



**City Council**

Mayor  
Brian Dalton

Council President  
Jim Fairchild

Councilor  
Kelly Gabliks

Councilor  
Micky Garus

Councilor  
Bill Hahn

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

Councilor  
Murray Stewart

Councilor  
LaVonne Wilson

Councilor  
Ken Woods, Jr.

**City Staff**

City Manager  
Ron Foggin

City Attorney  
Lane Shetterly

Community  
Development/  
Operations Director  
Jason Locke

Finance Director  
Cecilia Ward

Fire Chief  
Fred Hertel

Police Chief  
Tom Simpson

Director of Engineering  
& Environmental  
Services  
Fred Braun

City Recorder  
Emily Gagner

Recording Secretary  
Jeremy Teal

**Dallas City Council Agenda**

Mayor Brian Dalton, Presiding

Monday, April 6, 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. HIGH SCHOOL ROBOTICS TEAM PRESENTATION	
4. EMPLOYEE RECOGNITION / INTRODUCTION	
5. 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>	
6. 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>	
7. 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>	
a. Approve minutes of March 16, 2015 City Council meeting	PG. 3
8. ITEMS REMOVED FROM CONSENT AGENDA	
9. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
b. Report of the March 23, 2015, Administration Committee Meeting (Councilor Gabliks)	PG. 6



**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.

DALLAS CITY HALL

**City Hall**

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

c. Report of the March 23, 2015, Building and Grounds Committee Meeting (Councilor Marshall) PG. 25

**10. REPORTS FROM CITY MANAGER AND STAFF**

- a. Regional Solutions Grant Update
- b. Council goal update
- c. Other

Information  
Information  
Information

**11. RESOLUTIONS**

PG. 27

- a. Resolution No. 3320 – A Resolution of the City of Dallas authorizing a grant application under the Oregon Parks and Recreation Department Local Government Grant Program for park improvements on the Rickreall Creek Trail System; and committing available local matching funds.
- b. Resolution No. 3321: A resolution authorizing the transfer of budgetary funds. PG. 29

Roll Call Vote  
Roll Call Vote

**12. FIRST READING OF ORDINANCE**

PG. 33

- a. Ordinance No. 1781: An Ordinance adopting new provisions of the Dallas City Code relating to the Dallas Municipal Judge and Court; and repealing prior conflicting ordinances.

First Reading

**13. SECOND READING OF ORDINANCE**

PG. 45

- a. Ordinance No. 1780: An Ordinance amending the Introduction: Organization & Implementation, and Chapter 1 of the Dallas Comprehensive Plan, relating to Citizen Involvement..

Roll Call Vote

**14. OTHER BUSINESS**

**15. 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 March 16, 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.

<b>DALLAS CITY COUNCIL</b>	<b>Monday, March 16, 2015</b>
The Dallas City Council met in regular session on Monday, March 16, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.	
<b>Council:</b> Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Councilor Micky Garus.	
<b>Staff:</b> City Manager Ron Foggin, City Attorney Lane Shetterly, Lieutenant Jerry Mott, 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.	
<b>Pledge of Allegiance:</b> Mayor Dalton led the Pledge of Allegiance.	

<b>AGENDA</b>	<b>ACTION</b>
<b>1:10 EMPLOYEE RECOGNITION/INTRODUCTION</b>	Lt. Mott introduced the new Code Services Specialist, Mike Sunday.
<b>2:25 COMMENTS FROM THE AUDIENCE</b>	Lee Goodrich, 2208 SE Elmwood Dr., expressed her concern about the possible 2 hour parking on Church Street with the new senior center being built. She also noted the Soup and Pie sale was Friday.  Mr. Foggin stated the City would be eliminating some 2 hour parking on Mill Street to alleviate some of the parking on Church Street, but was not changing the timed parking on Church Street at that time.
<b>PUBLIC HEARINGS</b>	
<b>4:11 CONSENT AGENDA</b>  Items approved by the Consent Agenda: approve minutes of March 2, 2015 City Council meeting minutes.	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.
<b>ITEMS REMOVED FROM CONSENT AGENDA</b>	There were none.

<p><b>4:43 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</b></p>	<p>Councilor Fairchild noted he and Mayor Dalton met with Congressman Schrader recently and discussed transportation, the port system, and County funds concerning law enforcement.</p>
<p><b>REPORTS FROM CITY MANAGER AND STAFF</b></p>	
<p><b>9:09</b> FEBRUARY FINANCIAL REPORT</p>	<p>Ms. Ward reported the City was 67% through the fiscal year and departments were on track. She noted the Aquatic Center would have a possible budget amendment in the future due to personnel increasing in the mornings.</p>
<p><b>12:56</b> COUNCIL GOAL UPDATE</p>	<p>Mr. Foggin commented that downtown businesses had taken notice of the façade grant program and four businesses had applied for assistance through the program.</p>
<p><b>RESOLUTIONS</b></p>	
<p><b>15:57 FIRST READING OF ORDINANCE</b>  <b>Ordinance No. 1780</b> – An Ordinance amending the Introduction: Organization &amp; Implementation, and Chapter 1 of the Dallas Comprehensive Plan, relating to Citizen Involvement.</p>	<p>Mayor Dalton declared Ordinance No. 1780 to have passed its first reading.</p>
<p><b>16:22 SECOND READING OF ORDINANCE</b>  <b>Ordinance No. 1776</b> – An Ordinance adopting new provisions of the Dallas City Code relating to nominations for election.   <b>Ordinance No. 1777</b> – An Ordinance amending Dallas City Code Section 1.052, relating to service of civil citations in Dallas Municipal Court; and repealing prior inconsistent ordinances.   <b>Ordinance No. 1778</b> – An Ordinance amending Dallas City Code Section 5.584, relating to inoperable vehicles; and repealing prior inconsistent ordinances.</p>	<p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1776 to have PASSED BY A VOTE OF 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.   A roll call vote was taken and Mayor Dalton declared Ordinance No. 1776 to have PASSED BY A VOTE OF 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.   A roll call vote was taken and Mayor Dalton declared Ordinance No. 1776 to have PASSED BY A VOTE OF 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>

<p><b>Ordinance No. 1779</b> – An Ordinance amending Dallas City Code Section 6.325, relating to parking time limitations; and repealing prior inconsistent ordinances</p>	<p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1776 to have PASSED BY A VOTE OF 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p><b>EXECUTIVE SESSION</b></p>	
<p><b>OTHER BUSINESS</b></p>	<p>There was none.</p>

<p><b>ADJOURNMENT</b></p>	<p>There being no further business, the meeting adjourned at 7:24 p.m.</p>
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Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_

ATTEST: Mayor

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City Manager

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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 4:00 p.m.

**DISCUSS RESOLUTION SUPPORTING THE SECOND AMENDMENT**

Chair Gabliks noted the discussion on a Resolution supporting the Second Amendment would be postponed to the May 26 Administration Committee meeting, as Councilor Garus was unavailable.

**MUNICIPAL COURT ORDINANCE**

Mr. Foggin explained this was required in conjunction with the new charter and needed to be resolved and implemented before the charter took effect.

Mr. Shetterly stated the one new element was the administrative warrants. He noted this provision allowed for code service specialists to get a closer look at a possible violation to assess the situation. In response to a comment from the Mayor, he indicated that that dollar figures would be removed from the Ordinance and passed by Resolution.

It was moved by Council President Fairchild *to recommend adoption of the proposed Ordinance by the full Council with removal of the dollar amounts.* The motion was duly seconded and carried with a vote of 5-0.

**FINANCE DIRECTOR’S REPORT**

Ms. Ward explained the Finance Department was working on the upcoming budget.

