



AGENDA

**MOLALLA CITY COUNCIL MEETING
February 8, 2023
7:15 PM
Molalla Civic Center
315 Kennel Ave, Molalla, OR 97038**

Mayor Scott Keyser

*Council President Jody Newland
Councilor Terry Shankle
Councilor Eric Vermillion*

*Councilor Leota Childress
Councilor Crystal Robles
Councilor RaeLynn Botsford*

WORK SESSION begins at 6:00pm: Open to the Public, but not open to Public Comment or Testimony

REGULAR COUNCIL MEETING begins at 7:00pm: Open to the Public and open to Public Comment or Testimony. Please fill out a comment card and submit it to the City Recorder, prior to the beginning of the meeting.

*In accordance with House Bill 2560, the City of Molalla adheres to the following practices:
Live-streaming of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.
Citizens can submit Public Comment in the following ways: attend the meeting, email the City Recorder @ recorder@cityofmolalla.com by 4:00pm on the day of the meeting, or drop it off at City Hall, 117 N. Molalla Avenue.*

PLEASE NOTE: THIS MEETING BEGINS AT 7:15pm

1. CALL TO ORDER AND FLAG SALUTE

2. ROLL CALL

3. CONSENT AGENDA

- A. Work Session Meeting Minutes – January 11, 2023.....Pg. 3
- B. Goal Setting Conference Meeting Minutes and Packet – January 21, 2023.....Pg. 4
- C. Work Session Meeting Minutes – January 25, 2023.....Pg. 182
- D. City Council Meeting Minutes – January 25, 2023.....Pg. 184

4. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

5. PUBLIC COMMENT & WRITTEN COMMUNICATIONS

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

6. PUBLIC HEARINGS

- A. Emerio Designs and City Staff – Housing Needs Analysis Presentation (Zinder).....Pg. 187
 - o Staff Report and Draft Housing Needs Analysis.....Pg. 189
 - o Email #1 – City Staff and DLCD Staff re: HNA Presentation.....Pg. 211
 - o Email #2 – City Staff and DLCD Staff re: HNA Presentation.....Pg. 214
 - o Example Buildable Lands Inventory (BLI) for City of Waldport.....Pg. 218
- Public Comment related to Public Hearing*
 - o Mike Simmons, non resident.....Pg. 233
 - o Char Pennie, residentPg. 235

7. ORDINANCES AND RESOLUTIONS

8. GENERAL BUSINESS

- A. R. Higginbotham Public Comment Request – Molalla Municipal Code, Chapter 6.08 Farm Animals (Council).....Pg. 237
- B. Planning Commission Ordinance Review (Huff/Keyser).....Pg. 242
- C. Planning Commissioner Termination (Keyser)

9. STAFF COMMUNICATION

10. COUNCIL COMMUNICATION

11. ADJOURN

Agenda posted at City Hall, Library, and the City Website at <http://www.cityofmolalla.com/meetings>. This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855.



Minutes of the Molalla City Council Work Session

Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
January 11, 2023

CALL TO ORDER

The Molalla City Council Work Session of January 11, 2023 was called to order by Mayor Scott Keyser at 6:30pm.

COUNCIL ATTENDANCE

Mayor Scott Keyser, Council President Jody Newland, Councilor Leota Childress, Councilor Terry Shankle, Councilor Crystal Robles, and Councilor Eric Vermillion.

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder; Mac Corthell, Community Development Director; Andy Peters, Public Works Division Manager.

DISCUSSION ITEMS

A. Sequential Urban Growth Boundary Amendment Process

Community Development Director Corthell explained the Sequential Urban Growth Boundary Amendment Process in detail.

[For the complete video account of the City Council Meeting, please go to YouTube "Molalla City Council Work Session – January 11, 2023"](#)

ADJOURN

Mayor Keyser adjourned the meeting at 6:54pm.

Scott Keyser, Mayor

Date

ATTEST:

Christie Teets, CMC
City Recorder



**Minutes of the Molalla City Council Work Session
Goal Setting Conference
Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
January 21, 2023**

CALL TO ORDER

The Molalla City Council Goal Setting Conference of January 21, 2023 was called to order by Mayor Scott Keyser at 8:30am.

COUNCIL ATTENDANCE

Mayor Scott Keyser, Council President Jody Newland, Councilor Leota Childress, Councilor Terry Shankle, Councilor Crystal Robles, Councilor Eric Vermillion, and Councilor RaeLynn Botsford.

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder; Mac Corthell, Community Development Director; Andy Peters, Public Works Division Manager; Suzanne Baughman, Executive Administrative Assistant; Chaunee Seifried, Finance Director; Cindy Chauran, Interim Finance Director; Diana Hadley, Library Director; Beka Murcay, Teen Librarian; Chris Long, Police Chief, and Bobby Call, Lieutenant.

DISCUSSION ITEMS

- A. **City Manager Welcome**
- B. **Department Presentations/Mayor and Council Discussion**
 - Administration Presentation (*City Manager/City Recorder/Finance*)
 - I. Form of Government

City Manager Huff discussed the form of government with Councilors, pointing to examples on Pages 3 – 10.

- II. Lifecycle of a Project

Staff felt that it was of high importance to explain in detail the Lifecycle of a Project, describing why some projects can take up to five years to accomplish. Examples of public and private projects were both given. (Powerpoint presentation on Page 127.

- III. Franchise Agreements

City Manager Huff explained the use of franchise agreements between a utility and the City. The City's franchise agreement with PGE is expiring in February. Code examples of a franchise agreement can be found on Page 11 – 25.

- IV. Budget/Staffing

Staffing considerations are an integral part of the City. When adding a new position, many items are considered. The City focuses on sustainable hiring practices, while considering the general economy as well. Discussions for the need of

additional police officers, a code enforcement officer, increased public works staff and city hall staff were all taken into consideration. The greatest need for the City currently is a code enforcement officer, to be shared with the Community Development Department and Police Departments.

V. Handbook Policies related to Council

Finance Director Seifried and City Recorder Teets shared the updated Handbook and Personnel Policy Manual (Page 26). Elected Officials are required to follow the same rules as City Staff. Ms. Seifried and Ms. Teets presented the manual, especially highlighting areas related to City Council. (Items found on Page 93)

VI. Increase Council Stipends

Mayor Keyser expressed his concern that Council stipends had not received an increase in several years, without reflecting inflation and fuel prices. Currently the stipend is \$100 per month for Councilors and \$125 for the Mayor. Director Seifried and City Manager Huff shared that they had been reassessing the monthly stipend, and changes have been budgeted for the 2023-2024 Fiscal Year. The proposed budget will reflect a raise of \$150 per month for Council and \$200 for the Mayor.

VII. Councilors Attending Conferences

City Manager Huff thanked Council for their interest in wanting to attend conferences. He is glad that Council wants to participate in these activities. He reminded Council that there is a slim budget for items such as conferences, and that it would be a good idea for them to decide who participates in what. Council will continue to have this discussion, as each conference gets closer.

VIII. Council Meeting Technology Upgrade

Mr. Huff and Ms. Teets described a possible change to the Council dais. Opposed to Council having tablets or laptops, desktops for Council Chambers is being discussed. Desktops would be shared by City Council and Planning Commission. A quote will be requested by Molalla Communications and this item will be brought back to Council.

○ Library Presentation (*Library Director*)

Library Director Hadley thanked Council for their constant support and consideration that is given to the Library. She shared the multiple programs that are being offered, and how the new addition of the Book Mobile is being utilized. Teen Librarian Murcay shared a presentation with Council, highlighting many of their accomplishments. (See Page 94)

○ Police Department Presentation (*Chief and Lieutenant*)

I. Drug and Substance Use

Chief Long expressed his concern with the ongoing opioid crisis. He shared that overdoses are taking place at a higher rate, and that fentanyl is becoming easier to acquire. Chief Long explained that Narcan is now placed in schools throughout Oregon. The Police Department have recently focused on parks and abandoned areas, where drugs are being trafficked. Other items discussed can be found on Page 119.

II. Homeless/Houseless Community

Lt. Call shared that an important tool collecting data for calls related to the homeless/houseless community has recently been made available by Clackamas County. Codes have been created to help collect data for time, region, and issues being addressed. Lt. Call explained that a Transition Center is located next to the the Clackamas County Jail, where people can find resources to access housing, food, clothing, and mental health services.

Chief Long and Lt. Call shared with Council that a Code Enforcement Officer (CEO) would be able to assist them with calls for services in the above mentioned items. The CEO would be able to help educate and enforce areas such as illegal dumping and camping, along with connecting the homeless community that are struggling with mental illness to a Behavioral Health unit.

