



City Council

Mayor
Brian Dalton

Council President
Wes Scroggin

Councilor
Jim Brown

Councilor
Jim Fairchild

Councilor
Beth Jones

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

Staff

Interim City Manager
Jon Nelson

City Attorney
Lane Shetterly

Admin Svc Director
Robert Spivey

Community Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Chief of Police
John Teague

Engineering Director
Fred Braun

City Recorder
Emily Gagner

Dallas City Council Agenda

Monday, December 3, 2012, 7:00 p.m.

Mayor 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.

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.</i>	
4. PUBLIC HEARINGS <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>	
5. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	
a. Approve minutes of November 19, 2012, City Council meeting	p. 3
b. Canvass election results	p. 6
c. Acknowledge report of November 26 Administrative Committee meeting	p. 8
d. Acknowledge report of November 26 Building & Grounds Committee meeting	p. 27
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	

Dallas City Council Agenda

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Our Vision

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

Our Mission

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

Our Motto

*Commitment to the Community.
People Serving People.*

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

a. December Public Safety/Public Works Committee meeting p.41	Motion
b. FY2011-12 Audit Review p. 42	Motion
c. Other	
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9. RESOLUTIONS	
a. <u>Resolution No. 3255</u> : A resolution authorizing the transfer of budgetary funds. p. 43	Roll Call Vote
b. <u>Resolution No. 3256</u> : A resolution adopting a Fraud and Financial Irregularity Policy. p. 47	Roll Call Vote
c. <u>Resolution No. 3257</u> : A resolution adopting an Economic Development Trust Funding Policy. p. 54	Roll Call Vote
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10. FIRST READING OF ORDINANCE	
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11. SECOND READING OF ORDINANCE	
a. <u>Ordinance No. 1751</u> : An ordinance amending Dallas City Code Section 2.200 relating to Department Heads. p. 57	Roll Call Vote
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12. EXECUTIVE SESSION UNDER ORS 192.660(2)(i) To review and evaluate the employment-related performance of an employee or staff member who does not request an open hearing.	
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13. OTHER BUSINESS	
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14. ADJOURNMENT	
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1 The Dallas City Council met in regular session on Monday, November 19, 2012, at 7:00 p.m. in
2 the Council Chambers of City Hall with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

4 Council members present: Council President Wes Scroggin, Councilor Jim Brown, Councilor Jim
5 Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
6 Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.

7 Also present were: Interim City Manager Jon Nelson, City Attorney Lane Shetterly, Chief of
8 Police John Teague, Fire Chief Bill Hahn, Engineering Director Fred Braun, Finance Director
9 Cecilia Ward, and Recording Secretary Emily Gagner.

10 Mayor Dalton led the Pledge of Allegiance.

11 **BLUE HYDRANT PROGRAM ACKNOWLEDGMENT**

12 Mayor Dalton introduced Cooper Noack, a Boy Scout working toward his Eagle Scout rank. He
13 indicated Mr. Noack had raised about \$1,800 to place 550 blue reflective dots on Dallas streets to
14 identify the location of fire hydrants. Mayor Dalton presented Mr. Noack a certificate of
15 appreciation for his efforts. Chief Hahn added Mr. Noack also donated 21 smoke detectors that
16 he had purchased with the additional funds he'd raised.

17 **COMMENTS FROM THE AUDIENCE**

18 Mayor Dalton asked the audience members to limit their speeches to five minutes.

19 Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center,
20 119 SW Court Street, Dallas, Oregon, invited everyone to come see Santa on November 30
21 during Winterfest. She anticipated 2,000 people in the downtown for the event. Ms. Pope
22 thanked the volunteers who put up the snowflakes and lights throughout the town, noting there
23 were about 60 volunteers, including many from the Fire Department.

24 Mikeal Davis, 14450 Webb Lane, Dallas, Oregon, indicated he felt compelled to speak in the
25 interest of the community and the Wyatt family. He stated his purpose was to provide
26 information and make sure the Council was aware of recent information that he felt was relevant.
27 Mr. Davis advised the Council to make a deliberate decision regarding taking some action on the
28 matter as opposed to doing nothing. He commented that there were three categories of
29 Councilors, those that thought Mr. Wyatt was a good person who did great things for the
30 community but made some bad decisions and they wished things had been handled differently,
31 those who think Mr. Wyatt was a villain who deserved what he got, and those that were not sure
32 and felt the legal system should run its course. Mr. Davis acknowledged the Council had a
33 legislative role, but noted they did have influence, particularly in a small community. Mr. Davis
34 expressed his concern about the Mayor influencing the process, adding when he saw the Mayor
35 meeting with the prosecutor, he got the impression he was influencing things. Mr. Davis stated to
36 be fair he didn't hear a word the Mayor said and the Mayor was the victim representative for the
37 City, but he didn't see anyone coming to a conclusion other than the one he did. Mr. Davis stated
38 he understood both sides were making progress on a settlement when the prosecution suddenly
39 reversed course and became unwilling to negotiate unless there was a multiple year prison
40 sentence. He reminded the Council they had only heard one side of the story. He said Mr. Wyatt
41 was told at the July 2, Council meeting that he was going to be fired and he should resign and he
42 should say nothing. Mr. Davis commented that if the matter went to trial so Mr. Wyatt could get
43 his side of the story out, several people would be getting a subpoena, many of those people in the
44 Council Chambers. He indicated statements that were made, decisions that were made, and
45 actions that were taken would all be scrutinized. He said his point was that this was not good for
46 the community. He asked the Council to ask questions, noting there was a short window of time
47 before the trial started that they could ask questions. He asked the Council to consider what he
48 would call proportionality, noting they'd only heard one side of the story and the aggravated theft
49 charges were dropped. He added the punishment was perhaps not fitting the alleged crimes. He
50 asked if it was important to make an example of Mr. Wyatt. He urged the Council to use their
51 influence, noting it appeared the City was exerting influence. He advised he wanted to avoid a
52 trial and for things to be settled.

1 **PUBLIC HEARING**

2 There were no public hearings.

3 **CONSENT AGENDA**

4 It was moved by Councilor Marshall *to approve the Consent Agenda as presented.* The motion
5 was duly seconded and carried unanimously.

6 Items approved by the Consent Agenda: a) the November 5, 2012, City Council meeting
7 minutes; and b) the November 8, 2012, special City Council meeting minutes.

8 **ITEMS REMOVED FROM CONSENT AGENDA**

9 There were no items removed from the consent agenda.

10 **REPORTS OR COMMENTS FROM COUNCIL**

11 McKenzie Darr, Student Body Liaison, reported during the school's annual canned food drive
12 they raised \$281.49 and 1,195 cans of food. She thanked everyone in the community.

13 Councilor Stewart stated he appreciated the holiday decorations, noting it looked nice.

14 **REPORTS FROM CITY MANAGER AND STAFF**

15 **OCTOBER FINANCIAL REPORTS**

16 Mr. Nelson explained this was for information. He indicated he and Ms. Ward were available if
17 anyone had questions. Mayor Dalton commented that the monthly reports help the Council
18 visualize where the City was.

19 **EMS STAFFING**

20 Mr. Fairchild asked if someone was selected. Mr. Nelson explained there were several good part-
21 time employees from which to choose through an internal selection process. Chief Hahn added
22 applications were being accepted until November 26.

23 It was moved by Councilor Lawson *to authorize the hiring of a full-time paramedic.* The motion
24 was duly seconded and carried unanimously.

25 **CITY ATTORNEY CONTRACT AMENDMENT**

26 Mr. Nelson reviewed the staff report.

27 It was moved by Councilor Stewart *to approve the amendment to the City Attorney services*
28 *agreement as presented.* The motion was duly seconded and carried unanimously.

