# Dallas City Council Agenda

Monday, December 6, 2010, 7:00 p.m.
Council President Brian Dalton, Presiding
Dallas City Hall
187 SE Court Street
Dallas, Oregon 97338

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

| | ITEM | RECOMMENDED ACTION |
|---|---|---|
| 1. | ROLL CALL AND PLEDGE OF ALLEGIANCE | |
| 2. | QUESTIONS OR COMMENTS FROM THE AUDIENCE<br>*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<br>*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.*<br>**Public Hearing on a CDBG Application for a Food Bank in Dallas** p. 3 | |
| 4. | CONSENT AGENDA<br>*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.*<br>a. Approval of November 15, 2010 City Council Minutes p. 4<br>b. Acknowledge report of Nov 22 Administrative Committee Meeting (action items addressed later on agenda) p. 7<br>c. Acknowledge report of Nov 22 Building & Grounds Committee Meeting (action item addressed later on agenda) p. 36 | |
| 5. | ITEMS REMOVED FROM CONSENT AGENDA | |
| 6. | REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS | |
| 7. | REPORTS FROM CITY MANAGER AND STAFF<br>a. Watershed management discussion p. 41 | Discussion |

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

City Recorder
Emily Gagner

**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.

| | | |
|---|---|---|
| | b. Canvass November 2 Election Results p. 45 | Motion |
| | c. 2010 Population Estimate p. 48 | Information |
| | d. RFP for Banking Services p. 49 | Motion |
| | e. Council Orientation Packet p. 62 | Motion |
| | f. Citizen Committee formation discussion p. 94 | Motion |
| | g. Park Hours p. 98 | Discussion |
| | h. Other | |
| 8. | RESOLUTIONS | |
| 9. | FIRST READING OF ORDINANCE | |
| | a. Ordinance No. 1732 – An Ordinance adding new provisions to Dallas City Code Chapter 5, relating to truancy. p. 99 | First Reading |
| 10. | SECOND READING OF ORDINANCE | |
| 11. | OTHER BUSINESS | |
| 12. | ADJOURNMENT | |

Note: Following the Council meeting, there will be an Executive Session to evaluate the City Manager as authorized in ORS 192.660(2)(i).

# DALLAS CITY COUNCIL
# REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

| *City of Dallas* | **Agenda Item No. 3** | **Topic: Public Hearing on a CDBG Application for a Food Bank in Dallas** |
|---|---|---|
| **Prepared By:** Jerry Wyatt | **Meeting Date:** December 6, 2010 | **Attachments:** Yes ☐ No ☒ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to direct staff to apply for CDBG funds in the amount of $800,000 for a Food Bank at 820 SW Church Street.

BACKGROUND:

The City is working with the Mid-Willamette Council of Governments to prepare the application which is due to the State by December 31, 2010. The project is working with Marion Polk Food Share for the collection, storage and distribution of food products to low and moderate income persons. The application would include the purchase and rehabilitation of the building and parking lot. Families in Marion and Polk Counties continue to struggle to make ends meet and to keep food on the table in a persistent lagging economy. Last year, one in five local families ate from an emergency food box at least once. In Polk County, 48.1% of all school age children qualify for the free or reduced-price lunch program; that's 3,209 children. *(Source: Oregon Dept. of Education).* Polk County (Dallas, Independence, Monmouth, Falls City, Grand Ronde) — the distribution of 10,660 food boxes shows an increase of 51% over 2005-06, and numbers of individuals served, an average of 3,223 per month, is an increase of 54%. This area was served by seven food box distribution agencies and one meal site.

FISCAL IMPACT:

N/A

ATTACHMENTS:

None

**DALLAS CITY COUNCIL**
**Monday, November 15, 2010**
**Council Chambers**

The Dallas City Council met in regular session on Monday, November 15, 2010, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Also present were: Student Body Liaison Courtney Pope, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Police Chief John Teague, Finance Director Cecilia Ward, Community Development Director Jason Locke, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

Mayor Fairchild led the Pledge of Allegiance.

## QUESTIONS OR COMMENTS FROM THE AUDIENCE

Mayor Fairchild asked for questions or comments from the audience on items other than those on the agenda.

Carl Fisher asked the Council for clarification on the reason for the prohibition on motors on Mercer Reservoir. He indicated he didn't see the reason the City couldn't allow electric motors on the reservoir the one month a year the road was open for travel. Mr. Wyatt indicated he would have staff get in touch with Mr. Fisher.

Mark McDonald commented on his concerns with respect to the Urban Renewal Plan. First, he addressed the supposed increase in values of commercial property in the near future. He stated commercial real estate was currently in the doldrums and according to many recognized authorities is going to continue to decline. He stated he was also concerned about the timing of the project when prudence would require an effort at saving and cost cutting instead of further increasing the City's indebtedness. He discussed his concerns about possible infringement on property rights of current owners with use of eminent domain and subsequent redistribution of property to private parties. He indicated nowhere in the plan did it mention streamlining building codes for the benefit of current owners or permitting of alternate uses by zoning variances. Mr. McDonald added most of the plan speaks to furthering infrastructure development for pedestrian and bicycle access, acquiring property from current owners with the threat or actual use of eminent domain, and subsequent sale or lease of those properties for private redevelopment. He asked if the current Council had an existing commitment or agreement from any developer, real estate investment trust, or contractor, if there were any conversations for the future needs for any private party or corporate representative to redevelop downtown, and if so, who those parties were. Mayor Fairchild stated his questions would be answered later, and noted he was aware of the City using eminent domain only one time at the request of Rite Aid. Mr. McDonald stated page 18 of the plan specifically outlined the use of eminent domain. Mr. Shetterly stated the City couldn't use eminent domain to acquire private property to give to another private entity. He added this discussion should be directed to the Urban Renewal Agency Board of Directors at the meeting following the Council meeting.

## PUBLIC HEARINGS

There were no public hearings.

## CONSENT AGENDA

Councilor Lawson asked to remove the OLCC Application from the consent agenda.

It was moved by Councilor Shein and seconded by Councilor Marshall to approve the Consent Agenda as presented with one item removed. The motion carried unanimously.

Approved by the Consent Agenda: a) approve November 1, 2010 City Council minutes.

## ITEMS REMOVED FROM CONSENT AGENDA

DRAFT

OLCC APPLICATION FOR FULL ON-PREMISES SALES

Councilor Lawson recused herself because of an actual conflict of interest. She indicated Mr. Kuhlman, the applicant, was her tenant.

Councilor Woods asked the difference between a limited license and a full license. Councilor Lawson explained a limited license allowed for the sale of only beer and wine while a full license allowed the sale of all alcoholic beverages.

It was moved by Councilor Shein and seconded by Councilor Marshall to recommend to the OLCC to approve the application for full on-premises sales at Tony's Place. The motion carried unanimously with Council President Brian Dalton, Councilor Warren Lamb, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, and Councilor Ken Woods, Jr. voting yes. Councilor Lawson did not participate in the vote because of her declared actual conflict of interest.

**REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

Councilor Scroggin noted the Veterans Memorial Bridge dedication ceremony was well attended, noting it was something that was overdue. He commented that it was great how it all came together.

**REPORTS FROM CITY MANAGER AND STAFF**

CDBG APPLICATION

Mr. Wyatt stated the City had an opportunity to apply for a CDBG grant to provide the Marion Polk Food Share, in cooperation with James II, a new location to house a food bank. He indicated they were looking at the old Safeway building in the downtown area across from the Post Office. Mr. Wyatt explained the City would complete the intake form and then the state would let us know if we would be allowed to apply for the grant.

Ron Hayes of Marion Polk Food Share indicated funding for feeding the hungry is one allowed use of CDBG funds, noting the Safeway building would provide a site for James 2 as well as a site to distribute food. He added there is a need for such a facility in Polk County.

Council President Dalton asked if there was a plan for the façade of the building. Mr. Hayes stated they would have an architectural firm come in and give them estimates in the future. Council President Dalton reminded Mr. Hayes that the downtown was an historic district, so it was important to keep an historic feel to the building.

John Stein stated James II started in March 2009. He indicated the past two weeks they had between 250 and 275 people coming for food. Mr. Stein commented they are borrowing the current facility and have outgrown it. He indicated they would love the opportunity to work under Marion Polk Food Share. Councilor Shein asked how many people the new facility could accommodate. Sue Lamb reported it could hold 350 people, but they would expand to offer more meals per day and provide food more days per week.

Councilor Wilson joined the meeting at 7:21 p.m.

It was moved by Councilor Lamb and seconded by Councilor Lawson to direct staff to hold a public hearing at the December 6 City Council meeting to discuss completing the intake form for a CDBG grant for a food bank. The motion carried unanimously.

OTHER

Mr. Wyatt explained one agenda item at the Administrative Subcommittee the following Monday would be a discussion about the formation of a Citizen Committee to explore biofuel plants. He noted there was some confusion in the community about what was proposed in Dallas versus other plants such as the incinerator in Brooks. Mayor Fairchild explained the topic would be brought to the full Council for final approval.

DRAFT

Courtney Pope reported Dallas High School started their canned food drive and it would run through November 24. She indicated students would go door-to-door through the community to ask for food donations. Ms. Pope stated winter sports had started, although there was no word on scheduling yet.

**RESOLUTIONS**

**Resolution No. 3213:** A Resolution authorizing the establishment of a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA VEBA") Plan.

Mr. Wyatt indicated this resolution was for the Police Association, noting it was part of the latest contract negotiation. He stated it would save the City money immediately. Mr. Wyatt explained a VEBA plan was similar to a health savings account, with the City putting aside money to pay for deductibles and prescriptions. Mayor Fairchild asked if the cost of the program was within the amount budgeted for the year. Mr. Wyatt explained it was, adding it would actually save money.

A roll call vote was taken and Mayor Fairchild declared Resolution No. 3213 to have PASSED BY A UNANIMOUS VOTE.

**FIRST READING OF ORDINANCE**

**SECOND READING OF ORDINANCE**

**Ordinance No. 1731**: An Ordinance amending provisions of Dallas City Code Section 5.642 relating to penalties for nuisances; and repealing conflicting provisions.

Mayor Fairchild declared Ordinance No. 1731 to have passed its second reading. A roll call vote was taken and Mayor Fairchild declared Ordinance No. 1731 to have PASSED BY A UNANIMOUS VOTE.

**OTHER BUSINESS**

There being no further business, the meeting adjourned at 7:32 p.m.

Read and approved this _____ day of _____ 2010.

_____
Mayor

ATTEST:

_____
City Manager

DRAFT

**Administrative Committee**
**Monday, November 22, 2010**

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

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

Visitors: Michael Beck and Steve Martinelli from Dallas School District

Chair Woods called the meeting to order at 4:18 p.m.

**Truancy Ordinance discussion**

Mr. Wyatt introduced Steve Martinelli, Principal of Whitworth and Michael Beck Assistant Principal of Dallas High School. Mr. Martinelli reported the school had been working on a truancy ordinance for a couple years. He explained the school district defines chronic non-attendance as a student who attends less than 85% of school, which was 25 days last year. Mr. Martinelli indicated non-attenders score less on academic standards, noting it was hard for kids to catch up when they miss school.

Mr. Martinelli reported that 60% of juvenile crimes occur between 8 am and 3 pm on weekdays and 65% of convicts are dropouts. He stated compelling attendance can help reduce crime, and noted a benefit of attendance for students was the availability of free or reduced breakfasts and lunches.

Mr. Martinelli reviewed the school's current practices, which included telling everyone attendance was mandatory, offering positive rewards, and making phone contact and home visits with the guardians of students who miss school.

Mr. Beck reviewed what could be done to help improve attendance. He indicated a daytime curfew would be the best option, which would be done through the Dallas Police Department and City of Dallas. Chief Teague stated he had experience with this in Keizer, though they called it truancy since everyone understands what that is. He noted a small subset of homeschoolers may object to it, but in Keizer they were able to address their concerns and there were no issues. Chief Teague explained in the absence of truancy laws, if an officer sees a kid during the day that appears to be up to no good, the officer could not stop that kid to ask what he or she was doing. He did note it was juvenile crime that drove the truancy ordinance in Keizer, which isn't much of an issue in Dallas, so here the reason would be more for school attendance. Councilor Marshall asked if truant kids would get a ticket. Chief Teague indicated the officer would take the student where he or she belonged.

Mr. Beck stated the reasons for truancy are very different for elementary versus high school students. He stated the school district was reaching out to find partners to help them on the issue. He encouraged anyone with other ideas to contact the school. Chief Teague noted the truancy ordinance would be limited to public places, adding the officers could not take students out of their home.

It was moved by Councilor Voves and seconded by Councilor Shein to recommend to the full Council to adopt a truancy ordinance. The motion carried unanimously.

**RFP for Banking Services**

Ms. Ward stated the City has needed to do an RFP for banking services for some time. She indicated the City has been with the same institution for over 14 years and in that time our fees have been going up

while our interest rate has been going down and they no longer balance out. Ms. Ward noted the City's current banking institution is not good from a customer service standpoint, as we have to call to Portland for any issues we have; we can't talk to an employee at the local branch. Mr. Wyatt reported that he and Ms. Ward had met with our current bank and they did reduce some fees, but there were other things we told them to do that they haven't done yet.

It was moved by Councilor Shein and seconded by Councilor Marshall to recommend to the full Council to approve issuing a request for proposals for banking services. The motion carried unanimously.

**Council Orientation Packet**

Mr. Wyatt explained staff felt some type of Council Orientation was important as there were some new Council members coming on board in January. He stated he was open for questions or comments.

Councilor Voves commented he thought it would be very helpful. Mr. Wyatt explained staff would bring it to the full Council for comments and then make any changes as appropriate.

**Council Rules of Procedure**

Mr. Wyatt indicated the Council Rules would need to be adopted by the Council if they so chose. Councilor Shein recommended the new Council should be the one to adopt these. Councilor Woods stated he would like to know what parts of the rules came from the Charter and could not be changed. Mr. Wyatt agreed those could be highlighted. There was some concern expressed by the Committee over the Group Agreement.

