementation measures shall be considered on an annual basis, and shall be grouped together to allow consideration of cumulative impacts.~~
 - ~~a) The City shall set a certain time period each year, or every other year, for the consideration of minor changes to the Comprehensive Plan.~~
 - ~~b) In addition to the comprehensive plan and statewide planning goals, special studies or other information shall be used as the factual basis to support the change.~~
- ~~1. The City will ensure that the public notification and citizen participation opportunities are provided in the review of all quasi-judicial land use decisions, in accordance with state law.~~

The Dallas Comprehensive Plan

The Dallas Comprehensive Plan is the controlling land use document for the City and its Urban Growth Boundary (UGB). From a land use perspective, the comprehensive plan is like a state or federal constitution: it provides the legal framework and long-term vision for implementing plans and land use regulations. The Dallas Comprehensive Plan has been found by the Land Conservation & Development Commission (LCDC) to comply with the 14 applicable "Statewide Planning Goals," which are, in effect, state planning requirements that must be met by each city and county in Oregon.

The Dallas Comprehensive Plan includes three volumes: Volume I includes goals and policies that provide specific direction in making "quasi-judicial" land use decisions; *i.e.*, decisions that require

judgment in the application of general policies to specific situations, such as zone changes, annexations, conditional use permits and major variances. Goals set a general direction and are not intended to be decision criteria. Policies that are written in mandatory language (e.g., “shall,” “must,” “will”) are mandatory in character: they must be followed when Dallas makes a “quasi-judicial” land use decision. In cases where mandatory policies conflict, the City Council may balance these policies in making a decision. Policies that are written in permissive language (e.g., “should,” “may,” “encourage”) indicate the preferred direction of the City, but are not binding on the Council.

Volume I also includes the Comprehensive Plan Map #1, which indicates on a parcel-specific basis, what land uses will be allowed in the long-term. Where Volume I plan policies conflict with the map #1, the specific text of these policies shall control.

Legislative land use decisions (e.g., changes in the text of Volume I or to the Comprehensive Plan Map #1 that apply generally to the City, and not to a specific property or small group of properties) adopted by the City Council must also conform with Volume I goals, policies and maps; or affected goals, policies and maps must be amended by the City Council to be consistent with the Statewide Planning Goals.

Volume II of the Dallas Comprehensive Plan includes background information that served as the basis for Volume I goals and policies. For example, maps of environmentally-significant stream corridors and the justification for the Dallas UGB is included in Volume II. Thus, Volume II forms a part the “legislative history” that supports the goals, policies and plan map.

Principal Implementing Documents

The Dallas Comprehensive Plan is implemented by two principal documents:

1. The **Dallas Development Code (DDC)** sets forth zoning, land division and environmental protection requirements, and is a chapter of the Dallas City Code. The DDC is the land use law of Dallas, unless it is found to be inconsistent with the Dallas Comprehensive Plan. Consistency with DDC requirements is a pre-condition to granting of building permits under the City’s Building Safety Codes, which are based on state building safety regulations.
2. The **Dallas Public Facilities Plan (PFP)** describes sanitary sewer, water, and storm drainage which must be made in order to provide adequate public facilities to support the types and levels of development prescribed in the Dallas Comprehensive Plan. The public facilities plan is supported by adopted facilities master plans and sets priorities for facilities construction through the six-year capital improvements program and the City’s annual budget. The City Engineering staff also maintain construction specification standards documents which set minimum construction standards for public improvements, such as sewer, water and streets.

Public & Private Participation

Implementation of the comprehensive plan ultimately depends upon the combined efforts of private citizens, businesses, and local, state and federal governments. The private sector implements the plan by giving it their support and continuous input to the planning process of the plan; by developing their businesses and homes in conformance with the plan; and by initiating community projects such as clean-up, fix-up or paint-up campaigns. Government implements the plan through regulatory controls such as zoning and subdivision ordinances; through the timely placement of

public facilities and establishment of public programs; through inducements such as low-interest loans, tax exemptions and direct subsidies; by joint cooperative agreements between one another; and by providing for financing through special grant-in-aids or other financial aids.

One method of implementing the policies of the plan is through intergovernmental cooperative agreements between the City and other public agencies or cities. Many of the policies which the plan encourages the City to perform can best be met through joint arrangements with other agencies. In many cases the burden of solving a problem does not rest entirely with the City. Therefore, the City should seek to join with other agencies in implementing the policies and recommendations of the plan. In other situations, it may be to the City's financial advantage to join with other cities or agencies in an effort to solve a problem common to each of the communities. Through this method, programs and projects that cannot be implemented economically by one community may be initiated by sharing the cost between different cities or agencies. The City of Dallas has worked closely with other municipalities and the County in mutual aid, economic development, and sharing equipment.