29 **OTHER**

30 Mr. Nelson pointed out a staff report and liquor license application from Chateau Bianca Winery
31 for their participation in the Winterfest event.

32 It was moved by Councilor Lawson *to recommend the OLCC grant the special event winery*
33 *application for Chateau Bianca to participate in Winterfest with approval subject to the submittal*
34 *of satisfactory proof of insurance.* The motion was duly seconded and carried unanimously.

35 Mr. Nelson pointed out the good work by staff as rains came down earlier in the day. He noted
36 there were sandbag stations set up at the High School and Lyle Elementary and explained that
37 information was shared on the website as well as with people who called in.

38 Mr. Nelson reported Mr. Spivey's last day would be November 21. He indicated he had enjoyed
39 the positive comments he'd received from recreation and library advocates on all Mr. Spivey had
40 done for those service areas.

41 **RESOLUTIONS**

42 **Resolution No. 3254** – A resolution adopting and appropriating a Supplemental Budget for FY
43 2012-2013.

44 Mayor Dalton pointed out the staff report was an excellent memo which very well captured the

1 lengthy discussions on the subject. He noted it dealt with the \$583,000 transferred from the
2 Sewer SDC fund to the General Fund which the Council agreed to move back as soon as possible.
3 He explained this was the document that accomplished that.

4 Mr. Shetterly stated he had reviewed the resolution the previous week, noting it was appropriate
5 and did what it was supposed to do.

6 A roll call vote was taken and Mayor Dalton declared Resolution No. 3254 to have PASSED BY
7 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Brown, Councilor
8 Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall,
9 Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting
10 YES.

11 **FIRST READING OF ORDINANCE**

12 **Ordinance No. 1751** – An Ordinance amending Dallas City Code Section 5.228, relating to
13 truancy.

14 Mayor Dalton declared Ordinance No. 1751 to have passed its first reading.

15 **SECOND READING OF ORDINANCE**

16 **Ordinance No. 1750** – An Ordinance amending Dallas City Code Section 5.228, relating to
17 truancy.

18 Mayor Dalton declared Ordinance No. 1750 to have passed its second reading. A roll call vote
19 was taken and Mayor Dalton declared Ordinance No. 1750 to have PASSED BY A
20 UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Brown, Councilor
21 Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall,
22 Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting
23 YES.

24 **EXECUTIVE SESSION UNDER ORS 192.660(2)(a)**

25 Mayor Dalton recessed the meeting at 7:28 p.m. for an executive session to consider the
26 employment of a public officer, employee, staff member, or individual agent.

27 Mayor Dalton reconvened the Council meeting at 7:47 p.m.

28 **OTHER BUSINESS**

29 It was moved by Councilor Brown *that the proposed City Manager Employment Agreement*
30 *between the City of Dallas and Ronald W. Foggin be approved, that the mayor be authorized to*
31 *sign the contract on behalf of the city, and that the city employ Ronald W. Foggin as city manager*
32 *according to the terms of the proposed agreement.* The motion was duly seconded and carried
33 unanimously.

34 Councilor Lawson commented that it was a good process that involved the community. She
35 noted the councilors were all unanimous on the choice and Mr. Foggin would be the best fit for
36 the community.

37 Mayor Dalton thanked Nancy Boyer from the Council of Governments.

38 There being no further business, the meeting adjourned at 7:50 p.m.

Read and approved this _____ day of _____ 2012.

Mayor

ATTEST:

Interim City Manager

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 b	Topic: Canvass of City Elections
Prepared By: Jeremy Teal	Meeting Date: December 3, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council is accepting the results of the November 6, 2012, General Election.

BACKGROUND:

As required by the Charter of the City of Dallas, the Council must canvass the results of the City election held November 6, 2012, 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.

The City Council simply needs to accept 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

Mayor DALLAS CITY

Vote for 1

	BD ra il at no n (NON)	WR I T E I N (NON)	OV VO ET RE S	UV NO DT EE RS
0154 154	1901	82	0	842
0156 156	1401	103	0	624
0162 162	1350	69	1	609
CANDIDATE TOTALS	4652	254	1	2075
CANDIDATE PERCENT	94.82	5.17		

City Councilor DALLAS CITY

Vote for 5

	MS ut re rw aa yr t (NON)	KLJ er nW eo td hs (NON)	LW ai Vl os no nn e (NON)	KGM e a v r h l a y i l s (NON)	W R ea I T E N (NON)	OV VO ET RE S	UV NO DT EE RS	
0154 154	1535	1576	1541	1532	1478	113	40	6310
0156 156	1112	1179	1140	1142	1102	142	10	4813
0162 162	1127	1124	1086	1077	1057	100	25	4549
CANDIDATE TOTALS	3774	3879	3767	3751	3637	355	75	15672
CANDIDATE PERCENT	19.69	20.24	19.65	19.57	18.97	1.85		

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

By Carli Judell Deputy





Administrative Committee

POST MEETING AGENDA

**November 26,
2012**

4:00 PM

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

**Chair LaVonne Wilson
Beth Jones
Jackie Lawson
Wes Scroggin
Murray Stewart**

1. Call to Order
2. Comments from the Public
3. Council Policies
 - a. Fraud Policy **Agenda Item 9b is a resolution adopting the policy**
 - b. Economic Development Policy **Agenda Item 9c is a resolution adopting the policy**
4. Municipal Court Judge appointment **Agenda Item 12, Executive Session, is scheduled to allow the Council to review the judge's performance.**
5. Transient Lodging Tax 30% discretionary funding discussion **Staff is working on a policy and will bring it to the Council when it's completed**
6. Finance Director's Report
7. Other
8. Adjournment

Administrative Committee
Monday, November 26, 2012

1 Members Present: Chair LaVonne Wilson, Beth Jones, and Wes Scroggin. Absent: Jackie Lawson and Mur-
2 ray Stewart.

3 Also Present: Interim City Manager Jon Nelson, Mayor Brian Dalton, Finance Director Cecilia Ward,
4 Community Development/Operations Director Jason Locke, City Recorder Emily Gagner, Recording
5 Secretary Jeremy Teal and City Attorney Theresa Ozias.

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

7 **Comments from the Public**

8 Chair Wilson asked for comments from members of the audience.

9 Mr. Nelson introduced Jeremy Teal as the new Confidential/Administrative Assistant.

10 Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce, 119 SW Court St, Dallas,
11 Oregon, spoke about the importance of the Carnegie building to the community. She gave the committee a
12 letter stating the Chamber's formal interest in the building, a copy of which is attached to these minutes and
13 incorporated herein

14 Joe Koubek, 565 SE Mifflin St., Dallas, Oregon, urged the Council to solicit proposals for municipal judge
15 services.

16 **Council Policies**

17 **FRAUD POLICY**

18 Mr. Nelson stated that the policy had been discussed with the Council. The auditor working for the City
19 had encouraged a fraud policy be put in place. City Attorney Lane Shetterly drafted the policy included in
20 the packet. Mr. Nelson discussed additional verbiage that could be added to the policy stating that the
21 council would be notified at the appropriate time of any fraudulent acts or financial irregularities.

22 Councilor Jones stated the policy was very thorough and indicated she was surprised the Council didn't
23 already have a policy such as this in place.

24 Council President Scroggin asked if someone could come back on the City for not following the policy.

25 Ms. Ozias stated she didn't know who would bring that claim and was unsure how someone would be
26 damaged by the act. Ms. Ozias stated she didn't see this policy creating an independent liability for the
27 City. Mr. Nelson stated that he agreed with Ms. Ozias and didn't see a cause for liability.