- Community Development Department Presentation (*Community Development Director and Public Works Division Manager*)
 - FTE – Code Enforcement Officer

Community Development Director Corthell shared the areas that the CEO could assist with Community Development. Examples are helping enforce the Molalla Municipal Code in areas of development, requiring proper permitting, and illegal camping and dumping. Mr. Corthell also shared Focus Area accomplishments and goals for 2022 – 2023. (Items attached, see Page 136-145)

- Mayor and Council
 - I. Planning Commission Attendance Policy

Council discussed requirements for Planning Commission attendance. They would like to remove section B from MMC Chapter 2.06.110(c). Council has directed staff to bring an ordinance amending the language to an upcoming meeting. (Page 146-148)

- II. Councilor Election – Changing Top Three Votes

The voting process for Elections was discussed by council. Mayor Keyser would like candidates to run on their own merit, opposed to the current top three being elected. This procedure is listed in Molalla’s City Charter and would need to go to voters to amend. Council agreed via consensus to leave it as is. (Page 149-150)

- III. Traffic Safety Committee

Discussion around the need for a Traffic Safety Committee took place. Mayor Keyser feels it is important for the city to be involved in school areas. City Manager Huff explained the Safe Route to Schools Program, and that it is in the best interest of Molalla River School District to create the committee.

- IV. Council Rules – Common Core

Mayor Keyser asked Council to be mindful of Council rules, and to be respectful of each other. (Page 151-164)

C. Review 2022 Council Goals and Accomplishments – Set 2023 Goals

Items C and D are scheduled for continued review at the February 8th and February 15th Work Sessions.

- Focus Area #1: Resilience, History, Culture, Location
- Focus Area #2: Welcoming, Friendly, Safe, Inclusive
- Focus Area #3: Economically Sound, Managed Growth, Business, Education
- Focus Area #4: Resource Hub
- Focus Area #5: Beauty, Tranquility, Natural Areas

- D. **Council Projects**
 - Work Session Topics

ADJOURN

Mayor Keyser adjourned the meeting at 4:54pm.

Scott Keyser, Mayor

Date

ATTEST: _____
Christie Teets, CMC
City Recorder

DRAFT



AGENDA

MOLALLA CITY COUNCIL GOAL SETTING CONFERENCE

January 21, 2023

8:00am – 4:30pm

Molalla Civic Center

315 Kennel Ave, Molalla, OR 97038

Mayor Scott Keyser

*Councilor Leota Childress
Councilor Crystal Robles
Councilor Eric Vermillion*

*Councilor Jody Newland
Councilor Terry Shankle
Councilor Rae Lynn Botsford*

This meeting is open to the Public, however, closed to Public Comment and participation.

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF AGENDA

3. GENERAL BUSINESS

(There will be a scheduled Break between 10:00 – 10:15am)

A. City Manager Welcome

B. Department Presentations/Mayor and Council Discussion

- Administration Presentation (*City Manager/City Recorder/Finance*) *1 Hour*
 - I. Form of Government
 - II. Lifecycle of a Project
 - III. Franchise Agreements
 - IV. Budget/Staffing
 - V. Handbook Policies related to Council
 - VI. Increase Council Stipends
 - VII. Councilors Attending Conferences
 - VIII. Council Meeting Technology Upgrade
- Library Presentation (*Library Director*) *15 Min*
- Police Department Presentation (*Chief and Lieutenant*) *45 Min*
 - I. Drug and Substance Use
 - II. Homeless/Houseless Community
- Community Development Department Presentation (*Community Development Director and Public Works Division Manager*) *2 Hours*
 - FTE – Code Enforcement Officer
- Mayor and Council *1 Hour*
 - I. Planning Commission Attendance Policy
 - II. Councilor Election – Changing Top Three Votes
 - III. Traffic Safety Committee
 - IV. Council Rules – Common Core

**** LUNCH BREAK 12:00-12:30pm ****

C. Review 2022 Council Goals and Accomplishments – Set 2023 Goals *2 Hours*

- Focus Area #1: Resilience, History, Culture, Location
- Focus Area #2: Welcoming, Friendly, Safe, Inclusive
- Focus Area #3: Economically Sound, Managed Growth, Business, Education
- Focus Area #4: Resource Hub
- Focus Area #5: Beauty, Tranquility, Natural Areas

(There will be a scheduled Break from 2:30-2:45pm)

D. Council Projects

- Work Session Topics

4. ADJOURN

CITY OF MOLALLA



ROLE OF THE CITY

The City of Molalla operates under the Council-Manager form of Government (City of Molalla Charter). The elected governing body (Mayor and City Council) are responsible for making legislative functions, establishing policy, vision, ordinances, etc., with advice from the City Manager. A professional administrator (City Manager) appointed by the City Council and answering to the City Council has full responsibility for implementing Council adopted legislation and policy and day-to-day operations of the City (Molalla City Charter Chapter IV).

City Manager

The City Manager works to unite political leadership (City Council) with skilled administrative Staff. The City Manager does this through broad authority to run the City by providing an annual Budget (adopted by Council), hiring Staff (personnel) and provision of public services such as streets, water, sanitary sewer, parks, storm drainage, public safety (police), finance administration, etc. (City Charter Chapter VIII, Section 34).

City Recorder

The City Recorder serves as the clerk for the City Council through recording and archiving official records, city proceedings and legislative history of the City of Molalla. The Recorder also provides internal support to all City departments regarding record management, legal records, deeds, liens, record requests, minutes and decision for City Council and all Committees and Commissions.

Finance Director

The Finance Director, under the administrative direction of the City Manager plans, organizes, and directs the Finance, Court, Reception, Human Resources and Risk Management of the City. The Finance Director provides internal management to Staff responsible for accounting, financial reporting, reception, investments, debt management grants, purchasing, budgeting, general ledger, payroll, personnel, utility billing, court, annual audit, property, liability, FMLA (Family Medical Leave Act) and workers comp.

Library Director

The Library Director oversees all Library staff, operations and budgets for the library, ensuring it provides a balanced collection as well as educational and entertaining programs for the community. The Library Director works in conjunction with the City Manager, other city departments and the Library District to meet City and district wide goals.

Police Chief

The Police Chief is responsible for the protection of lives and property in the City through the planning, supervision, and efficient operation of the Police Department. The Chief maintains control of activities, determination of departmental procedures, planning of departmental work priorities and goals, implementation of programs, and training, assignment, and supervision of all department members. Department objectives, plans and policies are established in line with Council goals and coordination with the City Manager. The Chief ensures open communication with the public in matters of public safety and concerns throughout police operations.

Community Development Director

The Community Development Director oversees staff and operations of both the City's Planning program and the Public Works program.

Planning supports development of a healthy economy and a livable, thriving community. The Planning Department serves the public in resolving issues affecting land development, code enforcement, and overall quality of life. The Department supports the work plan of the Planning Commission, including conducting public hearings for new development and updating the City's land use plans and policies.

Public Works includes the Administration/Engineering Division, Maintenance Division, and Operation Division, including the wastewater and water treatment plants, distribution and collection systems, roadways, parks, and facilities. Duties include delivery of all Capital projects, facility master plans, and oversight of private development constructed public improvements. The Public Works Director prepares budget for and monitors expenditures of the Street, Sewer, Water, Stormwater, Sewer Debt, CWSRF (Clean Water State Revolving Fund), Sewer SDC, Water SDC, Street SDC, Park SDC, Storm SDC, Capital Projects, and Fleet Replacement funds

Council-Manager Form of Government

The City of Molalla operates under the council-manager form of government—the most popular form of local government in the United States. This type of local government unites the political leadership of elected officials with the managerial skill of an appointed manager or administrator. The power to adopt laws (ordinances) and to adopt policies and priorities rests with the City Council, which includes the mayor and members of the council. The council in turn, recruits, hires, and regularly evaluates a nonpartisan, professional manager who has very broad authority to run the city.

The council-manager system was born out of the U.S. progressive reform movement at the turn of the 20th century as a way of combating corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure.

How Council-Manager Government Works

The elected city council develops a long-range vision and goals for the city and establishes policies and priorities.

To ensure that these policies are carried out, the council appoints a professional manager on the basis of his/her education, experience, skills, and abilities (but not political allegiances). If the manager is not responsive to the council, it has the authority to terminate the manager at any time.

Key features of the council-manager form of government:

Political power is concentrated in the entire governing body. The mayor and council share legislative functions. Decisions are made by majority vote of the council. Policy making resides with elected officials, while supervision of the day-to-day operations of the community is the manager's job.

The manager carries out the policies established by the council with an emphasis on effective, efficient, and equitable delivery of city services.

Because decisions on policy and the future of the community are made by the entire governing body rather than a single individual, council-manager governments more often engage and involve citizens in decision making. Citizens contribute by serving on boards and commissions, participating in visioning and strategic planning, and developing community priorities and activities.

The council-manager form is flexible enough to adapt to local needs and demands. In Molalla, six councilors are elected at-large to four-year terms. Terms are staggered so that all councilors are not elected at once. The mayor is elected to a two-year term, serves as presiding officer of the council, and has the authority to appoint members of boards and commissions.