Advice and consultation on the part of the Planning Commission, City staff and other City officials can be a very effective tool of implementation. In the course of conducting day-to-day business, individuals can be made aware of the importance of the Comprehensive Plan and a number of alternatives presented to guide development. On a more formal basis, advice and consultation is also given to the City Council.

1.4—Active Citizen Involvement

~~The success of this and past planning efforts in Dallas is due in large part to the degree of citizen involvement. Local citizens have long had a strong voice in major community projects. Citizen participation will play an even larger role in the future. The first of 14 applicable Statewide Planning Goals and Guidelines (ORS Chapter 197) established by the Land Conservation and Development Commission, requires the development of "...a citizens involvement program that insures the opportunity for citizens to be involved in all phases of the planning process".~~

~~In response to this requirement and because of the City's past accomplishment in the area of citizen involvement, the plan proposes, for routine planning matters through its public hearing process, that the Dallas Planning Commission be assigned the task of coordinating the citizen involvement program. However, when items of a more significant nature, such as plan or ordinance revision or specific studies that are recommended in the plan are involved, it is expected that the Dallas City Council and Planning Commission will draw upon the considerable expertise of the local citizenry—just as it has in the past. In implementing this goal the City has continued its reliance upon the Citizen's Advisory Committee for the Comprehensive Plan. The value of this approach is, of course, that it allows more flexibility as to membership, and that it also allows a greater number of citizens to become involved with the planning process.~~

1.5—Comprehensive Plan and Development Code Revisions

The Dallas Comprehensive Plan should not be perceived as a static document -- a one-time guide to the development of a community. In fact, state law requires that the comprehensive plan and its implementing measures be re-considered every 7-10 years, through the "Periodic Review" process.

Thus, the comprehensive plan should be viewed as a dynamic instrument capable of change to meet the needs of the community. The plan and implementation measures should be revised when public needs and desires change, when state and federal land use laws change, and when development is

different in character or rate than originally contemplated. At the same time, because the comprehensive plan was preceded by an extensive citizen and agency involvement effort, it should be given a chance to work. For this reason, major revisions to the plan that would result in a widespread and significant impact beyond an immediate local area should be considered during the “periodic review” process. In contrast, minor plan amendments may be considered on a regular basis, but should be grouped together so that the cumulative effects of plan amendments can be more fully understood.

CITY OF DALLAS COMPREHENSIVE PLAN

CHAPTER 1

CITIZEN INVOLVEMENT



GOAL: TO ENSURE MEANINGFUL CITIZEN INVOLVEMENT AND PARTICIPATION IN THE LAND USE PLANNING PROCESS

INTRODUCTION

Goal 1 of the Statewide Planning Goals is Citizen Involvement. The City of Dallas, its elected and appointed officials, and city staff, are dedicated to involving citizens in the planning process. This Chapter contains the mechanisms and requirements for Citizen Involvement in Dallas

The Planning Process

The Planning Commission is primarily responsible for making land use decisions and recommending amendments to the Comprehensive Plan and land use regulations.

The City Council is responsible for policy decisions relating to the planning process and for adopting amendments recommended by the Planning Commission. In addition, the Council is responsible for overseeing and giving direction to the Committee for Citizen Involvement (CCI) to ensure that the goal of the citizen involvement program is being met. Citizens are responsible for participation in the planning process, becoming educated about land use issues, and in assisting the City in its evaluation of the planning processes and the Citizen Involvement Program.

The following sections address the Committee for Citizen Involvement, the components of Statewide Planning Goal 1, and contain policy statements and measures to implement the policies. This Chapter constitutes the city of Dallas Citizen Involvement Program (CIP).

COMMITTEE FOR CITIZEN INVOLVEMENT

The Planning Commission shall function as the Committee for Citizen Involvement (CCI) for the city of Dallas. The CCI may recommend that the City Council appoint, from time to time, a Citizen Advisory Committee (CAC) to assist the CCI in matters related to long range planning, specific projects, and/or Comprehensive Plan review.

Responsibilities

- 1) The CCI, under the direction of the City Council, shall ensure that the Citizen Involvement Program is being implemented.
- 2) The CCI shall make an annual written report to the City Council that assesses the effectiveness and overall implementation of the Citizen Involvement Program. Copies will be distributed to all Standing Committee members. The annual report shall should incorporate both quantitative and qualitative measures of citizen involvement efforts (e.g. number and types of communication methods used; number of participants at public hearings; number of website hits; number of non-required citizen involvement

events; citywide survey results measuring community attitudes on public information and awareness).