28 Mayor Dalton stated he had spoken with the auditors and other mayors and most cities didn't have a
29 policy such as this in place.

30 Chair Wilson asked if each policy could include the date it was adopted or amended by the Council.

31 It was moved by Council President Scroggin to recommend the Council approve the Fraud Policy.
32 The motion was duly seconded and carried unanimously.

1 ECONOMIC DEVELOPMENT POLICY

2 Mr. Nelson reviewed the staff report.

3 It was moved by Council President Scroggin to recommend the Council approve the Economic
4 Development Trust Funding Policy. The motion was duly seconded and carried unanimously.

5 **Municipal Court Judge Appointment**

6 Mr. Nelson stated that the Dallas City Charter required the Council to review the judge's term every two
7 years. Mr. Nelson reviewed the Judge's current salary and noted that with the transfer of criminal cases to
8 Polk County the Judge's schedule was reduced to 28 hours. He explained the Judge agreed to a reduced
9 monthly salary of \$1880 which was reflected in the budget plan.

10 Mr. Nelson stated the alternative was the Council could request proposals for a new judge.

11 Council President Scroggin asked if any search had been done for a new judge in the past 8 years.
12 Mr. Nelson and Ms. Gagner confirmed there had not.

13 Council President Scroggin asked if the caseload could return with a new District Attorney.

14 Mr. Nelson responded that if the case load did return, a review of the agreement with the Judge would
15 take place.

16 Councilor Jones asked if there were any performance problems with the Judge. Mr. Nelson responded that
17 reviews of the Judge had been done. Ms. Gagner stated that a review had been done 2 years ago.

18 Council President Scroggin asked if the Police Chief or City Attorney could provide insight on the
19 Judge's performance.

20 Mr. Nelson outlined that if neither motion was moved, a third option was to do a performance review and
21 speak with the City Attorney and the Police Chief.

22 Chair Wilson asked if the reviews could be done and brought to the Council meeting on December 3.

23 Mr. Nelson summarized that the committee wanted staff to schedule an executive session on December 3
24 and provide a copy of the most recent evaluation as well as feedback from the Police Chief and the City
25 Attorney's office.

26 **Transient Lodging Tax**

27 Mr. Nelson suggested the 30% be regulated by the City Council and a policy set in place. The Chamber
28 would submit an annual spending budget for the \$18,400.

29 It was moved by Council President Scroggin to direct staff to draft a policy of spending for the 30%
30 discretionary Transient Occupancy Tax. The motion was duly seconded and carried unanimously.

1 **Finance Director's Report**

2 Ms. Ward indicated she was working on her part of the audit and would get the financial statements by the
3 middle of December. She added it would be finalized by the end of December, which was the deadline.

4 Ms. Ward reported that the survey for the online water payment was going well and getting good results.

5 Ms. Ward stated the City has requested three companies submit quotes for developing cost allocation
6 methodologies for Water, Wastewater, Street, and Fleet Funds as discussed by the council.

7 **Other**

8 Council President Scroggin asked Ms. Pope about her intentions of the Carnegie Building.

9 Ms. Pope responded she would like the whole building and would open it up to non-profit
10 organizations for either desk space or office space to help local organizations.

11 Mr. Locke stated there were a lot of questions involving the heating of the building and the installment of a
12 heat pump or another option.

13 There was no other business and the meeting was adjourned at 4:43 p.m.



Administrative Committee

AGENDA

**November 26,
2012**

4:00 PM

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

**Chair LaVonne Wilson
Beth Jones
Jackie Lawson
Wes Scroggin
Murray Stewart**

1. Call to Order
2. Comments from the Public

This time is provided for citizens to address the Committee on any matters, including agenda items. This is the only time during the meeting that the public will be allowed to speak.

3. Council Policies
 - a. Fraud Policy
 - b. Economic Development Policy
4. Municipal Court Judge appointment
5. Transient Lodging Tax 30% discretionary funding discussion
6. Finance Director's Report
7. Other
8. Adjournment

DALLAS CITY COUNCIL

ADMINISTRATIVE SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3 a	Topic: Council Policies – Fraud Policy
Prepared By: Emily Gagner	Meeting Date: November 26, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Motion to recommend the Council adopt the attached Fraud Policy

BACKGROUND:

At the October 10, 2012, Council workshop, the Council indicated their desire to adopt Council Policies to provide clarity to staff and residents on the Council’s expectation on certain issues.

Staff worked with the auditor to draft the attached Fraud Policy. The policy acknowledges that the City has internal controls in place designed to prevent and detect inappropriate activity. This policy outlines the process employees and others should follow in the event those controls are circumvented.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Fraud and Financial Irregularity Policy



TITLE FRAUD AND FINANCIAL IRREGULARITY POLICY

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

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

DEFINITIONS

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

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



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

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

RESPONSIBILITIES

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

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



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

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

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

INVESTIGATION AND FOLLOW-UP

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

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



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

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

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

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

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



PROTECTION OF PERSONS MAKING GOOD FAITH REPORTS

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

DIRECT REPORTS TO LAW ENFORCEMENT OFFICIALS OR OREGON ETHICS COMMISSION

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

DISTRIBUTION

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

REVIEW AND UPDATE

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

Date Approved:	Date Amended:
Mayor:	
Attest:	

DALLAS CITY COUNCIL
ADMINISTRATIVE SUBCOMMITTEE REPORT

To: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3 b	Topic: Council Policies – Economic Development Trust Funding Policy
Prepared By: Emily Gagner	Meeting Date: November 26, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Motion to recommend the Council adopt the attached Economic Development Trust Funding Policy

BACKGROUND:

At the October 10, 2012, Council workshop, the Council indicated their desire to adopt Council Policies to provide clarity to staff and residents on the Council’s expectation on certain issues.

The Council has already seen the attached Economic Development Trust Funding Policy at the October 10 workshop. Staff has, in fact, already brought recommendations from the Economic Development Commission for FY2012-13, and Council approved the recommendations.

FISCAL IMPACT:

None

ATTACHMENTS:

Economic Development Trust Funding Policy



TITLE ECONOMIC DEVELOPMENT TRUST FUNDING POLICY

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

REFERENCE

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

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

REVIEW AND UPDATE

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

Date Approved:	Date Amended:
Mayor:	
Attest:	

November 13, 2012

To: Administrative Committee
From: Jon Nelson, Interim City Manager
Re: Municipal Court Judge Appointment

Discussion

Dallas City Charter Section 22 provides for appointment of the Municipal Judge every two years. The most recent two-year term expires December 31, 2012. Ira Feitelson would like to continue in his role as Dallas Municipal Court Judge, a position he has held since October 1, 2002.

Fiscal Impact

The existing arrangement with Judge Feitelson provides \$3,492 per month in salary for the judge's services. The City pays an additional \$775 per month into PERS, some of which is credited to the judge's account (\$210) and other designated towards unfunded system liabilities.

As Council is aware, certain of the Municipal Court services were transferred to Polk County Courts in July 2010. (As a side note, staff work analyzing this transfer is still underway and will be provided to the Council in the future).

Based on understanding between Judge Feitelson and the previous City Manager, the judge's \$3,492 monthly salary was not reduced because the transfer was at the City's initiative and caseload changes were unknown.

With the transition having been implemented, Judge Feitelson has estimated his current time on behalf of the City of Dallas is 28 hours per month versus the previous 52 hours per month. He is agreeable to a proportionate reduction in his salary; from \$3,492 per month to \$1,880 per month effective January 1, 2013. Should court volume activity change significantly, the monthly salary would be reviewed.