**HUMAN RESOURCES MANAGER’S REPORT**

Ms. Gagner reported the City hired five new lifeguards to cover morning shifts at the Aquatic Center. She noted advertisement for a part-time aquatic center maintenance person had concluded and an interview was set for Tuesday, and advertisement for a Community Development executive assistant was underway.

**OTHER**

Mayor Dalton announced the Polk County Public Safety Levy was on the ballot as Measure 27-117.

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 4:20 p.m.



# AGENDA

March 23, 2015

4:00 PM

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

- A. Call to order
- B. Discuss resolution supporting the Second Amendment PG. 2
- C. Municipal Court Ordinance PG. 8
- D. Finance Director's report
- E. Human Resources Manager's report
- F. Other
- G. Adjournment

### COMMITTEE

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

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**BEFORE THE BOARD OF COMMISSIONERS  
FOR POLK COUNTY, OREGON**

In the Matter of Supporting Federal )  
and State Constitutional Rights )  
To Keep and Bear Arms )

**RESOLUTION NO. 15-06**

**WHEREAS**, the Board of Commissioners of Polk County, Oregon, is sworn to uphold the Constitution of the United States and the Constitution of the state of Oregon; and

**WHEREAS**, the Second Amendment to the United States Constitution states that the "right of the people to keep and bear arms shall not be infringed"; and

**WHEREAS**, Article I, Section 27 of the Oregon State Constitution states that the "people shall have the right to bear arms for the defense of themselves, and the State, but Military shall be kept in strict subordination to the civil power;" and

**WHEREAS**, the Board of Commissioners of Polk County, Oregon, recognizes that the first and last protectors of the United States Constitution are the people of the United States, and that the ability of the people to fulfill that role rests in large part on the peoples' right to bear arms as stated in the Constitutions of the United States and the State of Oregon; and

**WHEREAS**, the criminal misuse of firearms by those in the criminal element is not a reason to deny the Constitutional right to keep and bear arms by law-abiding citizens; and

**WHEREAS**, the Supreme Court of the United States in *District of Columbia v. Heller* upheld the individual rights to bear arms as protected by the Second Amendment of the United States Constitution with Justice Scalia's opinion stating that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home. Also, the United States Supreme Court in *McDonald v. Chicago*, invalidated Chicago's handgun ban and held the Second Amendment to the United States Constitution applies to the States; now, therefore:

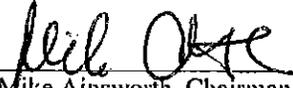
**IT IS HEREBY RESOLVED THAT**, Polk County opposes any state or federal law that abridges or is contrary to the provisions of the United States Constitution and state of Oregon Constitution; and

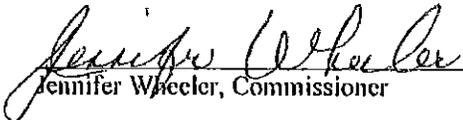
Polk County supports the right of the people to lawfully bear arms as stated in the Second Amendment to the United States Constitution and the Oregon Constitution and opposes any state or federal law that unconstitutionally restricts a citizen's right to bear arms.

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Dated: February 11, 2015 at Dallas, Oregon,

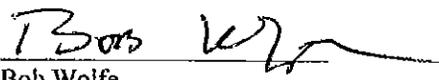
POLK COUNTY BOARD OF COMMISSIONERS

  
Mike Ainsworth, Chairman

  
Jennifer Wheeler, Commissioner

  
Craig Pope, Commissioner

Acknowledged By:

  
Bob Wolfe  
Sheriff

Approved as to Form:

  
Morgan Smith  
County Counsel

Begin forwarded message:

**From:** Bill Currier <[bill.currier@traco.us](mailto:bill.currier@traco.us)>

**Subject: Re: Benton County Resolution**

**Date:** February 26, 2015 3:33:31 PM PST

**To:** Gary Weis <[gary298@charter.net](mailto:gary298@charter.net)>

Yes, and I will support adoption of a similar resolution by the City of Adair Village. When is the next Benton County Commission meeting?

**From:** "Gary Weis" <[gary298@charter.net](mailto:gary298@charter.net)>

**To:** "Bill Currier" <[bill.currier@adairvillage.org](mailto:bill.currier@adairvillage.org)>

**Sent:** Wednesday, February 25, 2015 12:48:05 PM

**Subject:** Benton County Resolution

MR. Mayor, please call or email about The 2nd amendment resolution that I am asking Commissioner Dixon to place on the County Commission agenda. It is the same one that was signed by Polk County Commissioners and Sheriff Wolfe.

Will you call Commissioner Dixon and support placing it on the agenda?

This is the attachment of the Polk County resolution:

**MYRTLE POINT CITY COUNCIL AGENDA**  
**Regular Meeting**  
**Monday, March 2, 2015, 7:30 p.m.**  
**Flora M. Laird Memorial Library Meeting Room**  
**435 Fifth Street, Myrtle Point**

- I. CALL TO ORDER – Mayor Barbara Carter
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL – City Council members, please state your name for the roll.
- IV. CONSENT ITEMS
  - A. Minutes of February 2, 2015 Regular Meeting
- V. ACTION/DISCUSSION ITEMS
  - A. Resolution 2015-05 – Amending the Wastewater Treatment Project Budget and Authorizing the City Manager to Request Additional Funding
  - B. Resolution 2015-06 (Draft) – Opposing Expansion of the Firearms Purchase Background Check System
  - C. **Public Hearing – Resolution 2015-06 (Draft)**
  - D. Budget Committee Appointment – Cynthia Johnson
- VI. PETITIONS FROM THE AUDIENCE

This is a public meeting and the media may use information presented.
- VII. UPCOMING MEETINGS AND EVENTS:
  - A. Myrtle Point Public Library Foundation Monthly Meeting – March 3, 2015, 7:00 p.m.
  - B. Myrtle Point Public Library Foundation Annual Meeting – March 3, 2015, Following Monthly Meeting (7:30 p.m. +/-)
  - C. Flora M. Laird Memorial Library Board Meeting – March 10, 2015, 6:30 p.m.
- VIII. INFORMATION ITEMS
  - A. Myrtle Point Public Library Foundation Monthly Meeting Agenda – March 3, 2015
  - B. Myrtle Point Public Library Foundation Monthly Meeting Minutes – Feb. 3, 2015
  - C. Myrtle Point Public Library Foundation Annual Meeting Agenda – March 3, 2015
  - D. Myrtle Point Public Library Foundation Annual Meeting Minutes – March 4, 2014
  - E. Flora M. Laird Memorial Library Board Meeting Agenda – February 10, 2015
  - F. Flora M. Laird Memorial Library Board Meeting Minutes – January 13, 2015
- IX. OTHER COMMUNICATIONS
  - A. Staff Reports\*
  - B. Council Concerns and Comments\*
- X. ADJOURNMENT

Notice given this 25<sup>th</sup> day of February 2015 – Darin Nicholson, City Manager  
\* indicates no material included in packet

**THE CITY OF MYRTLE POINT IS A DRUG FREE WORKPLACE**  
*The Library meeting room is handicapped accessible. If you wish to participate or attend the meeting and need special accommodations contact the City Manager's office at 572-2626 in advance of the meeting.*

RESOLUTION 2015-06

A RESOLUTION OF THE CITY OF MYRTLE POINT CITY COUNCIL  
OPPOSING EXPANSION OF THE FIREARMS PURCHASE  
BACKGROUND CHECK SYSTEM

WHEREAS, the Myrtle Point City Council is sworn to uphold the Constitution of the United States of America; and

**WHEREAS**, the Second Amendment to the United States Constitution states that the "right of the people to keep and bear arms shall not be infringed"; and

**WHEREAS**, the current firearms purchase background check system results in frequent, costly, time consuming, and unjustified delays and denials of firearms transfers to qualified persons; and

**WHEREAS**, the current firearms purchase background check system rarely results in arrests of prohibited persons; and

**WHEREAS**, the current firearms purchase background check system rarely results in criminal prosecutions or convictions of prohibited persons; and

**WHEREAS**, the current firearms purchase background check system frequently denies or delays the rights of law abiding citizens; and

**WHEREAS**, the current firearms purchase background check system puts law-abiding citizens in danger by frequently preventing them from being able to legally access self-defense firearms in times of personal danger; and

**WHEREAS**, the current firearms purchase background check system requires that persons must request permission from the State before exercising a Constitutional right, something that is repugnant to the Constitution itself.