Under home-rule authority granted by the Oregon Constitution, cities may choose their own form of government. Molalla, like most cities in Oregon, uses the council-manager system. The form of government and the powers and duties of the council, mayor, city manager and related matters are spelled out in the Molalla City Charter, which can only be amended by a vote of the citizens of Molalla.

The Role of the City Manager

The manager is hired to serve the council and the community and brings to the position the benefits of his/her training and experience in administering municipal projects and programs.

The manager:

- Prepares a budget for the council's consideration.
- Ensures that the City operates in conformance with federal and state laws, the City Charter, and local ordinances and policies.
- Recruits, hires, supervises, promotes and terminates government staff; serves as the council's chief advisor and helps develop policies and ordinances for the council's consideration; works to implement the council's goals, policies and priorities.
- Council members and residents count on the manager to provide complete and objective information about local operations, discuss the pros and cons of alternatives, and offer an assessment of the long-term consequences of their decisions. Appointed managers serve at the pleasure of the council and can be fired by a majority of the council. The manager is bound by whatever action the council takes, and control is always in the hands of the elected representatives of the people.

Dimensions of Governmental Process

Illustrative Tasks for Council

Determine "purpose." scope of services, tax level, constitutional issues

Pass ordinances: approves new projects and programs; ratify budget

Make implementing decisions (e.g. site selection, handle complaints, oversee administration)

Suggest Management changes to manager: review organizational performance, in manager's appraisal

Council's Sphere



Manager's Sphere

Illustrative Tasks for Administrators

Advise (what city "can" do may influence what it "should do"): analyze conditions and trends

Make recommendations on all decisions: formulate budget; determine service distribution formula

Establish practices and procedures and make decisions for implementing policy

Control the human, material, and informational resources of organization to support policy and administrative functions

The curved line suggests the division between the council's and manager's sphere's of activity. The division presented is intended to roughly approximate a "proper" degree of separation and sharing.

Source: The Effective Local Government Manager

Chapter VIII APPOINTIVE OFFICERS

Section 34. City Manager.

- (a) The office of city manager is established as the administrative head of the city government. The manager is responsible to the mayor and council for the proper administration of city business. The manager will assist the mayor and council in the development of city policies and carry out policies set by ordinances and resolutions.
- (b) A majority of the council may appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience relating to local government management.
- (c) The manager is appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after a vacancy occurs.
- (d) The manager must:
- (1) Countersign all orders on the city treasury;
 - (2) Ensure that an accurate record is kept of the city's proceedings;
 - (3) Ensure that all books, papers, records and other documents connected with business of the council, or which may be the property of the city are securely kept;
 - (4) Attend all council meetings unless excused by the mayor or council;
 - (5) Make reports and recommendations to the mayor and council about the needs of the city;
 - (6) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
 - (7) Appoint, supervise, and remove city employees;
 - (8) Organize city departments and administrative structure;
 - (9) Prepare and administer the annual city budget;
 - (10) Administer city utilities and property;
 - (11) Encourage and support regional and intergovernmental cooperation;

(12) Promote cooperation among the council, staff and residents in developing city policies, and building a sense of community;

(13) Perform other duties as directed by the council; and

(14) Delegate duties, but remain responsible for acts of all subordinates.

(e) The mayor and councilors may not directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and others designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem as prescribed by council rules. The manager pro tem has the authority and duties of manager, except that a manager pro tem may not appoint or remove employees without council approval. (Reso. No. 2011-14; Reso. No. 2011-10)

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council may appoint and may remove the city attorney. (Reso. No. 2011-10)

Section 36. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the municipal court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

(1) Render judgments and impose sanctions on persons and property;

(2) Order the arrest of anyone accused of an offense against the city;

(3) Commit to jail or admit to bail anyone accused of a city offense;

- (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - (6) Penalize contempt of court;
 - (7) Issue processes necessary to enforce judgments and orders of the court;
 - (8) Issue search warrants; and
 - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The council may appoint and may remove municipal judges pro tem.
- (g) The council may transfer some or all of the functions of the municipal court to a state court. (Reso. No. 2011-10)
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Contact:

City Hall: 503-829-6855

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CITY OF MOLALLA FRANCHISE AGREEMENTS

FRANCHISEE	CONTRACT DATE	EXPIRATION DATE	ORDINANCE/ RESOLUTION NO.	PERCENTAGE/NOTES
Molalla Communications	April 10, 2014	June 30, 2024	Ord. 2000-04	4%
Molalla Sanitary (B&B Leasing)	March 14, 2007	Renews annually	Ord. 2007-01	8% in 2021
NW Natural Gas	April 13, 2005	March 4, 2025	Ord. 2005-01	3%
Portland General Electric (PGE)	February 13, 2013	February 13, 2023	Res. 2013-04	3.5%
Astound (formerly WAVE)	February 22, 2013	February 22, 2024	2021-04	5%

Title 17 DEVELOPMENT CODE

Division v. Definitions

Chapter 17-5.1 DEFINITIONS

U

Use (Land Use). The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Utilities. For the purposes of this Code, there are two types of utilities: (1) private: telephone, electric, telecommunication, and similar *franchise* facilities; and (2) public: water and wastewater conveyance and treatment facilities.

Utilities (Land Use). Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or “Other” uses (e.g., Utility Corridor) as applicable.

Chapter 8.08 GARBAGE COLLECTION FRANCHISE

8.08.010 Purpose.

8.08.020 Definitions.

8.08.030 Franchise authority.

8.08.040 Franchise exceptions.

8.08.050 Franchise—Term.

8.08.060 Franchisee's obligations.

8.08.070 Supervision by City Manager.

8.08.080 Franchise—Suspension, modification or revocation.

8.08.090 Interruption of service.

8.08.100 Termination of service.

8.08.110 Subcontracts.

8.08.120 Rates.

8.08.130 Public responsibility.

8.08.140 Construction.

8.08.150 Prohibited actions.

8.08.160 Enforcement.

8.08.170 Reserved.

8.08.180 Additional requirements.

8.08.010 Purpose.

It is declared to be the public policy of the City of Molalla to regulate solid waste management and thereby to:

- A. Protect the public health, safety and welfare.
- B. Provide comprehensive solid waste service with rates that are reasonable, but adequate to provide necessary public service, and to prohibit rate preferences and other discriminatory practices.
- C. Provide for resource recovery through franchisee and permit franchisee to cooperate in a county-wide program or any other area-wide program with others franchised by Clackamas County, other cities in the County or by other governmental entities in the Portland metropolitan area to provide solid waste service. (Ord. 2007-01 §1)

8.08.020 Definitions.

For the purposes of this chapter:

- A. "City" means the City of Molalla, Oregon.
- B. "Council" means the Molalla City Council.
- C. "Compensation" means and includes:
 - 1. Any type of consideration paid for service, including, but not limited to, rent, and proceeds from resource recovery or recycling and any direct or indirect provision for payment of money, goods, services or benefits by tenants, lessees, occupants or similar persons;
 - 2. The exchange of services between persons, including the hauling of solid waste;
 - 3. The flow of consideration from the person owning or possessing the solid waste to the person providing service.
- D. "Franchisee" means Molalla Sanitary Service, Inc.
- E. "Person" includes, without limitation an individual, partnership, association (incorporated or otherwise), corporation, trust, firm, estate or other legal entity.
- F. "Recycling" which means any process by which solid waste materials are transformed into new products in such manner that the original products may lose their identity. The process includes collection, transportation, storage and transfer of solid waste and placing the solid waste in the stream of commerce for resource recovery.
- G. "Resource recovery" means the process of obtaining useful material or energy resources from solid waste. Except as limited by state law this includes:
 - 1. "Energy recovery" which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.

2. "Material recovery" which means any process of obtaining from solid waste, by pre-segregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

H. "Reuse" which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity. Nothing in this definition shall authorize a use not in conformity with the comprehensive plan zoning ordinance or development regulations of the City.

I. "Service" means the collection, transportation, storage, transfer, disposal of or resource recovery of solid waste, including solid waste management.

J. "Solid waste" means:

1. All useless and discarded putrescible and nonputrescible wastes, as defined by ORS 459.005(24) (2005), including, but not limited to, garbage, rubbish, refuse, ashes, waste paper, cardboard, grass clippings, compost, scrap metal, glass, storage pallets, equipment and furniture, demolition and construction debris, inoperative vehicles, vehicle parts, except (as excluded below) inoperative home or industrial appliances or machinery (or parts thereof), manure, vegetable or animal solid and semisolid wastes or infectious wastes as defined in ORS 459.386(4) (2005), but the term does not include:

- a. Hazardous wastes as defined in ORS 466.005(7)(2005);
- b. Sewer sludge and septic tank and cesspool pumping, chemical toilet waste and other sludge;
- c. Beverage containers defined in ORS 459A.700(2) (2005);
- d. Material used for fertilizer or for other productive agricultural operations in growing or harvesting crops and the raising of fowls or animals;
- e. Lead-acid batteries, as defined and regulated by ORS 459.420 through 459.437 (2005);
- f. Waste tires, as defined and regulated by ORS 459.705 through 459.790 (2005);
- g. Articles kept in a storage area maintained so as to not constitute a safety, health, or fire hazard and screened from public view by means of a solid fence, trees, shrubbery or other appropriate means;
- h. Vehicles kept on the premises of a business lawfully engaged in wrecking and junking of vehicles.