Alternative

City Council could issue a request for municipal judge services proposals to test other interest in providing these services. Staff has received inquiries on the position. If this alternative is pursued, the process would not be complete by December 31, 2012, so an extension of the arrangement with Judge Feitelson or a Judge Pro-Tem would be required.

Motions

City Council move to extend the municipal judge agreement with Ira Feitelson from January 1, 2013, through December 31, 2014, at \$1,880 per month.

OR

City Council move to direct staff to solicit requests for proposals for municipal judge services and make appropriate post-January 1, 2013, arrangements until a judge is selected.

November 13, 2012

To: Administrative Committee

From: Jon Nelson, Interim City Manager

Cecilia Ward, Finance Director

Re: Transient Occupancy Tax (TOT) Funds – 30% Discretionary

Background

Currently and consistent with Dallas City Code (DCC), the Dallas Visitors Center (DVC) receives 70% of the tax proceeds to operate and staff the Visitors Center. The remaining 30% of the TOT proceeds is placed in the Transient Lodging Tax Trust Fund. While DCC and the annual budget refer to “City Council direction” in spending the 30% TOT funds, Council review and approval of the expenditures has not always occurred. Staff believes it important that City Council direct expenditure of the TOT funds.

The 30% TOT represents approximately \$18,400.

Alternatives

The 30% TOT does not have DCC or statutory requirements other than as directed by the City Council. In implementing new TOT, many jurisdictions do not immediately dedicate the discretionary tax amount until collection costs are known. The collection of TOT has been successfully integrated into the Finance Department’s operations at minimal expense.

Two alternatives for the Council to direct the 30% TOT are:

- 1) Transfer the funds to the General Fund for support of undesignated city general fund services (police, fire, library, parks, etc.), or
- 2) Continue to budget the TOT in the Trust Fund and develop an annual spending plan approval process

Staff is recommending alterative #2 as described below.

Discussion

The discretionary 30% TOT matches up (dollar amount and purpose) fairly well with past city support of Chamber of Commerce (Chamber) and DVC requests.

Annual “fixed” commitments total approximately \$7,000 in the form of:

Summerfest	\$2,500
Bounty Market	\$2,500
CoC Membership	\$1,500
CoC Award Sponsorship	\$ 500

Additionally, the City receives annual "variable" requests for financial support from the Chamber, DVC, and travel/wine interests which may include:

- Winterfest lights
- Reader board maintenance
- CoC/DVS promotional items
- Flag maintenance
- Banners
- Movie nights
- "Old Timer" picnic
- Bridge loans/1-time support requests
- Disc golf equipment
- Travel, ad, and conference support (Wine Trail, LOC, Travel Salem)

Taken all together on an annual basis, the fixed and variable requests from the Chamber and DVC approximate the 30% TOT discretionary funding amount.

By contract, the DVC and Chamber are the City's visitors industry contact and key business partner (see attached contract).

Under alternative #2, the Chamber and DVC would develop and recommend an annual 30% TOT spending plan for Council consideration and approval. The Chamber and DVC are in the best position to prioritize requests, including those from outside of Dallas entities (Wine Trail, Travel Salem). City funding support would be known versus piece-meal requests to the City Manager's office that are not always prioritized as is necessary when limits exist on available funding. A Council policy on TOT would be developed which would include a section on City Council authority to re-direct funding depending upon the City's financial condition.

Alternative #1 would continue the Chamber and DVC special requests format currently in place. This adds more time and energy on everyone's part as individual requests are reviewed and forwarded to City Council.

The current approach of the City Manager deciding on 30% TOT funding requests is not advised as it is not consistent with the DCC and annual budget expectations of Council review and approval of the 30% TOT funds.

Next Steps

If you concur with the staff recommendation, a Council policy on the annual spending plan outlined as alternative 2 will be developed for your review and consideration.

TRANSIENT TAX DISTRIBUTION AGREEMENT (2012-14)

This agreement is made and entered into this 18 day of June, 2012, by and between the City of Dallas, an Oregon municipal corporation (Dallas), and Dallas Area Visitor's Center, Inc., an Oregon nonprofit corporation (Center).

RECITALS

A. Dallas is an Oregon municipal corporation.

B. Center is an Oregon nonprofit corporation, organized as a tourism promotion agency within the meaning of ORS 320.300(8) in the City of Dallas, with its principal place of business at 119 SW Court Street, Dallas, Polk County, Oregon. Center is also an organization exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. A copy of Center's Determination Letter from the Internal Revenue Service, confirming Center's tax-exempt status, is on file with Dallas and is still in full force and effect.

C. Dallas has enacted a Transient Lodging Tax, pursuant to ORS 320.350. The City Council of Dallas has, by resolution, authorized distribution of seventy percent (70%) of all transient lodging taxes received during the period beginning July 1, 2012 and ending June 30, 2014, on a periodic basis, not less frequently than quarter-annually, to Center.

D. Center is qualified to receive transient lodging tax revenue pursuant to the resolution and Oregon law.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and obligations set forth herein, it is hereby agreed as follows:

1. City will distribute to Center seventy percent (70%) of all transient lodging taxes received by City for the period beginning July 1, 2012, and ending June 30, 2014. Such distributions shall be paid quarter-annually, within 30 days after the end of each calendar quarter, beginning with the first payment by October 30, 2012 (for the quarter ending September 30, 2012), and ending with the last payment on July 30, 2014 (for the quarter ending June 30, 2014).

2. Center shall use the funds distributed under this agreement for tourism promotion, as defined in ORS 320.300(7) or tourism-related facilities as defined in ORS 320.300(9), and for no other purpose.

3. During the term of this agreement, City shall have the right to designate one voting member of Center's board of directors as a City representative.

4. Center shall submit a report of its activities, including a financial report, to City annually, by not later than January 31 each year during the term of this agreement, and shall permit City to inspect and copy its books and records, from time to time, as City may reasonably require to ensure compliance with the terms of this agreement. /*

5. This agreement may be terminated by City before the end of the term provided herein in the event of any of the following:

(A) If Center ceases to be a nonprofit corporation on the records of the Oregon Secretary of State, Corporation Division;

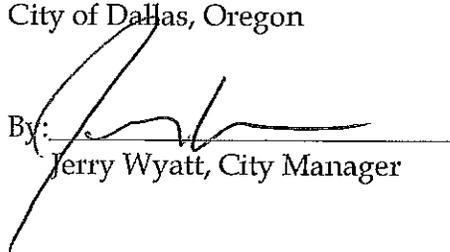
(B) If Center becomes insolvent, or ceases to do business or to qualify as a tourism promotion agency within the meaning of ORS 320.300(8);

(C) If Center's status as an entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, is revoked;

(D) If Center otherwise fails to perform any obligation provided in this agreement.

6. Center agrees at all times to conduct its business and activities in compliance with all applicable local, state and federal laws, rules, ordinances and regulations, and shall not use or apply the transient lodging tax revenues distributed to it under this agreement in any manner not permitted for the use of such funds.

City of Dallas, Oregon

By: 
Jerry Wyatt, City Manager

Dallas Area Visitor's Center Inc.

By: 
Title: Executive Director



Building & Grounds Committee

POST MEETING AGENDA

**November 26,
2012**

4:00 PM

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

1. Call to Order
2. Comments from the Public
3. Civic Center rental policy discussion
**Staff is working on a policy for
consideration by the Council at a future
Council meeting.**
4. Community Development/Operations
Director's Report
5. Other
6. Adjournment

**Chair Jackie Lawson
Beth Jones
Wes Scroggin
Murray Stewart
LaVonne Wilson**

Building & Grounds Committee
Monday, November 26, 2012

1 Members Present: Acting Chair LaVonne Wilson, Beth Jones, and Wes Scroggin. Absent: Jackie Lawson
2 and Murray Stewart.