**NOW THEREFORE**, the City of Myrtle Point City Council hereby resolves:

**SECTION 1**: To make known its opposition to the expansion of Oregon's firearms purchase background check system between qualified, law abiding persons.

**SECTION 2**: That any expansion of the background check system is tantamount to total firearms registration and the Myrtle Point City Council is opposed to such expansion.

**SECTION 3**: To make this Resolution effective on the \_\_ day of immediately upon its passage by the City Council.

2015,

City of Myrtle Point

Resolution 2015-06

Page 2 of 2

- \ Adopted by the Myrtle Point City Council this

-

day of

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2015.

Barbara A. Carter, Mayor

ATTEST: Darin Nicholson, City Manager

**Prozanski Says:**

**We need expanded background checks to prevent  
“EASY ACCESS” to firearms by felons!**

**US Supreme Court Says: Felons are exempt.**

**US v Haynes (1968)**

**Why? Because it violates their 5th amendment right  
against SELF incrimination.**

**So expanded background checks apply only to the  
law abiding citizen, yet the felon is the target of the  
legislation.**

Freedom is never more than one generation away  
from extinction. We didn't pass it to our children in  
the bloodstream. It must be fought for, protected,  
and handed on for them to do the same.

Ronald Reagan

# DALLAS CITY COUNCIL

## ADMINISTRATIVE SUBCOMMITTEE REPORT

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> C	<b>Topic:</b> Municipal Court Ordinance
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> March 23, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Motion to recommend adoption of the proposed ordinance by the full council

BACKGROUND:

As discussed recently, the new city charter that the voters approved in November repealed the charter provision relating to the municipal court and provides instead that the court will be established by ordinance. This was intended to give us some flexibility over time in how the court operates, to be able to adjust to changing circumstances.

Lane has worked with Judge Clark, the City Prosecutor Moe Brown, and our Court Administrator Kim Lundy to better tailor this code to how our court currently functions. The attached ordinance is the final draft from that process.

The highlighted language in the ordinance is just to remind staff of fees the Council will need to adopt with a resolution in the near future.

FISCAL IMPACT:

None

DALLAS 2030 VISION IMPACT:

NA

ATTACHMENTS:

Proposed Municipal Court Ordinance

ORDINANCE NO. \_\_\_\_\_

An Ordinance adopting new provisions of the Dallas City Code relating to the Dallas Municipal Judge and Court; and repealing prior conflicting ordinances.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Sections 2.850 through 2.876 are hereby amended and restated in their entirety, as set forth in this ordinance, and new provisions are added to and made a part of Dallas City Code Chapter 2, as follows:

MUNICIPAL COURT

Municipal Court Judge; Court Procedure

2.850 The municipal judge of this city shall be its chief judicial officer. The court shall be open for the transaction of judicial business during the usual business hours of each day; provided, however, that trial of any cause may be at any hour and day except Sunday, and that complaint or information may be filed and warrant may issue and be served from the court on any day.

2.851 The municipal judge shall be appointed by the council as provided by the city charter. No person shall be appointed municipal judge except he or she be deemed by the mayor and city council qualified for the position by training or experience in the law.

2.852 The council may appoint one or more persons to serve as municipal judge pro tempore, to serve in the absence, disqualification, or temporary inability of the municipal judge to act as municipal judge. A municipal judge pro tempore so appointed shall possess the powers and perform the duties of the municipal judge while so serving.

2.853 The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by an ordinance of the city, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of this city, and, in addition to the powers granted generally by the Charter of the City of Dallas, the Constitution of the State of Oregon, the statutes of the State of Oregon and the ordinances of this city, shall be vested with all powers of a justice of the peace in matters civil and criminal within the corporate limits of the City of Dallas.

2.854 Except as otherwise provided by ordinance or charter, proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

2.855 Upon sworn complaint or information being filed with the court, the court may issue warrant of arrest commanding any peace officer to arrest the defendant. Any defendant so arrested shall be brought before the court on the day of arrest or the next judicial day. The warrant may provide that the defendant be released upon posting bail in a fixed amount.

#### Witnesses in the Municipal Court

2.856 Upon the trial of any cause before the court, the parties to the cause each shall have, as a matter of right, process to summon before the court as witnesses five persons, and, upon application to the court and showing of good cause therefore, each party may have process to summon such additional witnesses as may be reasonably necessary for the effective prosecution of the case.

2.857 Process may be served within the city limits by any police officer of this city or any other competent person over the age of 21 years.

2.858 Those witnesses who appear in answer to summons in the court shall receive as fee for their appearance such amount as the court may, by order from time to time, establish.

2.859 Upon conviction of any person in the municipal court, for any crime or offense made punishable by city ordinance or state law, the court may assess as costs the fees paid for the appearance of witnesses in the proceeding.

2.860 Any witness, being served within the corporate limits of the City of Dallas with a summons requiring him or her to appear as a witness in any proceeding, who shall fail and refuse to so appear at the appointed time, shall, upon conviction in the municipal court, be fined a sum not to exceed \$500 and may be imprisoned for a period of time not to exceed five days.

### Clerk of the Court

2.861 The clerk of the court shall have the power to administer oaths, and perform all duties granted by statute to clerks of the justice courts. The court may appoint one or more other persons employed in the court as deputy clerks of court who shall have all of the powers of the clerk of the court.

### Jury Trials on the Municipal Court

2.862 Any person charged in the municipal court with a criminal offense shall have the right to trial by jury.

2.863 Demand for a jury trial shall be made upon the municipal judge or clerk of the court not less than 30 days before the date set for trial.

2.864 A jury in municipal court shall consist of six persons who shall be residents and electors of the city, and who shall be selected as provided in section 2.866.

2.865 During the month of January each year the clerk of the court and the municipal judge shall, from the latest tax roll and the voters registration list used at the last city election, select the names of not less than 150 persons. The court clerk and municipal judge shall delete from such list those persons known to be deceased or no longer inhabitants of the City of Dallas. Those names remaining shall be placed on a list known as the list of jurors. The court clerk shall be the custodian of the list of jurors.

2.866 Not less than 7 days before the date set for trial the municipal judge or the clerk of the court shall draw from the list of jurors 20 names, which shall comprise the jury panel. At the time of such drawing the municipal judge or clerk of the court may strike from the panel the names of those persons whom are known to them to be deceased, no longer residents of the city, or who, because of age or disability, are incompetent to serve as jurors, and substitute for those so stricken additional names from the list of jurors. The municipal judge or clerk of the court may draw additional names of alternate jurors to be summoned should summons not be servable upon any persons selected as a part of the jury panel.

2.867 After the jury panel has been selected, the municipal judge or clerk of the court shall direct the chief of police to summon those persons selected as jurors to appear before the court at the time and place set for trial to

act as jurors, which summons, verified by the chief of police, shall be served upon the jurors and due return thereof made to the court.

2.868 Upon the trial of the case the plaintiff and defendant may each, in turn, exercise three peremptory challenges to the prospective jurors. Otherwise, no jurors selected as provided in section 2.866 shall be challenged except for cause, subject to the discretion of the municipal judge. However, any juror may be excused on any ground permitting disqualification for cause in the circuit courts of this state.

2.869 Should the jury panel be exhausted without seating the requisite number of jurors, the municipal judge shall cause additional jurors to be summoned by the chief of police and any person who is an inhabitant and registered voter of the City of Dallas shall, upon receipt of such summons, which may be verbal in form, forthwith present himself before the court as a juror. Any prospective juror summoned as provided in this section may be excused for cause.

2.870 Each juror shall receive as fee for services on each date the juror is summoned to appear as a juror, whether or not he or she serves as such juror, such amount as the **city council may establish by resolution**.

2.871 No person accused of a criminal offense shall be required to post any pre-trial fee for the costs of the jury.

2.872 After conviction in any case where a jury has been summoned the cost of the fees to such jurors may be taxed to the defendant as additional costs.

2.873 Any person duly summoned to attend the municipal court as a juror who fails to attend as required shall, after hearing, be fined by the municipal judge in a sum not to exceed \$100.

#### Appointment of Counsel

2.874

(1) Counsel for a person entitled to the aid of counsel shall be appointed by the judge if:

(a) The person charged requests aid of counsel or the judge otherwise finds that appointment of counsel is constitutionally required;

(b) The person charged makes a written and verified financial statement and provides any other information required by the court to show inability to obtain counsel; and

(c) It appears to the court that a person charged is without means and is unable to obtain counsel.

(2) If, at any time during the proceedings, the court finds that the person charged is financially unable to pay counsel whom the person has retained, the court may appoint counsel.

(3) Unless otherwise ordered by the court, the appointment of counsel shall continue during all proceedings resulting from the arrest of the person charged through acquittal or conviction and a pronouncement of judgment by the court. The court may appoint substitute counsel for another at any stage of the proceedings when the interest of justice requires the substitution.

2.875 If, at any time after the appointment of counsel, the court finds that the person charged is financially able to obtain counsel or to make partial payment for the services of counsel, the court may terminate the appointment of counsel, require partial payment, or enter an order against the person charged in favor of the city for the payment of any fees and costs the city has paid and for which the person charged is liable.

#### 2.876

(1) On completion of all services by counsel appointed under section 2.874, counsel shall submit to the court an accurate statement of all expenses paid or incurred in connection with services, and the time devoted to the defense of the person for whom counsel was appointed, stated in tenths of hours. The court shall approve the statement if it finds it is reasonable and enter an order directing the fiscal office of the city to reimburse counsel for the approved expenses and for the amount of time devoted to the defense by counsel at a rate the **city council may establish by resolution.**

(2) Upon resolution, settlement or conviction of any charge for which an attorney was appointed, the court may order the defendant to

reimburse the court for any costs, fees and attorneys fees as advanced by the court.

### Powers of Court Upon Conviction

2.877 The municipal judge may, upon conviction of an offense bearing a penalty of imprisonment, order the convicted party imprisoned in any jail within or without the city which the city may operate or in which, by contract, city prisoners may be housed.

2.878 A judgment that the defendant pay a fine may also direct that the defendant be imprisoned until the fine is satisfied, specifying the extent of the imprisonment. When the judge imposes a sentence of imprisonment in lieu of a fine, the amount of \$25 for each day or partial day so served shall be credited against the amount of the fine, and any costs or assessments imposed.

2.879 The municipal judge may, as a condition of sentence, place any convicted person upon probation to the court upon such conditions, including community service, as the municipal judge may impose.

### Administrative Warrants

2.880 For the purpose of sections 2.880 through 2.888, an administrative warrant is an order signed by the municipal judge, directed to a city official charged with the responsibility of enforcing the provisions of the Dallas City Code authorizing an inspection required or authorized by, or necessary to enforce, any provision of the Dallas City Code.

2.881 An administrative warrant shall be issued only upon a showing of probable cause, which shall be based either on specific evidence that a violation of the Dallas City Code has occurred or is occurring, or on a showing that reasonable legislative and administrative standards for conducting an inspection are satisfied with respect to a particular property or properties. The administrative warrant shall be supported by an affidavit particularly describing the premises to be inspected and the purpose for which the inspection is made, and shall contain a statement that consent to inspect has been sought and refused or that other facts or circumstances set forth in the affidavit reasonably justify the inability to obtain such consent.

2.882

(1) Before issuing an administrative warrant, the judge may examine the applicant and any other witnesses under oath. If the judge is satisfied that probable cause for the inspection exists, the judge may issue the administrative warrant, particularly describing the premises to be inspected and designating the purpose of, and limitations on, the inspection.

(2) The official executing or attempting to execute an administrative warrant shall identify himself or herself and his or her authority, and shall read and show the original copy of such warrant at the time and place of execution to the owner or occupant of the premises described in the administrative warrant.

### 2.883

(1) An administrative warrant shall be effective for the time specified therein, but in no event for more than 14 days, unless extended or renewed by the judge for good cause shown.

(2) An inspection pursuant to an administrative warrant shall be made between the hours of 8:00 a.m. and 6:00 p.m. and shall be made in the presence of either the owner of the premises or of a lawful occupant thereof over the age of 18 years, unless the judge has specially determined upon a showing that it cannot be effectively executed between those hours and the warrant specifies otherwise.

(3) An inspection pursuant to an administrative warrant shall not be by forcible entry, unless the judge, by an endorsement on the face of the warrant, expressly authorizes execution by forcible entry where the affidavit, or a supplemental affidavit supplied after the warrant has been issued, contains information sufficient to satisfy the judge that reasonable grounds to believe one or more of the following exists:

(a) A probable violation of any provision of the Dallas City Code that poses an imminent threat to public health, safety, or welfare;

(b) Where prior attempts to serve the warrant have met with refusal by the owner or occupant of the premises to be inspected; or

(c) Where reasonable attempts have been made to secure the cooperation of the owner of unoccupied premises that are to be

inspected, and entry cannot occur without the owner's cooperation or by force, and the owner has refused to cooperate.

#### 2.884

(1) No forcible entry shall be made pursuant to an administrative warrant unless the owner or occupant of the premises to be inspected has been given at least 24 hours prior notice. Such notice shall be given in writing by personal delivery to the owner or occupant, except as provided in subsection (c) of this section. Notice in person to any person over the age of 18 years who is an occupant of the premises described in the administrative warrant shall be sufficient notice to all occupants. Notice in person to the manager, agent, or other person in charge of any premises occupied by a business or multi-family dwelling unit shall be sufficient notice to the owner.

(2) The notice required in subsection (a) of this section shall include a copy of the administrative warrant, properly endorsed for execution by forcible entry, certified to be a true copy of the original administrative warrant by the judge. Such notice shall specify the name of the city official who is to conduct the inspection, and shall specify the date and time of the intended inspection.

(3) Where at least three diligent attempts, not less than two hours apart, have been made within a 24-hour period to give notice to the owner or occupant, and such notice cannot be given, notice may be given by posting the same in some prominent place upon the exterior of the place described in the administrative warrant, and the administrative warrant may be executed not less than 24 hours thereafter. Notice to the owner shall be made to the address of the owner as set forth in the tax records of the appropriate county, or to the owner's last known address, if different.

(4) This section shall not apply, and no notice need be given, in the case of administrative warrants endorsed for execution by forcible entry upon the grounds specified in section 2.883(3).

#### 2.885

(1) In execution of a properly endorsed administrative warrant by forcible entry, any city official acting under the administrative warrant shall be accompanied by a police officer, who shall execute the administrative warrant by gaining entry, and who shall stand by to prevent any interference during the inspection.

(2) In the execution of an administrative warrant by forcible entry, the police officer has the same power and authority to use all necessary and proper means to overcome any forcible resistance or to call any other person to the officer's aid in the execution or service of a warrant of arrest.

2.886 An administrative warrant must be executed and returned to the judge within ten days from the date issued, unless the judge, before the expiration of such time, extends the time for five days by endorsement on the warrant. The return shall certify the day and time of execution of the administrative warrant, the names of all city officials, including police officers, assisting in the inspection, the time and manner of giving any notice required by section 2.884, and whether or not forcible entry was necessary. After expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

#### 2.887

(1) It shall be unlawful for any person to in any way hinder, delay, impede, or otherwise interfere with any city official or a police officer acting in the official's or officer's official capacity in the course of executing or attempting to execute an administrative warrant which is facially valid, or of making or attempting to make any inspection authorized by the administrative warrant.

(2) Violation of this section is a Class B misdemeanor.

2.888 Nothing in sections 2.880 to 2.888 shall prohibit, or be construed as prohibiting, an inspection without an administrative warrant in an emergency where immediate access is necessary to protect public health, safety, or welfare.

#### Failure to Appear

#### 2.889

(1) No person having order released from custody upon a release agreement or security release on the condition that the person subsequently appear personally in connection with a charge against the person, shall intentionally fail to appear.

(2) No person shall intentionally fail to appear before the municipal court pursuant to a citation issued and served under the authority of this code or ORS 133.055.

(3) No person shall intentionally fail to appear before the municipal court pursuant to an order issued by the municipal judge.

(4) Failure to appear on a criminal offense is a Class A misdemeanor.

(5) Failure to appear on a violation is a Class A misdemeanor.

Section 2. Dallas City Code Section 1.055 is repealed.

Section 3. All prior and conflicting ordinances are hereby repealed.

Section 4. This ordinance shall take effect July 1, 2015.

Read for the first time:  
Read for the second time:  
Adopted by the City Council:  
Approved by the Mayor:

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

**Building and Grounds Committee**  
**Monday, March 23, 2015**

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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, HR Manager Emily Gagner, Park Supervisor Ron Lines, and Recording Secretary Jeremy Teal.

Chair Marshall called the meeting to order at 4:20 p.m.

**PARK RESTROOM PROJECT UPDATE**

Mr. Lines reported the restroom project was near completion with the electrical and plumbing in. He noted the partitions and porcelain would arrive soon and he was working toward an April 1 completion date.

**COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR’S REPORT**

Mr. Locke stated someone drove over the vegetation on the east side of City Hall this last weekend. He noted there was a bid out for the reroofing of buildings B, C, and D at the City shops and he was working on the partition of the Carnegie site for the Senior Center.

**OTHER**

Councilor Lawson asked if the City had reevaluated the Carnegie building.

Mr. Locke shared that the City would need to find a new tenant or owner after the Senior Center was complete. He explained that a residential work/live space would be the path of least resistance. He noted building codes would allow it, but zoning wouldn’t. He commented that it wasn’t a good idea to rezone a building from commercial to residential in a downtown district.

It was moved by Councilor Lawson *to direct staff to do research on the cost of making the Carnegie building suitable to market as a work/live occupancy and report back to the Administration Committee.* The motion was duly seconded and carried with a vote of 5-0.

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 4:40 p.m.



DALLAS CITY HALL



# Building & Grounds Committee

## AGENDA

March 23, 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. Community Development/  
Operations Director's report
- D. Other
- E. Adjournment

### COMMITTEE

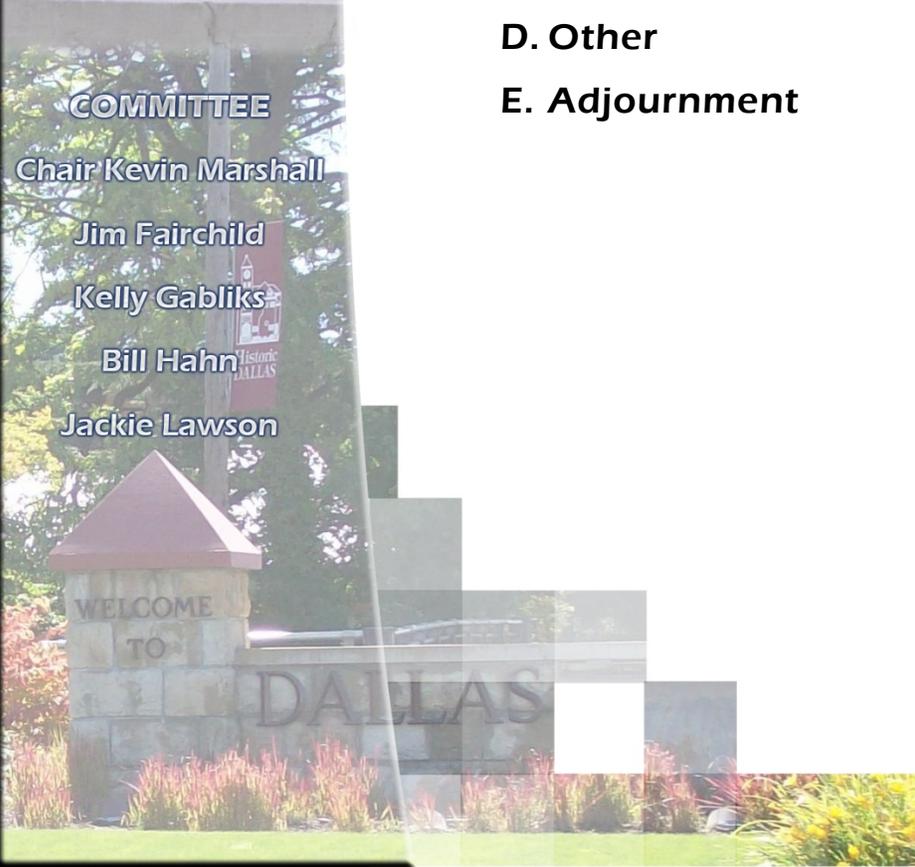
Chair Kevin Marshall

Jim Fairchild

Kelly Gabliks

Bill Hahn

Jackie Lawson



# DALLAS CITY COUNCIL

## REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 11 a</b>	<b>Topic:</b> Resolution No. 3320 – OPRD LGGP Grant
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 6, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED MOTION:**

Pass Resolution No. 3320

**BACKGROUND:**

The Council passed Resolution 3315 in February authorizing staff to apply for the 2015 Local Government Grant Program (LGGP) grant cycle to construct trail around Central Bark dog park and extending to the west along Azalea Street. Additionally, the grant seeks funds to install a section of trail from the dog park area to Miller Avenue through a vacant lot owned by the City on Miller. Finally, to connect these two areas, the grant would install decking on the sewer siphon being installed across the creek between the Aquatic Center and the dog park.

In the past, we have submitted a letter from the City Manager indicating the City’s commitment to future funding of maintenance for the improvements constructed by potential grant monies. However, this year, they have informed us this information must be included in the resolution.

The following resolution is the same resolution the Council passed in February, with the following additional verbiage (as an additional WHEREAS clause):

“...WHEREAS, the City of Dallas will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant be awarded...”

**FISCAL IMPACT:**

The grant application is asking for \$321,500 in grant funds, with a \$372,550 match – which is mostly coming from Sewer funds for the cost of the new sewer line across Rickreall Creek.

**DALLAS 2030 VISION IMPACT:**

Our Community & Identity: 1a, 1g  
Our Health & Safety: 5f

**ATTACHMENTS:**

Resolution 3320

RESOLUTION NO. 3320

A Resolution of the City of Dallas authorizing a grant application under the Oregon Parks and Recreation Department Local Government Grant Program for park improvements on the Rickreall Creek Trail System; and committing available local matching funds.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

WHEREAS, the City of Dallas desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and

WHEREAS, the Dallas City Council has identified improvements to the Rickreall Creek Trail System as a high priority need in the City of Dallas; and

WHEREAS, the proposed improvements identified by the Dallas City Council include a paved pathway, landscaping, and interpretive signs; and

WHEREAS, the City of Dallas has determined that the share of local funds required to be committed for the proposed improvements under the terms of the Local Government Grant Program is readily available; and

WHEREAS, the City of Dallas will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant be awarded; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. The City Manager is hereby authorized and directed to prepare, sign, and submit an application for a Local Government Grant to the Oregon Parks and Recreation Department to seek funding for park improvements on the Rickreall Creek Trail System as set forth in the foregoing recitals.

Section 2. There is hereby committed a share of local available funds for the proposed improvements in an amount sufficient to satisfy the terms of the Local Government Grant Program.

Section 3. Resolution 3315 is hereby repealed.

Section 4. This Resolution shall take effect upon its passage and approval.

Adopted: April 6, 2015  
Approved: April 6, 2015

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BRIAN W. DALTON, MAYOR

APPROVED AS TO FORM:

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

ATTEST:

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

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 11b</b>	<b>Topic:</b> Budget Transfer Resolution 3321
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> April 6, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Approval of Budget Transfer Resolution 3321

BACKGROUND:

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

Following are the necessary transfers:

**General Fund:**

From:	To:	Purpose:	Amount:
Contingency	Administration- Personnel Services	Administrative Intern	\$ 8,000
Com Dev-Planning- Personnel Services	Aquatic Center- Personnel Services	Additional staff coverage	\$25,000
Com Dev-Planning- Professional Services	Aquatic Center- Personnel Services	Additional staff coverage	\$20,000
Municipal Court- Personnel Services	Municipal Court- Material and Services- Professional Services	Municipal Judge and defense attorney costs	\$20,000

**Street Fund:**

From:	To:	Purpose:	Amount:
Contingency	Material and Services- Professional Services	Tree trimming/traffic signal upgrade	\$30,000

FISCAL IMPACT:

Appropriation impact:

**General Fund:**

- Decrease Contingency from \$20,000 to \$12,000
- Increase Administration-Personnel Services-Salaries from \$245,000 to \$253,000
- Decrease Com Dev-Planning-Personnel Services from \$122,000 to \$97,000
- Decrease Com Dev-Planning-Professional Services from \$40,000 to \$20,000
- Increase Aquatic Center-Personnel Services from \$422,000 to \$467,000
- Decrease Municipal Court-Personnel Services from \$120,000 to \$100,000
- Increase Municipal Court-Professional Services from \$22,000 to \$42,000

**Street Fund:**

Decrease Contingency from \$376,550 to \$345,550

Increase Material and Services-Professional Services \$15,000 to \$45,000

**ATTACHMENTS:**

Budget Transfer Resolution 3321

RESOLUTION NO. 3321

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$8,000 from the General Fund, Operating Contingency, to the General Fund, Administration Department, for unanticipated personnel costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$25,000 from the General Fund, Community Development-Planning-Personnel Services, to the General Fund, Aquatic Center-Personnel Services, for unanticipated personnel costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$20,000 from the General Fund, Community Development-Planning-Professional Services, to the General Fund, Aquatic Center-Personnel Services, for unanticipated personnel costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$20,000 from the General Fund, Municipal Court-Personnel Services, to the General Fund, Municipal Court-Professional Services, for unanticipated municipal judge and defense attorney costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$30,000 from the Street Fund, Contingency, to the Street Fund-Professional Services, for unanticipated tree trimming and traffic signal upgrade costs;

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

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$8,000 from the General Fund, Operating Contingency, to the General Fund, Administration Department,

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$25,000 from the General Fund, Community Development-Planning-Personnel Services, to the General Fund, Aquatic Center-Personnel Services,

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$20,000 from the General Fund, Community Development-Planning-Professional Services, to the General Fund, Aquatic Center-Personnel Services,

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$20,000 from the General Fund, Municipal Court-Personnel Services, to the General Fund, Municipal Court-Professional Services,

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$30,000 from the Street Fund, Contingency, to the Street Fund-Professional Services,

Section 6. This Resolution shall be effective upon its passage.

Adopted: April 6, 2015  
Approved: April 6, 2015

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BRIAN W. DALTON, MAYOR

APPROVED AS TO FORM:

ATTEST:

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RON FOGGIN, CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 12 a</b>	<b>Topic:</b> Ordinance No. 1781 - Municipal Court
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 6, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Allow Ordinance 1781 to pass its first reading

BACKGROUND:

As discussed recently, the new city charter that the voters approved in November repealed the charter provision relating to the municipal court and provides instead that the court will be established by ordinance. This was intended to give us some flexibility over time in how the court operates, to be able to adjust to changing circumstances.

Lane has worked with Judge Clark, the City Prosecutor Moe Brown, and our Court Administrator Kim Lundy to better tailor this code to how our court currently functions. The attached ordinance is the final draft from that process.

The Administration Committee reviewed this at their last meeting and recommended the Council approve the ordinance.

FISCAL IMPACT:

None

DALLAS 2030 VISION IMPACT:

NA

ATTACHMENTS:

- Resolution adopting certain fees implemented with Ordinance No 1781 (to be placed for passage April 20)
- Municipal Court Ordinance

RESOLUTION NO. \_\_\_\_\_

A Resolution establishing certain fees and rates in Dallas Municipal Court.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. The fee payable to jurors for jury service in Dallas Municipal Court, as authorized in Ordinance 1781 (Dallas City Code Section 2.870), shall be \$10 per day.

Section 2. The rate payable to legal counsel appointed by the Dallas Municipal Court under Ordinance 1781 (Dallas City Code Section 2.874), as authorized by Section 2.876(1), shall be \$50 per hour.

Section 2. This resolution shall be effective July 1, 2015.

Adopted: April 20, 2015

Approved: April 20, 2015

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

ATTEST:

APPROVED AS TO FORM

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

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

ORDINANCE NO. 1781

An Ordinance adopting new provisions of the Dallas City Code relating to the Dallas Municipal Judge and Court; and repealing prior conflicting ordinances.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Sections 2.850 through 2.876 are hereby amended and restated in their entirety, as set forth in this ordinance, and new provisions are added to and made a part of Dallas City Code Chapter 2, as follows:

MUNICIPAL COURT

Municipal Court Judge; Court Procedure

2.850 The municipal judge of this city shall be its chief judicial officer. The court shall be open for the transaction of judicial business during the usual business hours of each day; provided, however, that trial of any cause may be at any hour and day except Sunday, and that complaint or information may be filed and warrant may issue and be served from the court on any day.

2.851 The municipal judge shall be appointed by the council as provided by the city charter. No person shall be appointed municipal judge except he or she be deemed by the mayor and city council qualified for the position by training or experience in the law.

2.852 The council may appoint one or more persons to serve as municipal judge pro tempore, to serve in the absence, disqualification, or temporary inability of the municipal judge to act as municipal judge. A municipal judge pro tempore so appointed shall possess the powers and perform the duties of the municipal judge while so serving.

2.853 The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by an ordinance of the city, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of this city, and, in addition to the powers granted generally by the Charter of the City of Dallas, the Constitution of the State of Oregon, the statutes of the State of Oregon and the ordinances of this city, shall be vested with all powers of a justice of the peace in matters civil and criminal within the corporate limits of the City of Dallas.

2.854 Except as otherwise provided by ordinance or charter, proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

2.855 Upon sworn complaint or information being filed with the court, the court may issue warrant of arrest commanding any peace officer to arrest the defendant. Any defendant so arrested shall be brought before the court on the day of arrest or the next judicial day. The warrant may provide that the defendant be released upon posting bail in a fixed amount.

#### Witnesses in the Municipal Court

2.856 Upon the trial of any cause before the court, the parties to the cause each shall have, as a matter of right, process to summon before the court as witnesses five persons, and, upon application to the court and showing of good cause therefore, each party may have process to summon such additional witnesses as may be reasonably necessary for the effective prosecution of the case.

2.857 Process may be served within the city limits by any police officer of this city or any other competent person over the age of 21 years.

2.858 Those witnesses who appear in answer to summons in the court shall receive as fee for their appearance such amount as the court may, by order from time to time, establish.

2.859 Upon conviction of any person in the municipal court, for any crime or offense made punishable by city ordinance or state law, the court may assess as costs the fees paid for the appearance of witnesses in the proceeding.

2.860 Any witness, being served within the corporate limits of the City of Dallas with a summons requiring him or her to appear as a witness in any proceeding, who shall fail and refuse to so appear at the appointed time, shall, upon conviction in the municipal court, be fined a sum not to exceed \$500 and may be imprisoned for a period of time not to exceed five days.

### Clerk of the Court

2.861 The clerk of the court shall have the power to administer oaths, and perform all duties granted by statute to clerks of the justice courts. The court may appoint one or more other persons employed in the court as deputy clerks of court who shall have all of the powers of the clerk of the court.

### Jury Trials on the Municipal Court

2.862 Any person charged in the municipal court with a criminal offense shall have the right to trial by jury.

2.863 Demand for a jury trial shall be made upon the municipal judge or clerk of the court not less than 30 days before the date set for trial.

2.864 A jury in municipal court shall consist of six persons who shall be residents and electors of the city, and who shall be selected as provided in section 2.866.

2.865 During the month of January each year the clerk of the court and the municipal judge shall, from the latest tax roll and the voters registration list used at the last city election, select the names of not less than 150 persons. The court clerk and municipal judge shall delete from such list those persons known to be deceased or no longer inhabitants of the City of Dallas. Those names remaining shall be placed on a list known as the list of jurors. The court clerk shall be the custodian of the list of jurors.

2.866 Not less than 7 days before the date set for trial the municipal judge or the clerk of the court shall draw from the list of jurors 20 names, which shall comprise the jury panel. At the time of such drawing the municipal judge or clerk of the court may strike from the panel the names of those persons whom are known to them to be deceased, no longer residents of the city, or who, because of age or disability, are incompetent to serve as jurors, and substitute for those so stricken additional names from the list of jurors. The municipal judge or clerk of the court may draw additional names of alternate jurors to be summoned should summons not be servable upon any persons selected as a part of the jury panel.

2.867 After the jury panel has been selected, the municipal judge or clerk of the court shall direct the chief of police to summon those persons selected as jurors to appear before the court at the time and place set for trial to

act as jurors, which summons, verified by the chief of police, shall be served upon the jurors and due return thereof made to the court.

2.868 Upon the trial of the case the plaintiff and defendant may each, in turn, exercise three peremptory challenges to the prospective jurors. Otherwise, no jurors selected as provided in section 2.866 shall be challenged except for cause, subject to the discretion of the municipal judge. However, any juror may be excused on any ground permitting disqualification for cause in the circuit courts of this state.

2.869 Should the jury panel be exhausted without seating the requisite number of jurors, the municipal judge shall cause additional jurors to be summoned by the chief of police and any person who is an inhabitant and registered voter of the City of Dallas shall, upon receipt of such summons, which may be verbal in form, forthwith present himself before the court as a juror. Any prospective juror summoned as provided in this section may be excused for cause.

2.870 Each juror shall receive as fee for services on each date the juror is summoned to appear as a juror, whether or not he or she serves as such juror, such amount as the city council may establish by resolution.

2.871 No person accused of a criminal offense shall be required to post any pre-trial fee for the costs of the jury.

2.872 After conviction in any case where a jury has been summoned the cost of the fees to such jurors may be taxed to the defendant as additional costs.

2.873 Any person duly summoned to attend the municipal court as a juror who fails to attend as required shall, after hearing, be fined by the municipal judge in a sum not to exceed \$100.

#### Appointment of Counsel

2.874

(1) Counsel for a person entitled to the aid of counsel shall be appointed by the judge if:

(a) The person charged requests aid of counsel or the judge otherwise finds that appointment of counsel is constitutionally required;

(b) The person charged makes a written and verified financial statement and provides any other information required by the court to show inability to obtain counsel; and

(c) It appears to the court that a person charged is without means and is unable to obtain counsel.

(2) If, at any time during the proceedings, the court finds that the person charged is financially unable to pay counsel whom the person has retained, the court may appoint counsel.

(3) Unless otherwise ordered by the court, the appointment of counsel shall continue during all proceedings resulting from the arrest of the person charged through acquittal or conviction and a pronouncement of judgment by the court. The court may appoint substitute counsel for another at any stage of the proceedings when the interest of justice requires the substitution.

2.875 If, at any time after the appointment of counsel, the court finds that the person charged is financially able to obtain counsel or to make partial payment for the services of counsel, the court may terminate the appointment of counsel, require partial payment, or enter an order against the person charged in favor of the city for the payment of any fees and costs the city has paid and for which the person charged is liable.

#### 2.876

(1) On completion of all services by counsel appointed under section 2.874, counsel shall submit to the court an accurate statement of all expenses paid or incurred in connection with services, and the time devoted to the defense of the person for whom counsel was appointed, stated in tenths of hours. The court shall approve the statement if it finds it is reasonable and enter an order directing the fiscal office of the city to reimburse counsel for the approved expenses and for the amount of time devoted to the defense by counsel at a rate the city council may establish by resolution.

(2) Upon resolution, settlement or conviction of any charge for which an attorney was appointed, the court may order the defendant to

reimburse the court for any costs, fees and attorneys fees as advanced by the court.

### Powers of Court Upon Conviction

2.877 The municipal judge may, upon conviction of an offense bearing a penalty of imprisonment, order the convicted party imprisoned in any jail within or without the city which the city may operate or in which, by contract, city prisoners may be housed.

2.878 A judgment that the defendant pay a fine may also direct that the defendant be imprisoned until the fine is satisfied, specifying the extent of the imprisonment. When the judge imposes a sentence of imprisonment in lieu of a fine, the amount of \$25 for each day or partial day so served shall be credited against the amount of the fine, and any costs or assessments imposed.

2.879 The municipal judge may, as a condition of sentence, place any convicted person upon probation to the court upon such conditions, including community service, as the municipal judge may impose.

### Administrative Warrants

2.880 For the purpose of sections 2.880 through 2.888, an administrative warrant is an order signed by the municipal judge, directed to a city official charged with the responsibility of enforcing the provisions of the Dallas City Code authorizing an inspection required or authorized by, or necessary to enforce, any provision of the Dallas City Code.

2.881 An administrative warrant shall be issued only upon a showing of probable cause, which shall be based either on specific evidence that a violation of the Dallas City Code has occurred or is occurring, or on a showing that reasonable legislative and administrative standards for conducting an inspection are satisfied with respect to a particular property or properties. The administrative warrant shall be supported by an affidavit particularly describing the premises to be inspected and the purpose for which the inspection is made, and shall contain a statement that consent to inspect has been sought and refused or that other facts or circumstances set forth in the affidavit reasonably justify the inability to obtain such consent.

2.882

(1) Before issuing an administrative warrant, the judge may examine the applicant and any other witnesses under oath. If the judge is satisfied that probable cause for the inspection exists, the judge may issue the administrative warrant, particularly describing the premises to be inspected and designating the purpose of, and limitations on, the inspection.

(2) The official executing or attempting to execute an administrative warrant shall identify himself or herself and his or her authority, and shall read and show the original copy of such warrant at the time and place of execution to the owner or occupant of the premises described in the administrative warrant.

2.883

(1) An administrative warrant shall be effective for the time specified therein, but in no event for more than 14 days, unless extended or renewed by the judge for good cause shown.

(2) An inspection pursuant to an administrative warrant shall be made between the hours of 8:00 a.m. and 6:00 p.m. and shall be made in the presence of either the owner of the premises or of a lawful occupant thereof over the age of 18 years, unless the judge has specially determined upon a showing that it cannot be effectively executed between those hours and the warrant specifies otherwise.

(3) An inspection pursuant to an administrative warrant shall not be by forcible entry, unless the judge, by an endorsement on the face of the warrant, expressly authorizes execution by forcible entry where the affidavit, or a supplemental affidavit supplied after the warrant has been issued, contains information sufficient to satisfy the judge that reasonable grounds to believe one or more of the following exists:

(a) A probable violation of any provision of the Dallas City Code that poses an imminent threat to public health, safety, or welfare;

(b) Where prior attempts to serve the warrant have met with refusal by the owner or occupant of the premises to be inspected; or

(c) Where reasonable attempts have been made to secure the cooperation of the owner of unoccupied premises that are to be inspected, and entry cannot occur without the owner's cooperation or by force, and the owner has refused to cooperate.

#### 2.884

(1) No forcible entry shall be made pursuant to an administrative warrant unless the owner or occupant of the premises to be inspected has been given at least 24 hours prior notice. Such notice shall be given in writing by personal delivery to the owner or occupant, except as provided in subsection (c) of this section. Notice in person to any person over the age of 18 years who is an occupant of the premises described in the administrative warrant shall be sufficient notice to all occupants. Notice in person to the manager, agent, or other person in charge of any premises occupied by a business or multi-family dwelling unit shall be sufficient notice to the owner.

(2) The notice required in subsection (a) of this section shall include a copy of the administrative warrant, properly endorsed for execution by forcible entry, certified to be a true copy of the original administrative warrant by the judge. Such notice shall specify the name of the city official who is to conduct the inspection, and shall specify the date and time of the intended inspection.

(3) Where at least three diligent attempts, not less than two hours apart, have been made within a 24-hour period to give notice to the owner or occupant, and such notice cannot be given, notice may be given by posting the same in some prominent place upon the exterior of the place described in the administrative warrant, and the administrative warrant may be executed not less than 24 hours thereafter. Notice to the owner shall be made to the address of the owner as set forth in the tax records of the appropriate county, or to the owner's last known address, if different.

(4) This section shall not apply, and no notice need be given, in the case of administrative warrants endorsed for execution by forcible entry upon the grounds specified in section 2.883(3).

#### 2.885

(1) In execution of a properly endorsed administrative warrant by forcible entry, any city official acting under the administrative warrant shall be accompanied by a police officer, who shall execute the administrative warrant by

gaining entry, and who shall stand by to prevent any interference during the inspection.

(2) In the execution of an administrative warrant by forcible entry, the police officer has the same power and authority to use all necessary and proper means to overcome any forcible resistance or to call any other person to the officer's aid in the execution or service of a warrant of arrest.

2.886 An administrative warrant must be executed and returned to the judge within ten days from the date issued, unless the judge, before the expiration of such time, extends the time for five days by endorsement on the warrant. The return shall certify the day and time of execution of the administrative warrant, the names of all city officials, including police officers, assisting in the inspection, the time and manner of giving any notice required by section 2.884, and whether or not forcible entry was necessary. After expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

#### 2.887

(1) It shall be unlawful for any person to in any way hinder, delay, impede, or otherwise interfere with any city official or a police officer acting in the official's or officer's official capacity in the course of executing or attempting to execute an administrative warrant which is facially valid, or of making or attempting to make any inspection authorized by the administrative warrant.

(2) Violation of this section is a Class B misdemeanor.

2.888 Nothing in sections 2.880 to 2.888 shall prohibit, or be construed as prohibiting, an inspection without an administrative warrant in an emergency where immediate access is necessary to protect public health, safety, or welfare.

#### Failure to Appear

#### 2.889

(1) No person having order released from custody upon a release agreement or security release on the condition that the person subsequently appear personally in connection with a charge against the person, shall intentionally fail to appear.

(2) No person shall intentionally fail to appear before the

municipal court pursuant to a citation issued and served under the authority of this code or ORS 133.055.

(3) No person shall intentionally fail to appear before the municipal court pursuant to an order issued by the municipal judge.

(4) Failure to appear on a criminal offense is a Class A misdemeanor.

(5) Failure to appear on a violation is a Class A misdemeanor.

Section 2. Dallas City Code Section 1.055 is repealed.

Section 3. All prior and conflicting ordinances are hereby repealed.

Section 4. This ordinance shall take effect July 1, 2015.

Read for the first time: April 6, 2015  
Read for the second time: April 20, 2015  
Adopted by the City Council: April 20, 2015  
Approved by the Mayor: April 20, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 13a</b>	<b>Topic:</b> Ordinance No. 1780
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> April 6, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Pass Ordinance 1780.

**BACKGROUND:** The City Council held a public hearing on this matter on February 17, 2015. At the conclusion of the hearing, Council President Fairchild raised an issue related to the appointment of a Citizens Advisory Committee, and sought some language changes to make the issue clearer. Staff made the requested changes, and the Council directed staff to prepare an Ordinance adopting Chapter 1- Citizen Involvement, and making revisions to the language in the existing Comprehensive Plan. These items are included in Ordinance No. 1780.

**FISCAL IMPACT:** \$1000 in Planning Budget for Citizen Involvement Plan Line Item next fiscal year

**DALLAS 2030 VISION IMPACT:** This matter is consistent with Objective 1- Our Growth and Development, which specifies that the City will update the Dallas Comprehensive Plan.

**ATTACHMENTS:**

Ordinance 1780

ORDINANCE NO. 1780

An Ordinance amending the Introduction: Organization & Implementation, and Chapter 1 of the Dallas Comprehensive Plan, relating to Citizen Involvement.

WHEREAS, the Dallas Comprehensive Plan is the controlling land use document for the City of Dallas and its Urban Growth Boundary; and

WHEREAS, citizen involvement is the cornerstone of the land use planning process; and

WHEREAS, the City Council of the City of Dallas has determined that it is appropriate to amend the provisions of the Introduction: Organization & Implementation and Chapter 1 of the Dallas Comprehensive Plan, relating to citizen involvement, to strengthen and enhance citizen involvement in the Dallas land use planning process; and

WHEREAS, after due notice, on January 13, 2015, the Dallas Planning Commission held a public hearing on the proposed amendment and at the conclusion thereof recommended to the City Council that the amendments be granted; and

WHEREAS, after due notice, on February 17, 2015, the City Council held a public hearing on the proposed amendments and at the conclusion thereof determined that the amendments, as amended by the City Council, should be adopted and implemented; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The amendments to the Introduction: Organization & Implementation and Chapter 1 of the Dallas Comprehensive Plan shown on Exhibit A, attached hereto and by reference incorporated herein, are hereby adopted.

Read for the first time: March 16, 2015  
Read for the second time: April 6, 2015  
Passed by the City Council: April 6, 2015

Approved by the Mayor: April 6, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY  
CITY ATTORNEY

## EXHIBIT A

### 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 or request that the City Council appoint, from time to time, a Citizen Advisory Committee (CAC) to assist the Planning Commission. In addition, the City Council may appoint a Citizens Advisory Committee when it is determined to be necessary in order to review and provide feedback or guidance to the Planning Commission on issues of wide-ranging impact such as major revisions to the Comprehensive Plan or land development regulations. The Council shall set the parameters and make-up of the CAC, and shall endeavor to include a representative cross section of the community and/or subject matter experts as warranted.

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 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 1780