2. The fact that materials that would otherwise come within the definition of "solid waste" may from time to time have value and thus be used or usable does not preclude such materials from this definition.

K. "Solid waste management" means the prevention or reduction of solid waste; management of the storage, transfer, collection, transportation, treatment, utilization, processing and final disposal of solid waste; resource recovery from solid waste; and facilities used for those activities.

L. "Source separation" means the separation or setting aside of waste, by the source generator or producer of the waste, for recycling or reuse.

M. "Total source separation" means the complete separation by the source generator or producer of the waste by type or kind of waste from all other types or kinds of waste. Total source separation requires each type or kind of recyclable material (such as newsprint, computer paper, cardboard, glass, ferrous cans and aluminum cans) to be distinctly separated into a separate package, container or stack in preparation for collection. For example, newspaper, cardboard, glass, ferrous cans and waste wood are each placed in a separate container and no two or more recyclables are mixed in the same container.

N. "Waste" means material that is no longer wanted or usable by the source, the source generator or producer of the material and the material is to be disposed of or resource-recovered by another person and includes both source-separated material and non-source-separated materials. (Ord. 2007-01 §1)

8.08.030 Franchise authority.

A. Pursuant to ORS 459A.085 (2005), the City hereby exercises its franchise authority over the provision of service and solid waste management within its boundaries. The franchise shall be the exclusive right, privilege and franchise to provide service (as that term is defined above) within the City. For purposes of the franchise, franchisee shall have the exclusive right to use the public rights-of-way of the City. Except as otherwise provided elsewhere in this chapter, no other person shall provide, offer to provide, or advertise for the performance of service for any person on any property in the City.

B. The exclusive right, privilege and franchise to provide service within the City limits of the City is granted to Molalla Sanitary Service, Inc., the terms and conditions of which are set out in this chapter.

C. Except as provided in Section [8.08.040](#), no person other than franchisee shall:

1. Collect, reload, process, compact, sort or transport solid waste generated within the City;
2. Take, process, sort, transfer, compact or remove (whether for recycling, reuse or otherwise) waste or solid waste materials placed out for collection;
3. Enter or interfere with any solid waste container or remove any such container or its contents from the location where the same has been placed by the person producing the contents of container. (Ord. 2007-01 §1)

8.08.040 Franchise exceptions.

The exclusive right, privilege, and franchise for service granted under Section [8.08.030](#) is subject to the following exceptions:

A. A person may engage in the collection of source-separated materials for recycling or resource recovery but only for the purpose of raising funds for a charitable, civic or benevolent activity under the following conditions:

1. Such activity shall be conducted in accordance with the terms and under the conditions contained in this chapter, regulations adopted hereunder, and with notice submitted to the City as required.

2. Prior written notice of such activity shall be prepared and signed by the person intending to engage in such activity (or an authorized representative) and delivered to the City Manager (with a copy to the franchisee) which notice shall specify the geographic areas and times in which such activities are intended to take place.

3. Regulations may be adopted to administer these provisions.

B. A person may transport solid waste, which such person produces, directly to an authorized disposal site or recycling or resource recovery facility. However, the solid waste produced by a tenant, licensee, occupant or person other than the owner of the leased, occupied or licensed premises shall be considered produced by the tenant, licensee, occupant or person and not produced by the landlord or property owner. Therefore, except as provided in this chapter, no person shall provide service for compensation to any tenant, lessee or occupant of any property of such person, and the landlord or property owner shall provide service through the franchisee.

C. A person may contract with the state or a federal agency to provide service to such agency under a written contract with such agency.

D. A person may engage in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts thereof, so long as such activity is conducted in compliance with applicable state and local laws.

E. A person may engage in the practice of pumping, transporting, and disposal of septic tank and cesspool pumpings or other sludge, provided such activity is conducted in compliance with applicable state law.

F. A person who engages in an occupation (such as gardener, landscaper, groundskeeper or construction contractor) for a property owner or tenant in the City and who thereby produces as a result of such work small volumes of solid waste may transport such solid waste in such person's own equipment where the solid waste produced is incidental to the particular job the person is performing.

G. A person may collect and dispose of tires if that person has been issued a waste tire carrier permit by DEQ pursuant to ORS 459.705 through 459.790, disposes of tires at a licensed repository as set forth in ORS 459.710(2) and otherwise complies with all legal requirements relating to collection and disposal of tires, DEQ regulations and City and county ordinances. (Ord. 2007-01 §1)

8.08.050 Franchise—Term.

A. Unless grounds exist for suspension, modification or revocation of the solid waste collection franchise under Section 8.08.090, the franchisee shall be considered as a continuing 10-year term. Beginning January 1st of each year, the franchise will be considered renewed for an additional 10-year term unless at least 30 days prior to January 1st of any year, the City notifies franchisee of its intent to terminate the continuing franchise system. Upon the giving of such notice by the City, the franchisee will have a franchise which will be deemed to terminate on the January 1st which is 10 years from the date of the last renewal prior to the notice of termination, unless otherwise mutually agreed upon in writing by franchisee and the City.

B. Notwithstanding the foregoing, the City may initiate proceeding for suspension, modification, or revocation of the franchise under Section 8.08.080 at any time. (Ord. 2007-01 §1)

8.08.060 Franchisee's obligations.

A. Franchisee shall:

1. Provide service throughout the City. All disposal of solid waste shall be at a site in compliance with ORS Chapters 459 and 459A (2005) together with any regulations promulgated there under. Franchisee shall observe and comply with all applicable federal, state, county and City laws.

2. Maintain commercial general and automobile liability insurance policy for protection of franchisee, the City, its councilors, employees and agents insuring said parties against liability for damages because of injury or death of any person or damage to property (including loss of use thereof) in any way related to franchisee's operations, provision of service or this franchise with insurance of not less than \$1,000,000.00 combined single limit, per occurrence, for injury or death to any person or damage to property.

a. Insurance coverage shall (either by provision in the policy or by special endorsement) insure the City, its councilors, employees and agents as additional named insured. Such policies shall contain an agreement waiving the right of such insurers to subrogation against the City, its councilors, officer's employees and agents.

b. Franchisee shall, on or before the first day of the term hereof, furnish the City such policy or policies of insurance (or certificates) evidencing the insurance coverage required herein. Said policies or certificates shall provide that coverage may not be canceled, reduced or terminated without at least 30 days prior written notice to City and shall not be invalidated or abrogated by any act, or neglect or breach of contract by franchisee.

3. Provide the City Manager (upon request) with details concerning the day of the week and approximate hour of service to the various areas of the City.

4. Provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of necessary service and solid waste management service or subcontract with others to provide such service pursuant to Section 8.08.120.

5. Provide that all vehicles used in the collection or transportation of solid waste be equipped with a leak-proof body of the compactor type. If franchisee uses a specially designed, motorized local collection vehicle for transporting solid waste over short distances from residential or commercial stops to waiting trucks, the container portion of such vehicle shall be equipped with a cover, adequate to prevent scattering of any load. If any pickup truck or open-bed truck is used by the franchisee, the load shall be covered with an adequate cover to prevent scattering of the load. All vehicles shall be operated in conformity with all state and local laws (including licensure and registration) and be equipped in compliance with the motor vehicle laws of the state.

6. Provide reasonable and timely response to any written complaint about service.

7. Provide the "opportunity to recycle" as said term is defined by ORS 459A.005 (2005).

8. Comply with any and all rules and regulations adopted by the Department of Environmental Quality relating to recycling.

9. Provide that all substances which may be putrid, spoiled or in a decayed or decaying condition or which emit an odor deleterious to the health or the sense of smell shall be transferred into covered containers;

10. Provide that franchisee and its employees shall not engage in any unnecessary trespassing, and that due care shall be exercised to prevent damage to private property, including flowers, shrubs and other plantings by using the regular walks as nearly as practicable while on private property. Care shall also be taken to prevent damage to containers of customers;

11. Provide service to City facilities, including City Hall, Molalla Library, Waste Water Treatment Plant, Molalla Senior Center, Molalla Library, Molalla City Shops, Clarke, Long and Fox Parks, BMX Track and Sheets Field at no cost to the City.

12. Provide service to the City (at the request of the City Manager) to assist the City in the abatement of any accumulated solid waste nuisances.

a. Franchisee shall act as an agent of the City for this purpose and follow the City's specific instructions as to the location, nature, extent, and procedure for abating nuisance.

b. The City shall, to the extent permitted by law, indemnify and hold franchisee harmless from any claim or liability (other than liability arising from franchisee's fault) arising from franchisee's actions under this subsection while following City's specific instructions. Franchisee shall be paid its established rate for providing any service hereunder.