3 Also Present: Interim City Manager Jon Nelson, Mayor Brian Dalton, Finance Director Cecilia Ward,
4 Community Development/Operations Director Jason Locke, City Recorder Emily Gagner, Recording
5 Secretary Jeremy Teal, and City Attorney Theresa Ozias.

6 Acting Chair Wilson called the meeting to order at 4:45 p.m.

7 **Comments from the Public**

8 Acting Chair Wilson asked for comments from members of the audience.

9 Joe Koubek, 565 SE Mifflin, Dallas, OR, suggests the City review updating fees and after hours use of the
10 Civic Center. Mr. Koubek suggested implementing a no alcohol policy.

11 **Civic Center Rental Policy**

12 Mr. Locke reviewed his staff report. He indicated he wanted to get a consensus from the committee that
13 the latest rules were on track so he could review the old resolutions and replace them with a single resolu-
14 tion. Mr. Locke discussed the security issues of renting the Civic Center during non-business hours, noting
15 groups had access to virtually every part of City Hall. He stated if the committee came to a consensus that
16 this was how they wanted to proceed, he would bring back a report and draft policy to the full Council.

17 Councilor Jones asked if an after-hours fee could be implemented to offset the cost of a part time
18 employee.

19 Mr. Locke stated one issue was the City didn't want to compete with the local venues in town and he
20 didn't believe it would generate additional revenue. Mr. Locke also pointed out that there was a room to
21 rent at the Aquatic Center that was staffed and didn't have the security issues.

22 Council President Scroggin stated he was concerned about the security and a policy needed to be drafted
23 and presented to the Council.

24 It was moved by Councilor Jones to direct the City Attorney to draft a policy for consideration by the
25 council to implement the proposal contained in the staff report and repeal all other resolutions relating to
26 the use and charges for the Civic Center. The motion was duly seconded and carried unanimously.

27 **Community Development/Operation Director Report**

28 Mr. Locke reported that leaf pick up was going well. He noted a small problem with water backup due to
29 heavy rain the previous week, adding the crews did well responding to the issues.

30 Mr. Locke stated the Building division was working on plan reviews for the City of Woodburn at \$100 an
31 hour. They have completed 8, and should have 24 or 25 to do in the future.

32 Mr. Locke reported staff got quotes for the new heat pump system at the Carnegie Building. He noted up-
33 on further consideration, they were looking at changing the approach because a heat pump would require
34 ugly pipes on the outside of the building.

- 1 Mr. Locke indicated the Church Street sidewalk project was complete and looked good.
- 2 Mr. Locke advised staff would be putting out request for proposals for the Dallas 2030 project soon. He
- 3 explained the proposals would be due the first or second week of January when the new City Manager was
- 4 on board.
- 5 Mr. Locke indicated the Urban Renewal District Advisory Committee recommendation for the 800 and 900
- 6 blocks of Main Street would be coming to the Urban Renewal Agency for approval in January.
- 7 **Other**
- 8 There was no other business and the meeting was adjourned at 5:00 p.m.



Building & Grounds Committee

AGENDA

**November 26,
2012**

4:00 PM

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

**Chair Jackie Lawson
Beth Jones
Wes Scroggin
Murray Stewart
LaVonne Wilson**

1. Call to Order
2. Comments from the Public

This time is provided for citizens to address the Committee on any matters, including agenda items. This is the only time during the meeting that the public will be allowed to speak.

3. Civic Center rental policy discussion
4. Community Development/Operations
Director's Report
5. Other
6. Adjournment



Community Development/Operations Department

Memo

To: Admin Committee
From: Jason Locke, Community Development/Operations Director
Date: November 26, 2012
Re: Use of Civic Center

The rules of use and the fees for the Dallas Civic Center are currently contained in about 5 different documents, including Resolutions of the Council, Administrative policies, and memos from myself and the former city manager. Staff is proposing that this issue be cleaned up and put in a single Resolution that encompasses all of the previous actions in order to clarify and simplify the process.

The outline of this would look something like this:

The Civic Center is only available for City business, civic groups, and non-profit organizations.

The Civic Center is available Monday-Friday during business hours only, no weekends or holidays. (Any currently scheduled events would be honored, but no new reservations would be taken for those times unless expressly approved by the City Manager with good reason)

No alcohol is permitted.

Use of the kitchen facility will require prior approval, and shall be left in good condition.

The fees would be as follows:

Recurring meetings (ie: Chamber and Rotary) \$15/regular meeting

Single meeting \$60 for 2 hour period + \$50 deposit

City business No charge

The Civic Center rent revenue is budgeted at \$3000 for the fiscal year and, as of October 31, we have received only \$355.

The reasons for this approach are:

- 1) Staffing. There is no one available to lock and unlock the room on weekends and holidays, as well as set-up and break down the room. (We have had and honored a few requests for use on the weekends and on holidays due to administrative mix-ups or direction by the City Manager.)
- 2) Security. There is no way to contain people in the Civic Center, and they basically have free run of a good portion of the building with no supervision present.
- 3) Competition. There are private venues that could and should be rented by groups seeking space. In addition, the Dallas Readiness Center will be able to accommodate some users as well.

***Action Requested:* Direct the City Attorney to prepare a Resolution for consideration by the full Council that implements the proposal contained in this memo (or adopt a Council Policy that does the same) and repeals all other Resolutions relating to the use and charges for the Civic Center.**

Attachments: Various Resolutions, flyer, CC minutes

Dallas Civic Center

945 SE Jefferson Street, Dallas, Oregon, 97338

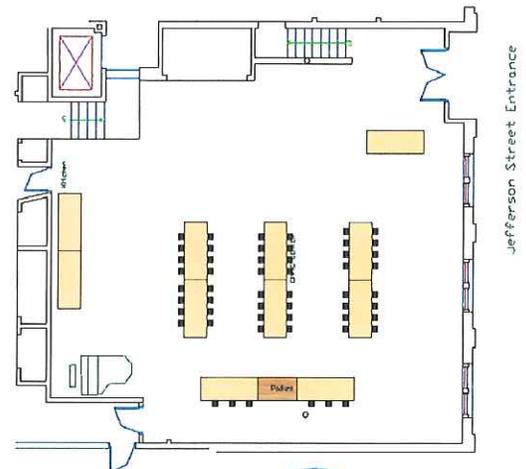


CIVIC CENTER RENTAL

CAPACITY: Seating w/tables and chairs 54
Seating w/chairs only 120
Maximum Capacity 280

FEES: Regular Business Hours \$55.00
Evenings, Weekends, Holidays \$155.00
Deposit \$100

The City of Dallas strongly supports local business, several of which offer room rentals. Therefore, rental to private groups is prohibited. The Dallas Civic Center is used exclusively for City business, Civic groups, and 501(c)(3) non-profit groups, as approved by the City Manager.





Community Development Department

Memo

To: Patti Senger
From: Jason Locke, Community Development Director
Date: May 25, 2010
Re: Civic Center availability

The Civic Center will no longer be available for use on weekends or holidays due to significant costs and security issues. We will honor any reservations on the books at this time.

This policy has been approved by the City Manager and is effective immediately.

Cc: Jerry Wyatt, City Manager
Ken Stoller, Facilities Maintenance Supervisor

MEMO

TO: LAURIE ROBERTS, EXECUTIVE ASSISTANT

FROM: JERRY WYATT, CITY MANAGER 

DATE: 10/2/08

RE: CIVIC CENTER RESERVATIONS

The City of Dallas strongly supports local business, several which offer room rentals. Therefore, private use of the Civic Center was discontinued several years ago.

Due to recent staff reductions, equipment failure, and budgeting for remodeling of the room, the Civic Center will not be available for any new groups.

The following groups will be allowed to continue to use the room until further notice:

- City meetings and events
- Regularly scheduled past civic groups: Rotary, Chamber, Union, Kids Inc., Sportsman's Club, Political candidates, *Naomi Chapter*

Any questions or exceptions require the approval of the City Manager.

JW/lr

1 write a memo explaining things. Mr. Jordan pointed out that there are other groups that would be
2 glad to loan the City money, but in this instance, being a part of a pool would save the City mon-
3 ey.

4 Mr. Lamb moved to authorize further study into refunding the City's unfunded liability. The mo-
5 tion was duly seconded and carried unanimously.

6 **Limiting Use of the Civic Center to Public, Non-profit Groups.**

7 Mr. Jordan reminded them that he previously has discussed limiting use of the Civic Center. He
8 explained that the City has no custodian on duty on the weekends. He added that we don't rent
9 the facility on Sundays. He pointed out that there have been only seven or eight private uses in
10 the past year, and half of those were City employees. He said he thought the other private uses
11 were because of the low cost to use it. He indicated that one recent weekend use resulted in
12 some vandalism to other areas of City Hall, although it would be difficult to prove it was some-
13 one from the Civic Center. He explained that there are plenty of other private places to rent, in-
14 cluding the new event center being built on Main Street. He added that the City would provide a
15 list of available spaces for private uses. He noted that last year, there were 133 uses by the City
16 and civic groups, which would continue. He indicated that there are no private uses scheduled at
17 this time. Mr. Marshall asked how much income was received from the private uses. Mr. Jordan
18 answered that it was \$1,700 for the past year. He indicated that the City probably subsidizes 80%
19 of the staff costs for the Civic Center. He noted that a lot of the private users are from outside of
20 the community. Mr. Lamb said he saw this as moving to the next stage, and it might encourage
21 people who want a new Civic Center to take some action. Brian Dalton remarked that there are
22 private operations developing now, and the City would be competing with the private sector,
23 which it prefers not to do. He noted that there are also the Aquatic Center meeting rooms that are
24 not fully utilized. Mr. Lamb remarked that the City has to let even the non-profit and civic
25 groups know that this room will not be available forever. Chair Wilson asked when the new fa-
26 cilities will be available. Mr. Dalton answered that he was not sure, but they are being worked
27 on. Mr. Jordan said they would probably be available within a few months. He added that there
28 are other facilities available around town that weren't available when the Civic Center was first
29 built. In response to a question, Mr. Jordan said he would recommend continuing to allow some
30 Saturday uses, but Sundays would not be available. Mr. Lamb asked when the remodeling would
31 be done for the additional police office space. Mr. Jordan answered that they are looking at
32 doing it in July and August. In response to a question, Mr. Jordan indicated that the remodeling
33 plans at this time do not involve the Civic Center.

34 Mr. Dalton moved to recommend that the Civic Center be available use for by civic or non-profit
35 groups only, from Monday through Saturday. The motion was duly seconded and carried un-
36 animously.

37 **Recommended Cost of Living Increase and Health Insurance Coverage**

38 Mr. Jordan indicated that there was a memo regarding his proposed cost of living increase and
39 health insurance coverage in the agenda packet. He explained that the proposed adjustments

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The Dallas City Council met in regular session on Monday, June 6, 2005, at 7:30 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL

Council members present were: Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Glen Scatterday, Councilor Wes Scroggin, Councilor Rich Slack, and Councilor Dave Winters. Members excused: Councilor Kevin Marshall and Councilor LaVonne Wilson.

Also present were: City Manager Roger Jordan, City Attorney Mark Irick, Fire Chief Todd Carpenter, Community Development Director Jerry Wyatt, Public Works Director Fred Braun, Finance Director Marcia Baragary, Library Director Donna Zehner, Assistant to the City Manager Kim Marr, and acting Recording Secretary Laurie Roberts.

APPROVAL OF MINUTES

After hearing no corrections or additions, Mayor Fairchild declared the minutes of the May 16, 2005, Council meeting approved as printed.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Mayor Fairchild reported on his travels to Europe.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Councilor Scatterday reported he attended the meeting of the Watershed Councils for Luckiamute, Rickreall and Glen Gibson, and it was necessary to divide \$128,000 that was a bi-annual grant from OWEB, and they came to a consensus.

ADMINISTRATIVE COMMITTEE MEETING

Councilor Lamb presented the report of the May 23, 2005, Administrative Committee meeting.

Councilor Lamb reported on the committee's review of the Public Employees Retirement System (PERS) and the City's unfunded liability status and options. Mr. Jordan confirmed the information. Councilor Lamb stated the motion was made, seconded and carried to recommend Council approval. Councilor Scatterday asked for confirmation that the deficiency has declined. Mr. Jordan explained the PERS system, and what effects the fluctuating liability, court proceedings, the market place, tiers and interest rates. Mr. Jordan stated the importance of timing to lock in the rate and long-term effects of decisions. He recommended only partial funding, and is concerned with the future actuarial coming in. Councilor Dalton reported on the recent Newsweek article he forwarded to Mr. Jordan.

Councilor Lamb moved to authorize the City Manager to further study and report on refunding the City's unfunded liability. The motion was duly seconded and Carried Unanimously with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor Scatterday, Councilor Scroggin, Councilor Slack and Councilor Winters voting YES.

Councilor Lamb reported on limiting the use of the Civic Center to public, non-profit groups. Councilor Lamb stated the motion was made, seconded and carried to recommend Council approval. Mr. Jordan noted that there would need to be a Resolution. Mr. Jordan stated one citizen complained to him that the private facilities were too expensive, and explained his response regarding staffing and public market share. Councilor Scatterday moved to have the City Manager and City Attorney prepare a Resolution that the Civic Center be available for use by public, non-profit groups only from Monday through Saturday. Wes Scroggin asked if Sundays are to be excluded. Mr. Jordan explained there has not been Sunday use, and this would remove all use that is not non-profit use. Mayor Fairchild announced the public will be given the opportunity to speak at the presentation of the Resolution.

The motion was duly seconded and Carried Unanimously with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor Scatterday, Councilor Scroggin, Councilor Slack and Councilor Winters voting YES.

Councilor Lamb reported on the Cost of Living Increase and Health Insurance Coverage. He explained the City Manager's recommendation to the Administrative Committee for the following salary and fringe benefit increases:

No Resolution ever done!

GCL
Res.

RESOLUTION NO. 3040

A Resolution establishing fees and security deposits for use of the Dallas Civic Center, amending Resolution No. 2026 and repealing Resolution Nos. 2596 and 2639.

Section 1. The rates and security deposits for rental of the Dallas Civic Center (aka "City Hall Assembly Room") for fraternal, civic, patriotic, religious (worship services cannot be held) service, charitable, educational, or eleemosynary organizations with a chapter, lodge, post, congregation, or other unit thereof existing within the City are as follows:

- "(a) For a period of time between 8:00 a.m. and 5:00 p.m., on Monday through Friday:
 - (1) Rent: \$15.
 - (2) Security deposit: \$100 if alcoholic beverages will not be served and \$300 if alcoholic beverages will be served.
- (b) For a period of time not covered by 1(a) herein:
 - (1) Rent: \$55.
 - (2) Security deposit: \$100 if alcoholic beverages will not be served and \$300 if alcoholic beverages will be served."

Section 2. The rates and security deposits for rental of the Dallas Civic Center for all persons, organizations, and groups not described in Section 1 herein are as follows:

- "(a) For a period of time between 8:00 a.m. and 5:00 p.m., on Monday through Friday:
 - (1) Rent: \$60.
 - (2) Security deposit: \$100 if alcoholic beverages will not be served and \$500 if alcoholic beverages will be served. The City Manager may require proof of liability insurance covering the City, in a manner and in an amount set by the City Manager, if alcoholic beverages will be served.
- (b) For a period of time any portion of which is outside the times set forth

in 2(a) herein:

- (1) Rent: \$150 without use of the kitchen and \$200 with use of the kitchen.
- (2) Security deposit: \$100 if alcoholic beverages will not be served and \$500 if alcoholic beverages will be served." The City Manager may require proof of liability insurance covering the City, in a manner and in an amount set by the City Manager, if alcoholic beverages will be served."

Section 3. The above rental rates are for not more than 8 hours. The rent for each additional hour, or part thereof, shall be prorated.

Section 4. Paragraph 4 of the "Rules Relating to the Use of City Hall Assembly Room", which are attached to Resolution No. 2026, adopted by the City Council and approved by the Mayor on March 1, 1976, as amended by Resolution No. 2596, adopted by the City Council and approved by the Mayor on July 18, 1994, and as amended by Resolution No. 2639, adopted by the City Council and approved by the Mayor on March 18, 1996, is hereby further amended by deleting that paragraph and inserting in lieu thereof the following:

- "4. Persons or groups making application for the use of said room and related facilities shall pay a fee at the time the application is filed in an amount to be set by separate Resolution of the City Council."

Section 5. Paragraph 5 of said "Rules Relating to the Use of City Hall Assembly Room", as amended by Section 2 of said Resolution No. 2639, is hereby further amended as follows:

- (a) By deleting the dollar amounts set forth therein for security deposits and surety bonds and inserting in lieu thereof "in an amount to be set by separate Resolution of the City Council.
- (b) By deleting the second paragraph therein.
- (c) By deleting the third paragraph therein and inserting in lieu thereof: "Neither acceptance nor use of the security deposit shall relieve the person, persons, and/or organization which paid the deposit from paying the full amount of damages done during their use of the Civic Center (aka 'assembly Room')."

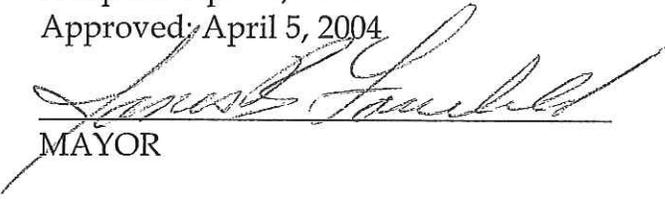
- (d) By deleting the fourth paragraph therein and inserting in lieu thereof:
"The City Manager may waive payment of the security deposit."

Section 6. Resolutions No. 2596 and 2639 are hereby repealed.

Section 7. This Resolution shall be effective May 1, 2004.

Adopted: April 5, 2004

Approved: April 5, 2004


MAYOR

ATTEST:


CITY MANAGER

H\Dallas\ResolutionCivicCenterFees

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 a	Topic: December Public Safety/Public Works Committee meetings
Prepared By: Emily Gagner	Meeting Date: December 3, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Motion to approve canceling the December 24, 2012, Public Safety and Public Works Committee meetings.

BACKGROUND:

The Public Works and Public Safety Committee meetings are scheduled for Christmas Eve, December 24. Staff currently has nothing urgent to discuss at this meeting and recommends canceling the meeting. If anything comes up that needs to be addressed, it can be taken to the full Council for discussion at the December 17 or January 7 Council meetings.

FISCAL IMPACT:

None

ATTACHMENTS:

None

November 29, 2012

To: Mayor and City Council

From: Jon Nelson

Re: FY2011-12 Audit Review

Council direction on reviewing the FY2011-12 audit, audit letter, and management letter is requested.

Two options have been identified for your consideration:

Option 1:

City Council acts as the Audit Committee and receives the audit, audit letter and management letter from the auditor during a City Council meeting.

Option 2:

Administrative Committee, in a special meeting, acts as the Audit Committee and receives the audit, audit letter and management letter from the auditor. Following Committee review and questions, the audit, audit letter, and management letter would be forwarded to City Council with an anticipated briefer auditor presentation, review and questions at the Council meeting.

Staff will schedule the auditor presentation and time(s) consistent with your motion and direction.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 a	Topic: Budget Transfer Resolution
Prepared By: Cecilia Ward	Meeting Date: December 3, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Approval of Resolution No. 3255

BACKGROUND:

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

Appropriation - Authorization for spending a specific amount of money for a specific purpose during a fiscal year. It is based on the adopted budget, including supplemental budgets, if any.

The following is transferring the appropriation from the Grant Fund to the Street Fund. The appropriation in the Grant Fund is no longer needed and is eligible to transfer.

Revenue

Grant Fund to Street Fund:

From:	To:	Purpose:	Amount:
CDBG Grant (Revenue)	State Highway Federal Money Reimbursement (Revenue)	Additional pass-through funds received for overlay projects	\$18,000
CDBG Grant (Revenue)	State Highway Reimbursement (Revenue)	Additional reimbursement for overlay projects	\$33,000
CDBG Grant (Revenue)	Street Miscellaneous (Revenue)	FEMA reimbursement for winter storm repairs	\$ 6,525
		Total	\$57,525

Expenditure

Grant Fund to Street Fund:

From:	To:	Purpose:	Amount:
CDBG Grant (Expenditure)	Capital Outlay-Contractual Overlays (Expenditure)	Overlay projects	\$49,775
CDBG Grant (Expenditure)	Capital Outlay-Contractual Overlays (Expenditure)	Winter storm repairs on Brandvoldt Drive	\$ 7,750
		Total	\$57,525

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution 3255

RESOLUTION NO. 3255

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$18,000 from the Grant Fund, CDBG Grant (Revenue), to the Street Fund, State Highway Federal Money Reimbursement (Revenue), unanticipated additional pass-through funds for overlay projects; and

WHEREAS, it is necessary to transfer the appropriation authority of \$33,000 from the Grant Fund, CDBG Grant (Revenue), to the Street Fund, State Highway Reimbursement (Revenue), for unanticipated additional reimbursement for overlay projects; and

WHEREAS, it is necessary to transfer the appropriation authority of \$6,525 from the Grant Fund, CDBG Grant (Revenue), to the Street Fund, Miscellaneous Revenue (Revenue), for unanticipated FEMA reimbursement for winter storm repairs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$49,775 from the Grant Fund, CDBG Grant (Expenditure), to the Street Fund, Capital Outlay-Contractual Overlays (Expenditure), for unanticipated overlay projects; and

WHEREAS, it is necessary to transfer the appropriation authority of \$7,750 from the Grant Fund, CDBG Grant (Expenditure), to the Street Fund, Capital Outlay-Contractual Overlays (Expenditure), for unanticipated winter storm repairs on Brandvoldt Drive; and

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

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$18,000 from the Grant Fund, CDBG Grant (Revenue), to the Street Fund, State Highway Federal Money Reimbursement (Revenue).

Section 2. That the City Manager be, and he hereby is, authorized and to transfer the appropriation authority of \$33,000 from the Grant Fund, CDBG Grant (Revenue), to the Street Fund, State Highway Reimbursement (Revenue).

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$6,525 from the Grant Fund, CDBG Grant (Revenue), to the Street Fund, Miscellaneous Revenue (Revenue).

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$49,775 from the Grant Fund, CDBG Grant (Expenditure), to the Grant Fund, Capital Outlay-Contractual Overlays (Expenditure).

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$7,750 from the Grant Fund, CDBG Grant (Expenditure), to the Grant Fund, Capital Outlay-Contractual Overlays (Expenditure).

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

Adopted: December 3, 2012
Approved: December 3, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON S. NELSON, CITY MANAGER PRO TEM

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 b	Topic: Resolution No 3256
Prepared By: Emily Gagner	Meeting Date: December 3, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Adopt Resolution No. 3256

BACKGROUND:

At the October 10, 2012, Council workshop, the Council indicated their desire to adopt Council Policies to provide clarity to staff and residents on the Council's expectation on certain issues.

Staff worked with the auditor and the City Attorney to draft a Fraud and Financial Irregularity Policy. The policy acknowledges that the City has internal controls in place designed to prevent and detect inappropriate activity. This policy outlines the process employees and others should follow in the event those controls are circumvented.

The Administrative Committee reviewed this policy at the November 26 meeting and after making a small addition, which is included in the policy that is Exhibit A to the resolution, recommended the Council adopt the policy.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution #3256

RESOLUTION NO. 3256

A Resolution Adopting a Fraud and Financial Irregularity Policy.

WHEREAS, The City of Dallas has a stewardship responsibility over all resources entrusted to it; and

WHEREAS, the City is committed to compliance with laws and regulations to which it is subject and expects the highest standards of moral and ethical behavior from all of its employees, volunteers, elected officials, consultants, contractors and vendors; and

WHEREAS, while the City's internal controls are designed to prevent and detect inappropriate activity, in the event these controls are circumvented, the policy attached to this Resolution and adopted hereby is designed to encourage all employees and others to report fraudulent acts or irregularities in a timely manner, and for such matters to be dealt with appropriately and uniformly.

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

Section 1. The Fraud and Financial Irregularity Policy attached hereto as Exhibit A, and by reference incorporated herein, is hereby adopted as a policy of the City of Dallas.

Section 2. This resolution shall be effective upon adoption and approval.

Adopted: December 3, 2012
Approved: December 3, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON NELSON,
CITY MANAGER PRO TEM

EXHIBIT A

	<p>City of Dallas Council Policies 2012-01</p>
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TITLE FRAUD AND FINANCIAL IRREGULARITY POLICY

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

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

DEFINITIONS

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

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



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

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

RESPONSIBILITIES

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

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



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

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

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

The City Council will be informed of suspected fraudulent acts or financial irregularities at the appropriate time.

INVESTIGATION AND FOLLOW-UP

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

- If the matter involves an employee (other than the City Manager) or volunteer, the matter shall be investigated and addressed as provided in Section XII of the City Personnel Rules. (The City Personnel Rules provide that if a violation of the Personnel Rules involves either the violation of (1) the Oregon Government Ethics Laws or any rule, regulation or order of the Oregon Ethics Commission or (2) any criminal law or ordinance, such matter may be referred to the Oregon Ethics Commission or to the appropriate law enforcement officials.)



- If the matter involves a consultant, contractor, vendor or the City Attorney, the City Manager shall make an initial review and, if the report is verified, the matter shall be dealt with in accordance with the applicable provisions of any contract or other legal remedies to which the consultant, contractor, vendor or attorney is subject. If the matter involves a violation of any criminal law or ordinance, and if the City Manager determines that there is good cause to proceed, the City Manager shall refer the matter to the appropriate law enforcement officials.
- If the matter involves an elected official, the City Manager, the Mayor, the Council President and the City Attorney shall make an initial review and evaluation of the report (provided, that if the matter involves either the Mayor or the Council President, the person involved shall not participate in any investigation) and, if they determine there is good cause to proceed, shall (1) if the matter involves a violation of the Oregon Government Ethics Laws or any rule, regulation or order of the Oregon Ethics Commission, refer the matter to the Oregon Ethics Commission; and (2) if the matter involves a violation of any criminal law or ordinance, refer the matter to the appropriate law enforcement officials.

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

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

All persons will cooperate with the investigative process under this policy and with law enforcement agencies and the Oregon Ethics Commission in the investigation of any complaint under this policy. Unless otherwise directed or authorized, all persons involved in an investigation under this policy will keep the investigation, and all information relating to the investigation, confidential. If a



party conducting an investigation under this policy is contacted by the subject of the investigation, or a person on the subject’s behalf, the person contacted will respond that he or she is “not at liberty to discuss this matter.”

PROTECTION OF PERSONS MAKING GOOD FAITH REPORTS

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

DIRECT REPORTS TO LAW ENFORCEMENT OFFICIALS OR OREGON ETHICS COMMISSION

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

DISTRIBUTION

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

REVIEW AND UPDATE

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

Date Approved:	Date Amended:
Mayor:	
Attest:	

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 c	Topic: Resolution No. 3257
Prepared By: Emily Gagner	Meeting Date: December 3, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Adopt Resolution No. 3257

BACKGROUND:

At the October 10, 2012, Council workshop, the Council indicated their desire to adopt Council Policies to provide clarity to staff and residents on the Council's expectation on certain issues.

The Council has already seen the attached Economic Development Trust Funding Policy at the October 10 workshop. Staff has, in fact, already brought recommendations from the Economic Development Commission for FY2012-13, and Council approved those recommendations.

The Administrative Committee voted unanimously to recommend the Council adopt the policy included as Exhibit A in the attached resolution.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution #3257

RESOLUTION NO. 3257

A Resolution Adopting an Economic Development Trust Funding Policy.

WHEREAS, Dallas City Code 2.900 establishes the Economic Development Commission to oversee economic development activities of the City of Dallas; and

WHEREAS, included in such activities of the Commission is the making of recommendations to City Council on the expenditures of Economic Development Trust funds; and

WHEREAS, in the absence of a defined process for directing Economic Development Trust Fund expenditures for the City of Dallas, the policy attached to this Resolution and adopted hereby is intended to establish such a process;

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

Section 1. The Economic Development Trust Funding Policy attached hereto as Exhibit A, and by reference incorporated herein, is hereby adopted as a policy of the City of Dallas.

Section 2. This resolution shall be effective upon adoption and approval.

Adopted: December 3, 2012
Approved: December 3, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON NELSON,
CITY MANAGER PRO TEM

EXHIBIT A

	City of Dallas Council Policies 2012-02
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TITLE ECONOMIC DEVELOPMENT TRUST FUNDING POLICY

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

REFERENCE

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

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

REVIEW AND UPDATE

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

Date Approved:	Date Amended:
Mayor:	
Attest:	

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11 a	Topic: Ord. No. 1751 relating to Department Heads
Prepared By: Emily Gagner	Meeting Date: December 3, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Adopt Ordinance 1751

BACKGROUND:

At the November 5, 2012, the Council moved to bring forward appropriate Dallas City Code (DCC) Section 2.200 changes regarding the Administrative Services Department. At that same meeting, the Council approved a proposal to eliminate that department in an effort to balance the budget. The ordinance eliminating that position from the Code is attached.

FISCAL IMPACT:

None.

ATTACHMENTS:

Ordinance No. 1751

ORDINANCE NO. 1751

An Ordinance amending Dallas City Code Section 2.200 relating to Department Heads.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 2.200 is hereby amended to read as follows:

2.200 Department Heads.

Titles of city department heads are as follows:

- (1) The head of the police department shall be known as the "police chief."
- (2) The head of the fire department shall be known as the "fire chief."
- (3) The head of the engineering department shall be known as the "director of engineering."
- (4) The head of the community development and operations department shall be known as the "director of community development and operations."
- (5) The head of the finance department shall be known as the "director of finance."

Read for the first time: November 19, 2012
Read for the second time: December 3, 2012
Passed by the City Council: December 3, 2012
Approved by the Mayor: December 3, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON NELSON
CITY MANAGER PRO-TEM