**Citizen Committee Formation Discussion**

Mr. Wyatt reported he was not recommending this committee be implemented immediately, but he wanted to work on it and have it in place after the first of the year. He reviewed his and Mr. Shetterly's proposed by-laws for a committee to review and discuss the proposed gasification plant in Dallas. Councilor Woods commented that it was wise to do, particularly looking back to the street fee. Mr. Wyatt indicated the membership of the committee would be appointed by the Council. Mr. Shetterly pointed out it would serve strictly as an advisory committee to the Council. Councilor Voves asked if the by-laws were only for this committee. Mr. Shetterly stated the by-laws could be used for any committee. Councilor Shein recommended putting the name of the committee in the title of the by-laws to eliminate confusion.

It was moved by Councilor Shein and seconded by Councilor Voves to recommend to the Council to adopt the by-laws of the Gasification Facility Advisory Committee. The motion carried unanimously.

**Finance Director's Report**

Ms. Ward reported the new auditors had been very thorough, so she hasn't gotten a date yet when the final audit report would be completed. She noted at the next Admin Committee meeting, she would bring a proposed investment policy for review.

Councilor Shein asked how the new software was working. Ms. Ward commented that there were a few glitches, but it was working very well.

## Assistant City Manager's Report

Ms. Marr reported the Police Department was in the process of hiring a new full-time police officer and they should have a decision soon, though the new employee probably wouldn't start until the beginning of the year. She noted EMS was in the process of hiring a full-time paramedic shift lieutenant.

## Other

There was no other business and the meeting was adjourned at 5:04 p.m.

**MEETING AGENDA**

**ADMINISTRATIVE COMMITTEE**
Monday, November 22, 2010
4:00 p.m.

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

1. Truancy Ordinance discussion
2. RFP for banking services
3. Council Orientation Packet
4. Council Rules of Procedure
5. Citizen Committee formation discussion
6. Finance Director's report
7. Assistant City Manager's report
8. Other
9. Adjourn

# DALLAS CITY COUNCIL SUBCOMMITTEE
# REPORT

**TO: COUNCIL SUBCOMMITTEE**

| *City of Dallas* | **Agenda Item No.** **2** | **Topic:** RFP for Banking Services |
|---|---|---|
| **Prepared By:** Cecilia Ward | **Meeting Date:** November 22, 2010 | **Attachments:** Yes ■ No ☐ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to recommend to full council approval to issue the request for proposals for banking services.

BACKGROUND:

The City of Dallas has had its main operating account and credit card services with the same financial institution for over 14 years. With the constant rise of fees for banking services, drop in interest rates and a necessity for a solid banking relationship, the current services are not adequate. Staff would like to issue an RFP for banking service to solicit proposals for banking services and credit card processing services.

FISCAL IMPACT:

Potential savings

ATTACHMENTS:

Request for Proposal for Banking Services and Credit Card Processing Services

The RFP doc. from the Admin Agenda packet has been removed to reduce the agenda packet size. The RFP can be found later in the agenda packet.

In an attempt to minimize the size of the Council agenda packet, the Council Orientation packet included with the Administrative Committee agenda has been removed.  It is located later in the agenda packet.

# City Council Rules of Procedure

First Review Date January 27, 2009
Adopted by Council Resolution xxxx on xxxx, 2011

## SECTION 1 – PURPOSE

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

## SECTION 2 – AUTHORITY

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

## SECTION 3 – GENERAL RULES

3.1 Open Meetings

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

3.2 Quorum

A majority of the members of the Council shall constitute a quorum for its business.

3.3 Rules of Order

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

3.4 Address by Council Members

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

## SECTION 4 – COUNCIL MEETINGS

4.1 Regular Meeting

The Dallas City Council will meet in regular session at least once per month. The regular meeting shall be held on the first and third Monday of each month at such place and hour as the Council may prescribe. If the regular meeting falls on a legal holiday, the meeting shall be convened at the same time and place on the next regular business day. Notice of the regular meeting shall be given by:

a) Publication in a newspaper of general circulation in the City;
b) Posting written notice in a public place;
c) Providing the agenda and supporting material to members of the press who request notice;
d) Providing the agenda to other persons who request copies; and
e) Posting the agenda on the City's website.

4.2 Work Sessions

A special meeting, or any portion thereof, may be designated as a work session. The City Council may hold a work session on the second Wednesday of each month in the Council Chambers or at another time and place in the City in which the City Council designates. Such session shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject. Typically, a work session designation indicates that matters of substance will be discussed, but that final action will not be taken. However, this designation does not prevent the Council from taking final action at the meeting if necessary or convenient. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer by a majority vote of the Council members.

4.3 Special Meetings

Special meetings may be called by the Mayor or three or more Councilors. At least 24 hours written or verbal notice must be provided to the Council and to members of the media and the public who have requested notice. Only the subject(s) listed on the special meeting agenda may be acted upon.

4.4 Emergency Meetings

In the case of an actual emergency, an emergency meeting of the Council may be called by common consent of all available Councilors upon such notice as is appropriate to the

circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. Attempts will be made to contact the media to provide notice of the emergency meeting.

4.5 Executive Session

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

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

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

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

4.6 Cancellation of Meeting

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

4.7 Americans With Disabilities Act

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

4.8 Attendance Duty

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

Good cause shall include, but is not limited to:

a) Illness;
b) Family obligations;
c) Employment requirements;
d) Scheduled vacations; or
e) Other City business

4.9 Excused Absence

When any Council member cannot attend a meeting of the Council, the member shall notify the City Recorder prior to the meeting. If there are no objections from other Councilors, the City Recorder may announce the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

## SECTION 5 – THE PRESIDING OFFICER

5.1 Mayor

The Mayor shall preside at all regular and special meetings, work sessions, and executive sessions of the City Council. The Mayor is entitled to vote in case of a tie vote of the Council, except on the final passage of an ordinance. The Mayor shall preserve order and enforce the rules of the Council.

5.2 Council President

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

5.3 Sergeant at Arms

The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms. In the absence of the Council President, the Sergeant at Arms will be filled by the Councilor with the longest continuous service on Council from the Councilors present.

5.4 Absence of Mayor and Council President

In the absence of the Mayor and Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.

## SECTION 6 – DECORUM AND ORDER

6.1 Presiding Officer

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

6.2 Councilors

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

6.3 Rules of Debate

The principles set forth in Robert's Rules of Order should be observed in the conduct of Council meetings. However, strict adherence to the requirements of those rules is not required. No action of the Council shall be in violation of this section for the reason that the action was not in conformance with Robert's Rules of Order. Any Councilor may move a question, second a motion, debate and vote.

a) Motions: A question is presented for decision by the Council by means of a motion. A motion shall precede discussion of a question.
b) A list of available motions and the rules for passage are set forth in attached Exhibit "A."
    i. Friendly Amendment: A formal motion to amend a main motion shall not be necessary if the proposed amendment is accepted by the maker and the second of the main motion.
    ii. Withdrawing a Motion: A motion may be withdrawn prior to a vote by the maker of the motion.
    iii. Reconsideration: A motion to reconsider any action by the Council may be made during the same meeting at which the action was taken. A motion to reconsider must be made by a Councilor that voted with the prevailing side, but may be seconded by any member.
    iv. Repeal: Except as provided below, any action of the Council may be repealed. A motion to repeal may be offered at any meeting following

the meeting at which the subject action was taken. The motion must be made by a Councilor who voted with the prevailing side, but may be seconded by any member. A motion to repeal shall be passed by a two-thirds vote of members present and eligible to vote, unless notice has been given of the intent to offer the motion. If notice of intent is published on the printed agenda, a motion to repeal shall be passed by a majority of members present and eligible to vote. Notice of intent shall be placed on the agenda on one occasion upon the request of any Councilor who voted with the prevailing side. The following actions may not be repealed:

- An action that can be reached by a motion to reconsider
- An executed contract or agreement
- A final written land use decision, unless the motion is made within 21 days of approval and specifies one or more reasons why the findings in favor of the decision are incorrect
- An action which either legally or by its nature cannot be undone

c) Discussion: Following a motion, the Presiding Officer shall call on Councilors for discussion according to their requests for recognition. The moving Councilor shall have the privilege of final comment on the motion. Councilors shall limit their discussion to five minutes each. The time limit may be expanded at the discretion of the Presiding Officer.

d) Points of Order: Any Councilor may request a ruling from the Presiding Officer regarding procedure or preservation of order by calling for a point of order. The Presiding Officer shall determine the point of order, subject to appeal by any Councilor. An appeal shall be decided by majority vote.

6.4 Staff and Public

Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.

6.5 Removal of Any Person

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

## SECTION 7 – AGENDA AND ORDER OF BUSINESS

7.1 Setting the Agenda

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

7.2 Consent Agenda

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

7.3 Agenda Distribution

Promptly after it is developed, the agenda shall be distributed with any supporting materials not later than 48 hours prior to the meeting to members of the Council, staff, news media, and interested citizens who have requested the agenda.

7.4 Special Accommodations

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

7.5 Alteration of the Agenda

a) New Matters: Matters not on the printed agenda may come before the Council as determined by the Presiding Officer or a majority of the Council.
b) Final Written Land Use Orders: Any Councilor voting with the prevailing side on a tentative land use decision may continue consideration of the final written order to the next regular meeting.

7.6 Order of Business

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

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

m) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not be specifically listed on the agenda, but formal action on these matters will be deferred until a subsequent Council meeting.

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

7.7 Recess

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

## SECTION 8 – MINUTES

8.1 Recording of minutes

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

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

8.2 Distribution of Minutes

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

8.3 Correction and Approval of the Minutes

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

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

## SECTION 9 – VOTING

9.1 Method of Voting

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

9.2 Order of Voting

Roll call votes shall be called in alphabetical order by last name.

9.3 Vote Required to Decide a Question

Except as otherwise provided in these rules, the concurrence of a majority of the members present and eligible to vote is necessary to decide a question.

9.4 Abstention

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

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

10.1 Conflict of Interest

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

a) "Potential Conflict of Interest" means any action by a Councilor which would be to the private pecuniary benefit or detriment of the Councilor or a member of the Councilor's household, or a business with which the Councilor or member of the Councilor's household is associated. "Potential conflict of interest" does not include pecuniary affects arising out of:
   i. Membership in a particular occupation or class required by law as a prerequisite to holding the office of Councilor; or
   ii. An action which would affect to the same degree a class consisting of an industry, occupation, or other group to which the Councilor or a member of the Councilor's household belongs.

b) “Actual Conflict of Interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in (a) of this section.

10.2 Bias

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

a) "Quasi-judicial decision" means a decision involving the application of existing criteria to identified persons or properties.

b) "Actual Bias" means prejudice or prejudgment of facts to such a degree that a Councilor is incapable of rendering an objective decision on the merits of the case.

10.3 Ex-Parte Contact

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

## SECTION 11 – COUNCIL SUBCOMMITTEES (DCC 2.050)

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

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

**EXHIBIT "A"**

**LIST OF MOTIONS**

| TO DO | COUNCIL MEMBER SAYS | May you interrupt a speaker? | Must you be seconded? | Is the motion debatable? | Vote required |
|---|---|---|---|---|---|
| Introduce business (a main motion) | "I move that..." | No | Yes | Yes | Majority |
| Amend a motion | "I move to amend this motion" | No | Yes | Yes | Majority |
| Divide the motion into parts for separate vote | "I move the question be divided..." | No | Yes | Yes | Majority |
| Suspend further consideration of something * | "I move that we table this matter" | No | Yes | No | Majority |
| Take up a matter previously tabled * | "I move to take from the table..." | No | Yes | No | Majority |
| Postpone consideration of something | "I move we postpone this matter until..." | No | Yes | No | Majority |
| Have something studied further | "I move we refer this to..." | No | Yes | Yes | Majority |
| End debate | "I move the previous question" | No | Yes | No | 2/3 vote |
| Adjourn the meeting * | "I move that we adjourn" | No | Yes | No | Majority |
| Recess the meeting | "I move that we recess until..." | No | Yes | No | Majority |
| Complain about noise, room temperature, etc. * | "Point of privilege" | Yes | No | No | No vote |
| Object to procedure or to personal affront * | "Point of order" | Yes | No | No | No vote, chair decides |
| Request information * | "Point of information" | Yes | No | No | No vote |
| Object to considering some matter * | "I object to consideration of this" | Yes | No | No | 2/3 vote |
| Reconsider something already disposed of * | "I move we reconsider action | Yes | Yes | Yes | Majority |

| | | | | | |
|---|---|---|---|---|---|
| | on..." | | | | |
| Consider something not in scheduled order * | "I move we suspend the rules and..." | No | Yes | No | Majority |
| Vote on a ruling by the presiding officer | "I appeal the presiding officer's decision" | Yes | Yes | Yes | Majority |

* NOT AMENDABLE

# CITY OF DALLAS

# CITY COUNCIL RULES OF PROCEDURE

# ACKNOWLEDGMENT

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

Signature_____

Printed Name _____ Date _____

(This form should be signed and dated and returned to the City Manager's office.)

ROLES & RESPONSIBILITIES OF
MAYOR, COUNCIL, AND CITY MANAGER

**Mayor**
No-voter, catalyst for Council, Council leader, spokesperson for City and Council, can call Council meetings, and directs Council meetings.

**Council Member**
Voter, decision maker, establish City policy, represent constituency in specific problems, open to opposing points of view (laissez-faire approach vs. pro-active approach), honestly expressive on all issues, and approves and monitors the budget.

**City Manager**
City Chief of Staff, spokesperson/advocate for City departments, liaison between departments and Council, serves at the pleasure of the Council, administers Council decisions, manages City's budget, presents relevant City issues to the Council, keeps Council informed of new issues, makes recommendation to Council as requested.

## ROLES FURTHER DEFINED

**City Council**

Provide leadership
- Sets the example for staff, public
- Positive, constructive tone
- Democratic in process

Make decisions
- Sets major goals and objectives
- Focuses on big issues (has the "big picture")
- Does good preparation
- Gives direction

Be a team player
- Values and demands good staff work
- Respects staff's role as member of the team
- Is "up front" – no surprises by timely communication

Communicate

- Listens to citizens, other City Council members, staff input
- Communicates questions, opinions, etc. to other Council members and City Manager as appropriate
- Participates in discussion
- Gives feedback and evaluates the City Manager

**Mayor**

- Performs all City Council roles
- Leads the Council; sets the tone (is the "quarterback")
- Runs effective, professional meetings
- Performs ceremonial duties as head of the City; represents the City
- Continues ongoing, informational communication with the City Manager on a regular basis

**City Manager**

- Carries out Council policy directives, goals, and objectives; "gets the job done"
- Provides information and makes recommendations to the Council
- Leads the management team and other employees
- Is the "link" between Mayor, Council, and staff
- Communicates; keeps the Mayor and Council informed
- Feels part of the City Council/Mayor/Manager "team," shares leadership responsibilities with Mayor and Council
- Sets the tone and standard for employees by personal and professional example
- Represents the City
- Anticipates the future (looks ahead)

# CITY COUNCIL GROUP AGREEMENT

1. I will individually support the collective decision-making of the Council. If I disagree with the decision made by the Council, I will exercise my convictions without personalizing the issue and without eroding the collective reputation of the Council. Once a decision is made, I will generally support that decision.

2. If I disagree with a Council action, I will tell the members what I am going to do about it. If I am not sure of my future actions, I will say, "I disagree and will figure out what I am going to do about it." I will notify the Council first of my intended action.

3. I will use and follow the process established by the Council to solve problems.

4. I will respect the other members of the Council, even though they may differ philosophically; e.g., listening, asking for rationale, accommodate periodically.

5. I will present my rationale for my points of view and when asked for rationale, I will act positively and offer my data for my conclusion.

6. If I am asked to respond or give my rationale to an issue and I am unready, I will say so, but will provide an approximate time when I will be ready.

7. I will say what I mean with no underlying messages in a positive manner.

8. I will not personalize issues or decisions.

9. If I have a concern or issue with another Council member or Administrator, I will go to that person first in a positive, private, and timely manner, and share that concern. I will present my feelings and how those feelings affect me.

10. I will focus on the present and the future and use the past only as data for the present and the future.

11. If I am approached by someone, I will be open and positive and do my best to respond to his/her concerns. If I am unsure of the correct response, I will direct him/her to the City Manager.

12. I will not blame others for situations that I have opportunity to resolve.

13. I will recognize that the Council's role is to set policy and not be administrators.

14. I will give other Council members and the Mayor and City Manager "advance" notice of significant matters to be introduced at Council meetings so as to preclude stressful surprises at Council meetings. "Advance" means at least time to review the data.

15. I will not lobby for a point of view at the exclusion of other Council members.

16. I will feel free to call the other Council members on my point of view, ask for their points of view, and share my rationale (my best case, your best case).

17. I will follow the intention and the law concerning doing Council business outside of Council meetings.

18. If I feel that the issues I may discuss with another Council member has implications for all Council members, I will attempt to share in a timely manner with the other Council members.

Signature: _____

Printed Name: _____

Date: _____

**Building and Grounds Committee**
**Monday, November 22, 2010**

Members Present: Chair David Shein, Kevin Marshall (arrived @ 4:10), Dave Voves, and Ken Woods, Jr.

Also Present: City Manager Jerry Wyatt, Mayor Jim Fairchild, City Attorney Lane Shetterly, Community Development Director Jason Locke, Finance Director Cecilia Ward, Police Chief John Teague, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

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

**Uniform Park Hours**

Mr. Wyatt stated this agenda item came from Park and Recreation Board. He stated staff worked with the Police Department and the Park and Rec Board and the recommendation was to have hours of dawn to dusk at all City Parks. He indicated if someone where in a park inappropriately, they could then be told to leave. Mr. Wyatt stated there was some concern about what defined dusk. Mr. Shetterly reported that term was in the Oregon Vehicle Code, so it was not unfamiliar. Chief Teague commented that his concern was not uniformity among parks, but the actual hours of dawn to dusk. Councilor Woods asked if those hours would apply to the skate park as well. Mr. Wyatt replied it would. Mr. Shetterly asked if it would apply to the Creek Trail. Jackie Lawson stated the Park Board intended to apply the hours to the trail too. Chief Teague indicated the Arboretum staff wanted their hours from dawn to dusk. Mr. Shetterly reported the Arboretum was on City Park property, so those hours would apply. Councilor Woods asked if the Dallas Aquatic Center and its parking lot would be exempt. Mr. Shetterly stated he could address that in the resolution. Chief Teague noted the Rickreall Creek Trail from Levens to Main Street was heavily used by people to walk home from downtown. Councilor Woods indicated he would be willing to exclude that section of the trail and see how it went.

It was moved by Councilor Voves and seconded by Councilor Woods to recommend to the Council to change the hours in all Dallas parks to “dawn to dusk” through a resolution that excluded the Dallas Aquatic Center and its parking lot as well as the park trail between Main and Levens Street. The motion carried unanimously.

**Dallas City Park Host**

Mr. Wyatt commented that this agenda item also came out of the Park and Recreation Board. He stated the intention of having a park host would be to cut down on issues of vandalism. He noted there were legalities to look at, such as compensation, and it would only be at the main City Park. Mr. Shetterly asked what was involved. Mr. Wyatt indicated someone would set up their RV in the park and would have an area to hook up their water and sewer. The host would then be given roles and responsibilities in the park and they would stay for an agreed upon period of time. Mr. Shetterly stated that would involve amending the ordinance on RV parking and an exemption for the park hosts from the park hours. In response to a question, Mr. Wyatt stated the host could be required to do maintenance such as picking up trash and cleaning the restrooms. In response to another question, Mr. Wyatt indicated the host would likely be located near the Park office because there were utilities located in that area.

It was moved by Councilor Woods and seconded by Councilor Voves to have staff pursue this and report their findings back to the full Council. The motion carried unanimously.

**Community Development Director’s Report**

Mr. Locke reported that the demolition of the old building was completed at the site for the new doctors' office and the new building plans were in the plan review process. He noted they had received ODOT access approval. Mr. Locke stated he got the final report on the energy audits for the Fire Station, Ambulance Building, and Library. He indicated staff is reviewing the reports to identify projects to complete. He reported that the City was applying for a Transportation Growth Management grant for the Fairview Node, adding our last try was unsuccessful. Mr. Locke commented that he, Mr. Wyatt, and the Building Official would be inspecting the old Armory Building soon to assess the condition and see if it was something that could be used. He reported that it appears there may be someone interested in occupying the now-vacant Dallas Market in the near future. He said staff is working with the trustee of the property and the person interested.

**Other**

There was no other business and the meeting was adjourned at 4:18 p.m.

**MEETING AGENDA**

**BUILDING AND GROUNDS COMMITTEE**
Monday, November 22, 2010
4:00 p.m.

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

1. Uniform Park Hours
2. Dallas City Park host
3. Community Development Director's report
4. Other
5. Adjourn

# DALLAS CITY COUNCIL SUBCOMMITTEE
# REPORT

**TO: COUNCIL BUILDING AND GROUNDS SUBCOMMITTEE**

| *City of Dallas* | **Agenda Item No. 1** | **Topic:** Uniform Park Hours |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** November 22, 2010 | **Attachments:** Yes ☐ No ☒ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to recommend to the Council to change hours in all Dallas parks to "dawn to dusk"

BACKGROUND:

At their October 27 Park & Rec Board meeting, the board members unanimously approved a motion to recommend to the Council that all Dallas City Park hours be changed to open from "dawn to dusk." Currently, Gala and Birch Parks are open from dawn to dusk. Rotary, Kingsborough and Central Bark Parks do not have any hours posted at all. Dallas City Park hours are posted as 5:30 a.m. to 10:30 p.m. As most problems occur in the park from twilight through dark, staff and the police department are advising we change the hours at all parks to dawn to dusk. Staff would not gate any of the parks during the times they were closed, but the uniform hours would be enforceable by the police. The Park Board and staff do not recommend aggressively enforcing the hours with dog walkers using the parks after dusk; the intent would be to alleviate criminal mischief.

FISCAL IMPACT:

Minimal – cost to replace/add signs

ATTACHMENTS:

None

# DALLAS CITY COUNCIL SUBCOMMITTEE
# REPORT

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

| *City of Dallas* | **Agenda Item No. 1** | **Topic:** Dallas City Park Host |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** November 22, 2010 | **Attachments:** Yes ☐ No ■ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

If the Committee chooses to pursue this, direct staff to research legality of having a park host and report back to the Committee.

BACKGROUND:

At their October 27 Park & Recreation Board meeting, the board discussed a suggestion to use a Park Host in the Allgood and Brandvold sections of the Dallas City Park. In exchange for allowing a Park Host to park an RV at the park during the summer months, they would be responsible for policing the park, restroom operation, garbage patrol, and generally be an "eye" for the City when staff could not be there. The Board members unanimously approved a motion to recommend to the Council to approve having a Park Host and allow the Park and Recreation Board to implement the program.

FISCAL IMPACT:

Unknown

ATTACHMENTS:

None

# DALLAS CITY COUNCIL
# REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

| *City of Dallas* | **Agenda Item No.** **7 a** | **Topic:** Watershed Management Discussion |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** December 6, 2010 | **Attachments:** Yes ■ No ☐ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to direct staff to issue the request for proposals (RFP) for Rickreall Watershed Management Proposals and report back to Council for final approval after proposals have been reviewed.

BACKGROUND:

The Council recently directed staff to move forward with drafting a request for proposals (RFP) for Rickreall Watershed management proposals. Staff has completed the RFP and is ready to advertise and receive proposals. After review of the proposals, staff will come before the Council once more with a recommendation for awarding the contract.

FISCAL IMPACT:

Depends on proposals

ATTACHMENTS:

Proposed RFP for Rickreall Watershed Management Proposal

# Draft Request for Proposals
# Rickreall Watershed Management Proposal

## Project Description and Preliminary Scope of Work

The City of Dallas, Oregon is soliciting proposals from qualified firms and/or organizations (contractor) with expertise in Natural Resources and Forest Management for assistance in identifying ways to become more involved in management of the Rickreall Creek Watershed in order to protect the City's interests in its sole source water supply and generally improve the function and value of the watershed while maintaining or improving commercial productivity.

The successful contractor will develop in-depth inventories of natural resources and assess the ecological condition of the Rickreall Creek Watershed in areas including resource identification and valuation, water quantity and quality, fish and wildlife habitat, and conservation and recreation opportunities. Using these inventories and assessments, the successful contractor will help the City identify alternative watershed management strategies and approaches that will result in resource enhancement while maintaining and/or improving the commercial viability of the watershed.

The desired completion date is November 30, 2011. Our goals are as follows:

- Identify opportunities for commercial use of natural resources in the watershed;
- Estimate the monetary value of timber and other natural resources in the watershed;
- Identify and prioritize beneficial uses of the watershed;
- Understand the current condition and functioning level of the major ecological systems present in the watershed; and
- Identify opportunities to influence management strategies that would result in improved conditions in the watershed while maintaining and/or improving commercial productivity.

Contractor capabilities required are likely to include:

- Mapping and map production;
- Standard timber, soil, land use, and other natural resource related inventory and assessment;
- Detailed forest management planning;
- Water quantity models;
- Fish and wildlife survey;
- Stream inventory;
- Invasive species survey;
- Threatened and endangered species survey;
- Cultural resource survey;
- Water quality monitoring;
- Identification of point and non-point source pollutants and associated mitigation measures;
- Estimating technical and financial assistance needs;
- Identify and describe current management practices and their outcomes related to long-term water quality and quantity if maintained;
- Grant preparation;
- Participation in public meetings; and
- Project management.

## Funding and Participation Requirements

The City of Dallas and the Rickreall Watershed Foundation are funding this project. The successful entity will be required to comply with all applicable state and federal regulations and maintain general liability insurance. The funders anticipate a total project cost of approximately $50,000.

## Proposal Content

The proposal must be organized in sections containing the following information:

- **Description of Contractor.** Describe your organization's legal structure, areas of expertise, length of time in business, number of employees, and other information that would help to characterize the contractor. Provide the address of the main office (for legal purposes) and, if different, the address of the office that will manage the project.
- **Experience.** Briefly describe other projects executed by your organization that demonstrate relevant experience; however, extensive descriptions of vaguely related projects are discouraged. Also list all public sector clients for whom you have performed similar work in the past five years. For each project mentioned, include the name, address and phone number of a person who can be contacted regarding your performance on the project. When submitting projects for which your organization worked in an auxiliary capacity or in a joint venture or partnership, include the name of the lead contractor.
- **Personnel.** Provide a professional resume for the key people proposed to be assigned to the project (including any important sub-consultants), and describe relevant related experience. Describe key personnel's proposed roles and responsibilities on this project. Submittals must identify a proposed project manager, who would be responsible for the day-to-day management of project tasks and would be the primary point of contact with your organization. An organization chart of the project team may be appropriate.
- **Project Approach.** Describe the tasks that must be accomplished to complete the project. Provide a narrative description of how the contractor proposes to execute the tasks. If applicable, discuss any unique aspects of the project, alternative approaches the City might wish to consider or special considerations related to programmatic/ funding requirements. Your organization should rely on its expertise and experience with similar projects to demonstrate how it will effectively complete the project.
- **Project Schedule.** Provide a schedule of general project activities indicating the duration of each activity and the total project. The schedule should reflect realistic activity durations.
- **Sealed Cost Proposal.** The proposer’s cost schedule shall be submitted at the same time and at the same location as the proposal, but in one (1) separate sealed envelope clearly marked. The cost proposal will not be opened until after the initial ranking of all proposals. The envelope shall indicate the name and address of the proposer, the project, and be addressed to the City. The cost proposal should identify major tasks, estimated man-hours and cost per man-hour for each major task, expenses , overhead mark-up, summary of costs, total cost and any additional information deemed pertinent.

Brochures or other material that may be helpful in evaluating your organization may be included in an appendix of the proposal.

## Additional Information

Questions regarding the project may be directed to Kenn Carter, Assistant Director of Public Works at the City of Dallas by mail at 187 SE Court Street, Dallas, Oregon 97338; by telephone at 503-831-3556;and/or by e-mail at kenn.carter@ci.dallas.or.us.

## Proposal Deadline

Two copies of the proposal must be received no later than 2:00 p.m. on January 5, 2011 at the Office of the City Manager, Dallas City Hall, 187 SE Court Street, Dallas, Oregon 97338. Proposals received after the deadline will not be considered.