B. Franchisee shall not:

1. Insofar as possible, give any rate preference to any person, locality or type of solid waste stored, collected, transported, disposed of or resource-recovered. Franchisee may have various classes of rates based upon length of haul, type or quantity of solid waste handled, equipment and manpower necessary to perform the service and location of customers provided the rates are reasonably comparable.

2. Transfer this franchise or any portion thereof to other persons without the prior written authorization (in the form of a resolution) of the Council. Such authorization shall not be unreasonably withheld. (Ord. 2007-01 §1)

8.08.070 Supervision by City Manager.

Service provided under this franchise shall be under the supervision of the City Manager. Franchisee shall, at reasonable time, permit inspection of its equipment, facilities, personnel and records as they relate to solid waste management service to the City Manager or designate. (Ord. 2007-01 §1)

8.08.080 Franchise—Suspension, modification or revocation.

A. If the franchisee refuses to provide adequate service or otherwise comply with the provisions of this chapter (after written notification and a reasonable opportunity to cure is provided by the City) the franchise granted herein may be suspended, modified or revoked by the City consistent with the provisions of subsection B below.

B. After written notice from the Council specifying the nature and details of the grounds believed to form the basis for the suspension, modification or revocation, franchisee shall have not less than 60 days from the date of the notice to bring about such change as the Council directs or to show cause why the Council's belief about the inadequacy of the service is misplaced. If the latter, franchisee may request, in writing, a public hearing before the Council or such other body or person which the Council believes will provide a full and fair hearing and is delegated in writing authority to hold the hearing. At such hearing, the franchisee and other interested persons shall have opportunity to present oral, written or documentary evidence. The Council (or other body or person conducting the hearing) shall have the hearing's proceedings recorded and any decision as to the modification, suspension or revocation of the franchise shall be based upon the evidence and record presented at the hearing. The decision of the Council (or other body or person conducting the hearing) shall be subject to review solely as provided by ORS 34.010 to 34.100 (2005) and not otherwise. (Ord. 2007-01 §1)

8.08.090 Interruption of service.

In the event Council determines that a failure of service or threatened failure of service by franchisee results in an immediate and serious health hazard and/or threat to the public's health, safety and welfare, the Council may, after a minimum of 24 hours prior written notice to franchisee and a public hearing (if franchisee so requests) in front of the Council, authorize another person to temporarily provide service as necessary for compensation or to use and operate the land, facilities or equipment of the franchisee. The Council shall return any seized property and business upon abatement of the actual or threatened interruption of service. (Ord. 2007-01 §1)

8.08.100 Termination of service.

Franchisee shall not terminate service to all or a portion of its customers, except:

A. When temporary weather conditions render providing service unduly hazardous to franchisee's employees providing service or when termination is due to accidents or casualties caused by an act of God or a public enemy;

B. When street or road access is blocked and there is no readily available alternate route to serve all or a portion of its customers;

C. When a customer has not paid for service provided after a regular billing and after a minimum of seven days' written notice to pay;

D. After 30 days' written notice is given to the Council and to affected customers and approval is obtained from the Council; or

E. Upon expiration of the franchise granted franchisee. (Ord. 2007-01 §1)

8.08.110 Subcontracts.

Franchisee may subcontract with others to provide a portion of the services when the franchisee does not have the necessary equipment for such service. Such subcontract shall not relieve franchisee of responsibility for providing and maintaining service or from otherwise complying with this chapter. (Ord. 2007-01 §1)

8.08.120 Rates.

A. The rates for service under the franchise shall be the rates currently in effect upon adoption of the ordinance codified in this chapter. The rates shall remain in effect until a change in rates is approved by resolution of Council.

B. The Council has the authority to and shall establish and change rates for service as considered necessary from time to time or as may be requested by franchisee. The change of rate(s) shall be done by resolution.

C. In determining the appropriate rate(s) to be charged by the franchisee for service, the Council shall consider all relevant factors, including the following:

1. The cost of providing service by franchisee;
2. The anticipated increase in the cost of providing service;
3. The need for equipment replacement or the need for additional equipment to meet service needs;
4. To effect compliance with federal, state or local law;
5. To respond to technological change;
6. The investment of franchisee (including the value of the business and the necessity that franchisee have a reasonable rate of return);

7. The rates charged in other cities of the county or metropolitan area for similar service;
8. The public interest in assuring reasonable rates to enable franchisee's provision of efficient and beneficial service to residents and other users of the service;
9. Local wage scales, cost of management facilities and disposal fees or charges; and
10. Profit or cost savings resulting from recycling, and any additional costs resulting from recycling. (Ord. 2007-01 §1)

8.08.130 Public responsibility.

A. The following requirements shall pertain to service under this chapter:

1. Garbage, yard debris and recycling receptacles shall be of standard industry design, convenient for use by the customers and shall comply with applicable federal and state occupational health, safety and other requirements. Sunken refuse cans or containers are prohibited.
2. Cans shall be rigid and composed of materials that resist splitting or cracking from changes in weather conditions.
3. Customers shall provide safe access to the pickup point to not jeopardize persons or equipment supplying service or the motoring public.

B. Residential customers shall place any container to be emptied at curbside (including recycling containers and yard debris containers) within five feet from the location designated by franchisee at the edge of the street, alleyway or other roadway used by franchisee to collect solid waste.

C. Notwithstanding the foregoing, franchisee shall collect solid waste from a side or back yard (to which franchisee has been given unobstructed and safe access) of those residential customers who qualify as elderly, disabled or handicapped as designated by City or whom agree to pay a higher rate for non-curbside collection.

D. Stationary compactors for handling solid waste shall comply with applicable federal and state safety regulations. No such compactor shall be loaded so as to exceed the safe loading design limit or operation limit of the collection vehicles used by franchisee. A person who wishes services for a compactor shall inquire of franchisee as to compatibility with franchisee's equipment or equipment which the franchisee is willing to acquire prior to acquisition of any compactor.

E. Putrescible solid waste shall be removed from a customer's premises at regular intervals consistent with OAR 340-093-210 (2007).

F. Except as otherwise expressly provided herein, any person who receives service shall be responsible for payment of such service. The property owner of a leased premises shall be responsible for payment of such service if the tenant receiving the service does not or fails to pay for the service. In its discretion, franchisee shall be entitled to adopt a uniform and reasonable policy to require a cash deposit or advance payment for any service to property occupied by non-owners.

G. In the event of termination for nonpayment, the franchisee may require advance payment in the future before beginning service to that customer. (Ord. 2007-01 §1)

8.08.140 Construction.

Any finding by any court of competent jurisdiction that any portion of this chapter is unconstitutional or invalid shall not invalidate any other provision of this chapter. (Ord. 2007-01 §1)

8.08.150 Prohibited actions.

No person shall:

A. Place or dump or unreasonably accumulate solid waste or waste on private property or upon any of the streets, alleys or public property belonging to the City.

B. Unless otherwise provided by this chapter no person other than franchisee shall:

1. Do business in the collection, reloading, processing, compacting, sorting or transport of solid waste generated within the City;

2. Take, process, sort, transfer, compact or remove (whether for recycling, reuse or otherwise) waste or solid waste materials place out for collection; or

3. Enter or interfere with any solid waste container or remove any such container or its contents from the location where the same has been placed by the person producing the contents of container, without first obtaining written consent from franchisee.

C. Remove any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable materials without permission of the owner of the receptacle and franchisee.

D. Mix source-separated recyclable material with solid waste in any vehicle, box, container, or receptacle used in solid waste collection or disposal, except as permitted by the City or the franchisee or in accordance with federal law. (Ord. 2007-01 §1)

8.08.160 Enforcement.

A. The City may enforce the provisions of this chapter by administrative or civil action as it may deem necessary to obtain compliance with this chapter.

B. Franchisee shall (in addition to all other legal rights and remedies it may otherwise possess) have a cause of action for violations of this franchise in any court of competent jurisdiction, including injunctive relief.

C. The prevailing party in an action brought under this section shall be entitled to recover their costs (including attorney fees and expert witness fees) at trial and on appeal. (Ord. 2007-01 §1)

8.08.170 Reserved.

8.08.180 Additional requirements.

A. The franchisee, the City and the public shall comply with the provisions of state law, including but not limited to ORS Chapters 459 and 459A, ORS Chapter 654 (Employment Safety and Health), and ORS Chapter 656 (Workers' Compensation) as well as the regulations promulgated pursuant thereto by the Department of Environmental Quality, the Workers' Compensation Department, and the State Accident Insurance Fund. The rules for the administration of the Oregon Safe Employment Act and the Oregon Occupational Safety and Health Code shall be complied with.

B. The following requirements shall pertain to service under the franchise authorized in this chapter:

1. Garbage, yard debris and recycling receptacles shall be of standard industry design, convenient for use by the customers and comply with applicable federal and state occupational health, safety and other requirements. Sunken refuse cans or containers shall be prohibited.

2. To protect against injury to employees of the franchisee and to protect against rodent and fire danger, cans shall be rigid and composed of materials that resist splitting or cracking from changes in weather conditions.

3. The customer shall provide safe access to the pickup point so as not to jeopardize the persons or equipment supplying service or the motoring public.

4. Residential customers shall place the container to be at curbside. For purposes of this section, "curbside" shall mean the placement of refuse containers, including recycling bins and yard debris containers, within five feet from the location designated by the franchisee at the edge of the street, alleyway, or other roadway regularly used by the franchisee to collect solid waste. Notwithstanding this requirement, the franchisee shall collect solid waste from the side, or back yard, to which residential customers shall give the franchisee unobstructed and safe access, of those residential customers who qualify as elderly, disabled or handicapped as defined by the City, or who agree to pay a higher rate for non-curbside collection.

5. Stationary compactors for handling solid waste shall comply with applicable federal and state safety regulations. No such compactor shall be loaded so as to exceed the safe loading design limit or operation limit of the collection vehicles used by the franchisee. A person who wishes services for a compactor shall, prior to acquisition of such compactor, inquire of the franchisee as to compatibility with franchisee's equipment or equipment which the franchisee is willing to acquire.

6. Putrescible solid waste shall be removed from the premises of a customer at regular intervals not to exceed seven days in accordance with Oregon Administrative Rules 340-61-070.

7. Except as otherwise expressly provided in this chapter, any person who receives service shall be responsible for payment of said service.

8. The franchisee shall be entitled to require a cash deposit or advance payment for any service to property occupied by non-owners.

9. In the event of termination for non-payment, the franchisee may require advance payment in the future before beginning service to that customer.

10. It shall be unlawful for any person to store solid wastes or wastes, except yard debris, upon any private property for more than seven days. Food and putrescible wastes must be held in rodent-proof containers. (Ord. 2007-09 §3; Ord. 2000-09B §1)

Contact:

City Hall: 503-829-6855

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PERSONNEL POLICY HANDBOOK

City of Molalla



Adopted by City Council

December 14, 2022

Revised & Adopted - January 11, 2023

Effective January 1, 2023

Welcome!

Welcome to City of Molalla, we're glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with City of Molalla, you will become a productive and successful member of City of Molalla's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between City of Molalla and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of City of Molalla with or without prior notice. This handbook supersedes any prior handbooks or written policies of City of Molalla that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement provision controls.

This handbook does not create a contract of employment between City of Molalla and its employees. With the exception of employees who are subject to a collective bargaining agreement, all employment at City of Molalla is "at will." That means that either you or City of Molalla may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of City of Molalla other than the City Manager has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by City of Molalla (or that is included in a collective bargaining agreement).

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please contact the Human Resource department.

The City of Molalla strives to deliver cost-effective, quality municipal services, protect public health and safety, encourage public involvement in civic affairs, promote a diversified economy and community livability, safeguard the environment, and provide family-oriented recreational opportunities.

Sincerely,



Dan Huff

City Manager

City of Molalla

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I. Equal Employment Opportunity (EEO) Policies

The following EEO Policies apply to all employees. Members of management, elected officials, and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with the Human Resource department at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

A. No-Discrimination, No-Retaliation Policy

The City of Molalla provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Molalla also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

For purposes of this and all other City of Molalla policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles), Further, "protective hairstyles" is defined as "hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)".

The City of Molalla's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. Statement Regarding Pay Equity

The City of Molalla supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees based on a protected class (as defined by Oregon or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City of Molalla pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with Human Resources.

See *also* "Statement Regarding Pay Practices" policy, below.

C. No-Harassment Policy

The City of Molalla prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, City of

Molalla prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the Human Resource department, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Molalla–related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Molalla's employees. **Such harassment is prohibited whether committed by City of Molalla employees or by non-employees (including elected officials, members of the community, volunteers, interns, and vendors).**

Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

Other Forms of Prohibited Harassment

City of Molalla policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence

victim status, or any other protected status or activity recognized under Oregon, federal or local law.

City of Molalla policy also prohibits harassment such as verbal, written, or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs.
- Negative stereotyping.
- Displaying racist symbols anywhere on City of Molalla property.
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability.
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them.
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hairstyle (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of unprofessional conduct.

Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the City Manager or the Human Resource department, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses' harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with City of Molalla's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Molalla will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Molalla's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law,

whether criminal or civil. Although the City of Molalla cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Molalla, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

Protection Against Retaliation

City of Molalla prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the City Manager or the Human Resource department or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

Other Resources Available to Employees

The City of Molalla provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in City of Molalla's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City of Molalla cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City of Molalla is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Molalla to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Molalla regarding his/her experience and/or employment status, the employee should contact the Human Resource department. The employee's request to

enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Molalla and employee do reach an agreement, the City of Molalla will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Molalla or making comments that would lower the City of Molalla in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Molalla and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

D. No-Bullying Policy

City of Molalla strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. City of Molalla, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred City of Molalla will take prompt, appropriate action, and any employee found

to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

E. Disability Accommodation Policy

City of Molalla is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

Accommodations

City of Molalla will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship on the operations of City of Molalla.

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, City of Molalla) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by the City of Molalla, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both the City of Molalla and employee must monitor the employee's accommodation situation and make adjustments as needed.

F. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the Human Resource department to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Molalla will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Molalla's operations.

Although this policy refers to "employees," the City of Molalla will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the Human Resource department and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Molalla and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Molalla and employee must monitor the employee's accommodation situation and adjust as needed.

No Discrimination, No Retaliation

The City of Molalla prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Molalla; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, OFLA, or FMLA if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Molalla. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Molalla to make reasonable accommodations under this policy.

Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, the Oregon Family Leave Act, and the Family Medical Leave Act]. See policies on page 24 or speak with the Human Resource department.

G. Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report concerns about the City of Molalla's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Molalla will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City of Molalla.
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment.
- Mismanagement, gross waste of funds, abuse of authority.
- A substantial and specific danger to public health and safety resulting from actions of the City of Molalla or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City of Molalla will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

Employee Reporting Options

In addition to the City of Molalla's Open Door Policy, employees who wish to report improper or unlawful conduct should first talk to his/her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the Human Resource department. Supervisors and managers are required to inform the Human Resource department about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City of Molalla were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Molalla's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Molalla; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy Against Retaliation

The City of Molalla will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Molalla policy).

In addition, the City of Molalla prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Molalla employee will be adversely affected because he/she refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City of Molalla may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his/her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Molalla determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

II. Classification and Compensation

A. Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Molalla, are hired into a probationary period of twelve consecutive full months during which the employee must work a minimum of two hundred days. In the event that the employee does not work two hundred days during the twelve-month period, the probationary period will be extended until the employee completes the two-hundred-day requirement. The probationary period is an extension of the employee selection process. During this period, you are in training and under observation and evaluated by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Molalla meets your expectations of an employer.

At or before the end of the probationary period, a decision about your employment status will be made. The City of Molalla will decide whether to: (1) Extend your probationary period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and City of Molalla may terminate the employment relationship during the probationary period for any lawful reason. Further, completion of the probationary period or continuation of employment after the probationary period does not entitle you to remain employed by City of Molalla for any definite period of time. Both you and City of Molalla are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

B. Employee Classification

City of Molalla classifies employees as follows:

1. Regular Full-time: An employee who has successfully passed the probationary period and is regularly scheduled to work 32 hours or more per week are eligible to participate in City of Molalla's benefit programs.
2. Permanent-Intermittent: An employee who is regularly scheduled to work at least 120 hours per month but less than 40 hours per week. Classification normally is eligible for benefits, though they may be on pro-rata basis.

3. Regular Part-time (Not Benefits Eligible): An employee who is hired to fill a part time position and normally works less than 120 hours per month. Such employees are paid only for the actual hours worked and are not eligible for benefits except those mandated by applicable law.
4. Temporary: An employee who is hired for a specified period to fill a budgeted or non-budgeted position not to exceed six months, but which will normally not exceed four months. If a temporary employee applies for and is hired to fill a budgeted permanent or permanent-intermittent position, his/her position is in the same class. However, benefits eligibility and accrual shall begin on the date of initial appointment into the permanent or permanent-intermittent position. This classification is not eligible for benefits except those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either “exempt” or “non-exempt,” which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Molalla rules and procedures.

C. The Workweek

The City of Molalla has established regular working hours to promote a productive work environment that will serve our citizens. The general office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. All other schedules must be approved in writing by the City Manager and can be changed at any time.

The normal workday is eight (8) hours, and the normal work week is 40 hours. The workweek begins on Sunday and ends on Saturday. If you are a non-exempt employee, you should not begin work before your normal starting time nor continue to work beyond the normal quitting time without advance approval from your direct supervisor.

The direct supervisor scheduled specific work hours for individual full-time employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the direct supervisor with written approval from the City Manager. Management reserves the right to modify schedules consistent with the needs of the City.

D. Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, not less than 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor before the end of the shift so that City of Molalla may pay the employee for that work.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available should contact the Human Resource department.

Length of Work Period	Rest Breaks	Meal Periods
2 hours or less	0	0
2 hrs & 1 min – 5 hrs & 59 min	1	0
6 hours	1	1
6 hrs & 1 min – 10 hrs	2	1
10 hrs & 1 min – 13 hr & 59 min	3	1

E. Rest Breaks for Expression of Breast Milk

The City of Molalla will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

The City of Molalla will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Molalla is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid rest breaks, the City of Molalla may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City of Molalla will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

The City of Molalla will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, the City of Molalla will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

Notice

An employee who intends to express milk during work hours must give their supervisor or Human Resource department reasonable oral or written notice of her intention to do so in order to allow the City of Molalla time to make any preparations necessary for compliance with this rule.

Storage

Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

F. Overtime

Time-and-a-Half

City of Molalla pays one and one-half times a non-exempt employee's hourly rate for all hours actually worked over 40 in any workweek. See "Employee Classification," above.

Limitation on Overtime Pay

Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 hours worked per workweek required to receive overtime pay.

Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or manager. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with City of Molalla approval, accumulated at time and one-half up to a maximum of 80 hours and taken as comp time off. Employees may choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. The payment will be made within a regular payroll. When an employee is separated from employment with City of Molalla, any remaining comp time will be paid to the employee.

G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on an online timesheet through Caselle Connect. Employees are required to record their own time on a *daily basis*. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his/her time may be subjected to discipline as well.

Salaried exempt employees also may be required to record their time on a timesheet. These employees will be instructed separately on this process.

H. Employee-Incurred Expenses and Reimbursements

The City of Molalla will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. The City of Molalla will not pay for or reimburse the costs incurred by a spouse, registered same-sex domestic partner or travel companion who accompanies the employee on City of Molalla-approved travel. The paid and reimbursement amounts will be determined by IRS guidelines when applicable.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts must be itemized) within one month of the expense being incurred or the employee risks forfeiting his/her payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City of Molalla will reimburse/pay for after verified and approved by supervisor are:

- *Professional conferences, seminars, training, and meetings as approved by your Department Director or City Manager, that will enhance the employee's performance and value to the City. City officials and employees should exercise good judgment, regard for economy and recognition of proper use of public monies when selecting training, meetings, courses, conferences, etc. in connection with City business.*
Also, this policy establishes guidelines regarding travel for the conduct of official City business and for the payment of, or reimbursement of, expenses incurred while performing such travel. All employees are expected to follow the guidelines outlined in this policy. Requests for training and travel shall be submitted in writing to Department Head or City Manager. Training and travel expenses must have a public purpose and serve the public interest. Persons traveling on City business are expected to be prudent and only incur costs they normally would incur if traveling on their own expense. The City will not pay travel costs for persons not employed by the City unless the person incurs the cost as a member of the City Council.
- **Meals:** Reimbursed based on U.S. General Service Administration at gsa.gov/travel/plan-book/per-diem-rates. Search by State. Find Results/Meals. Max gratuity paid by the city is 20%.
- **Mileage and Parking:** Employees will be reimbursed for authorized use of their personal vehicles if a city vehicle is not available, at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Molalla.
- **Lodging:** The most economical lodging should be arranged at or near the meeting, conference, or training site when possible. Employees must exercise good judgment when selecting appropriate lodging for a meeting, training, or conference, and must consult with their supervisor before reserving and paying for

a hotel room that is not at the conference site and/or not the most economical choice in the area of a training or conference.

I. Payroll Policies

Paydays are twice a monthly on the 15th (for the 26th of prior month through the 10th of current month) and the last day of each month (11th through 25th of current month). If the payday falls on a weekend or holiday, paychecks will be distributed on the Friday prior to the established payday.

The City of Molalla does not provide advance payments of salary or loans from salary to be earned.

Net pay will be directly deposited into the employee's bank account, unless an employee requests otherwise. If an employee requests to pick up his/her paycheck from City of Molalla, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to City of Molalla for someone else to receive the check.

J. Statement Regarding Pay Practices

The City of Molalla makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City of Molalla has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to the Human Resource Department. City of Molalla will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City of Molalla's pay practices.

See also "Statement Regarding Pay Equity" policy, above.

K. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current with regard to pay, deductions, benefits and other matters is important. If you have changes in any of the following items, please notify the Human Resource Department to ensure that the proper updates are completed as quickly as possible:

- Name
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address or telephone number
- Dependents
- Person to be notified in case of emergency
- Tax withholding
- Job related physical or other limitations that impact employment
- Changes in status of driver's license or CDL if required to drive for the City of Molalla

- Changes in job related professional licenses; and
- Other information having a bearing on your employment

Employees may not intentionally withhold information from City of Molalla about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, City of Molalla may require employees to provide proof of marital status/domestic partnership status. All changes in personal information must be made in writing and signed/dated by the employee who the changes affect. Employees who violate this policy may be subject to discipline, up to and including termination.

L. Performance Reviews

All City of Molalla employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily perform the duties of his/her position is subject to disciplinary action (including termination).

City of Molalla's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City of Molalla will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

III. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized City of Molalla business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their

supervisor via phone call, email, or text based on each Supervisors requirement no later than one hour before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

B. Vacation

It is the policy of City of Molalla to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his/her employment anniversary date. For regular, full-time employees, vacation accrues as follows:

<u>Years of Service</u>	<u>Accrual Rate</u>
After completion of 6 months will receive one time accrual of 48 hours	
Beginning of 7 th month-Completion of 5 th year	8 hours monthly
Beginning of 6 th year-Completion of 10 th year	10 hours monthly
Beginning of 11 th year-Completion of 15 th year	12 hours monthly
Beginning of 16 th year-Completion of 20 th year	14 hours monthly
Beginning of 21 st year and thereafter	16 hours monthly

Vacation Scheduling

Requests for vacation are to be made in writing and submitted to the department head/supervisor for approval as early as possible so that arrangements for work coverage can be made. Consideration will be given to each request, and requests will be granted whenever possible. In granting vacation leave, consideration will be given to both the employee's request and the operational needs of the department. In the event of competing requests for times submitted concurrently, approval will be given to the employee with the longest tenure.

Continuous Service

"Continuous Service" is defined as that service unbroken by separation from the City services other than by military, Peace Corps, vacation, sick leave, leave protected under applicable Oregon or federal law, other authorized paid leave, or an employee who voluntarily resigns and returns to employment with the City within thirty (30) days. Employees returning from unpaid leave or employees, who were laid off, shall be entitled to credit for service prior to the leave or layoff.

Vacation Maximum Accumulation

Vacation accruals cannot exceed 360 hours at the beginning of any calendar year for full-time regular employees. Any vacation hours exceeding 360 hours will be transferred to a non-cashable sick leave bank, not to exceed 1,056 hours.

Treatment of Vacation Pay upon Termination or Death

Upon separation of employment, employees who have completed six consecutive months of employment will be paid for unused vacation time that has been earned through the last day of work at the employee's wage rate at the time of separation. In the case of an employee death, the City will pay any unearned wages (including accrued vacation) in accordance with ORS 652.190.

Cash in Lieu of Vacation

Employees are encouraged to take vacations at least annually. Vacation is intended for rest and recreation away from work. The City of Molalla discourages "cashing in" vacation time but will consider such requests on a case-by case basis to accommodate unanticipated extenuating needs or circumstances such as personal emergency only. The City Manager may authorize cashing out accrued Discretionary Paid Leave under the following conditions:

1. Employees are eligible after five years of employment.
2. Employees shall have taken a minimum of two weeks of vacation during the year preceding the request.
3. The employee maintains at least 80 hours of Discretionary Paid Leave after the cash-in.
4. All requests will be considered and approved or denied by the City Manager once per year per employee based on this administrative criteria and availability of funds.

C. Sick Leave

City of Molalla provides eligible employees with paid sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the Human Resource department. Please also refer to the Oregon Sick Leave Law poster that is posted on bulletin boards in all city buildings and is incorporated here for reference. <https://www.oregon.gov/boli/workers/Documents/sick-time-protected-by-law.pdf>

Eligibility and Accrual of Paid Sick Leave

Sick leave is accumulated at a rate of 8 hours per month for regular full-time employment. Employee is not eligible to use sick leave until after 6 months of continuous employment. After 6 months of service you will receive 48 hours of sick accrual in your leave bank and 8 hours per month after that.

It is in your best interest not to be at work when you are ill or injured. It is your supervisor's or manager's responsibility to send you home if you are ill or injured, and you are expected to cooperate with the decision.

Routine doctor or dentist appointments must be charged to sick time.

Sick time accumulated for full time employees will not exceed 1056 hours.

You are expected to notify your supervisor/manager at the beginning of each workday during illness or injury. Exceptions to this include a serious accidental injury, hospitalization, or when you know in advance that you will be absent for a certain period and have informed management ahead of time.