- 3) The CCI shall assist citizens and citizen groups in becoming aware of opportunities provided by the Citizen Involvement Program.
- 4) The CCI shall make recommendations to the City Council for improving the Citizen Involvement Program, as necessary.
- 5) The CCI shall perform such other duties as directed by the City Council.

TWO-WAY COMMUNICATION

Policy: To provide mechanisms which will promote effective two-way communication between citizens and the policy/decision makers.

Implementation Measures:

- 1) All meetings shall be open to the public as required by State law, and as appropriate to the body.
- 2) All public meetings shall be scheduled at times and in places which are conducive to citizen participation.
- 3) Appropriate notice of all public meetings shall be given, including the date and agenda of the meeting. Notice shall be given through advertisements in local newspapers and by posting notices in public places. In no case shall a meeting be noticed less than 24 hours before it is scheduled to occur.
- 4) The City will maintain City Bulletin Boards in public places that contain meeting agendas and other information.
- 5) The City will promote the City website as a source of information as well as a communication tool for residents to communicate with the City. In addition, the City will continue to expand the use of social media and technology to interact with citizens.
- 6) The City will conduct, at least every two years, a citywide survey regarding city issues.
- 7) The City Council will host an annual Town Hall meeting to discuss selected topics of interest to the public.
- 8) The City will continue to develop outreach programs with service clubs, schools, and other organizations in order to provide planning information and education.

9) A City Newsletter will be sent out via e-mail and distributed by other appropriate methods.

CITIZEN INFLUENCE

Policy: To provide citizens an opportunity to be involved in the planning process.

Implementation Measures:

- 1) In addition to topics scheduled for discussion, there shall be an opportunity at meetings of public bodies for the public to provide input for items which do not appear on the meeting's agenda.
- 2) Staff will hold informal, well-publicized educational workshops on proposed revisions to the Comprehensive Plan, Land Development Regulations and other planning topics that have potential widespread impact prior to the hearing. Workshops will be open to the public for participation and discussion. Questions and concerns will be conveyed to the decision-making bodies.

TECHNICAL INFORMATION

Policy: To ensure that all documents and information which will assist citizens in effectively participating in the planning process are available to the public in an understandable form subject to the requirements of state and local laws.

Implementation Measures:

- 1) The City shall place appropriate planning documents on the website in a timely manner.
- 2) The City will continue to update planning counter materials, maps, and development pamphlets to reflect regulation and policy changes.

FEEDBACK MECHANISMS

Policy: To ensure that the governing bodies will respond to citizens land use planning questions and concerns.

Implementation Measures:

- 1) The City will continue to implement established mechanisms for responding to questions at Planning Commission and City Council meetings.
- 2) All specific written questions from citizens will be responded to in writing in a timely fashion, with an initial response not to exceed 20 calendar days from the date of receipt.
- 3) The rationale used by a governing body for making policy decisions shall be recorded and made available for review by the general public.

FINANCIAL SUPPORT

Policy: To ensure that there are adequate resources devoted to the Citizen Involvement Program.

Implementation Measures:

- 1) The City budget shall contain a Citizen Involvement Program line item. The amount budgeted shall be recommended yearly by the CCI. The Community Development Director shall include this recommendation in the appropriate Department Budget.
- 2) City staff will assist the CCI in implementing the Citizen Involvement Program and will provide technical assistance to citizens.

Adopted by Ordinance _____, Date : _____

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11a	Topic: Ordinance 1774 – Repealing Oath of Office Ord.
Prepared By: Emily Gagner	Meeting Date: February 2, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Motion to direct staff to draft a resolution adopting amendments to the Council Rules of Procedure, effective July 1, 2015.

BACKGROUND:

As discussed at our last workshop, once the new Charter goes into effect, our current Oath of Office ordinance will no longer be needed (the new charter spells out the requirements of the oath). This ordinance simply repeals Ordinance 1735, effective July 1. This is a “housekeeping” item only.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance 1774

ORDINANCE NO. 1774

An Ordinance repealing Ordinance 1735, relating to oath of office.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance 1735, relating to oath of office, is hereby repealed.

Section 2. This ordinance shall take effect July 1, 2015.

Read for the first time: February 2, 2015
Read for the second time: February 17, 2015
Passed by the City Council: February 17, 2015
Approved by the Mayor: February 17, 2015

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM;

RONALD L. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY