



Dallas City Council Agenda

Monday, February 1, 2010, 7:00 p.m.
Mayor Jim Fairchild, Presiding
Dallas City Hall
187 SE Court Street
Dallas, Oregon 97338

City Council

Mayor
Jim Fairchild

Council President
Brian Dalton

Councilor
Warren Lamb

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Wes Scroggin

Councilor
David Shein

Councilor
David Voves

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

Staff

City Manager
Jerry Wyatt

Asst. City Manager
Kim Marr

City Attorney
Lane Shetterly

Community Development
Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Police Chief
John Teague

Public Works Director
Fred Braun

All persons addressing the Council will please sign in on the provided card use the table at the front of the Council. All testimony is electronically recorded.

ITEM

RECOMMENDED ACTION

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. QUESTIONS OR COMMENTS FROM THE AUDIENCE

This time is provided for citizens to address the Council or introduce items for Council consideration on any matters other than those on the agenda.

3. PUBLIC HEARINGS

Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.

4. CONSENT AGENDA

The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.

- a. Approval of January 19, 2010 City Council Minutes **p. 3** Motion
 - b. Acknowledge report of Jan 25 Administrative Committee Meeting (action items addressed later on agenda) **p. 5**
 - c. Acknowledge report of Jan 25 Building and Grounds Committee Meeting (no action items) **p. 14**
 - d. Acknowledge report of Jan 19 Library Board Mtg **p. 32**
 - e. Other
-

5. ITEMS REMOVED FROM CONSENT AGENDA

6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS

Action items from Jan 25, 2010 Admin Committee:

- a. Auditor RFP **p. 35** Motion
- b. Fiscal Policies **p. 43** Set Workshop

Dallas City Council Agenda

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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 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. Municipal Court Fees [p. 48](#)

Motion

d. Other

7. REPORTS FROM CITY MANAGER AND STAFF

a. Mid-year budget review [p. 50](#)

b. Polk County transitional housing

c. Other

8. RESOLUTIONS

9. FIRST READING OF ORDINANCE

10. SECOND READING OF ORDINANCE

11. OTHER BUSINESS

12. ADJOURNMENT

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The Dallas City Council met in regular session on Tuesday, January 19, 2010, at 7:00 p.m. in the Council Chambers of City Hall with Council President Brian Dalton presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Council members present: Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Councilor Warren Lamb and Councilor Dave Voves.

Also present were: City Manager Jerry Wyatt, City Attorney Anthony James, Assistant City Manager Kim Marr, Fire Chief Bill Hahn, Police Chief John Teague, and Recording Secretary Emily Gagner.

Council President Dalton led the Pledge of Allegiance.

Council President Dalton indicated Ordinance No. 1717 was removed from the agenda and would be addressed at a later date.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Council President Dalton asked for comments or questions from the audience on items other than those on the agenda. There were none.

PUBLIC HEARINGS

CONSENT AGENDA

It was moved by Councilor Woods and seconded by Councilor Lawson to approve the Consent Agenda as presented. The motion CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

Items approved by the Consent Agenda were: a) approval of January 4, 2010, City Council Minutes; b) endorsement of OLCC annual license renewals; c) acknowledge report on the January Planning Commission meeting; and d) acknowledge December department reports.

ITEMS REMOVED FROM CONSENT AGENDA

There were none.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Councilor Wilson reported that the Woods family received a great honor at the Annual Chamber Community Awards Ceremony, the "Exceptional Family Award." She noted the whole awards ceremony was beautifully done.

Councilor Wilson thanked the City and County for removing the overhanging oak branches on Miller Avenue, noting many were hazards.

Council President Dalton stated the City had recently planted 26 street trees downtown.

REPORTS FROM CITY MANAGER AND STAFF

EMPLOYEE/VOLUNTEER RECOGNITION AWARDS

Mr. Wyatt presented the Employee Of the Fourth Quarter to Detective April Welsh.

Mr. Wyatt presented the Volunteer of the Fourth Quarter to Library volunteers Dale and Lois Derouin.

DALLAS AREA CHAMBER OF COMMERCE & VISITORS CENTER BOARD RECOGNITION

1 Mr. Wyatt explained the Chamber was going to present a certificate of appreciation to John
2 Swanson to recognize him for all the work he's done with the Chamber, but the Director was ill
3 and unable to attend the meeting.

4 **FIRE SERVICE APPRECIATION DAY PROCLAMATION**

5 Council President Dalton read the proclamation and presented a signed copy of the proclamation
6 to Fire Chief Bill Hahn.

7 **COMMUNITY VISIONING (nSight)**

8 Mr. Wyatt explained they had their first meeting the past Thursday. Councilor Wilson reported
9 it was a very good meeting and they got off to a good start. She indicated the group came up
10 with a list of 30-35 different topics that the group may choose to delve into further. She added
11 they would be meeting again the next Thursday. Councilor Scroggin stated the group would
12 work at the next meeting to develop a mission statement.

13 **OTHER**

14 **RESOLUTIONS**

15 **FIRST READING OF ORDINANCE**

16 **Ordinance No. 1717:** An Ordinance changing the zoning designation of a parcel of real property
17 from CN, Commercial Neighborhood to CG, Commercial General; and amending the Dallas
18 Zoning Map.

19 Mr. Wyatt informed the Council that this item had been removed from the agenda.

20 **SECOND READING OF ORDINANCE**

21 **OTHER BUSINESS**

22 Councilor Shein stated as a follow up to the award banquet that there was someone who didn't
23 get an award that night because they don't fit the established categories, and that was the
24 employees of the city. He explained those who read Mr. Wyatt's op-ed piece in the past week's
25 paper saw listed a tiny amount of what the employees do on their own time or with their own
26 money for the community. He stated he could go on a long time about what the employees do
27 that they don't have to do that make this a better place to live, and the community can't remind
28 themselves too often how lucky they are to have them.

29 There being no further business, the meeting adjourned at 7:15 p.m.

30 Read and approved this _____ day of _____ 2010.

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Mayor

ATTEST:

City Manager

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Members Present: Chair Ken Woods, Jr., Kevin Marshall, David Shein. Excused: Dave Voves

Also Present: City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly, Finance Director Cecilia Ward, and Recording Secretary Emily Gagner.

Chair Woods called the meeting to order at 4:22 p.m.

No Smoking in City Parks

Mr. Wyatt indicated this topic originally came from the Park and Recreation Board, and noted Randi Phillips, the Tobacco Prevention and Education Coordinator for Polk County gave the Committee information back in November. Mr. Wyatt explained that the City Attorney had drafted an ordinance with the changes discussed. There was discussion about monitoring smoking on the streets adjacent to parks. Mr. Wyatt stated a smoking ban is not something staff is ready to enforce at this time. There was discussion about restricting smoking near the Rotary Stage. After more discussion, the Committee agreed to wait and look at this subject again in one year.

Auditor RFP

Mr. Wyatt reported the city has had our current auditor since 2005 and has had issues with their responsiveness. He indicated the agenda packet contained an example of a request for proposal for an auditor and noted the City Attorney had reviewed it. Mr. Shein moved to recommend to the council to submit a request for proposal for municipal audit services. The motion was duly seconded and carried unanimously.

PEG Channel Update

Mr. Wyatt stated he feels that the City should move during the 2010/11 budget process to set aside the funds to finance the public access channel. He stated the computer at the Library would need to be upgraded. He reported that he had toured CCTV in Salem and discussed their funding, which includes lodging tax money, funds from their charter agreement with Comcast, and money from sponsorship. Mr. Wyatt explained the PEG channel could be used as a great tool to communicate with the public on a variety of issues. Mr. Shein asked what the funds would be used to do. Mr. Wyatt indicated they would be for studio costs and equipment upgrades. He noted that within the contract with Visual Media (who would run our PEG Channel) they would provide cameras and a camera man anytime the city had an event that required filming, which could include an open house, park ribbon cutting, or Council meeting. Mr. Wyatt stated Tualatin has a video about their street fee on the government channel. He added some cities have their PEG channel showing in their lobby. Mr. Wyatt stated the cost would be about \$30-40,000. There was some discussion about the number of cable subscribers in the City versus satellite subscribers. Mr. Wyatt noted improving the PEG channel content may increase the Charter subscriptions. Mr. Marshall indicated that if the PEG channel would only reach a small percentage of our population, it might not be worth the money to upgrade it. Chair Woods stated it would be better to spend the money on a newsletter that was mailed to everyone because it would reach more people. Chair Woods confirmed that staff should work on a cost benefit analysis and address the issue in the Budget Committee.

Franchise Agreements and Fees Update

1 Mr. Wyatt stated he is working with Pacific Power to update their franchise agreement, which expires this
2 summer. He noted he had also spoken to Chuck at Allied Waste recently about their franchise agreement.

3 **Fiscal Policies**

4 Mr. Wyatt indicated staff had put this together for review and noted he would like to have fiscal policies
5 in place when the Council adopts the new budget. Chair Woods asked about the current policies. Mr.
6 Wyatt reported there are no adopted fiscal policies. He stated he would like the topic to come out of the
7 committee to the full council to set this as a workshop topic. He advised nothing in the proposed policies
8 are really outside of normal operations. He noted one item for the Council to think about would be what
9 percentage of the beginning balance should be put in the reserve fund. Chair Woods asked staff to keep
10 the terminology simple so it is easy for everyone to understand. Mr. Marshall moved to recommend to
11 the Council to set Fiscal Polices as a workshop topic. The motion was seconded and carried unanimously.

12 **Council Rules & Procedures Update**

13 Mr. Wyatt stated he would like the committee to discuss Council rules and procedures to see if it was
14 something they would like to take on, noting there are really no current rules or procedures. Mr. Shein
15 asked if it was important enough to write up formally. Chair Woods commented that there are already
16 laws they must follow as councilors. Mr. Shetterly agreed that was an issue in drafting the rules and pro-
17 cedures to make sure they were not merely restating what is already in the Code, state law, etc. He noted
18 there are some areas, mainly dealing with protocol and procedural things that don't fall under any other
19 rules. After further discussion, the committee asked Mr. Wyatt to bring the current proposal to the next
20 meeting for review.

21 **Municipal Court Fees and Court Costs**

22 Mr. Wyatt reviewed a list of Municipal Court fees, noting the City currently charges people for some
23 items on the list, but not all of them. Mr. Shein moved to recommend to the Council to adopt the pro-
24 posed fee schedule. The motion was seconded and carried unanimously.

25 **COG Annual Meeting (PowerPoint)**

26 Mr. Wyatt showed his presentation from the COG annual meeting.

27 **Council 2010/11 Goal Setting Session Reminder**

28 Mr. Wyatt indicated he would like to bring this to the Council from the Administrative Committee to set
29 up a workshop to review the goals. Chair Woods stated it would be helpful for Mr. Wyatt to let the Coun-
30 cil know what is possible within the budget.

31 **Other**

32 There was no other business and the meeting was adjourned at 5:17 p.m.

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, January 25, 2010

4:00 p.m.

Ken Woods, Jr., Chair

Kevin Marshall

David Shein

Dave Voves

1. No Smoking in City Parks
2. Auditor RFP
3. PEG Channel Update
4. Franchise Agreements and Fees Update
5. Fiscal Policies
6. Council Rules & Procedures Update
7. Municipal Court Fees and Court Costs
8. COG Annual Meeting (PowerPoint)
9. Council 2010/11 Goal Setting Session Reminder
10. Other
11. Adjourn

5.210 No Smoking. Smoking is prohibited and no person shall smoke:

(1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.

(2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.

(3) On or within 25 feet of the external boundaries of the following:

(a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers, and the parking lots adjacent to such fields.

(b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers, and the parking lots adjacent to such facilities.

~~(c) All playground equipment in any city park.~~

~~—(d) All roofed structures in city parks, including, but not limited to, covered picnic areas.~~

~~(ce) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event, and the parking lot adjacent to said amphitheater stage.~~

~~(df) Any bus shelter structure.~~

~~(4) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent parks and trail.~~

~~(54) The restrictions of sub-this sections (1), (2) and (3) shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.~~

| (65) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

| (76) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section.

| (87) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section [5.428](#).

ORDINANCE NO. 1701

An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.210 is hereby amended to read as follows:

5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

- (1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.
- (2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.
- (3) On or within 25 feet of the external boundaries of the following:
 - (a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including but not limited to, spectator areas and bleachers.
 - (b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.

~~(e) All playground equipment in any city park.~~

~~(e) All roofed structures in city parks, including, but not limited to, covered picnic areas.~~

~~(c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.~~

Ordinance -- Page 1

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~~(d) Any bus shelter structure.~~

~~(4) In all city owned and managed parks and recreational facilities including all parks, trails, open space and special use areas.~~

~~(5) The restrictions of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move, with exception to city parks.~~

~~(6) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.~~

~~(7) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited, provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section.~~

~~(8) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to~~

Comment [y1]: Should park parking lots be addressed in this code?

exclusion from city parks pursuant to section 5.428.

Section 2. All prior and conflicting ordinances are hereby repealed.

~~Read for the first time: February 17, 2009~~

~~Read for the second time: March 2, 2009~~

~~Adopted by the City Council: March 2, 2009~~

~~Approved by the Mayor: March 2, 2009~~

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

Ordinance -- Page 2

2009 / 2010 One Year Council Goals Adopted March 16, 2009

ADMINISTRATION

- Update Fiscal Policies and Procedures
- Implement a formal volunteer program for all departments
- Upgrade the utility billing process and software for finance, payroll, court, human resources and most departments
- Review City Charter amendment
- Seek funding for construction of a senior center
- Increase the use of the Public Education & Government Channel
- Partner with the School District to increase youth involvement in City government
- Train staff on the importance of high-level customer service through all public contacts
- Complete a marketing and advertising campaign including the branding identity of Dallas
- Investigate obtaining an Historic District Designation for the downtown area
- Develop a park & recreation plan to address the future recreational needs of the community

COMMUNITY DEVELOPMENT

- Complete the Aquatic Center energy efficiency upgrades
- Complete the Development Code amendments
- Complete the Wyatt Node Master Plan
- Begin updating the Comprehensive Plan
- Complete the sign code revision
- Complete a city wide Invasive Species Inventory, subject to grant funding
- Complete a Local Wetlands Inventory, subject to grant funding
- Start construction on elements of the downtown streetscape plan using Urban Renewal or grant funds
- Recruit a business to fill the former TTM building
- Draft and consider for adoption a Vacant Commercial Building Ordinance
- Establish a “Gateway Overlay Zone” for Dallas

PUBLIC WORKS

- Complete the improvement to Birch Park, including installation of new play equipment
- Complete design plans for Kingsborough Park improvement
- Determine the feasibility of using reclaimed water from the City's wastewater treatment plant to irrigate City Parks and/or other recreational use areas
- Complete a detailed, comprehensive trail plan for Rickreall Creek, including trail alignment and width, landscaping, signage and lighting

PUBLIC SAFETY

- Rehabilitate the Fire Station, improve the fire training facility and purchase one new ambulance
- Expand the neighborhood watch, safe house and crime prevention programs
- Upgrade the firing range and establish a user fee for the range
- Upgrade the animal control facility
- Add a Dallas Police Officer to the Polk County's Inter-Agency Drug Task Force (POINT)
- Contract for an outside study of our public safety functions to look for ways for improvement, modernization, and increased bonding with the public we serve

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Members Present: Chair David Shein, Kevin Marshall, Ken Woods, Jr. Excused: Dave Voves.

Also Present: City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly, Finance Director Cecilia Ward, , and Recording Secretary Emily Gagner.

Chair Shein called the meeting to order at 4:00 p.m.

Carnegie Building RFP

Mr. Wyatt explained the Carnegie Building is currently used by Kids, Inc. and is underutilized. He stated staff could send out a request for proposals (RFP) on the building, and noted the Council could reject any or all of the offers. He reported there are people who have indicated interest in the building. Mr. Wyatt reviewed the simple RFP, and noted staff is looking into getting the building put on the National Register of Historic Places. Mr. Woods asked for a list of the pros and cons of getting the building listed as an historic place. Mr. Wyatt agreed to do that. Mr. Woods indicated there is currently no handicap accessibility in that building. In response to a question, Mr. Wyatt stated he would look into what the building might rent for and the square footage. He asked if the Committee wanted this subject brought to the full Council. The consensus of the Committee was that they would like the requested information brought back to the committee.

Vacant Building Ordinance

There was some discussion about appropriate topics to be reviewed by this Committee. Mr. Wyatt recommended tabling the topic until the next meeting, as Mr. Locke was the lead on this subject and he was absent. The Committee agreed to table the discussion.

Update on Economic Development Commission

Mr. Wyatt indicated this was just for the Committee's information. He reviewed a list of new business activity. There was discussion about the vacant buildings downtown and the need for current businesses to draw people in. Mr. Woods stated in the old days, the businesses owners also owned the buildings they were in and were friends with each other. He said now, the absentee landlords don't care.

Other

There was no other business and the meeting was adjourned at 4:22 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, January 25, 2010

4:00 p.m.

David Shein, Chair
Kevin Marshall
Dave Voves
Ken Woods, Jr.

1. Carnegie Building RFP
2. Vacant Building Ordinance
3. Update on Economic Development Commission
4. Other
5. Adjourn

Request for Proposals

The City is preparing to list the building on the National Register of Historic Places, the Carnegie Library, owned by the City of Dallas, was built in 1911 and is located on the south east corner of SW Court street and SW Church Street in downtown Dallas, Oregon. The City has replaced the roof and completed minor structural renovation work. A second improvement project will need to include ADA renovation, HVAC, and related interior improvements. The City of Dallas is entertaining proposals for the long-term public and/or private use of this building. Proposals must provide the following information:

- Description of the proposed use
- A Business Plan that details the 1) economic resources, proposed rent to lease the facility, financial feasibility, organization and history of the proposing agency/group and 2) how the proposing agency/group will fund the proposed use and day-to-day operation of the use.
- Information related to the use such as parking requirements, any public financial requirements, compatibility with current area land uses, downtown development goals of the city, building needs related to the use and any information that would assist the City Council in understanding and evaluating the proposal.

The City reserves the right to reject any or all proposals and to negotiate terms and conditions with applicants. The lease will require performance criteria. Proposals will be judged as follows: Proposed Use (40 points); Business Plan (40 points) and Related Information (20 points). The City Council is interested in maximizing public and community use, minimizing city costs/funding, compatibility with other downtown uses, a use that is compatible with the historic nature of the Carnegie Building and chances for long term success of the proposed use.

Proposals should be submitted to:
City of Dallas
Jerry Wyatt, City Manager
187 SE Court Street
Dallas, OR 97338



Community Development Department

Memo

To: Buildings and Grounds Subcommittee
From: Jason Locke, Community Development Director 
Date: January 21, 2010
Re: Vacant Commercial Building Ordinance

Staff was directed to prepare information on a possible Vacant Commercial Building Ordinance. In doing the research, there appears to be one main approach that is taken by cities, which involves the creation of a registration for vacant street-level storefronts and payment of an annual registration fee based on the amount of time the building has been vacant. An ordinance may (Everett) or may not (Hagerstown) have standards for maintenance of the interior and exterior of the building.

If the subcommittee wants to proceed, staff would advise addressing these questions:

- 1) What is the problem we are trying to address?
- 2) Is a Vacant Commercial Building Ordinance the way to address it?
- 3) Is the benefit/cost ratio acceptable?
- 4) Are there other ways to address the problem, if in fact there is a problem?

ORDINANCE NO. 3127-09



An Ordinance Regulating Exterior Building Maintenance and Street-Level Vacant Commercial Space in the Central Business District, Adding a New Chapter to Title 16 of the Everett Municipal Code.

WHEREAS, the City Council of the City of Everett finds that the Central Business District (the "CBD") is an important center of retail commerce and that economic development should be encouraged in the CBD; and

WHEREAS, it is the purpose of this Ordinance to encourage commercial activity, including redeveloping rundown or unused property, promote a safe and vibrant streetscape, and protect the value of properties and businesses in the CBD; and

WHEREAS, poorly maintained buildings create the appearance of neglect, suggest that enforcement of codes and regulations is lax or non-existent, and foster blight and criminal activity, jeopardizing the health, safety and welfare of Everett's citizens; and

WHEREAS, street-level commercial space left vacant for long periods of time can diminish the value of neighboring properties and adversely affect nearby businesses and the character and vitality of the CBD and, if poorly maintained or not in a rentable condition, can become a cause of blight; and

WHEREAS, vacant commercial space causing blight in the CBD can attract nuisance and criminal activity that is a threat to the public health, safety and welfare; and

WHEREAS, these conditions discourage the development of retail commerce in the CBD; and

WHEREAS, well-maintained buildings suggest actively enforced codes and regulations and contribute to an environment that discourages criminal activity and protects property values; and

WHEREAS, it is the intent of the City Council that this Ordinance applies retroactively to commercial space that has been vacant for the 90 days preceding September 1, 2009, the effective date of this Ordinance;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Scope

The provisions of this Ordinance apply to all structures in the Central Business District (B-3 zone), unless otherwise stated. All Responsible Persons (as defined in Section 3) shall comply with the requirements of this Ordinance.

Section 2. Administration

This Ordinance will be administered by the Building Official, who may adopt administrative rules and regulations consistent with its terms. The Building Official (and his designee), or Code Enforcement Officers, or both are authorized to enforce this Ordinance.

Section 3. Definitions

For the purposes of this Ordinance:

“City” means the City of Everett, its officers, employees, and agents.

“Central Business District” means the B-3 zone in the City of Everett as defined by the Everett Zoning Code, Everett Municipal Code Title 19.

“Commercial Space” means any portion of a structure in the Central Business District that is not intended for residential use.

“Occupied”: A Commercial Space is considered occupied if a permitted, non-residential use is physically located and lawfully operating in the space for at least six consecutive months.

“Responsible Person” means any person, firm, association, corporation or any agent thereof, owning, leasing, renting or having lawful possession of a structure in the Central Business District.

“Vacant Commercial Space” means any portion of a street-level Commercial Space that, on or after September 1, 2009, is not occupied and has not been occupied during the preceding 90 days.

Section 4. General Minimum Maintenance Requirements

All Responsible Persons shall perform the following with respect to each structure they own, lease, rent or lawfully possess:

- A. Maintain all exterior surfaces, including but not limited to, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, in good condition.

- B. Protect exterior wood surfaces, other than decay-resistant woods, from the elements and decay with paint or other protective covering or treatment. If protection of the surface is compromised, restore adequate protection within a reasonable time; for example, remove peeling, flaking or chipped paint and repaint the compromised surface.
- C. Cause all siding and masonry joints and joints between the building envelope and the perimeter of windows, doors, and skylights to be weather resistant and water tight.
- D. Coat all metal surfaces subject to rust or corrosion, except those designed to be stabilized by oxidation, to inhibit rust and corrosion, after first stabilizing any existing rust and corrosion. Remove oxidation stains from exterior surfaces.
- E. Maintain all exterior walls free from moss, algae, dirt, grime, holes, breaks, and loose or decaying materials. Weatherproof and properly coat the surface of all exterior walls when required to prevent deterioration.
- F. Maintain the roof and flashing of all structures so that they are sound, tight, free of moss, algae or defects that admit rain, attract pests or create a public nuisance. Maintain adequate roof drainage to prevent dampness and deterioration in the walls and inside the structure. Maintain roof drains, gutters, and downspouts in good repair and free from obstructions.

Section 5. Vacant commercial space registration

- A. At least one Responsible Person for each Vacant Commercial Space must register that space with the City within 10 calendar days of the date the space becomes "Vacant Commercial Space" as that term is defined in Section 3, unless:
 1. The space is the subject of a current, valid building permit for repair or rehabilitation and the responsible person provides proof, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay; or
 2. The space meets all applicable codes and regulations that apply to a permitted non-residential use, and the responsible person is actively attempting to sell, lease, or rent the property (which is evidenced, in part, by appropriate signage); or
 3. The property the Commercial Space is located on is the subject of a land use application for redevelopment for which approval has been granted, but building permits have yet to be issued.

- B. A space will be considered to be registered on the date the City receives, on a form provided by the Building Official and properly completed and signed by a Responsible Person, the following information:
 - 1. The street address and parcel number of the Vacant Commercial Space;
 - 2. The name, address, and daytime and evening telephone numbers of each Responsible Person for the Vacant Commercial Space, including any owner or tenant;
 - 3. The period of time the Vacant Commercial Space is expected to remain vacant;
 - 4. Any other information requested by the Building Official for the administration of this chapter.
- C. For every registered Vacant Commercial Space, a Responsible Person must record a notice that the space is registered with the City as a Vacant Commercial Space with the Snohomish County auditor. The notice must be approved by the Building Official, and a copy of the recorded notice must be received by the City no later than 30 days from the date the space is registered.
- D. A Responsible Person must post the following notice inside every Vacant Commercial Space so as to be clearly visible to all potential tenants, lessees, renters or buyers upon entering the space but not visible from outside the space:

This Vacant Commercial Space is registered
with the City of Everett

This Vacant Commercial Space may not meet
all applicable codes and regulations, which
may include codes and regulations required to
occupy the space for a permitted use in the
Central Business District.

The Vacant Commercial Space was registered
on **[date]**

- E. A Responsible Person must renew the registration of each Vacant Commercial Space on or before January 1 of each year that the space remains vacant. A Responsible Person must submit the renewal application to the City on forms provided by the Building Official.
- F. Upon satisfactory proof to the Building Official that the Vacant Commercial Space is occupied as defined in Section 3, the Vacant Commercial Space will be unregistered. Proof of physical occupation may include, but is not limited to, usable furniture, office equipment, retail inventory or other equipment and inventory in the space that are consistent with the unit's intended use, and persons regularly present at and using the space for its intended use. Proof of physical occupancy

must also include documentation, which may include, but is not limited to, a current, executed lease agreement, paid utility receipts reflecting payments for six consecutive months from the month the space is occupied, or valid state and local business licenses, federal income tax or City business and occupation tax statements indicating the subject space is the official business address of the person or business claiming occupancy.

- G. The determination of the number of Vacant Commercial Spaces a structure contains will be at the reasonable discretion of the Building Official.

Section 6. Window displays for commercial spaces not occupied for 30 days

When Commercial Space is unoccupied for more than 30 days, a Responsible Person must take steps to maintain a vibrant streetscape and avoid adverse impacts on neighborhood character by applying at least one of the following measures to all ground-floor windows that face sidewalks, streets, or public open space:

- a. Paint windows with visually appealing scenes depicting or suggesting business or cultural activities;
- b. Display works of art or provide other displays of cultural or educational value, using background panels or other methods to screen views from the street of the unoccupied space.
- c. Other measures consistent with these examples approved by the Building Official.

Section 7. Fees for vacant commercial space registration

- A. At least one Responsible Person shall pay an annual registration fee for each registered Vacant Commercial Space. At least one Responsible Person must pay the fee to the City at the time the space is registered and on January 1 of each year that the space remains vacant. The fee will be based on the duration of the vacancy as determined by the following scale:
 - 1. \$250 for each space vacant for less than one year;
 - 2. \$500 for each space vacant for at least one year but less than two years;
 - 3. \$750 for each space vacant for at least two years but less than three years;
 - 4. \$1000 for each space vacant for at least three years and for each year thereafter until the building is occupied.

- B. The fees are intended to defray the costs of administering sections 7 through 12 of this Ordinance and may be changed by resolution of the Council to meet these costs.

Section 8. Delinquent registration fees – collection

If a Responsible Person fails to pay the registration fee by the due date, the City is authorized to take action to collect the registration fee, including filing civil actions or turning the matter over to collection, in which case costs incurred by the City as a result of the collection process will be assessed to the Responsible Person or Responsible Persons in addition to the registration fee.

Section 9. Duty to amend registration statement

Responsible Persons for any registered Vacant Commercial Space shall advise the Building Official, in writing, of any changes to the information on the registration form within 30 days of the occurrence of the change.

Section 10. Inspections

The Building Official (and his designee), or Code Enforcement Officers, or both are authorized to conduct inspections to enforce the provisions of this Ordinance.

Section 11. Enforcement

- A. Enforcement of the provisions of this Ordinance will be performed in accordance with Chapter 1.20 of the Everett Municipal Code.
- B. No Responsible Person may violate or fail to comply with any provisions of this Ordinance. Each Responsible Person commits a separate offense for each and every day they commit, continue or permit a violation of any provision of this Ordinance.
- C. All Responsible Persons for a Commercial Space are jointly and severally responsible with respect to that Commercial Space for compliance with the provisions of this Ordinance and for any payments that they may be required to make to the City under this Ordinance. If the Commercial Space is subject to a lease, the City shall have discretion to determine whether to enforce this Ordinance against the Commercial Space owner, the tenant or both of them, but the City shall consider in this determination whether the lease provides that the compliance with this Ordinance is the responsibility of the Commercial Space owner or the tenant.

Section 12. Annual Report

The Building Official shall make a report to the City Council in January of every odd year on the status of the Vacant Commercial Space Registration program.

Section 13. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 14. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 15. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 16. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 17. Codification

Sections 1 through 12 of this Ordinance shall be codified as a new Chapter in Title 16 of the Everett Municipal Code.

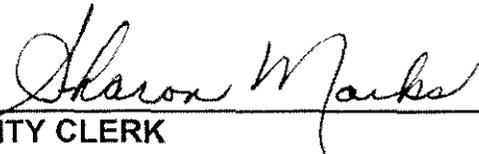
Section 18. Effective Date

This Ordinance will become effective September 1, 2009.



Ray Stephanson, Mayor

ATTEST:



CITY CLERK

Passed: 6-10-09

Valid: 6-15-09

Published: 6-18-09

Effective: 6-30-09

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,
BY ADDING A NEW CHAPTER 232, TO BE , ENTITLED
VACANT COMMERCIAL STRUCTURES,
WHICH CHAPTER PROVIDES FOR LICENSING AND INSPECTION OF VACANT
COMMERCIAL STRUCTURES AND PENALTIES FOR A VIOLATION THEREOF**

RECITALS

WHEREAS, the City of Hagerstown is charged with promoting and ensuring public safety, health and welfare, and

WHEREAS, the Mayor and Council have found that the existence of vacant structures within the corporate limits lend themselves to the deterioration of said structures, reduction in property values, and pose an increased opportunity and risk of crime, fire, and health and safety hazards; and

WHEREAS, in order to ensure the safety of first responders and emergency personnel, to ensure the health and safety of the public in general, and to support property values within the corporate limits of the City, the Mayor and Council find it to be in the best of interests of the citizens of the City of Hagerstown to enact the following legislation;

NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body as follows:

SECTION 1. The Code of the City of Hagerstown is hereby amended by adding thereto a new Chapter, to be Chapter 232, *Vacant Commercial Structures*, to read as follows:

§232-1. Purpose.

The purpose of this chapter is to promote and assure public safety, health and welfare, to prevent deterioration of vacant commercial structures in the C3 Zoning Districts of the City of Hagerstown, to support property values, and to encourage responsible management and use of vacant commercial structures through licensing and inspections.

§232-2. Definitions.

- A. CITY – City of Hagerstown, Maryland.
- B. COMMERCIAL STRUCTURE – Any structure in a C3 Zoning District that contains one or more street level commercial spaces, including, any such structure that contains other space(s) on upper level(s) used for any purpose.
- C. DEPARTMENT – The Engineering and Inspections Department of the City.
- D. OWNER – Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in or control of a vacant commercial structure, excluding a mortgagee or lien holder. Owner shall also mean any person who, alone,

0-06-34

jointly or severally, shall have the charge, care, or control of any vacant commercial structure as executor, administrator, trustee or guardian of the estate or person of the owner. Owner shall also mean any person having any interest in a partnership, association, company, corporation, or other entity which owns or has any ownership interest or control of a vacant commercial structure. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises of a vacant commercial structure.

- E. PREMISES – Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a vacant commercial structure is located.
- F. VACANT COMMERCIAL STRUCTURE – Any commercial structure that contains one or more vacant street level spaces that have not been occupied for a commercial purpose for a continuous six (6) month period. Vacant Commercial Structure shall also mean a structure with a vacant upper level as defined herein. For calculation of the continuous six (6) month period required to satisfy the definition of Vacant Commercial Structure, the following periods of time shall not be included: (i) the one (1) year period immediately following the issuance of a use and occupancy permit for new construction; and (ii) any period of time during which active work is being legally performed pursuant to a valid permit issued by the City.
- G. VACANT UPPER LEVEL – Any Commercial Structure that does not contain street level vacancies pursuant to §232.2.F., but in which at least 50% of the upper level spaces have been vacant for a continuous six (6) month period.

§232-3. Vacant Commercial Structure License Required.

It shall be unlawful for the owner(s) of any vacant commercial structure to fail to apply for and obtain a Vacant Commercial Structure License and abide by the inspection requirements contained in this Chapter.

§232-4. Application; License Fee.

In addition to the inspection requirements of Section 232-5 of this Chapter, an applicant for a Vacant Commercial Structure License shall provide the following information for each vacant commercial structure on the appropriate application form provided by the Department.

- A. The address of the vacant structure.
- B. The number and location of the spaces contained in the structure.
- C. The name, street, address, and telephone number of all owners of the vacant structure.
- D. If the owner of the vacant commercial structure is not an individual, the applicant shall provide the name, street address, resident agent, resident agent address and telephone number.
- E. The name, street address and telephone number of a designated contact person for the owner(s).
- F. Except for vacant commercial structures which are deemed so solely by virtue of having a vacant upper level, a non-refundable annual license fee pursuant to the following schedule for each vacant commercial structure:

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<u>Period of Time Continuously Vacant</u>	<u>Annual License Fee</u>
6 months to 2 years	\$ 250.00
over 2 years to 4 years	\$ 500.00
over 4 years	\$1,000.00

§232-5. Inspection.

In connection with the application requirements contained in Section 232-4 of this Chapter, the exterior and interior of the vacant structure shall be inspected in accordance with the following schedule:

<u>Period of Time Continuously Vacant</u>	<u>No. of Annual Inspections</u>
6 months to 2 years	1
over 2 years to 4 years	2
over 4 years	4

All inspections conducted hereunder shall be conducted by the Department and shall be performed pursuant to the standards then currently adopted. Interior inspections shall be limited to the vacant portion(s) of the structure for compliance with all applicable property maintenance, fire and other City codes for vacant, unoccupied structures.

§232-6. Issuance of license; renewal.

Upon receipt of a completed application form, full payment of the appropriate fee and completed inspection revealing compliance with all applicable code sections, the Department shall issue a license for the subject vacant commercial structure. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made at least 60 days prior to the expiration date of the then current license. License renewal shall be made on the form provided by the Department.

§232-7. Denial; Revocation or Suspension.

A vacant commercial structure license may be denied, revoked or suspended at any time by the Department if, after receipt of a notice of violation, the owner fails to eliminate violations of the applicable code sections identified during any inspection within the time ordered in the notice. Denial, revocation or suspension of a vacant commercial structure license shall be in addition to, and not in substitution of the penalties provided for in Section 232-9 of this Chapter.

§232-8. Severability.

The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held to be invalid, such invalidity shall not effect the other provisions or applications of this Chapter which can be given effect without the invalid provision or application.

0-06-34

§232-9. Violations and Penalties.

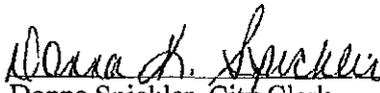
In addition to the sanctions outlined in §232-7 hereof, any owner violating the provisions of this Chapter shall be guilty of a municipal infraction and subject to a fine of up to one thousand dollars (\$1,000.00). Each day a structure is not in compliance with this Chapter shall be deemed a separate and distinct violation.

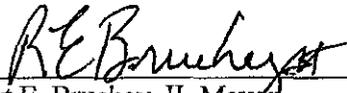
SECTION 2. Effective Date. This Chapter shall become effective immediately upon the effective date of this enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this enacting Ordinance shall become effective at the expiration of thirty calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE CITY
OF HAGERSTOWN, MARYLAND


Donna Spickler, City Clerk

By: 
Robert E. Bruchey, II, Mayor

Date of Introduction: November 28, 2006
Date of Passage: December 19, 2006
Effective Date: January 19, 2007

PREPARED BY:
Urner, Nairn & Boyer, LLC, City Attorneys

0-06-34



CITY OF DEARBORN, ECD - COMMERCIAL SERVICES DIVISION, 4500 Maple Suite 1, Dearborn, MI 48126 - Phone: 313-943-2133 - Fax: 313-943-3023

COMMERCIAL VACANT PROPERTY REGISTRATION FORM

The purpose of this ordinance is to enhance the economic viability of business districts, promote their marketability, build neighborhood integrity, avoiding the creation and maintenance of nuisances and identifying unsafe and unsanitary maintenance issues of commercial and industrial buildings.

- A building or structure that is considered vacant when it is not currently occupied, or not legally occupied (No C of O).
- Commercial property must be registered within 90 days of vacancy.
- Registration fee is \$150.00 annually, payable to "City of Dearborn." **CR Code: VR**
- The above fee includes 1 full year of Field inspection monitoring for property maintenance & safety issues.
- If a property maintenance issue or safety issue is identified, you will be contacted by a Field Inspector for resolution.

First Notification

Revised Information

PROPERTY ADDRESS			
_____ Dearborn, MI <input type="checkbox"/> 48120 <input type="checkbox"/> 48124 <input type="checkbox"/> 48126 <input type="checkbox"/> 48128			
PROPERTY OWNER			
NAME _____			
ADDRESS _____			
CITY _____	STATE _____	ZIP _____	
PHONE NUMBER _____		E-MAIL ADDRESS _____	
PROPERTY MANAGER			
NAME _____			
ADDRESS _____			
CITY _____	STATE _____	ZIP _____	
PHONE NUMBER _____		E-MAIL ADDRESS _____	
EMERGENCY CONTACT			
<input type="checkbox"/> Property Owner <input type="checkbox"/> Property Manager <input type="checkbox"/> Other -- Name _____ <div style="text-align: right; margin-top: 5px;">Phone Number _____</div>			
UTILITY STATUS			
Gas: <input type="checkbox"/> Disconnected <input type="checkbox"/> In Proper Working Order <input type="checkbox"/> Other-Explain _____			
Electric: <input type="checkbox"/> Disconnected <input type="checkbox"/> In Proper Working Order <input type="checkbox"/> Other-Explain _____			
Water: <input type="checkbox"/> Disconnected <input type="checkbox"/> In Proper Working Order <input type="checkbox"/> Other-Explain _____			
AUTHORIZATION			
By signing and submitting this document, I am authorizing the City of Dearborn to utilize this information, certifying that I have the legal authority to do so. I affirm the information provided is accurate. I am granting permission to the City of Dearborn Authorized Staff to access all exterior areas of the property for inspection purposes.			
SIGNATURE _____			
PRINT NAME _____			
DRIVER'S LICENSE # OR MI STATE ID# _____		DATE _____	

OFFICE USE ONLY: Case# _____ Receipt# _____ II date _____ Scanned _____

Please visit the ECD Commercial Services Department at cityofdearborn.org to submit a comment or suggestion.
ECD-CS-100-09-R1-092809

City of Dallas

ECONOMIC DEVELOPMENT COMMISSION

January 21, 2010

New Business Activity Report:

- Carl Harbaugh, Southtown Glass is working on the Adolph Building to get it ready for business. He intends to refinish the original hardwood floors in both vacant storefronts and remodel the building to it's original state as much as is possible. He intends to retain Domino's Pizza as a tenant and give them some necessary repairs and upgrades. A Building Permit has been issued.
- Timber Sports intends to move into the Vintage Vine building in the immediate future. A Tenant Improvement plan is pending.
- Dr. Billy Peffley and his partners are in the process of procuring property for construction of a new medical center building in or near downtown.
- American Outdoor reported a good retail Holiday season. Considering expanding into additional product lines.
- L'Attitude restaurant is reopened under new management, same owner. New menu and hours.
- The former Shell station property is under redevelopment. Staff is working with Peter Liakopolus who intends to open Olympic Taverna, a Greek themed restaurant / sandwich shop. He intend to get a OLCC license to sell beer and wine and have a covered, outdoor seating area and beer garden. A Tenant Improvement application is pending.
- Property owners of Walnut Plaza intend to apply for a Façade Grant for awnings over the windows on Main Street and the first two windows on Walnut. Future plan for the building is a classic movie-themed small-scale restaurant / café. Application review at next meeting in February.
- Façade Loans and Grants available!

- Santiam Bicycles is closed. Property is listed with First Commercial Realty in Salem for \$525,000, which includes the large vacant lot beside and behind the existing building.
- Jasper Crossing. No new development pending.
- Harrington Rod. No progress.
- Cooley's Furniture is for sale. Buildings, inventory, and business. \$600,000

**AGENDA
LIBRARY BOARD**

January 19, 2010

4:00pm City Hall

1. **Approval of Minutes – October 20, 2009**

2. **Report from the Library Supervisor**
 - A) **General Information**
 - 1) **Update on Library activities**
 - 2) **Computer updates**
 - 3) **Carpet update**
 - B) **Volunteer Appreciation Event – Final info/update**
 - C) **Hobby Day – Saturday, March 6, 2010 11-1pm**
 - D) **2009 Annual Circulation Statistics**

3. **Report on Friends of the Library Activities**
 - A) **Trust Management Grant – update**
 - B) **Chautauqua – Conversations Program, Jan. 23, 2010 11:15am**
***Friend Me?* (social networking)**
 - C) **Additional bequest Trust Management/Braemar Trust**
 - D) **Newsletter coming out/Membership reminder**

4. **Other Business**

5. **Next Meeting Date – March 16, 2010**

6. **Adjournment**

**DALLAS LIBRARY BOARD
CITY HALL
October 20, 2009**

The Library Board met on Tuesday, October 20, 2009 at 4:10 pm in the City Hall Conference Room. Board members present were Darla Newton, Morty Feder, and Marge Hilts. Excused were Grace Scatterday and Marianne Moore. In addition to the Board, Library Supervisor Donna Zehner was present.

The minutes from the July meeting were reviewed and approved by the Board.

The Library Supervisor provided the Board with a report on the current status of the Library. Patrons continue to appreciate having the Library as a dropsite for the Food Bank. With school back in session, the Library continues to be a very busy place. Bids are out for the new carpet, replacing the current hallway carpet. System-wide computer upgrades occurred in August, along with changing the look and feel of the online catalog (OPAC). At the same time, the Library received new wiring, courtesy of CCRLS, and we are now on a Fiber Optic connection. This should speed up our connections and increase ease of access to both the Internet and III Millennium. Currently, the Library is hosting an Easter Seals trainee. Her name is Joyzanne, and she is part of the training program for people who have been out of the workforce for a number of years. Read to the Dog continues to be a popular event with beginning readers.

The Summer Reading Program was very active this summer, with literally hundreds of children participating in the various events and activities. Of course, the crafts program was the biggest draw.

The Library will be holding our annual Volunteer Appreciation Event on Friday, Oct. 30th, beginning at 5pm. Given the time of the year, and close proximity to Halloween, it seemed natural to use this fun holiday as our theme.

The Friends annual Book Sale brought in \$2168 this year, the second highest amount ever raised. The Friends will be purchasing additional AV bags, and a set of book cases to hold the new paperbacks. As has become the tradition, the Friends continue to support the Volunteer Appreciation event by purchasing the books used for recognizing our volunteers. The Friends received an unexpected surprise earlier this week – a check for \$10,000 from Trust Management. The check was part of an estate settlement, and is a one time event.

Under other business, an early announcement was made about the City's Community Holiday Dinner, set for Dec. 17th. The Library volunteered to decorate and assemble the "Treat" bags again this year, as well as assisting in a variety of other ways, i.e. setting up, serving, cleaning up, cooking/baking, etc. We are proud to say that **all** staff members will be participating in the event.

The next meeting date was set for January 19, 2010.

The meeting was adjourned at 5:00 pm.

Annual Circulation 2009

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
ADULT													
Non-Fiction	1685	1453	1686	1595	1479	1524	1517	1441	1452	1368	1181	1189	17,570
Fiction	2377	2249	2782	2279	2416	2731	3219	2523	2800	2931	2334	2862	31,503
New Books	2169	2135	2183	1992	1819	2202	1884	1808	2205	2172	1742	2198	24,509
Paperbacks	981	929	1011	995	878	1112	1271	934	1106	1005	885	1112	12,219
Periodicals	289	215	283	260	246	289	254	201	308	325	195	204	3069
Sound Recordings	325	265	393	266	190	187	264	297	239	217	259	320	3222
Books on Tape	139	114	106	110	116	101	146	99	117	137	89	104	1378
Books on CD	425	410	400	386	350	386	395	374	424	495	389	461	4895
Videocassettes	644	418	427	437	396	340	324	289	296	260	281	405	4517
DVD Adult	607	643	657	673	561	589	624	694	664	646	615	764	7737
Media Bags	453	394	411	443	387	398	400	384	388	389	318	400	4765
CD-ROMS	4	2	9	3	0	1	0	3	1	2	0	1	26
ILL – in	12	20	11	6	11	15	4	9	11	4	3	1	107
ILL – out		1	0	0	0	0	0	1	0	0	0	0	2
Internet Workstations	561	594	598	561	290	534	566	588	580	595	459	537	6463
Equipment	37	31	37	37	29	24	15	23	16	39	27	24	339
ADULT TOTAL	10,708	9873	10,994	10,043	9168	10,433	10,883	9668	10,607	10,585	8777	10,582	122,321
CHILDREN'S													
Non-Fiction	724	560	678	653	639	545	511	496	639	664	555	438	7102
Fiction	1857	1615	2129	2047	1949	2226	2498	2146	2265	2296	1897	1990	24,915
New Books	16	2	3	0	1	0	3	0	0	0	0	3	28
Periodicals	41	64	38	67	62	106	73	74	56	72	59	56	768
Sound Recordings	46	35	47	43	34	51	46	40	46	39	60	42	90
Books on Tape	118	112	122	125	97	120	108	105	111	76	90	78	1262
Books on CD	52	39	53	56	48	64	58	55	61	61	47	62	656
Videocassettes	482	474	493	469	458	470	602	650	485	655	481	527	6246
DVD Children	263	223	242	251	226	241	250	275	233	237	219	324	2984
CD-ROM	60	39	56	50	43	49	61	52	42	45	38	24	559
CD-ROM - Ref	6	12	62	35	40	48	31	30	20	22	8	13	327
CHILDREN'S Total	3665	3175	3923	3796	3597	3920	4241	3923	3958	4167	3454	3557	45,375
Remote Renewals	757	828	899	937	798	842	1012	860	967	1081	1006	1054	11,043
Grand Total	15,130	13,876	15,816	14,776	13,563	15,195	16,136	14,451	15,532	15,833	13,237	15,193	178,738

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6 a	Topic: Auditor RFP
Prepared By: Emily Gagner	Meeting Date: February 1, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Move to direct staff to submit a request for proposals for municipal audit services.

BACKGROUND:

The City of Dallas has had our current auditor since 2005 and is recommending based on industry standards that a new auditor be hired. It is recommended that every 3-5 years a new auditor be hired to perform the City audit. Based on this, staff recommends submitting a Request for Proposals for Municipal Audit Services.

FISCAL IMPACT:

None

ATTACHMENTS:

Request for Proposal for Municipal Audit Services
Municipal Audit Scope of Services

**Request for Proposal
MUNICIPAL AUDIT SERVICES
Proposals are due by 2:00 p.m., Friday February 26, 2010**

The City of Dallas is requesting proposals from qualified professional firms to conduct annual municipal audits for the City of Dallas and for the Dallas Urban Renewal District.

The successful firm will also be required to provide other related services including the GFOA Certificate of Achievement, CAFR, and additional technical assistance.

The successful proposer will be awarded a contract for three (3) fiscal years, beginning with the fiscal year July 1, 2009/10 with the option of two one-year extensions for a maximum period of five (5) fiscal years. The City may reject any proposal not in compliance with all prescribed public bidding procedures and requirements and may reject for good cause any or all bids upon a finding of the City that it is in the public interest to do so.

The Request for Proposal, including the complete scope of services, may be reviewed at the City of Dallas, City Managers Office located at 187 SE Court Street, Dallas, Oregon 97338. For questions, inquiries or a copy of the Request for Proposal and requirements, please contact Cecilia Ward, Finance Director, at (503) 831-3505.

Sealed proposals must be received prior to 2:00 p.m., Friday, February 12, 2010, by Emily Gagner, Assistant to the City Manager in the City of Dallas, City Managers Office located at 187 SE Court Street, Dallas, Oregon 97338. Proposals shall be submitted in a sealed envelope plainly marked "Municipal Audit Services Proposal" and with the name and address of the proposer. The proposals will be publicly opened at 2:00 p.m., Friday, February 12, 2010.

Cecilia Ward
Finance Director
Dallas, Oregon

City of Dallas, Oregon

Request for Proposal

Municipal Audit Scope of Services

The City of Dallas is requesting proposals for the services of a qualified Certified Public Accounting firm to conduct the Financial and Compliance Audit of the City's operations.

Services will include, but are not limited to:

- Planning and performing the audit
- Performing tests of documentary evidence
- Evaluation of internal controls
- Review of Management Letter
- Review of adjusted journal entries
- Draft and final Audit Report (includes approximately 15 copies and an electronic copy)
- Preparation and filing of State Documents
- Technical assistance throughout the fiscal year
- Review of Year End Financial reports

1. Background

The City of Dallas has a population of 15,445 and provides municipal services, including administration, finance, municipal court, public works, water, waste water, streets, fleet maintenance, planning and community development, fire, EMS, building and recreation. Accounts are organized using funds, such as the General Fund, Water Fund, Wastewater Fund, Fleet Maintenance Fund, Street Fund and Urban Renewal Fund. The approved budget for all city operations for Fiscal Year Ending June 30, 2010, is \$37 million.

The City operates under a council-manager form of government. The Council is composed of nine elected members and an elected Mayor. The Council appoints the City Manager. The City Manager is responsible for all City functions. The City currently employs 80 full-time employees and over 25 part time employees.

The City utilizes a Windows-based accounting system, Tyler – Incode software, for its financial reports and information.

2. Auditing Standards

The financial statements will need to be prepared to conform fully to all generally accepted accounting principles (GAAP) and to be in full compliance with the requirements of the Governmental Accounting Standards Board (GASB) and /or Financial Accounting Standards Board (FASB) as appropriate.

The auditor's opinion will be directed toward the fairness of presentation of the financial statements in accordance with GAAP. The auditor will also provide compliance reports as required under Federal and State law.

3. Audit Period and Term of Engagement

The proposal is for auditing services for a three-year term, with separate audits for each Fiscal Year Ending June 30, 2010, 2011, and 2012. It is the intent of the City to negotiate a three-year contract. If the contract is satisfactorily carried out for the three-year term, the successful Proposer's contract may be extended for two (2) one (1) year extensions for 2013 and 2014 at the sole discretion of the City. An engagement letter is required each year by the auditing firm. Either party may cancel the written contract by giving notice, in writing, to the other party by January 1 of any given contract year.

4. Audit Objectives and Scope of Work

The Auditor, as part of this engagement, will conduct the following activities utilizing the appropriate standards noted in Section 2.

- A. Plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement, whether caused by error or fraud, and conformity with GAAP.
- B. Perform tests of documentary evidence supporting the transactions recorded in the accounts, which may include tests of the physical existence of inventories and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions.
- C. Perform tests of the City's compliance with applicable laws and regulations and provisions of contracts and agreements.
- D. Prepare a report on compliance with specific requirements applicable to major federal financial assistance programs, if required.
- E. Review the internal accounting controls of the City to the extent necessary to evaluate the system as required by applicable standards.
- F. Issue a Management Report making recommendations for improvement.
- G. The Auditor shall be required to make an immediate, written report of all irregularities and illegal acts or indications of illegal acts of which they become aware to the City Manager and/or the Finance Director.
- H. Inform the City Manager of any matters involving internal control and its operation the Auditor considers being reportable conditions under standards established by the American Institute of Certified Public Accountants.
- I. Provide the City with adjusting entries and a final trial balance upon completion of the field work.
- J. Meetings and Progress Reports:

1. Pre-audit conferences(s) with City management and accounting staff will be held to discuss audit schedules, working paper requirements, and report deadlines, as well as the audit program. A written list of information to be provided by City staff to the auditors should be presented at this time.
 2. Progress report meetings will be held with key audit firm personnel and City financial management staff at regular intervals mutually agreed upon.
 3. Post-audit conference(s) with City management and key audit firm personnel will be held at a mutually agreeable date and the Auditor will be asked to present the audit to City Council.
 4. The audit will be a single document which will contain Financial Statements, Notes, and supplementary data, the Combined and Individual Fund and Account Group Statements, Financial Statements and Schedules. An electronic copy of the audit will also be made available. Audit reports will be provided within the periods required by the State of Oregon to meet any reporting requirements.
- K. As part of the overall audit contract, the City expects to receive from the audit firm a variety of technical assistance throughout the fiscal year, including answers to accounting, reporting, and/ or internal control questions.
- L. All working papers and reports must be retained, at the auditor's expense, for a minimum of ten (10) years, unless the firm is notified in writing by the City of Dallas of the need to extend the retention period.
- M. Additional Services: Proposals should contain provisions for dealing with extraordinary circumstances discovered during the audit that may require an expansion of audit work beyond that which was originally planned. In addition, the audit firm may be requested to perform special projects for the City during the year. Because of variations in demand for additional services, such work will be contracted for, provided, and billed separately to the City on an hourly basis. Proposals should describe the types of services available from the firm, the professionals who would provide the service and the standard hourly fees to be charged for such service.
- N. Upon request, a copy of last year's audit will be made available to Proposers.
- O. Use of Audit Reports: Ownership shall belong to the City of Dallas and it is expressly understood that publication of the audit report (in whole or in part) or reference for such audit report shall be at the sole discretion of the City of Dallas.

5. Mandatory Requirements

The audit firm must meet the following mandatory requirements: contractor must be registered to do business in the State of Oregon; the Principal Auditor must be a Certified Public Accountant qualified to perform municipal audits in the State of Oregon; and contractor must have experience in performing municipal audits in accordance with auditing standards generally

accepted in the United States of America, preparing financial statements compliant with GASB 34, GASB 45, GASB 54, other applicable GASB requirements and Oregon Budget Law.

6. Proposal Requirements

The proposal should demonstrate that the firm will furnish the services in a manner that will be cost effective for the City of Dallas. Those proposals that do not contain all the information required by this RFP or are otherwise non-responsive may be rejected immediately; however, the City has discretion to accept a proposal that does not conform with all RFP requirements if the City determines that the non-compliance is not substantial or material. If a proposal is unclear, or appears inadequate, the City may at its discretion give the firm an opportunity to explain how the proposal complies with the RFP requirements. The proposal must contain at least the following information:

1. Name(s) and title(s) of the person(s) authorized to submit the proposal and execute the personal services agreement.
2. A letter, submitted on the firm's letterhead and signed by the corporate agent, owner, or principal, describing how the firm satisfies the mandatory requirements noted above and the firm's experience in performing municipal auditing in the State of Oregon, not to exceed two (2) pages.
3. A history of the firm as a business entity, including information that demonstrates the firm's financial stability and entity stability.
4. Names and Oregon Municipal Audit Roster numbers of the partners, managers, and key staff employees assigned to this engagement. Describe their roles and provide a brief description of their professional experience. Please identify the audit team leader and describe your firm's personnel development program and your continuing professional education requirements including the specialized areas of municipal accounting and auditing.
5. Describe your local office's experience and knowledge in performing examinations in accordance with the provisions of the Single Audit Act, as amended by OMB Circular A-133. Attach one recent example of your work in this area to your proposal.
6. Provide a list of your firm's current municipal auditing engagement clients in Oregon and Washington, a few non-current engagements served within the last five years and respective contact information including the client's address, phone number and email contact. All entities must be public entities.
7. Attach to your proposal one sample of a municipal audit report that you have recently issued covering an audit of an Oregon municipality of comparable services to the City of Dallas.
8. Attach to your proposal two samples of management letters that you have recently issued covering an audit of an Oregon municipality.

10. Comment on your firm's ability and willingness to provide constructive suggestions for improving the City's internal accounting controls, administrative procedures and financial processes.
11. Explain how you would propose to use City personnel to assist you during the audit and indicate the approximate time requirement.
12. Comment on your ability to assist City personnel in qualifying for GFOA's Certificate of Achievement in Financial Reporting program.
13. Provide a copy of your firm's most recent Peer Review report and related comment letter.
14. Disclose legal settlements within the last two years and pending or threatened legal actions related to audit services provided by the local firm.
15. Describe any personal, business, and investment or family relationships with the City, City officials, or appointed employees.
16. Provide a proposed work schedule and work plan for completing the audit. The work schedule should be structured so as to deliver the audit to the City Council no later than the City's first Council meeting of November each year.
17. Provide a fee schedule and estimated project cost showing the cost for each of the three year contract period, including out-of-pocket expenses and estimated hours each audit firm employee is expected to spend annually on the audit.
18. As part of the overall audit contract, the City expects to receive from the audit firm a variety of technical assistance throughout the fiscal year that may include inquiries regarding accounting, reporting and internal control issues. Indicate fees for these services and/or if they are included in your total annual base fee.
19. Include a copy of the firm's model/ standard letter of engagement.
20. Include a sample of a management report recently issued covering an audit with similar services and comparative size to the City of Dallas (Population 15,445).
21. Provide any additional information that supports the scope of work to be provided as set forth above. Proposers may submit additional questions and clarification requests to Cecilia Ward, Finance Director, using the contact information listed at the end of this RFP. Proposers shall refrain from initiating contact with City representatives other than Ms. Ward for the purposes of obtaining information for use in preparation of proposals. Firms may modify or withdraw their proposals at any time prior to the Closing Date by providing a written request for modification or withdrawal to the City of Dallas Finance Office. Any amendments to this RFP will be in writing and will be issued to all persons or businesses that have indicated an interest to receive RFP amendments. No proposal will be considered if it is not responsive to any issued amendments.

7. Evaluation of Proposals

Proposals will be evaluated based on the scope of work and submission requirements listed above to determine which firm best meets the needs of the city. After meeting these requirements, the following factors will be used to evaluate proposals:

- a. Quality and comprehensiveness of the audit approach.
- b. Experience and knowledge with GASB 34 and GASB 54 reporting requirements and auditing standards identified in Section 2.
- c. Qualifications and experience of the firm and members assigned to the City's engagement.
- d. Ability to provide a comprehensive range of auditing and financial services.
- e. References and past experience.
- f. Audit service costs.

8. Proposal Award Schedule

- February 2, 2010, RFP's issued
- February 26, 2010, Proposals due by 2:00 pm (no exceptions)
- March 5, 2010, Presentations/Interviews (optional)
- March 15, 2010, Contract Awarded by Dallas City Council Proposals submitted will be reviewed and scored by City Manager and they will make a recommendation to the City Council.
- At the option of the City, top ranking firms may be asked to make a presentation of their proposal. The presentations/ interviews will be scheduled by the Finance Director.

9. Proposal Submission

Submittal Deadline: Four copies of your proposal must be received at City Hall by 2:00 p.m. on February 26, 2010. City Hall hours are Monday through Friday from 8:00 a.m. to 5:00 p.m. for hand delivered proposals. Proposals received after the deadline will not be eligible for consideration. Proposals shall be submitted in a sealed envelope plainly marked "Municipal Audit Services Proposal" and with the name and address of the proposer.

Sealed proposals should be directed to:

City of Dallas
Emily Gagner, Assistant to the City Manager
187 SE Court St.
Dallas, OR 97089

Questions and clarification should be directed to:

Cecilia Ward, Finance Director
Phone: 503-831-3505
Email: cecilia.ward@ci.dallas.or.us

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6 b	Topic: Fiscal Policies
Prepared By: Emily Gagner	Meeting Date: February 1, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Set a workshop to discuss Fiscal Policies

BACKGROUND:

In an effort to ensure consistent application of fiscal policies in all areas of the city's business transactions, staff would like the Council to adopt formal Fiscal Policies. A draft Fiscal Policy follows this staff report. Because of the complexities of this topic, we would like to discuss it in-depth during a workshop session.

FISCAL IMPACT:

None

ATTACHMENTS:

Draft Fiscal Policies

PURPOSE

The City of Dallas is committed to responsible fiscal management through financial integrity, prudent stewardship of public assets, planning, accountability and transparency. The purpose of the Fiscal Policies is to enable the City to achieve and maintain a long-term stable and positive financial condition. These policies are adopted by Council as the basic framework for overall financial management of the City, to guide day-to-day and long-range fiscal planning and decision making.

The City of Dallas's financial goals seek to:

- Ensure the financial integrity of the City.
- Improve financial information for decision makers at all levels.
- Assist policy makers as they contemplate long-term City decisions.
- Guide department managers as they implement policy on a day to day basis.
- Demonstrate a sense of accountability into the financial operation of the City.
- Provide the financial stability needed to navigate through economic downturns.
- Fully comply with finance related legal mandates, laws and regulations

To achieve these goals, fiscal policies generally cover areas of revenue management, operating and capital budgeting, financial planning and forecasting, investment and asset management, debt management, accounting and financial reporting, reserves and internal controls.

Fiscal Objectives

Revenue Policy

1. The City will maximize the use of service users' charges in lieu of taxes and subsidies from other City funds, for services that can be identified and where costs are directly related to the level of service provided.
2. Charges for providing utility services shall be sufficient to finance all operating, capital outlay and debt service expenses of the City's enterprise funds, including operating contingency and reserve requirements.
3. User charges shall fund 100% of the direct cost of development review and building activities. User charges include land use, engineering inspection, building permit and building inspection fees.
4. Charges for services shall accurately reflect the actual or estimated cost of providing a specific service. The cost of providing specific services shall be recalculated periodically, and the fee adjusted accordingly. The City shall maintain a current schedule of fees, showing when the fees were last reviewed and/or recalculated and systematically review user fees and charges to take into account the effects of additional service costs and inflation.

5. The City shall pursue an aggressive policy of collecting delinquent accounts. When necessary, discontinuing service, small claims court, collection agencies, foreclosure, liens and other methods of collection, such as imposing penalties, collection and late charges, may be used.
6. System development charges shall be established to fund the costs of improvements to service additional increments to growth, such as street, storm, water, sewer, and parks and recreation facilities.

Operating Budget Policy

1. The City shall prepare, present, adopt and amend its annual operating budget(s) in accordance with Oregon Budget Law.
2. The City shall maintain a budget system to monitor expenditures and revenues on a monthly basis, with a thorough analysis and adjustment (if required) at least at mid-year.
3. The City shall not adopt an operating budget that is greater than the amount of resources available to fund it. Current operating resources will be sufficient to support current operating expenditures, reimbursement transfers, reserves, unappropriated balances and contingencies.
4. Annual recurring revenues (including interfund reimbursement charges) of the General and Enterprise Funds shall not be less than annual recurring operating expenditures (total annual budget, minus capital outlay, equity transfers, reserves, appropriated balances and contingencies).
5. Unless otherwise authorized by City Council, General Fund and other unrestricted revenues shall not be earmarked for specific programs, activities or services.
6. Long-term debt or bond financing shall only be used for the acquisition of capital facilities or specialized equipment. Long-term debt or bond financing shall not be used to finance current operating expenditures.

Expenditure Control Policy

1. Expenditures will be controlled through appropriate internal controls and procedures. Management must ensure expenditures comply with the legally adopted budget. Each Department Head will be responsible for the administration of his/her department budget. This includes accomplishing the goals and objectives incorporated into the budget and monitoring each department budget for compliance with spending limitations.
2. All purchases of goods and services must comply with the City's Purchasing Policies, guidelines and procedures and with State laws and regulations.

3. Before the City purchases any major asset or undertakes any operating or capital arrangements that create fixed costs or ongoing operational expenses, the implications of such purchases or arrangements will be fully determined for current and future years.
4. The City will make every effort to control expenditures to ensure City services and programs provided to its citizens and taxpayers are cost effective and efficient.

Capital Improvement Policy

1. Annually, the City shall adopt a 5-year Capital Improvement Plan (CIP). The document shall provide details on each capital project plan; its estimated costs, sources of financing and a full description, including a detailed statement identifying: (a) the needs, conditions and circumstances that have caused the project's creation and (b) the expected results if the project is approved and implemented.
2. Operating expenditures shall be programmed into each capital project plan, including the cost of implementing the plan and all continuing labor, operating and capital outlay costs.

Accounting Policy

1. The City shall establish and maintain its accounting systems according to generally accepted accounting practices and shall adhere to generally accepted accounting principles and standards promulgated by the Government Finance Officers Association (GFOA), Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).
2. An annual audit shall be performed by an independent public accounting firm, which will issue an official opinion on the annual financial statements, along with a management letter identifying areas needing improvement, if necessary.
3. Full disclosure shall be provided in the financial statements and bond representations.
4. A system of internal controls and procedures will be maintained to provide reasonable assurance of the safeguarding of assets and proper recording of financial transactions and compliance with applicable laws and regulations.
5. Quarterly budget reports showing the current status of revenues and expenditures shall be prepared and distributed to appropriate legislative, staff and management personnel in a timely manner and made available for public inspection.

Debt Policy

1. Capital projects financed through the issuance of bonds shall not be financed for a period which (a) exceeds the expected useful life of the project and (b) is less than 30% of the expected useful life of the improvements.

2. The City shall use the most prudent methods of acquiring capital outlay items, including the use of lease purchase agreements.
3. The City shall maintain its bond rating at the highest level fiscally prudent, so that future borrowing costs are minimized and access to the credit market is preserved..
4. No debt shall be issued for which the City is not confident that a sufficient specifically identified revenue source is available for repayment. The Finance Director shall prepare an analysis of the source of repayment prior to issuance of any debt.

Reserve Policy

1. The City shall strive to maintain an unappropriated working capital/equipment reserve in all Funds that is at least 10% of the operating budget (excluding debt service, capital outlay, equity transfers, reserves and interfund transfer reimbursement revenues).
2. The City shall establish an operating contingency budget to provide for unanticipated expenditures of a nonrecurring nature to meet unexpected increases in service delivery costs.

Management of Fiscal Policy

Fiscal procedures and polices and changes in policies shall be approved by the City Council. The City Manager shall recommend fiscal policy and changes in policy to the City Council. The City Council's Administrative Committee shall conduct an annual review of the City's fiscal policies. The City Manager shall implement fiscal policies and monitor compliance.

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6 c	Topic: Municipal Court Fees
Prepared By: Emily Gagner	Meeting Date: February 1, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to adopt the proposed Municipal Court fees schedule as submitted.

BACKGROUND:

During a recent review of our current Municipal Court fees, staff determined the Council needs to adopt by motion the fee schedule for court operations. The fees listed in red are items we currently do not charge. For the most part, these fees are imposed to help recoup the administrative costs incurred by the court.

FISCAL IMPACT:

Increase in revenue

ATTACHMENTS:

Proposed schedule of court fees

**IN THE MUNICIPAL COURT OF THE CITY OF DALLAS
COUNTY OF POLK, STATE OF OREGON**

Effective this date and until further order of this Court, the Municipal Court will use the following schedule for file fees and assessing Court Costs:

DMV Suspension Order	\$25.00
Court Costs for Convictions	Violations \$15.00 Criminal \$25.00
Administrative Fee	\$25.00 (Imposed when a payment plan is established and will take longer than 30 days to pay balance in full.)
DMV Suspension Packet Fee	\$11.50 (Imposed when defendant is found Guilty of Driving While Suspended – Officer Trial)
Show Cause Letter	\$10.00
Show Cause Letter - Certified	\$25.00
Bench Warrant Fee	\$50.00
Arrest Warrant Fee	\$50.00
Default Fee:	\$100.00 (Person fails to appear in Court for an Officer Trial or a Bench Trial)
	\$500.00 (Person fails to appear in Court for a Jury Trial)

Filing Fees:

Pre-Trial Deferred Adjudication	\$300.00
Minor in Possession Deferred Adjudication	\$100.00
Driving Uninsured Deferred Adjudication	\$100.00
Seat Belt Deferred Adjudication	\$ 25.00
Driving Under the Influence Diversion	\$458.00
Possession of Less than an Ounce of Marijuana	\$259.00

Witnesses:

When being subpoenaed to testify in Court, a witness will be paid \$10.00.
When being summoned to serve as a juror, the juror will be paid \$10.00.

Dated this _____ day of February 2010.

Municipal Court Judge

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 a	Topic: 2009-2010 Mid-Year Budget Review Report
Prepared By: Cecilia Ward	Meeting Date: February 1, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval of the 2009-2010 Mid-Year Budget Review Report.

BACKGROUND:

The Mid-Year Budget Review document is designed to provide an understanding of the City’s financial condition during the first six months of 2009-2010. Approval of the budget actions included in the Mid-Year Budget Review will address current year funding needs and inform the Council of proposed future adjustments and corrections.

SUMMARY:

The severe slowdown in the economy has impacted revenue collections in several funds. With the economy in a recession, many of the economically sensitive revenues, which account for over half of the General Fund, will not meet the budgeted estimates. On an overall basis, General Fund revenues are currently expected to fall below projected levels by 5% or approximately \$420,000. The Administration and Department Heads have taken aggressive steps to reduce expenditures in the General Fund by \$208,000 and have already taken steps to identify specific cost saving actions, staff reductions, position eliminations and non-personnel/equipment reductions. Budget actions will be brought forward for City Council review to revise revenue estimates and make necessary expenditure adjustments to offset the lower revenues as part of the 2009-2010 Mid-Year Budget Review.

At this point, it is anticipated that the projected revenue shortfall could be offset by reserves that were set aside as part of the 2008-2009 beginning balance and 2009-2010 expenditure savings. The actual beginning balance for the adopted 2009-2010 Budget was \$1,535,592 an increase of 37% from the 2008-2009 beginning balance of \$1,116,043. The ending fund balance for 2009-2010 is projected to be just over \$1,300,000.

In addition to the General Fund, there are other capital and special funds that also have been impacted by the economic downturn. Projections for State Hwy Appropriations in the Street Fund fall short of the budgeted amount by 16%. System Development Charges (SDC’s) are considerably down due to the economy. Potential significant expenditure reductions, limiting projects, will be necessary to keep these funds in balance.

SUMMARY:

As has been the practice in past years, Mid-Year and End-Year Budget adjustments have been recommended and approved by the Council in the General Fund. A projected year end expenditure report is covered in the attached document and staff will monitor each fund closely; if the need arises to make additional fund adjustments, a Budget Report Adjustment will be recommended to the Council in May or June for Year-End.

FISCAL IMPACT:

Anticipated Budget adjustments:

Ambulance	\$55,000
Finance	\$20,000
Streets	\$64,174

ATTACHMENTS:

Summary of Mid-Year Revenues and Expenditures

2009-2010 Mid-Year Budget Analysis

General Fund

Revenue	Annual Budget	YTD Actual	%	End-Year Projected	Balance
Property taxes	\$ 3,098,860	\$ 2,789,593	90%	\$ 3,073,860	\$ (25,000)
Franchise fees	902,000	238,240	26%	817,000	\$ (85,000)
Licenses and permits	299,000	57,057	19%	149,000	\$ (150,000)
Intergovernmental revenues	423,000	130,479	31%	423,000	\$ -
Charges for services	1,632,815	717,340	44%	1,567,115	\$ (65,700)
Fines and forfeitures	276,500	115,713	42%	251,000	\$ (25,500)
Interest	100,000	3,343	3%	50,000	\$ (50,000)
Miscellaneous	160,000	122,581	77%	160,000	\$ -
Transfers	1,396,390	400,000	29%	1,376,390	\$ (20,000)
Total revenue	\$ 8,288,565	\$ 4,574,345	55%	\$ 7,867,365	\$ (421,200)
Expenditures					
Administration	580,550	270,660	47%	560,550	20,000
Finance	583,550	312,238	54%	603,550	(20,000)
Facilities Maintenance	167,900	79,338	47%	159,900	8,000
Municipal Court	261,625	127,381	49%	251,625	10,000
Ambulance	1,112,660	631,436	57%	1,167,660	(55,000)
Fire	738,350	363,760	49%	693,350	45,000
Police	2,703,400	1,369,996	51%	2,698,400	5,000
Library	426,300	206,535	48%	401,300	25,000
Parks	253,000	121,298	48%	223,000	30,000
Aquatic Center	866,600	378,704	44%	761,600	105,000
Inspections	288,100	125,520	44%	271,100	17,000
Planning	306,530	133,753	44%	288,530	18,000
Total expenditures	8,288,565	\$ 4,120,620	50%	\$ 8,080,565	\$ 208,000
Revenue over (under) expenditures	-	453,725		(213,200)	(213,200)
Beginning fund balance	1,464,359	1,535,592	105%	1,535,592	
Ending fund balance	\$ 1,464,359	\$ 1,989,317		\$ 1,322,392	

2009-2010 Mid-Year Budget Analysis

Street Fund

Revenue	Annual Budget	YTD Actual	%	Projected	Balance
State Hwy Appropriations	666,300	196,623	30%	559,000	(107,300)
State Hwy Federal Reimbursement	130,000	-	-	290,000	160,000
Interest	1,000	331	33%	500	(500)
Miscellaneous	21,800	15,992	73%	21,800	-
Total revenue	\$ 819,100	\$ 212,946	26%	\$ 871,300	\$ 52,200
Expenditures					
Personal services	\$ 268,000	\$ 130,519	49%	\$ 265,000	\$ 3,000
Material & services	366,100	171,114	47%	366,100	-
Capital outlay					\$ -
Improvements	185,000	304,374	165%	304,374	\$ (119,374)
Contingency	150,124	-			\$ 150,124
Total expenditures	\$ 969,224	\$ 606,007	63%	\$ 935,474	\$ 33,750
Revenue over (under) expenditures	\$ (150,124)	\$ (393,061)	-	\$ (64,174)	
Beginning fund balance	150,124	81,676		81,676	
Ending fund balance	\$ -	\$ (311,385)	-	\$ 17,502	

Sewer Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
Charges for services	2,855,000	1,403,118	49%	2,855,000	-
Interest	18,000	14,000	78%	14,000	(4,000)
Miscellaneous	105,000	50,000	48%	26,250	(78,750)
Total revenue	\$ 2,978,000	\$ 1,467,118	49%	\$ 2,895,250	\$ (82,750)
Expenditures					
Personal services	\$ 534,000	\$ 264,448	50%	\$ 534,000	-
Material & services	1,516,800	720,061	47%	1,516,800	-
Capital outlay	178,000	151,126	85%	178,000	-
Debt service	581,690	290,432	50%	581,690	-
Contingency	1,113,420	-	-	-	(1,113,420)
Other requirements - reserve	1,087,944	-	-	-	(1,087,944)
Total expenditures	\$ 5,011,854	\$ 1,426,067	28%	\$ 2,810,490	\$ (2,201,364)
Revenue over (under) expenditures	\$ (2,033,854)	\$ 41,051		\$ 84,760	
Beginning fund balance	2,033,854	2,187,690		2,187,690	
Ending fund balance	\$ -	\$ 2,228,741		\$ 2,272,450	

2009-2010 Mid-Year Budget Analysis

Water Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
Charges for services	\$ 2,168,000	\$ 1,135,958	52%	\$ 2,168,000	-
Interest	25,000	6,625	27%	25,000	-
Miscellaneous	145,037	15,052	10%	145,037	-
Total revenue	\$ 2,338,037	\$ 1,157,635	50%	\$ 2,338,037	\$ -
Expenditures					
Personal services	719,000	356,729	50%	719,000	-
Material and services	1,128,000	535,820	48%	1,128,000	-
Capital outlay	118,000	125,257	106%	118,000	-
Debt service	331,516	295,074	89%	331,516	-
Contingency	1,446,141	-	-	-	(1,446,141)
	-	-	-	-	-
Total expenditures	\$ 3,742,657	\$ 1,312,881	35%	\$ 2,296,516	\$ (1,446,141)
Revenue over (under) expenditures	\$ (1,404,620)	\$ (155,246)		\$ 41,521	
Beginning fund balance	1,404,620	1,200,295		1,200,295	
Ending fund balance	\$ -	\$ 1,045,048		\$ 1,241,816	

Outside of City Water Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
Charges for services	\$ -	\$ -	-	\$ -	-
Interest	-	-	-	-	-
Total revenue	\$ -	\$ -	-	\$ -	\$ -
Expenditures					
Transfers	95,037	0	-	95,037	-
Total expenditures	\$ 95,037	\$ -	-	\$ 95,037	\$ -
Revenue over (under) expenditures	\$ (95,037)	\$ -		\$ (95,037)	
Beginning fund balance	95,037	100,135		100,135	
Ending fund balance	\$ -	\$ 100,135		\$ 5,098	

2009-2010 Mid-Year Budget Analysis

Improvement Fund

Revenue	Annual Budget	Actual	%	End-Year Projected	Balance
Assessment repayments	\$ -	\$ -	-	\$ -	-
Interest	-	-	-	-	-
Miscellaneous	300,000	150,000	50%	300,000	-
Total revenue	\$ 300,000	\$ 150,000	50%	\$ 300,000	\$ -
Expenditures					
Materials and services	\$ -	\$ -	-	\$ -	-
Debt service	-	-	-	-	-
Transfers	300,000	-	-	300,000	-
Contingency	-	-	-	0	-
Total expenditures	\$ 300,000	\$ -	-	\$ 300,000	\$ -
Revenue over (under) expenditures	\$ -	\$ 150,000	-	\$ -	
Beginning fund balance	116,390	117,052	100%	117,052	
Ending fund balance	\$ 116,390	\$ 267,052		\$ 117,052	

Shop Services Fund

Revenue	Annual Budget	Actual	%	End-Year Projected	Balance
Equipment rental	\$ 293,000	\$ 162,000	55%	\$ 293,000	-
Transfers	-	-	-	-	-
Miscellaneous	203,800	60,923	30%	203,800	-
Total revenue	\$ 496,800	\$ 222,923	45%	\$ 496,800	\$ -
Expenditures					
Personal services	\$ 161,000	\$ 66,437	41%	\$ 135,000	(26,000)
Material and services	395,800	99,883	25%	225,000	(170,800)
Capital outlay	167,286	39,220	23%	40,000	(127,286)
Total expenditures	\$ 724,086	\$ 205,539	28%	\$ 400,000	\$ (324,086)
Revenue over (under) expenditures	\$ (227,286)	\$ 17,384		\$ 96,800	
Beginning fund balance	227,286	265,121	100%	265,121	
Ending fund balance	\$ -	\$ 282,505		\$ 361,921	

2009-2010 Mid-Year Budget Analysis

Revenue Sharing Fund

Revenue	Annual Budget	Actual	%	End-Year Projected	Balance
Intergovernmental	\$ 130,000	\$ 54,851	42%	\$ 110,000	(20,000)
Expenditures					
Transfers	\$ 130,000	\$ -	-	\$ 110,000	(20,000)
Revenue over (under) expenditures	\$ -	\$ 54,851		\$ -	
Beginning fund balance	-	-	-	-	
Ending fund balance	\$ -	\$ 54,851		\$ -	

Trust Funds

Revenue	Annual Budget	Actual	%	Projected	Balance
Deposits	\$ 186,900	\$ 115,035	62%	\$ 186,900	-
Total revenue	\$ 186,900	\$ 115,035	62%	\$ 186,900	\$ -
Expenditures					
Program expenses	915,695	342,951	37%	400,000	(515,695)
Total expenditures	\$ 915,695	\$ 342,951	37%	\$ 400,000	\$ (515,695)
Revenue over (under) expenditures	(728,795)	(227,916)		(213,100)	
Beginning fund balance	728,795	674,031		671,031	
Ending fund balance	\$ -	\$ 446,115		\$ 457,931	

2009-2010 Mid-Year Budget Analysis

Systems Development Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
System Development Charges					
Sewer	\$ 425,000	\$ 17,173	4%	\$ 35,000	(390,000)
Sewer SDC Loan Reimbursement*	-	166,286		199,620	199,620
Water	280,000	25,606	9%	50,000	(230,000)
Street	85,000	7,595	9%	15,000	(70,000)
Parks	154,422	14,833	10%	30,000	(124,422)
Storm water	70,000	6,062	9%	12,500	(57,500)
Total revenue	\$ 1,014,422	\$ 237,555	69%	\$ 342,120	\$ (672,302)
Expenditures					
Capital outlay					
Sewer	\$ 3,994,066	\$ 107,663	3%	\$ 155,000	(3,839,066)
Water	398,434	116,151	29%	145,000	(253,434)
Street	178,086	-	-	-	(178,086)
Parks	343,373	13,992	4%	65,000	(278,373)
Storm water	23,920	7,499	31%	7,499	(16,421)
Transfers-Debt Service	913,206	585,506	64%	913,206	-
Total expenditures	\$ 5,851,085	\$ 830,811	14%	\$ 1,285,705	\$ (4,565,380)
Revenue over (under) expenditures	\$ (4,836,663)	\$ (593,256)		\$ (943,585)	
Beginning fund balance					
Sewer	4,150,756	3,983,746		3,983,746	
Water	449,950	362,414		362,414	
Street	93,086	88,498		88,498	
Parks	188,951	107,985		107,985	
Storm water	(46,080)	(45,602)		(45,602)	
	-	-		-	
Total beginning fund balance	4,836,663	4,497,041		4,497,041	
Ending fund balance					
Sewer	581,690	3,893,256		3,863,746	
Water	331,516	271,869		267,414	
Street	-	96,093		103,498	
Parks	-	108,826		72,985	
Storm water	-	(47,039)		(40,601)	
Transfers-Debt Service	(913,206)	(585,506)		(913,206)	
Total ending fund balance	\$ -	\$ 3,737,500		\$ 3,353,836	

2009-2010 Mid-Year Budget Analysis

General Obligation Bond Debt Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
Property taxes	\$ 715,000	\$ 619,435	87%	\$ 715,000	-
Total revenue	\$ 715,000	\$ 619,435	87%	\$ 715,000	\$ -
Expenditures					
Debt service					
Principal	\$ 460,000	\$ 55,000	12%	\$ 460,000	-
Interest	218,807	110,084	50%	218,807	-
Total expenditures	\$ 678,807	\$ 165,084	24%	\$ 678,807	\$ -
Revenue over (under) expenditures	\$ 36,193	\$ 454,352		\$ 36,193	
Beginning fund balance	211,696	194,574	100%	194,574	
Ending fund balance	\$ 247,889	\$ 648,926		\$ 230,767	

Grants Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
Intergovernmental	\$ 6,403,000	\$ 47,416	1%	\$ 75,000	(6,328,000)
Total revenue	\$ 6,403,000	\$ 47,416	1%	\$ 75,000	\$ (6,328,000)
Expenditures					
Capital Outlay	\$ 6,403,000	\$ 74,526	1%	\$ 75,000	(6,328,000)
	-				-
Total expenditures	\$ 6,403,000	\$ 74,526	1%	\$ 75,000	\$ (6,328,000)
Revenue over (under) expenditures	\$ -	\$ (27,110)		\$ -	
Beginning fund balance	-	-	-	-	
Ending fund balance	\$ -	\$ (27,110)		\$ -	

2009-2010 Mid-Year Budget Analysis

Capital Improvement Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
Bond Proceeds-Water System Imp	\$ -	\$ -	-	\$ 775,210	775,210
Total revenue	\$ -	\$ -	-	\$ 775,210	\$ 775,210
Expenditures					
Capital outlay	200,000	229,907	115%	230,000	30,000
Total expenditures	\$ 200,000	\$ 229,907	115%	\$ 230,000	\$ 30,000
Revenue over (under) expenditures	\$ (200,000)	\$ (229,907)	-	\$ 545,210	
Beginning fund balance	-	(514,507)	-	(514,507)	
Ending fund balance	\$ (200,000)	\$ (744,414)	-	\$ 30,703	

General Long-term Debt Fund

Revenue	Annual Budget	Actual	%	Projected	Balance
Transfers	\$ 88,232	\$ 44,116	50%	\$ 88,232	-
Total revenue	\$ 88,232	\$ 44,116	50%	\$ 88,232	\$ -
Expenditures					
Debt service					
Principal	10,000	-	-	10,000	-
Interest	78,232	39,111	50%	78,232	-
Total expenditures	\$ 88,232	\$ 39,111	44%	\$ 88,232	\$ -
Revenue over (under) expenditures	-	5,005		-	
Beginning fund balance	-	-	-	-	
Ending fund balance	\$ -	\$ 5,005		\$ -	

2009-2010 Mid-Year Budget Analysis

Urban Renewal Agency

	Annual				
Revenue	Budget	Actual	%	Projected	Balance
Property taxes	\$ 83,500	\$ 65,919	79%	\$ 83,500	-
Interest	2,500	387	-	2,500	-
Total revenue	\$ 86,000	\$ 66,306	77%	\$ 86,000	\$ -
Expenditures					
Materials and services	\$ 60,000	\$ 12,700	21%	\$ 60,000	-
Debt Service	55,870	-		-	(55,870)
Total expenditures	\$ 115,870	\$ 12,700	11%	\$ 60,000	\$ (55,870)
Revenue over (under) expenditures	(29,870)	53,606		26,000	
Beginning fund balance	29,870	51,791		51,791	
Ending fund balance	\$ -	\$ 105,398		\$ 77,791	