## Selection Process

Proposals will be ranked based on qualifications and the City may choose to interview several of the top ranked contractors. However, at its discretion, the City may dispense with interviews and select a contractor to perform the work. Contractors will be evaluated on the basis of the following factors:

- Contractor History and Capability to Perform the Work
- Relevant Project Experience

- Qualifications of Project Team
- Familiarity with Area and Project
- Project Approach and Schedule
- Reasonableness and Completeness of Sealed Cost Proposal

A selection committee appointed by the City will assist with contractor evaluations, contact selected references and make recommendations to the City Manager who will make the final selection. The City will seek to negotiate a contract, a detailed scope of work, fee, schedule, etc. with the preferred contractor. If unable to reach agreement, the City will terminate negotiations, and commence negotiations with the second-ranked contractor, and so forth.

The City expects to evaluate proposals and provide written notification of the short-listed contractors within 30 days of receipt of proposals. If interviews are held, they will be scheduled within 3 weeks of short-list notification.

The City of Dallas reserves the right to reject any and all proposals, to waive formalities, or to accept any proposal which appears to serve the best interest of the City of Dallas.

# DALLAS CITY COUNCIL
# REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

| *City of Dallas* | **Agenda Item No.** **7 b** | **Topic:** Canvass of City Elections |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** December 6, 2010 | **Attachments:** Yes ■ No ☐ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to accept the results of the November 2, 2010, General Election.

BACKGROUND:

As required by the Charter of the City of Dallas, the Council is required to canvass the results of the City election held November 2, 2010, for the positions of Mayor and City Councilors. Attached is a copy of the abstract of votes provided to us by the Elections Officer for Polk County. Also attached is a copy of the certification of those who have been elected and will be taking office on January 1, 2011.

The City Council simply needs to adopt these results so they may be made a part of the permanent record to comply with the City Charter.

FISCAL IMPACT:

None

ATTACHMENTS:

Abstract of Votes
Certificate of Election

Mayor CITY OF DALLAS

Vote For 1

| | KLJ Kenneth Lewis Jones, (NON) | WRI Bradley Tyler Watson, (NON) | OVER VOTES | UNDER VOTES |
|---|---|---|---|---|
| 0154 154 | 1046 | 1135 | 18 | 0 | 319 |
| 0156 156 | 727 | 778 | 17 | 0 | 246 |
| 0162 162 | 759 | 719 | 20 | 0 | 263 |
| CANDIDATE TOTALS | 2532 | 2632 | 55 | | 828 |
| CANDIDATE PERCENT | 48.51 | 50.43 | 1.05 | | |

City Councilor CITY OF DALLAS

Vote For 4

| | DSA Michael Dsavelis (NON) | JFA Jeremiah Fairwater (NON) | MSC Michael Scholl (NON) | JLA Jeremy Lawson (NON) | BJO Brian Jones (NON) | SMD Steven M Dennis (NON) | MMC Michael McKinnon (NON) | MMD Michael Dahlen (NON) | KMW Kathy Mahaney (NON) | RIT Ryan Thomas (NON) | OVER VOTES | UNDER VOTES |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 0154 154 | 550 | 724 | 1280 | 1045 | 1149 | 527 | 760 | 658 | 683 | 24 | 28 | 2644 |
| 0156 156 | 414 | 549 | 858 | 766 | 769 | 419 | 525 | 480 | 465 | 32 | 8 | 1787 |
| 0162 162 | 377 | 542 | 802 | 707 | 727 | 421 | 591 | 448 | 442 | 21 | 28 | 1938 |
| CANDIDATE TOTALS | 1341 | 1815 | 2940 | 2518 | 2645 | 1367 | 1876 | 1586 | 1590 | 77 | 64 | 6369 |
| CANDIDATE PERCENT | 7.55 | 10.22 | 16.55 | 14.18 | 14.89 | 7.69 | 10.56 | 8.93 | 8.95 | .43 | | |

POLK COUNTY CLERK
STATE OF OREGON

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
VALERIE UNGER, Polk County Clerk
By Cori Lundell Deputy

## CERTIFICATE OF ELECTION

STATE OF OREGON, )
)
COUNTY OF POLK, ) ss.
)
CITY OF DALLAS )

Attached hereto is a tabulation of ballots cast at the November 2, 2010 General Election for the positions of Mayor and City Council Persons for the City of Dallas, Oregon.

In accordance with the provisions of the Dallas city Charter, I, Jerry Wyatt, the duly appointed, qualified, and acting City Manager of the City of Dallas, Oregon, do hereby certify that Brian Dalton was elected Mayor and the four positions of Council Person will be filled by the following successful candidates:

Jim Fairchild
Beth Jones
Jackie Lawson
Mark McDonald

In Witness whereof, I have hereunto subscribed my name and affixed the seal of the City of Dallas on this 22nd day of November, 2010.

Jerry Wyatt, City Manager

Portland State
UNIVERSITY

**College of Urban and Public Affairs**
Population Research Center

Post Office Box 751
Portland, Oregon 97207-0751
780 Urban Center
506 SW Mill St.

503-725-3922 tel
503-725-5199 fax
askprc@pdx.edu
www.pdx.edu/prc/

RECEIVED 11/18/10

– IMPORTANT NOTICE –

# Preliminary 2010 Population Estimate

November 15, 2010

To: Dallas city

Listed below is the preliminary population estimate for July 1, 2010. Also included are the certified 2009 estimate and 2000 Census figure. The July 1, 2010 estimate will be certified by December 15, 2010.

PRELIMINARY POPULATION ESTIMATE:

JULY 1, 2010: **15,555**

CERTIFIED POPULATION ESTIMATE:

JULY 1, 2009: **15,445**

CERTIFIED CENSUS FIGURE:

APRIL 1, 2000: **12,459**

If you have any questions, please contact:

Risa S. Proehl
Population Research Center
Portland State University
PO Box 751
Portland, OR 97207-0751

Telephone: (503) 725-5103
Fax: (503) 725-5199
E-mail: proehlr@pdx.edu

# DALLAS CITY COUNCIL
# REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

| *City of Dallas* | **Agenda Item No.** **7 d** | **Topic:** RFP for Banking Services |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** December 6, 2010 | **Attachments:** Yes ■ No ☐ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to direct staff to issue the request for proposals (RFP) for banking services and report back to Council for final approval after proposals have been reviewed.

BACKGROUND:

The City of Dallas has had its main operating account and credit card services with the same financial institution for over 14 years. Our current services are not adequate, so staff would like to issue an RFP for banking services to solicit proposals for banking and credit card processing services.

FISCAL IMPACT:

Potential savings over current banking fees

ATTACHMENTS:

Request for Proposals

Final
DRAFT

THE CITY OF
DALLAS
OREGON

# Request for Proposals for
# Banking Services and Credit Card Processing Services
# November 22, 2010

**Date Due: , 2010**
**Time Due: 3:00 PM**

**SUBMIT PROPOSALS TO:**
Cecilia Ward
Finance Director
City of Dallas
187 SE Court Street
Dallas, OR 97338
(503) 831-3505

The City of Dallas, Oregon invites qualified banking institutions to submit proposals to provide banking services based upon the scope of work contained in this Request for Proposal. The intent is to select one banking institution to provide services. However, the City may elect to award some or all of the optional services to one or more qualified proposers.

## STATEMENT OF WORK

### *OBJECTIVES*

The objective of this RFP is to obtain high quality requisite depository and banking services at a competitive price. These services may include, but may not necessarily be limited to, general operating services, payroll services, cash management, and/or investment services. This RFP process also provides the City the opportunity to explore alternative procedural methods with various technological advances that could improve its banking, cash management, and customer service capabilities.

The investment activities of the City will in no way be affected by the appointment of a banking institution to handle the City's banking requirements. Investment activities are not included as a component of this RFP.

Fees proposed for the basic required package of banking services shall remain fixed for a period no less than three years. The term of the agreement shall remain open. Either the City or the bank may terminate the agreements with 120 days notice.

### *DESCRIPTION OF ENTITY*

With a population of approximately 15,445, Dallas is the County Seat of Polk County and is located fifteen miles west of Salem in the Willamette Valley. The City has an annual growth rate of approximately 2%.

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 employees 80 full-time employees and over 50 part-time employees.

### *DESCRIPTION OF CITY'S CURRENT BANKING SYSTEM*

The City has one general demand deposit account. Disbursements for vendor payments, payroll and other charges are made by check or ACH through the general demand account. Vendor payments are bi-weekly, with an average of 250 checks issued each month, representing approximately $350,000. Payroll checks and direct deposits are issued once each month with approximately 60 checks and 80 direct deposits totaling approximately $618,000.

Deposits are made once daily to the general demand account. Federal and State payroll deposits are transferred electronically using the EFTPS system. The current system also allows for transfers in and out between the City account and the LGIP.

Year-to-Date Balance Information:

| Average Collected Balance | Average Balance for Earnings Credit | Average Float | Average Ledger Balance |
|---|---|---|---|
| $816,465 | $816,465 | $37,125 | $853,590 |

***CONVERSION OF CURRENT SYSTEM***

The selected bank shall, at their sole expense, provide such testing of systems and training of City personnel as the bank and the City may deem necessary. All necessary systems, including telephone and computer connections, shall be in place and tested at least 10 days before implementation. Any necessary training of City personnel shall be completed at least five days before implementation date. The selected bank will be responsible to see that all necessary forms are delivered to the City at least five days before implementation date.

## REQUIRED SERVICES AND FORMAT OF PROPOSAL

In order for the Selection Committee to adequately compare and evaluate proposals objectively, proposals shall be submitted in accordance with the following format and order:

Title Page/Cover

Include the name of the proposing bank, its principal business address where the relationship will be managed, and the local branch address that can meet our daily banking needs.

Table of Contents

Transmittal Letter

The letter should address the bank's willingness and commitment, if selected, to provide the requested services and why the Bank believes it should be selected. The letter should be signed by the Relationship Manager assigned to our account and addressed to:

City of Dallas
Cecilia Ward
Finance Director
187 SE Court St
Dallas, OR 97338

## Proposal Detail

I. *Bank and Staff Profile*

a. Overview and References: Provide a corporate overview of your bank and a description of the bank's experience in providing services to the public sector. Include exclusive resources dedicated for the public sector. Provide three references that we may contact. Include a brief description of the services provided and a contact person and telephone number for each client described.

b. Relationship Management: Describe the relationship team that will be assigned to service our relationship. Describe individual roles, responsibilities and briefly detail credentials and related banking experience.

c. Branch Relationship: Describe the local branch teller/customer ratio. Include customer service philosophy and staffing levels at the branch. Describe the measures taken at the branch level to ensure the City has the ability to complete all necessary transactions on any given business day.

d. Compliance and Exceptions: Include a statement to confirm your bank's compliance to our minimum qualifications. Also, list any exceptions to required services.

II. *Deposit Processing*

The City's standard practice includes daily deposits consisting of loose coin, cash and checks. Deposits are totaled by tape and the tape is included with a batch total on the deposit ticket. Describe how your bank would accommodate the volume associated with our account. Indicate deposit options, including the time that the City would be required to have deposits delivered to the bank to ensure ledger credit balance that same day. Describe the procedure used in the bank's processing of returned/re-cleared items. Describe the process and timing for deposit corrections or other credits or charges to the CIS accounts. When these entries are made, what notification is provided?

III. *Account Reconcilement*

The bank must provide monthly account statements (based on a calendar month) showing overall activity within five business days after the end of each calendar month. Monthly account reconcilement reports, bank statements, account analysis statements, confirmations, stop payments and other report related features must be provided. The monthly statements and other reports should include understandable descriptions or include a guide or legend as to what these descriptions mean. Describe your financial institution's ability to provide various reports and statements in hardcopy and electronic media. Describe the check and deposit reconciliation services offered by the financial institution. Describe paid check confirmation and stop-payment procedures.

Describe the procedure and turnaround time for providing copies of paid checks, deposit slips and detail of deposit slips. Indicate if this data is available by digital imaging. Describe any additional account reconciliation services offered by the bank.

IV. *Electronic Money Transfers*

Describe the bank's incoming and outgoing electronic money transfer services; especially outlining the process the City should follow to wire funds for debt payments, fund transfers, etc. Include safeguards, security measures, and notification options offered by your service.

V. *ACH transactions*

Describe the process for initiating ACH transactions. Please describe differences between customer ACH transactions, and ACH transactions with other institutions. Please include transmission format requirements and other details you consider relevant. Provide the timing requirements of the data exchange such as the number of business days prior to pay date and the time requirements for corrections. Indicate the timing of the transfers, that is, whether the financial institution utilizes early day or memo posting. The City of Dallas is using ACH processing to facilitate payments from customers and for making payroll deposits, and intends to use ACH processing to make payments to vendors. For resolution of problems, describe the procedures, the timing requirements, and the deadlines for correcting errors. Indicate whether the resolution is handled by phone, fax or online. Include initiation and confirmation of wires, fees, safeguards, security measures, and notification options offered by your service.

*VI. Direct Deposit*

Direct deposit services are used for monthly payroll. Over 65% of the City's employees use direct deposit. Describe your financial institution's direct deposit services, including transmission options, problem resolution procedures, pre-noting requirements, timing details and handling fees.

VII. *Payroll Tax Processing*

Describe the services available from the bank to accommodate the City's payment and reporting of payroll taxes, both federal and state.

VIII. *Balance Reporting*

The bank must have an electronic communication system to allow us to receive previous day balance and transaction information for each account. Describe the options available to the City to access this information online or by telephone, along with the system features.

*IX. Online Services*

Provide a comprehensive description of online services which include, but are not limited to, bank statements, transfers between accounts, stop payment procedures, check images, deposited item images, EFT activity, Federal and State tax payments.

*X. Account Analysis*

Please indicate if you can provide the City monthly account analysis reports within ten (10) days after month end to include detail analysis of each account and a consolidated statement.

XI. *Lock Box Services*

The City currently bills approximately 5,400 utility customers per month. In order to utilize staff more efficiently, the City would like to review the bank's lock box services. Describe your ability to meet this need, the issues and process involved, including set-up costs and the charges associated with this service.

XII. *Corporate Credit Cards*

The City currently uses corporate credit cards for routine purchases. Describe the bank's credit card services, including available credit limit, and the process the bank would follow to provide this type of service. Include safeguards, security measures and notification options offered by your bank.
Describe features offered for purchasing cards. Include any features that would allow for easy tracking/accounting by department or account code for various purchases. Please include information regarding direct downloading capabilities for City account information.

XIII. *Credit Card Processing*

The City currently accepts customer payments via credit card. Describe the financial institution's ability to provide an electronic system that will accommodate credit card authorizations and transmissions through traditional means and over the internet. The assigned bankcard merchant manager and support staff must become knowledgeable about the City's unique bankcard needs in order to expedite service requests. Describe the electronic system(s) available for processing credit card transactions. Are technical support and customer service personnel available after normal banking hours? Please describe internal controls associated with this service. Please indicate the charges anticipated:

- Initial set up fee
- Software cost

- Software maintenance fees
- Terminal cost if purchased
- Monthly terminal fee if leased
- Bank charges (% of transaction amount)
- Bank transaction charges (per transaction)
- Batch charges
- Other fees or charges

XIV. *Controlled Disbursement (Positive Pay)*

Provide information regarding this service and associated costs and benefits. CIS does not currently utilize Positive Pay, but will consider implementation.

XV. *Investment Services*

Describe investment services offered by the bank. Discuss overnight investment options (such as sweep accounts) available to maximize our earnings potential. Also, describe the method the bank uses for transfers to/from the Local Government Investment Pool (LGIP).

XVI. *Collected Balances, Earnings Allowance, and Overdraft Protection*

Describe the bank calculation of collected balances. Also describe the methodology that would be used to give credit to the City of Dallas for bank balances. Address the issue of the City's checking account being overdrawn under any circumstances and any issues and charges associated with overdraft protection.

XVII. *Pricing Schedule, Terms and Conditions*

Provide in this section, using the pro-forma schedule (Attachment A), the pricing for services proposed by the bank. Also include the bank's method by which fees are collected and how pricing adjustments will be calculated.

## ***OPTIONAL BANKING SERVICES***

In addition to the required services described, the City requests proposals for optional services. Describe features offered for purchasing cards. The City seeks any additional information concerning new products and/or technologies that would be in the best interest of the City and reduce costs and/or increase revenues. Please submit optional service proposals on a separate form under this heading.

## ***ATTACHMENTS TO BE INCLUDED WITH PROPOSAL***

Exhibit A – Pricing Schedule. See section XVII.

Exhibit B – Financial Statements and Ratings. Provide audited financial statements for the past three years. Also, include your most current Standard & Poors and Moody's credit ratings.

Exhibit C – Account Analysis. Provide a sample of the account analysis of your bank and a user guide for the analysis.

Exhibit D – Conversion Plan. Describe the overall plan your bank would coordinate to ensure a smooth transition from the current provider.

Exhibit E – Service Enhancements. Based on information presented in our RFP and your financial institution's knowledge of the public sector, describe any enhancements, technological or otherwise, that we should consider to improve operational or cash management efficiencies. For each additional service, please provide an implementation timeline as well as detail of setup fees, transaction fees, and any other associated fees.

Exhibit F – References and Additional Information. Provide at least three references and any other information not previously mentioned that your financial institution believes should be given consideration.

## GENERAL TERMS AND CONDITIONS

Term of Agreement: The term of this agreement shall be open and may be terminated at any time by either party with a minimum notice of 120 days.

Reject Any and All Bids: The City may reject any bid 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.

Price: All proposals submitted shall be binding for 90 calendar days following the opening date, unless extended by mutual consent of all parties.

Addendum: The City may modify the RFP at any time within five days prior to the closing date by issuance of an "Addendum" to all Proposers who are participating in the process at the time the Addendum is issued. If an Addendum is necessary after that time, the City, at its discretion, can extend the closing date.

Insurance: Bank shall maintain insurance in full force and effect throughout the term of this agreement. Insurance maintained shall include Worker's Compensation, Automobile and Commercial/Comprehensive General Liability.

Nondiscrimination: The Bank shall affirm, in writing, that the Bank has a policy of nondiscrimination in employment because of race, age, color, sex, religion, national origin, mental or physical handicap, political affiliation, or marital status.

## *MINIMUM QUALIFICATIONS*

To be considered for selection, proposing banks must have at least the following qualifications:

- Be a federally or State of Oregon chartered financial institution.
- Be a member of the Federal Reserve System and have access to all services.
- Be a qualified depository for public funds and capable of meeting collateralization requirements as set forth by Oregon Revised Statutes.
- Be a full-service bank in good standing among other comparable banks, with a full-service branch located in the City of Dallas.
- Be capable of providing all of the services (or comparable substitutes) sought by the City.
- Agree to assign experienced and dedicated staff to our accounts.
- Must be able to facilitate transfers to and from the Local Government Investment Pool (LGIP) managed by the Oregon State Treasurer's Office.

## EVALUATION AND SELECTION PROCESS

A Selection Committee will review proposals. At the option of the City, certain banks may be required to make a presentation of their proposal. This will provide an opportunity to clarify or elaborate on the proposal, but will not, in any way provide an opportunity to change any fee amount originally proposed. The City, in evaluating and ranking each proposal, will use the following criteria:

1. *Proper Submission of Proposal*: Receipt of proposal by due date as outlined in this proposal according to our specifications. Late submissions or submissions, delivery via facsimile or e-mail shall not be considered.

2. *Comprehensiveness of Services Provided*: Overall capabilities of the bank to meet the required service levels described in the RFP.

3. *Strength and Stability of Bank*: The bank's financial standing among its peers and the associated credit quality ratings, available capital and liquidity, plus profitability over the past three years. Also considered will be the Bank's experience in providing services to the public sector, as well as dedicated resources and personnel.

4. *Charges for Services*: The amount of proposed charges and pricing increases in subsequent years.

5. *Assigned Relationship Manager/Team*: The credentials and experience of the person(s) assigned to our relationship. Also considered will be the local branch staffing levels and staff qualifications and ability to complete City transactions.

6. *Service Enhancements*: The bank's efforts to understand our banking needs and goals, and the creativity the bank shows in introducing new technologies and efficiencies to improve our current practices and procedures.

7. *Other Factors*: Any other factors that we believe would be in our best interest to consider which were not previously described.

After the above criteria have been scored, a bank will be selected that will best be able to provide the identified services to the City based on an overall judgment of the bank's proposal and potential interview.

## EXHIBIT A
## Pricing Schedule

Based on average service levels indicated below, provide monthly pricing information for these required services. Pricing matrix should include costs for all accounts, as described in the Statement of Work. Optional services or enhanced services should be described and priced separately in Exhibit E as indicated in the proposal.

| | **Fee Proposal Form** | | | | | |
|---|---|---|---|---|---|---|
| | **City of Dallas** | | | | | |
| | | | | **A** | **B** | **AxB** |
| | **Services** | **Unit of Measure** | **Estimated Annual Total** | **Estimated Monthly Average** | **Proposed Unit Fee** | **Estimated Monthly Cost** |
| | *Demand Deposit Services* | | | | | |
| 1 | Account Maintenance | Per account | | 1 | | |
| 2 | Banking Center Deposit | Per item | | 49 | | |
| 3 | General Checks Paid Truncated | Per item | | 398 | | |
| 4 | Direct DDA Stmt Per Acct | Per account | | 1 | | |
| 5 | Returns-Chargeback | Per item | | 3 | | |
| 6 | Returns-Reclear | Per item | | 5 | | |
| 7 | Cks Dep Un-Encoded Items | Per item | | 325 | | |
| 8 | Debits Posted-Electronic | Per item | | 11 | | |
| 9 | Credits Posted-Electronic | Per item | | 55 | | |
| 10 | Positive Pay Maintenance | Per month | | | | |
| 11 | Deposit Corrections | Per item | | | | |
| | *Commercial Deps-Cash Vault* | | | | | |
| 12 | Curr/Coin Dep/$100-Bkg Ctr | Per item | | 455 | | |
| | *General ACH Services* | | | | | |
| 13 | ACH Optional Reports-Electronic | Per item | | 4 | | |
| 14 | ACH Monthly Maintenance | Per item | | 2 | | |
| 15 | ACH Input-File | Per item | | 3 | | |
| 16 | ACH Consumer On Us Credits | Per item | | 23 | | |
| 17 | ACH Consumer Off Us Debits | Per item | | 77 | | |
| 18 | ACH Consumer On Us Debits | Per item | | 36 | | |
| 19 | ACH Consumer Off Us Credit | Per item | | 105 | | |
| 20 | ACH Credit Received Items | Per item | | 55 | | |
| 21 | ACH Debit Received Items | Per item | | 12 | | |
| | *Information Services* | | | | | |
| 22 | Direct Previous Day Acct | Per account | | 1 | | |
| 23 | Direct Previous Day Std Item | Per item | | 425 | | |
| | *Image* | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 24 | Image Archives-7 years | Per item | | 387 | | |
| 25 | Image Maintenance-Direct | Per account | | 1 | | |
| 26 | Image Retrieval Direct | Per item | | 22 | | |
| | *Wire Transfer Service* | | | | | |
| 27 | Wire Transfer Monthly Maintenance | Per account | | | | |
| 28 | Incoming Wires | Per item | | | | |
| 29 | Outgoing Wires | Per item | | | | |
| | *Miscellaneous* | | | | | |
| 30 | Disposable Deposit Bags | Per item | | | | |
| 31 | Duplicate Deposit Slips | Per item | | | | |
| | *Balance Related Services* | | | | | |
| 32 | FDIC Assessment | Per account | | | | |
| | *Other Required Fees to be Charged* | | | | | |
| 33 | | | | | | |
| 34 | | | | | | |
| 35 | | | | | | |
| 36 | | | | | | |
| 37 | | | | | | |
| | *Total Monthly Estimated Monthly Cost* | | | | | |
| | | | | | | |

# DALLAS CITY COUNCIL
# REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

| *City of Dallas* | **Agenda Item No.** **7 e** | **Topic:** Council Orientation Packet |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** December 6, 2010 | **Attachments:** Yes ■ No ☐ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to approve the Council Orientation Packet and distribute it to Councilors.

BACKGROUND:

The City has not in the recent past had an orientation packet available to new Councilors. With that in mind, staff has drafted a packet of information to present to new Councilors (and existing Councilors as a "refresher") as a way to ease the transition onto the Council. We understand there is a great deal of information about local government that most lay people are unaware of and want to make that information available to all of our Councilors. We would welcome any comments from you regarding the document, as you know better than anyone the ins and outs of serving on the Council.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Council Orientation Packet

# City of Dallas
# 2011
# City Council
# Orientation Handbook

# MEMORANDUM

Date:

To: Dallas City Councilors

From: Jerry Wyatt, City Manager

RE: Council Orientation Information

The following is a variety of basic information that you should become familiar with. My hope is that such information will be helpful as you try to absorb the many responsibilities associated with your office. Let me assure you there are no "dumb questions," and I or other staff members are available to answer any questions you may have.

INTRODUCTION:

The City Council is like any other deliberative body; it has public business to conduct and must process it in accordance with rules and procedures adopted by law. This packet discusses the sources of our rules, types of motions, and voting procedures.

The formal decisions you make as the city's governing body will be in the form of ordinances, resolutions, or motions.

# City of Dallas, Oregon
## CITY COUNCIL
## January 1, 2011

Mayor Brian Dalton
PO Box 190
Dallas, OR 97338
503-623-6486 (H)
503-480-4908 (C)
Term: 01/01/11 to 12/31/12

Councilor Kevin Marshall
1048 SW Clay St
Dallas, OR 97338
503-623-5081 (H)
503-302-8179 (C)
503-581-4472 x 3119 (W)
kmarshall@garten.org
Term: 01/01/09 to 12/31/2012

Councilor Wes Scroggin
754 SE Stoneridge Ln
Dallas, OR 97338
503-623-8565 (H)
wesandkayscroggin@q.com
Term: 01/01/09 to 12/31/2012

Councilor Dave Voves
558 NW Douglas St
Dallas, OR 97338
503-623-5305 (H)
DavidVoves@aol.com
Term: 01/01/09 to 12/31/2012

Councilor LaVonne Wilson
2129 SE Magnolia Ave
Dallas, OR 97338
503-623-8647 (H)
RobertW752@aol.com
Term: 01/01/09 to 12/31/2012

Councilor XXX (replacing Dalton)
Address
Dallas, OR 97338
503- (H)
email address
Term: 01/01/10 to 12/31/2012

Councilor Jim Fairchild
297 SE Ironwood Dr
Dallas, OR 97338
503-623-2605 (H)
503-949-0205 (C)
jamesbfair@aol.com
Term: 01/01/11 to 12/31/14

Councilor Jackie Lawson
569 SE Walnut Ave
Dallas, OR 97338
503-623-7249 (H)
503-623-4440 (W)
Jackie@djsbodyshop.com
Term: 01/01/11 to 12/31/14

Councilor Beth Jones
468 SE Pine Pl
Dallas, OR 97338
503-508-6043 (H/C)
bethjonesiii@yahoo.com
Term: 01/01/11 to 12/31/14

Councilor Mark McDonald
1291 SW Hayter St
Dallas, OR 97338
503-623-2480 (H)
503-779-6061 (C)
mmcmail@hotmail.com
Term: 01/01/11 to 12/31/14

# City of Dallas, Oregon
## STAFF
## January 1, 2011

City Manager Jerry Wyatt
503-831-3500 (W)
503-930-7744 (C)
Jerry.wyatt@ci.dallas.or.us

Assistant City Manager Kim Marr
503-831-3557 (W)
503-480-4277 (C)
Kim.marr@ci.dallas.or.us

City Attorney Lane Shetterly
503-623-6695 (W)
Lane@siso-law.com

City Recorder Emily Gagner
503-831-3502 (W)
503-480-4216 (C)
Emily.gagner@ci.dallas.or.us

Police Chief John Teague
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# City of Dallas
# Government

The City Council of the City of Dallas is composed of the Mayor and nine Councilors elected from the city at large. The Mayor is elected for a two-year term and the Councilors are elected to four-year terms. The election of City Councilors is non-partisan and is held in even-numbered years.

The Mayor is the chairman of the Council and presides over its deliberations. He is entitled to vote in case of a tie vote of the Council, except on final passage of an ordinance. The Mayor is responsible to preserve order and enforce the rules of the Council.

The City Council elects a president at its first meeting in January in each odd-numbered year. The Council President performs the duties of Mayor in the absence of that officer. In the absence of the Mayor from the city or the inability of the Mayor to act, the Council President shall have and exercise the power to perform all duties of the Mayor.

The Council is required by the Charter to hold a regular meeting at least once each month. A majority of members of the Council shall constitute a quorum for its business. No action by the Council will have legal effect unless the motion for the action and the vote by which it is disposed of take place at a meeting open to the public.

The City of Dallas operates under a Council/Manager form of government consisting of an elected Mayor and Councilors who appoint a City Manager to manage the operations of the City. The Council also appoints a Municipal Judge. The City Manager oversees the operations of six departments: Police, Fire and Ambulance, Public Works, Community Development, Finance, and Administration.

### CITY MANAGER RESPONSIBILITIES

The Council is the City's legislative and policy-making body. As a whole, the Council is responsible for passing ordinances and resolutions necessary for governing the city, in addition to setting the direction of City policy. The City Manager is responsible for the overall administration of the City and works with the Council and citizens to plan for the future of the city.

The employment relationship between the Council and the City Manager honors the fact that the City Manager is the chief executive officer of the City of Dallas. The Councilors should avoid situations that could result in Dallas staff being directed by one or more members of the Council. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manger in administrative matters.

### MUNICIPAL JUDGE RESPONSIBILITIES

According to the City of Dallas Charter, the municipal judge is the judicial officer of the City. He is appointed by the Council for a term of two years.

The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions, brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city.

**CITY COUNCIL / CITY ATTORNEY RELATIONSHIP**

The City Attorney is appointed by and serves at the discretion of the City Council. The City Attorney serves as the legal advisor to the Mayor, City Council, City Manager, and all departments.

It is important to note that the City Attorney does not represent individual members of the Council, but the Council as a whole.

**CITY OF DALLAS**
**GUIDELINES AND DUTIES FOR ELECTED OFFICIALS**

Among their public duties, the Mayor and Councilors provide leadership for constituents, arbitrate conflicting interests, and make sound decisions by studying problems and reviewing alternatives to determine the best course of actions. The Mayor and Councilors are responsible for establishing policy, adopting the City's budget, and providing direction to the City Manager. The Mayor and Councilors represent the City on local, regional, and state boards, commissions, and committees.

The City Manager is responsible for implementing the policy decisions of the Mayor and Councilors. Because the City Manager is responsible for the day-to-day operation of City government, the Council issues all priority orders and directives through the City Manager.

## POLICY MAKING

Policy is established by a majority vote of the City Council. While individual members may disagree with a decision of the majority, a decision of the majority does bind the Council to a course of action. It is the City Manager's responsibility to ensure the policy of the Council is implemented.

All phases of the Council's job are involved in the determination of policy. The City Manager can assist the Council in studying and determining municipal policies. A good example of this is the budget process. The City Manager and staff gather the budget information, prepare the budget, review the budget with the budget committee, and submit the budget to the Council. The Council reviews the budget, revises it as necessary, and adopts the budget.

Policy making is the process of deciding what is to be done for the City. This can easily be confused with how a program is to be administered, which is the responsibility of the City Manager. Simply stated, policy making is the "what to do" and administration is the "how to do it." In municipalities, policy can take the form of ordinances, resolutions, and motions.

## APPOINTMENTS

The Mayor and City Council appoint the following positions:

- City Manager
- Municipal Judge
- Boards and Committees

## OTHER DUTIES

<u>Contact with Constituents</u>
On occasion, the Mayor and Councilors are requested to attend a district meeting, neighborhood meeting, or homeowner association meeting. These are opportunities to understand the needs of the residents and can assist in policy making. As an elected

representative of the citizens of Dallas, Councilors are encouraged to have frequent contact with those citizens.

Ceremonial Duties

The Mayor and Councilors can expect invitations to groundbreakings, ribbon cuttings, openings for parks, capital improvement projects, business and special projects.

Representing the City of Dallas

Representing Dallas at the state and federal level in matters of municipal interest is an important role for the Mayor and Councilors. Issues that affect the City's ability to govern and operate successfully are monitored by the City Manager's office, and the Council, as an elected body, should communicate on such issues with the state and federal legislatures.

Conferences and Training

The Mayor and Councilors have the opportunity to attend state and national conferences for public officials and municipal organizations. These conferences provide the Councilors with opportunities to create relationships with other elected officials as well as discover what other cities are accomplishing. The Mayor and Councilors' training and conference opportunities are limited by the dollars budgeted for such training and conferences and any other requirements as imposed by the Council on itself. It is expected that if you attend a conference or training, you will bring back information to share with the other Councilors who were unable to attend.

## MEDIA RELATIONS

Tips on Media Relations

Public relations are extremely important and Councilors should be prepared to respond to media questions at some time. As an elected official of the City of Dallas, you play a fundamental role in determining the direction of the City's goals and objectives. Your position on the Council will require you to interact with the media. Following are some tips that will assist you in building media relations and promoting a positive image of the City of Dallas.

1. Remember you are a Councilor, elected to serve the citizens of Dallas. If you keep the needs of the citizens in mind as you perform your duties, the process of reporting your actions is always easier.
2. Remember you are communicating with the citizens of Dallas, not the reporter. What do you want the citizens to know about what is happening? When you are sending a message to the community, state your message several times. This increases your chances that the reporter will quote you on this point.
3. Remember the reporter is also a citizen. If he or she does not understand a situation or message you are sending, the reporter will not be able to explain it to the citizens. If you are unable to answer a question, admit you do not know the answer and you will get back to them. Be truthful and only state the facts.
4. Remember that nothing is off the record. Only make statements you wish to see in print.

5. Understand your responsibilities on information being released. In most instances, the Mayor or City Manager will release the information. The Councilors should work with the City Manager's office in being proactive by bringing stories to the media.
6. Remember you will not always be pleased with articles and editorials that the media print. Keep an open mind; "news" as defined by the media means something unusual or something significant to the audience. The media will often print other points of view; do not let this affect your relationship with reporters.

**COMMUNICATIONS**

One of the most fundamental roles of a Councilor is communication. Communication with the public and other jurisdictions to assess community opinions and needs, and communication with City staff to provide policy direction and to gain understanding of the implications of various policy alternatives are all important tasks for a City Councilor.

E-mail

Each Councilor is issued an e-mail address to use for City business, communication with other Councilors, the City Manager, departments, and constituents. All e-mail is subject to Open Records Law. The City email account is not intended for personal use.

Correspondence

Councilors may be required to write letters to citizens, businesses, or other public agencies. Typically, the City Manager, the Mayor and/or the Council President will transmit the City's position on policy matters to outside agencies and organizations on behalf of the Council. Individual Councilors may need to prepare letters for constituents in response to an inquiry or to provide requested information. Upon request, Councilors will be supplied letterhead and envelopes for this purpose. City letterhead and staff cannot be used for personal or political purposes. Please be sure to provide a copy of all correspondence to the City Recorder for retention.

**CITY OF DALLAS**
**CITY COUNCIL MEETINGS**

The City Council meetings are a vital part of the democratic process in the conduct of the City's affairs. It is at the City Council meetings that laws, policies, and basic decisions are made for the City of Dallas. All meetings of the Council are open to the public unless otherwise noted.

Attendance
Councilors are expected to attend all City Council meetings and all of his/her assigned subcommittee meetings. Missing a meeting must be excused; report your absence to the City Recorder. For personal security reasons, do not announce your absence from a future meeting at a Council meeting.

Regular City Council Meetings
Regular Council meetings are held at 7:00 p.m. on the first and third Mondays of each month in the Council Chambers at City Hall, 187 SE Court Street, Dallas. When a Council meeting falls on a legal or national holiday, the meeting is held on the following day.

Special City Council Meetings
The Mayor may, on his/her own motion or at the request of three Council members, call a special meeting of the Council for a time not earlier than three or later than 48 hours after notice is given. A special meeting may be held on less than 24 hours notice only in case of an actual emergency.

Workshops
Workshops are typically held on the second Wednesday of each month at noon. No formal votes may be taken on workshop items, although Councilors may be polled on any matter under discussion at the work session.

Executive Sessions
Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media shall be allowed to attend most sessions. Councilors and staff in attendance may not disclose to any person the content of any discussion that takes place in an executive session. Executive sessions are typically held at the end of a regular or special meeting. No final decision or final action may be made in executive session, although the Councilors may reach a consensus in executive session. Formal voting must take place in open session to allow the public to know the result of the discussion that took place in executive session.

Executive sessions may be held to discuss the following topics:

- Employment & personnel matters
- Dismissal or discipline matters
- Deliberations regarding labor negotiations
- Deliberations regarding negotiations of real property transactions
- To consider information or records that are exempt by law from public inspection

- To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations
- To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed
- To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee, or staff member who does not request an open hearing
- To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange, or liquidation of public investments
- To discuss information about review or approval of programs relating to security

**OPEN MEETINGS**

The Open Public Meetings Law requires that all meetings of the governing body of a public body must be open and public. A meeting generally includes any situation in which a majority of the Council meets and discusses the business of that body. Purely social gatherings are expressly exempted, unless the body's business is discussed.

Any meeting at which at least five members of the Council are present and the purpose is to discuss City matters is considered an open meeting and is public. The meeting notice must be posed 24 hours prior to the meeting.

**OPEN RECORDS**

Under ORS 192.420, every person has a right to inspect any nonexempt public record of a public body. The law requires the custodian of public records (commonly the City Recorder) to provide "proper and reasonable opportunities for inspection and examination of the public records during usual business hours."

The law expressly authorizes a public body to establish fees "reasonably calculated to reimburse it for its actual cost in making such records available." These costs may include copying, staff time, research, certifying documents, postage, attorney review, and other costs.

Though the law favors public access to government records, a public body may deny a records inspection request if it can prove the record is exempt from disclosure. ORS 192.501 contains a list of "conditionally exempted" records.

**CONFLICT OF INTEREST**

ORS 244.020 defines "Conflict of Interest" as follows:

> **Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the**

**person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (14) of this section.**

At any time the Mayor or Councilor believes a potential for conflict of interest exists, he or she is may ask the city attorney for an opinion. Please note, however, that the City Attorney does not represent individual members of the Council, but the Council as a whole. Individual Councilors should seek final interpretation of potential or actual conflict of interest directly from the State of Oregon Government Ethics Commission.

## CITY COUNCIL MEETING PROCESS

### AGENDA

The City Council agenda is the official order of business at City Council meetings. The agenda reflects the Council's duties and responsibilities and the items include consideration and/or approval of programs, contracts, agreements, land use and zoning changes, ordinances, resolutions, appointments, and approving or amending the operating budget.

The City Manager reviews the tentative agenda for the upcoming meetings with staff and adjustments or revisions are made. Each agenda item typically includes a staff report with background information, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the Council meetings, and there will be no supporting materials in the packet. The City Manager is responsible for approving the staff recommendation on each agenda item.

### AGENDA PACKET

The City Recorder is responsible for compiling the agenda and supporting materials for the Council meetings for the Mayor, Councilors, and staff. The Council receives an email with the agenda attached no later than the Friday prior to the meeting. Each Councilor also receives a flash drive with the agenda packet in their mailbox at City Hall. Councilors are provided a laptop computer for use during Council meetings. A paper copy of the agenda is available upon request. Agendas are also available on the City's website at www.ci.dallas.or.us.

If the Mayor or a Councilor feels that something is missing from the packet or they have a question not covered in the background material, it is recommended they contact the City Manger prior to the meeting. This will enable staff to deliver material to the Council prior to the meeting or have it available at the meeting.

If a member of the Council will be absent from the scheduled meeting, the City Recorder should be notified to assist in the preparation of the evening meeting, and enable the Recorder to ensure a quorum will be present.

### POSTINGS

Agendas for all Council meetings are posted on the notice board at the entrance to City Hall and on the City's website. The agendas are also sent electronically to local news media and other interested citizens.

VOTING

An oral vote is called for following a motion/second. A roll call vote is taken for resolutions and ordinances. The voting order for roll call votes is alphabetical by the Councilors' last names. Abstentions from voting are permitted when the Mayor or Councilor has a conflict of interest concerning the item.

PUBLIC HEARINGS

At a public hearing, the Council will hear and consider any testimony or evidence presented by the applicant or any other interested party on an ordinance before the Council. In the interest of time and action, each speaker is urged to keep comments as brief and non-repetitive as possible. The Mayor will close the public hearing prior to the Council's discussion and vote.

ORDINANCES AND RESOLUTIONS

**Ordinances** are the laws of the City. When an ordinance is originally presented to the Council, it is said to be "introduced" or called the "first reading." An ordinance, if it passes the first reading, is typically brought to the next meeting for a second reading and final passage. Upon the final vote of an ordinance, the ayes and nays of the councilors shall be taken and recorded. Upon a successful vote, the ordinance is approved and becomes effective thirty days after the second reading. In the case of an emergency, an ordinance may take effect immediately.

**Resolutions**, like an ordinance, are created as the result of a formal action of the Council. A resolution must receive the affirmative vote from a majority of the Council. Unlike an ordinance, a resolution is usually effective immediately and does not require a second reading or waiting period to become effective.

ROBERTS RULES OF ORDER

The proceedings of the Council are conducted in conformity with the provisions of the Charter and ordinances. When not so governed, the proceedings are conducted in accordance with the parliamentary procedure contained in Roberts Rules of Order.

COUNCIL CHAMBERS

The Council Chambers are equipped with an audio system. The system provides microphones at the dais and guest table. These microphones do not magnify voices, they are connected to a digital recorder only. There are several issues related to the system which are important to keep in mind:

- The recording system runs through all Council meetings and workshops. The recordings are available to the public upon request. Never make a comment during a meeting that you do not want as part of the record. Even comments made to someone sitting next to you will be recorded.
- To ensure clarity, keep to a minimum the amount of paper shuffling, etc. that occurs at the dais. The microphones are very sensitive and pick up every little sound that is made.
- All guest speakers must speak at the guest's table. Do not allow guests to speak from the audience, as their comments will not be recorded into the record.

FINAL NOTE:

It is the Council's role to work with its management staff to develop a vision, course of action, action plan, and parameters for action. At this point, the Council must allow staff to do its job and then evaluate the performance and adjust direction at critical points along the way.

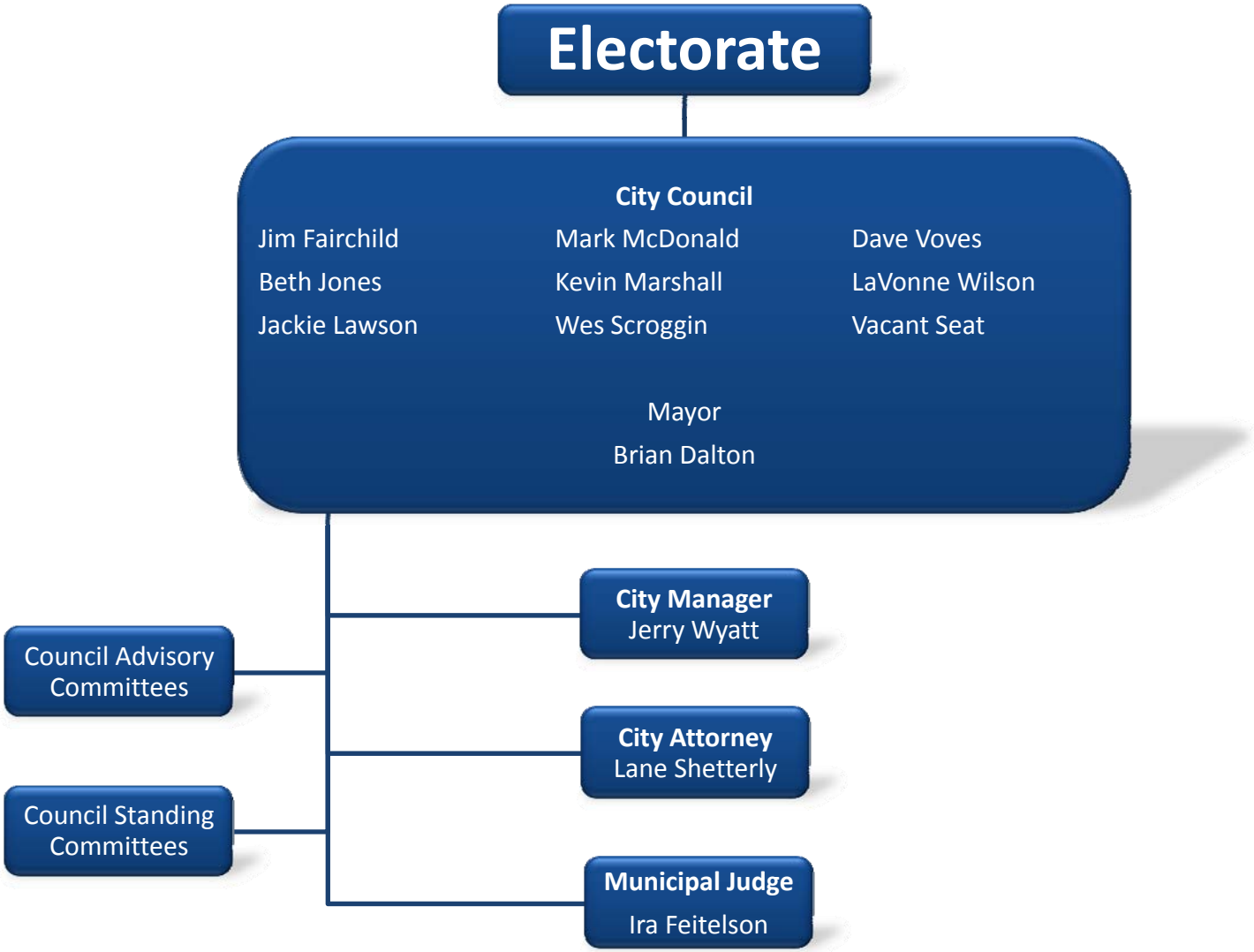
**CITY OF DALLAS**
**CITY RECORDER'S TOP TEN WISH LIST**

1. Make clear, precise, professional motions. It is important to remember that in most cases, your motion will be directing some type of action to be taken; therefore, the wording for a motion must be clear and concise. If you simply say "so moved" the type of action you want accomplished by your motion may not be clear. Keep in mind that if you cannot repeat your motion, there is a good chance that your City Recorder cannot either.
2. Read your Council packets before the meeting. It is vitally important that you read and review the materials in your packet in advance of the meeting. This will give you a sense of the potential impacts recommended actions could have and understand the issues surrounding those actions.
3. If you have detailed, technical questions regarding a matter on the agenda, ask the City Manager or responsible staff person about it BEFORE the meeting. Staff deals with a variety of issues, and often your question may need some time and research in order to provide a clear and thorough response. If you ask your questions during the meeting, staff may not have the resources available to response with enough information to assist in your decision.
4. Remember the "Golden Rule" – treat others on the Council, staff, citizens, and the media with courtesy and respect. Courtesy and respect create an atmosphere of mutual trust and cooperation between the various parties that interact. When a citizen complains about something, be clear that you are listening to the complaint, but also clear that you are only one person and decisions are made by the Council as a team.
5. Be the professional that people expect. Keep in mind you were elected by the citizens to represent the best interests of the community. Remember that people are watching you and your performance; those who support you expect the best and those who oppose you are looking for you to enforce what they already believe.
6. When abstaining or voting "no" on a recommendation from staff, state the reason. When you find it necessary to abstain or vote "no" on an issue, please make your reasons clear so staff will understand your response to their recommendation and it will be clear in the record. Note that abstaining from voting when you do not have a conflict of interest is actually not doing the job you were elected to do as a decision-maker for the City.
7. Keep Executive Session materials and discussions confidential, and keep such discussions to the point being discussed. There are specific situations where an executive session is allowed and required in order for the City to manage City business. Disclosing information discussed in executive session may compromise your ability to make a sound, fiscally prudent, and defensible in-court decision. Executive sessions may not be used to discuss things that must be discussed in public. Most important is that disclosing executive session materials and/or discussing non-executive session matters while in executive session are both violations of the Public Meetings Laws in Oregon.
8. Become familiar with the basic duties of your office and your powers and limitations. Understanding the importance of your role as an elected official will enable your entire Council "team" to make clear and objective decisions.

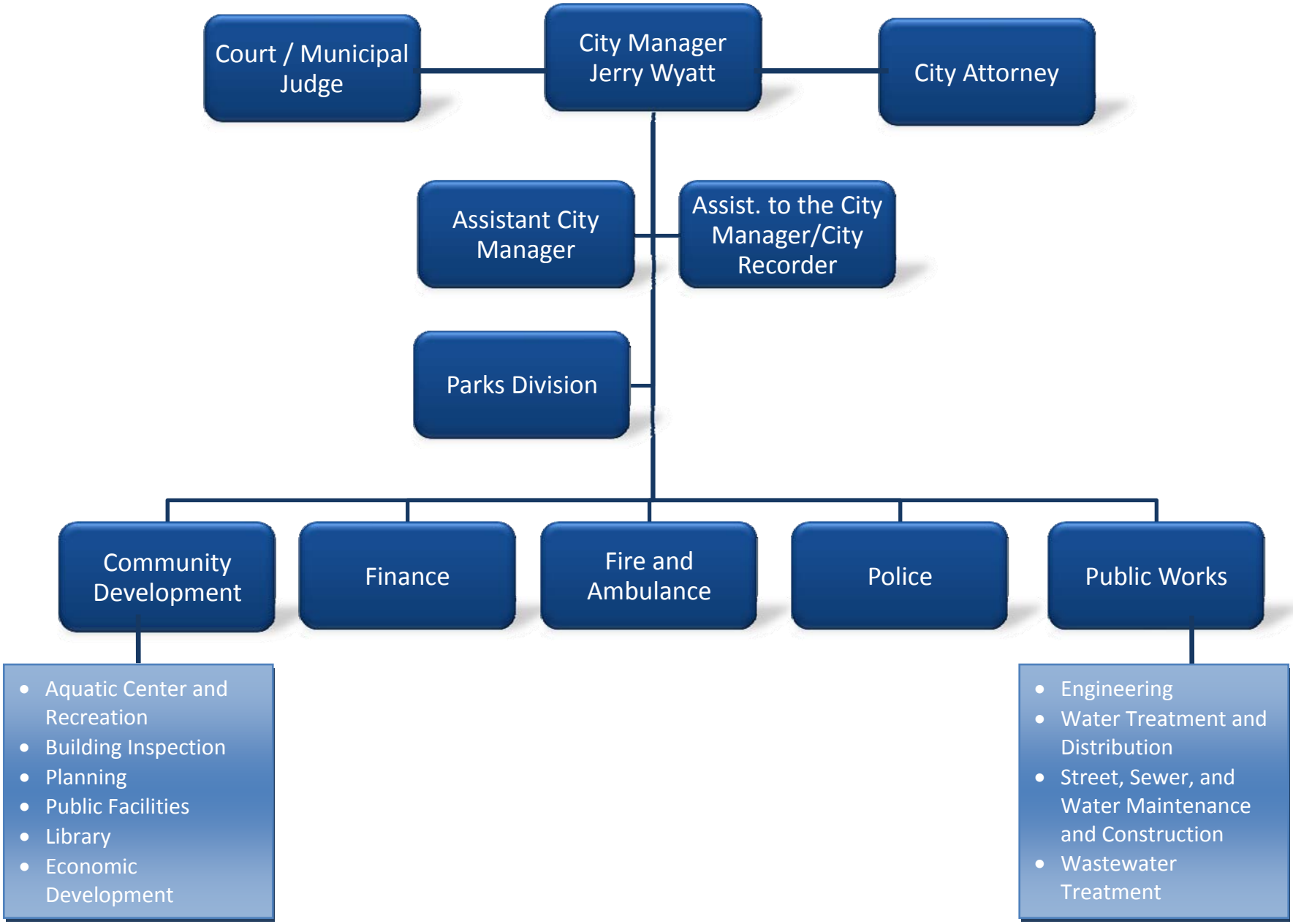
Council's role is to set policy and not micro-manage the day-to-day operations of the City. It can be helpful to remind constituents that you are just one member of the whole Council and must work for consensus on various issues. Frustrations and "unrest" among citizens can be reduced by not making promises that might not be possible.

9. Get to know the responsibilities and functions of the various City departments. Ask your City Manager or City Recorder to assist you in becoming familiar with the various departments so you can gain a better understanding of the processes and procedures being followed by your staff. This will help you make better decisions related to the budget, citizen requests, Council goals, and requests from the departments.
10. Let staff know when you are going to be absent from a meeting and if you will be out of town. This will allow for better scheduling of agenda items that need to be addressed by the full Council and coordination of information to you and the other Councilors.

# APPENDIX A
# CITY ORGANIZATIONAL CHARTS


Electorate
City Council
Jim Fairchild
Beth Jones
Jackie Lawson
Mark McDonald
Kevin Marshall
Wes Scroggin
Dave Voves
LaVonne Wilson
Vacant Seat
Mayor
Brian Dalton
City Manager
Jerry Wyatt
City Attorney
Lane Shetterly
Municipal Judge
Ira Feitelson
Council Advisory Committees
Council Standing Committees

# CITY OF DALLAS, OREGON
## STAFF



# APPENDIX B
# 2010-2011
# COUNCIL GOALS

**2010 / 2011**
**One Year City of Dallas Action Plan**

1. Adopt a budget that ensures high efficiencies in operations and awareness of the impact on taxpayers

2. Explore potential consolidation of departments and partnerships with outside agencies with the intention of maintaining current level of services at a reduced cost

3. Communicate the City strategies and incentives for property development to maximize business recruitment, enhance the city revenue base and spur job growth

4. Incorporate a sense of community within the city operations that give opportunities for citizen participation and involvement in which dignity, self-respect and community pride can flourish

5. Provide leadership in the community visioning process to bring awareness and clarification to the current character of Dallas

6. Promote a safe, clean, attractive and active community

7. Communicate the opportunities that Dallas offers both to the residents of Dallas and to those outside the community

8. Determine what level of service to provide and establish a plan for funding that level of service

9. Establish a plan which moves toward direct-service funding mechanisms, of which a fire and rescue service district is an example

10. Conduct City Hall, Shop/Fleet Maintenance, Police, and Fire facilities needs assessments, identify deficiencies, and establish a five-year plan for solving those deficiencies

# APPENDIX B
# CITY OF DALLAS, OREGON
# CHARTER OF 1964

**DALLAS CHARTER OF 1964**

# DALLAS CHARTER OF 1964

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

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

## *CHAPTER I*
## *Name and Boundaries*

**Section 1. Title of Enactment.** This enactment may be referred to as the City of Dallas Charter of 1964.

**Section 2. Name of City.** The municipality of Dallas, Polk County, Oregon, shall continue to be a municipal corporation with the name "City of Dallas."

**Section 3. Boundaries.** The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The city manager shall keep in his office at the city hall at least two copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the city manager.

## *CHAPTER II*
## *Powers*

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

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

## *CHAPTER III*

*Form of Government*

**Section 6. Where Powers Vested.** Except as this charter provides other-wise, all powers of the city shall be vested in a mayor and council.

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

**Section 8. Councilmen.** The councilmen in office at the time this charter is adopted shall continue in office, each until the end of his term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, four or five council-men, as the case may be, shall be elected, each for a term of four years.

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

**Section 10. Manager, Judge, and Other Officers.** Additional officers of the city shall be a city manager and municipal judge, each of whom the council shall appoint and such other officers as the council deems necessary. In no combination of appointive offices shall those of city manager and municipal judge be combined with each other. And in no such combination shall the municipal judge be subject in his judicial functions to supervision by any other officer.

**Section 11. Salaries.** The compensation for the services of each city officer and employee shall be the amount fixed by the council.

**Section 12. Qualifications of Officers.** No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided continuously in the city during the 12 months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction.

## *CHAPTER IV*
## *Council*

**Section 13. Meetings.** The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than 48 hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

**Section 14. Quorum.** A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a

manner provided by ordinance.

**Section 15. Journal.** The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken, and a record of the vote entered in the journal.

**Section 16. Proceedings To Be Public.** No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

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

**Section 18. President of the Council.** At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

**Section 19. Vote Required.** Except as this charter otherwise provides, the concurrence of a majority of the whole number of the council shall be necessary to decide any question before the council.

## *CHAPTER V*
## *Powers and Duties of Officers*

**Section 20. Mayor.** The mayor shall appoint the committees provided by the rules of the council. He shall sign all approved records of proceedings of the council. He shall countersign all checks and warrants drawn by the city. He shall have the power of veto as provided in chapter VIII, Section 35, of this charter. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

**Section 21. City Manager.**

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

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

(c) Powers and duties. The powers and duties of the manager shall be as follows:

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

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

(3) He shall appoint and may remove appointive city officers and employees except as this charter or ordinances adopted hereunder other-wise provide, and he shall have general supervision and control over them and their work with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He shall have no control, however, over the council or over the judicial activities of the municipal judge.

(4) He shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by him.

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

(6) He shall supervise the operation of all public utilities and facilities owned and operated by the city and shall have general super-vision over all city property.

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

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

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

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

**Section 22. Municipal Judge.** The municipal judge shall be the judicial officer of the city. He shall be appointed for a term of two years. He shall hold within the city a court known as the municipal court for the city of Dallas, Polk County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for con-tempt of the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing district court judges and district courts.

**Section 23. Municipal Judge Pro Tem.** In case of the absence of the municipal judge from the city, or his disqualification or temporary inability to act as municipal judge, the mayor may appoint a municipal judge pro tem who shall possess the powers and perform the duties of said municipal judge.

## *CHAPTER VI*
## *Elections*

**Section 24. Regular Elections.** Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws. The manager shall give at least 10 days' notice of each regular city election by posting notice thereof at a conspicuous place at the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

**Section 25. Special Elections.** The council shall provide the time, manner, and means for holding any special election. The manager shall give at least 10 days' notice of each special election in the manner provided by the action of the council ordering the election.

**Section 26. Regulation of Elections.** Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

**Section 27. Canvass of Returns**. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In

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

**Section 28. Tie Votes.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

**Section 29. Commencement of Terms of Office.** The terms of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

**Section 30. Oath of Office.** Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

**Section 31. Nominations.** Any person possessing the qualifications set forth in Chapter III, Section 12, of this charter may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the council. Such petition shall be signed by not fewer than 25 electors. No elector shall sign more than one petition for each vacant position. If he does so, his signature shall be valid only on the first sufficient petition filed for the position. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the manager as one instrument not earlier than 100 nor later than 70 days before the election. The manager shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the manager shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the manager shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for refiling nomination petitions. The manager shall notify an eligible person of his nomination, and such person shall file with the manager his

written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of such acceptance of nomination, the manager shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the manager until the term of office for which the candidate is elected expires.

## *Chapter VII*
## *Vacancies in Office*

**Section 32. What Creates Vacancy.** An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within 10 days after the time for his term of office to commence; or in the case of a mayor or councilman, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

**Section 33. Filling of Vacancies.** Vacancies in elective offices in the city shall be filled by a majority of the incumbent members of the council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently except as otherwise provided herein.

## *CHAPTER VII*
## *Ordinances*

**Section 34. Enacting Clause.** The enacting clause of all ordinances hereafter enacted shall be, "The City of Dallas does ordain as follows:".

**Section 35. Mode of Enactment.**

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

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

(3) Any of the readings may be by title only (a) if no council member present at the meeting requests to have the ordinance read in full or (b) if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the

city manager not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by (i) written notice posted at the city hall and two other public places in the city or (ii) advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

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

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

**Section 36. When Ordinances Take Effect.** An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

## *CHAPTER IX*
## *Public Improvements*

**Section 37. Condemnation.** Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

**Section 38. Improvements.** The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or to the extent not so governed, by the applicable general laws of the state.

**Section 39. Special Assessments.** The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

**Section 40. Bids.** A contract in excess of $500.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be

done in accordance with plans and specifications approved by the council.

## *CHAPTER X*

The city council may, by ordinance, issue and sell general obligation or revenue bonds, or a combination thereof, of the city of Dallas at any time with-out further charter authority. Provided, however, each such authorizing ordinance shall refer the question of the issuance of said bonds to a vote of the electors of the city for their approval or rejection. Notwithstanding the passage of such authorizing ordinance, no such bonds shall be issued or sold unless the issuance and sale thereof is approved by a majority vote of the electors at an election called and held pursuant to the initiative and referendum ordinance and this charter.

## *CHAPTER XI*
## *Miscellaneous Provisions*

**Section 41. Debt Limit.** Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed $5,000 at any one time. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

**Section 42. Existing Ordinances Continued.** Any ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

**Section 43. Repeal of Previously Enacted Provisions.** All charter provisions of the city enacted prior to the time that this charter takes effect except as herein otherwise provided are hereby repealed.

**Section 44. Provisions of Prior Charter Retained.** The following provisions of the prior charter of the city of Dallas are hereby retained:

(a) Section 27-D thereof which reads as follows: "The city council of the city of Dallas, Oregon, is hereby authorized and empowered to assess and levy taxes for general municipal purposes and to collect the same, not to exceed eight mills upon the dollar for the fiscal year from July 1, 1948, to June 30, 1949, and not to exceed five mills upon the dollar for each succeeding year upon all property within said city, both real and personal, which levy shall be in addition to and in excess of the constitutional six percent limitation upon the city tax levy."

(b) Those sections thereof which authorized the issuance of bonds for financing public improvements and in respect to which the said bonds or some part thereof are outstanding obligations of the city of Dallas, Oregon, at the time this charter takes effect.

**Section 45. Time of Effect of Charter.** This charter shall take effect July 1, 1965.

# DALLAS CITY COUNCIL
# REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

| *City of Dallas* | **Agenda Item No.** **7 f** | **Topic:** Citizen Committee Formation Discussion |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** December 6, 2010 | **Attachments:** Yes ■ No ☐ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

Motion to adopt the by-laws of the Gasification Facility Advisory Committee and direct staff to begin work to form the committee.

BACKGROUND:

Staff does not recommend implementing this committee until after the first of the year. Staff has already fielded several calls and citizen visits regarding concerns about the safety of the proposed gasification plant. The goal of this committee would be to get accurate information out to the public in a timely manner. The following by-laws are the guidelines by which the committee would review and discuss the proposed gasification plant in Dallas. The committee would serve as an advisory committee to the Council.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed by-laws for the Gasification Facility Advisory Committee

# City of Dallas Committee By-Laws

## ARTICLE I - NAME

Section 1: The name of the Committee shall be the Gasification Facility Advisory Committee.

## ARTICLE II - MISSION STATEMENT

Section 1: Citizens Committees enhance and offer opportunities for citizen participation with city government by providing an organized public forum to discuss, deliberate, debate, report, and make recommendations to the Dallas City Council, in matters of importance to residents, business interests, and volunteer groups, thereby enhancing communication, with the intent of providing a more informed city government decision-making process.

Section 2: The Gasification Facility Advisory Committee is established to review and make recommendations to the Dallas City Council regarding the development of a gasification facility within the City of Dallas.

Section 3: The Citizens Committee is a non-partisan organization and welcomes all viewpoints.

## ARTICLE III - MEMBERSHIP

Section 1: All residents of the City of Dallas, and representatives of businesses and stakeholders located within the City of Dallas, are eligible for membership.

Section 2: The Gasification Facility Advisory Committee shall have not less than five nor more than 15 members, each of whom shall be appointed by the City Council.

Section 3: A member who has three meetings unexcused absences from the meetings of the committee or who ceases to be a resident of the City of Dallas or a representative of a business or stakeholder located in the City of Dallas shall be disqualified from the committee and the member's position shall be deemed vacant. In that case, the City Council may appoint another member to fill the vacancy.

Section 4: The Mayor and members of the City Council will be ex officio members non-voting members of the committee.

## ARTICLE IV – QUORUM AND VOTING

Section 1: A quorum shall consist of a majority of the voting members of the committee with either the chair or vice chair present.

Section 2: When a quorum is present, a vote of a majority of the voting members present shall constitute a decision or act of the committee.

## ARTICLE V - OFFICERS

Section 1: Officers shall consist of a Chair, Vice-Chair and a Secretary. These officers and their replacements, if any, shall be elected by the voting members of the committee.

Section 2: In the event of a vacancy in the office of the Chair, the Vice-Chair shall succeed to the office of Chair, in which case the office of Vice-Chair shall be filled by the voting members of the committee. The Chair shall appoint a replacement to fill a vacancy in the office of Secretary; this appointment shall be confirmed upon an affirmative vote of the committee.

## ARTICLE VI - DUTIES OF OFFICERS

Section 1: The Chair shall preside over all meetings. The Chair shall set the agenda of each meeting, in consultation with the Mayor and City Manger or their designees.

Section 2: The Vice-chair's primary duty shall be that of building and maintaining the membership of the committee. The Vice-chair shall also be responsible to carry out the duties of the Chair in the Chair's absence. The Vice-chair shall also perform such other duties as requested by the Chair.

Section 3: The Secretary shall maintain the official record of proceedings of all meetings, and shall be responsible for all correspondence, documents, and records.

## ARTICLE VII - MEETINGS

Section 1: The meetings of the committee shall be subject to the Oregon Public Meetings Law.

Section 2: Regular meetings of the committee shall be held as determined by the committee.

Section 3: Special meetings may be called by the Chair or at the request of at least three members of the committee.

Section 4: Meetings shall be conducted in accordance with the latest edition of Roberts Rules of Order.

## ARTICLE VIII RECORDS AND COMMUNICATIONS

Section 1: Committee minutes, correspondence, and other records shall be maintained by the City of Dallas and shall be subject to the Oregon Public Records Law.

Section 2:  Meeting agendas shall be provided on the City of Dallas website and distributed to all members.

Section 3:  Draft meeting minutes shall be sent to all members for their review and proposed correction.

**ARTICLE IX - MISCELLANEOUS**

Section 1:  Members of the committee shall be subject to the Oregon Government Ethics laws and administrative rules, as they may apply to the committee and the members of the committee.

Section 2:  The presiding officer may call to order any person, whether committee member or not, who is disrupting a meeting. Such disruption includes but is not limited to speaking out of turn, disorderly behavior, failing to be germane, speaking longer than the allotted time, attacking individuals, speaking vulgarities, exhibiting illegal conduct, or exhibiting dangerous conduct. If any person is repeatedly disruptive or does not cease disruptive behavior, the chair may call for a vote of those present and have the person ejected from the meeting with concurrence of three-fifths of those then voting. Any such ejected person may not return to any meeting without a consenting vote of three-fifths of those then voting. Any member ejected from a committee meeting under this section may be removed from the committee by the Dallas City Council.

Section 3:  The term of the committee shall be indefinite, and the committee may be terminated at any time by the Dallas City Council.

Section 4:  The City of Dallas may assign staff to assist the committee in carrying out any of its functions or responsibilities. Staff members so assigned shall not be voting members of the committee.

# DALLAS CITY COUNCIL
# REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

| *City of Dallas* | **Agenda Item No.** **7 g** | **Topic:** Park Hours |
|---|---|---|
| **Prepared By:** Emily Gagner | **Meeting Date:** December 6, 2010 | **Attachments:** Yes ☐ No ■ |
| **Approved By:** Jerry Wyatt | | |

RECOMMENDED MOTION:

None. Staff will prepare a Resolution for the January 3, 2011 Council meeting.

BACKGROUND:

The Park and Recreation Board approved unanimously a motion to recommend to the Council to change the hours in all Dallas City Parks to dawn to dusk. The Police Department supports this recommendation. The Administrative Committee recommended that the Resolution to adopt the uniform park hours specifically exclude the Dallas Aquatic Center and its parking lot. There was also discussion about possibly excluding at least one section of the Rickreall Creek Trail System, but staff, including the Police Department, recommend the trail hours also remain dawn to dusk at least until the trail is lighted.

FISCAL IMPACT:

Minimal – cost of signage changes

ATTACHMENTS:

None

ORDINANCE NO. 1732

An Ordinance adding new provisions to Dallas City Code Chapter 5, relating to truancy.

Section 1. The following section is hereby added to and made a part of Dallas City Code, Chapter 5, "Public Protection," sub-part "Offenses Relating to Minors:"

5.228. Truancy.

(1) Except as provided in subsection (2), below, no minor between the ages of seven and 18 years shall be in or upon any street, highway, park, alley or other public place, during regular school hours on a day that school is in session.

(2) Subsection (1) shall not apply to any minor who is:

(a) Accompanied by a parent, guardian or other person over the age of 21 years who is authorized by the minor's parent or guardian to have the care and custody of the minor;

(b) Engaged in a lawful pursuit or activity authorized by the minor's parent or guardian or other person over the age of 21 years having the legal care and custody of the minor;

(c) Emancipated pursuant to ORS 419B.550 to 419.558;

(d) Excused or approved to be away from school according to the rules and policies of the school in which the minor is enrolled;

(d) Excused from compulsory school attendance under ORS 339.030 or excused from attending school pursuant to ORS 339.065, but not if such excuse is on account of expulsion or suspension.

(3) For the purpose of this section, "regular school hours" means those hours for the full-time school which the minor would attend in the school district in which the minor resides, on any day on which the school is in session.

(4) Wherever a police officer has reasonable grounds to suspect a minor may be in violation of subsection (1), above, the police officer may

contact the minor and make such investigation as may be necessary or appropriate to determine if the minor is in violation of subsection (1). If the officer determines the minor is in violation of subsection (1), the officer may take the minor into custody and deliver the minor to the minor's school principal or attendance supervisor, or their designees, or to the minor's parent or legal guardian. If the minor cannot be delivered to the minor's school principal or attendance supervisor, or their designees, or to the minor's parent or legal guardian, the minor may be delivered to another responsible adult upon authorization of the Polk County Juvenile Department or Oregon Department of Human Services, or held in the custody of the police officer until the minor's parent or legal guardian can take custody of the minor, but not longer than five hours or the end of the regular school day, whichever is less.

(5) Any parent, guardian or person having the care and custody of any child between the ages of seven and 18 who has not completed the twelfth grade shall take reasonable steps to prevent such child from violating this section, and shall further send such child to and maintain such child in regular attendance at a public school during the entire school term or comply with the exemptions set forth in ORS 339.030 and 339.035 and the state regulations adopted thereunder, as they may be amended from time to time.

(6) Violation of this section upon a first and second offense shall constitute a civil infraction. Violation of this section upon a third and subsequent offenses shall constitute a Class C misdemeanor.

Read for the first time: December 6, 2010
Read for the second time: January 3, 2011
Adopted by the City Council: January 3, 2011
Approved by the Mayor: January 3, 2011

_____
BRIAN W. DALTON, MAYOR

ATTEST:

_____
JERRY WYATT, CITY MANAGER