A medical release statement may be requested for review before you return to work in certain situations.

Sick leave is not accumulated while an employee is on a leave of absence.

Sick time accrued is applied towards PERS calculation upon termination for eligible employees.

Accumulated sick leave time is not paid out if you leave employment of the City of Molalla.

Part Time Sick Accrual

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time employees. Sick leave runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave were allowed by law.

Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 180th day of employment. After the 180th day of employment, paid sick leave may be used as it is accrued.

Part time employees shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. Paid sick leave shall be taken in hourly increments except when approved by their supervisor.

Part Time Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Generally, sick leave pay will be included in the paycheck provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment.

Part Time Employees may carry over up to a maximum of 40 hours of accrued and unused sick leave for use in a subsequent calendar year but may use only 40 hours of sick leave each calendar year. Sick leave accrual is capped at 80 hours.

Use of Sick Leave

Sick leave may be used each calendar year for any of the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
 - "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340),

biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.

2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

Employee Notice of Need for Sick Leave

Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify the Human Resource department as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of City of Molalla. Employees must notify the Human Resource department of any change in the expected duration of sick leave as soon as is practicable.

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify their department head/supervisor as soon as practicable and comply generally with City of Molalla's call-in procedures.

An employee must contact his/her supervisor daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the City of Molalla and operations, City of Molalla may deny the use and legal protections of sick leave.

Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, City of Molalla may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

Sick Leave Abuse

If City of Molalla suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, City of Molalla may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

D. Holidays and Floating Holidays

City of Molalla recognizes ten holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday.

The holidays celebrated are:

- | | | |
|-----|-------------------------|--|
| 1. | New Year's Day | January 1st |
| 2. | Martin Luther King Day | 3rd Monday in January |
| 3. | Presidents' Day | 3rd Monday in February |
| 4. | Memorial Day | Last Monday in May |
| 5. | Independence Day | July 4th |
| 6. | Labor Day | First Monday in September |
| 7. | Veteran's Day | November 11th |
| 8. | Thanksgiving Day | Fourth Thursday in November |
| 9. | Day after Thanksgiving | Friday after Thanksgiving |
| 10. | Christmas Day | December 25 th |
| 11. | Floating Holiday | (to be used any time during the calendar year with approval by the City) |

If any of such holidays fall on Saturday, the preceding Friday shall be observed. A holiday falling on a Sunday shall be observed on the following Monday.

If a full time employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

Floating Holiday

Employees may select one additional day off with pay (known as a "floating holiday") during a calendar year and employees must coordinate requests with their supervisor.

Employees who begin employment after January 1 receive a pro-rated number of hours of a floating holiday of 2 hours per quarter. The floating holiday does not carry over. See the Human Resource department for more information.

E. Family Medical Leave

FMLA/OFLA Policy

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies and collective bargaining agreements govern the employee's and the City of Molalla's rights and obligations, not this policy.

Employees seeking further information should contact the Human Resource department. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical

Leave Act” and “Oregon Family Leave Act” notices posted in the various City buildings, which are incorporated here by reference.

- Definitions

Child/Son or Daughter

For purposes of OFLA, “child” includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the “child” can be any age; for all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care.

A “son or daughter” is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability” at the time FMLA leave is to commence. FMLA also provides separate definitions of “son or daughter” for FMLA military family leave that are not restricted by age — see below.

Eligible Employee

OFLA - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week.

Parental Leave - To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA - For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave; see [Contact] for more information.

FMLA - Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin. They must also be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of “public health emergency” below.

Leave under Oregon and federal law will run concurrently when permitted.

Family Medical Leave

This includes all of the types of leave identified in the section below, entitled “Reasons for Taking Leave,” unless otherwise specified.

Family Member

- For purposes of FMLA, “family member” is defined as a spouse, parent or a “son” or “daughter” (defined above).
- For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes adult children (for “serious health condition” leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

Serious Health Condition

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Under OFLA only, “serious health condition” includes any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Other conditions may meet the definition of a “serious health condition;” see Human Resources for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

Public Health Emergency

For purposes of OFLA only, a “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. Examples of this include when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

- Reasons for Taking Leave

Family Medical Leave may be taken under any of the following circumstances:

1. Call to Active-Duty Leave: Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a

spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.

2. Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
3. Family Member's Serious Health Condition Leave: To care for a family member with a serious health condition.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a "covered servicemember" during a single 12-month period. A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a "covered servicemember." This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy on page 29 for more information.

- Length of Leave

In any One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), Sick Child Leave, or Call to Active Duty Leave;
- An additional 12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- Employees who take the entire 12 weeks of OFLA Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

When leave is taken for Service member Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember Family Leave is taken, an eligible employee is entitled to a combined total of 26 weeks of FMLA Leave (some of which may include other types of FMLA-specific leaves of absence).

- One-Year Calculation Period

The “12-month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling 12-month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

- Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without his/her expressed consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of City of Molalla operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both City of Molalla and the employee. Intermittent leave for Parental Leave is not available.

- Employee Responsibilities — Notice

Employees must provide at least 30 days’ notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days’ notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to City of Molalla within 24 hours of commencement of the leave.

For Call to Active-Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let [Contact] know as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify Human Resources within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with City of Molalla's normal call-in procedures. Employees who fail to comply with City of Molalla's leave procedures may be denied leave, subject to discipline, or the start date of the employee's Family Medical Leave may be delayed.

- Certification

Generally speaking, employees must provide sufficient information for City of Molalla to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave.

Employees also must inform the City of Molalla if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally:

1. Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

Employees must furnish City of Molalla's requested medical certification information within 15 calendar days after such information is requested by City of Molalla. In some cases (except for leave to care for a sick child), City of Molalla may require a second or third opinion, at City of Molalla's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

- Medical Certification Prior to Returning to Work

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

- Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

- Holiday Pay While on Leave

Employees receiving short or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

- On-the-Job Injury or Illness

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA Leave if the injury or illness is a "serious health condition" as defined by applicable law.

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee's serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers' compensation time-loss benefits.

- Benefits While on Leave

If an employee is on approved FMLA or OFLA Leave, City of Molalla will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on a FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City of Molalla benefit plans.

- Job Protection

Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

- Restoration of Leave Bank at Time of Re-Employment

An employee who leaves employment with City of Molalla for any reason may be eligible for OFLA leave if they are re-employed by City of Molalla within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for City of Molalla for 180 days or less; please speak with Human Resources for more information.

F. Leave Donation

The City of Molalla has implemented a leave donation program to allow employees to voluntarily donate sick, vacation, or compensatory time off to another employee who has less than 40 hours and is likely to exhaust, accumulated paid leave due to an employee's family medical emergency that would otherwise likely cause the employee to take unpaid leave or terminate employment. A "family medical emergency" is defined as a medical condition of the employee or an immediate family member that will require prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

Any City of Molalla employee who has worked at least twelve months in a benefits-eligible position is eligible to participate in the program as a recipient.

Any employee who has sick, vacation, or compensatory time available may participate in the program as a donor. The donating employee is required to keep a minimum of 80 hours in their own combined leave banks. Donations may be made between any employees. City of Molalla will keep donations confidential, and donors will remain anonymous.

Employees seeking donated leave must provide the City of Molalla with medical verification of the need for the time off, which includes a certification of the employee's or family member's medical emergency and need for time off, and an estimated return-to-work date (if available).

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability, or other supplemental income is not eligible to receive donated leave. An eligible employee must apply for the short-term disability, if available, and long-term disability benefits.

Any paid sick leave not used by the recipient for the specified incident will be returned to the donor employee.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

Employees who would like to request donated leave are required to submit a request form to Human Resources. In this request must state the reason for the request, and to

validate that they are qualified based on this policy. Once Human Resource verifies the information it will be forwarded to the City Manager for approval. Once approved Human Resources will send an email along with the Announcement & Donation Form to all employees.

G. Bereavement Leave

Employees who have worked for City of Molalla for 180 calendar days, and averaged at least 25 hours per week, may take up to three (3) days of paid bereavement and up to an additional seven (7) days of unpaid bereavement leave per death of a Family Member (defined below). Employees who have worked for City of Molalla for 90-180 days may use up to 40 hours of accrued sick leave for bereavement purposes, and who have experienced the death of a Family Member (refer to OFLA definition). Employees who have worked for City of Molalla for fewer than 90 days may not be eligible for leave.

H. Jury and Witness Duty

Jury Duty

City of Molalla will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. Although jury duty leave is paid, the employee must turn in the jury duty pay he/she receive, or the employee may use any accrued vacation or comp leave during the stint of jury service.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his/her supervisor or manager informed about the amount of time required for jury duty.

Witness Duty

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to their supervisor upon receipt.

Except for employee absences covered under City of Molalla's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

I. Religious Observances Leave and Accommodation Policy

The City of Molalla respects the sincerely held religious beliefs and observances of all employees. The City of Molalla will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on City of Molalla's business. Employees may use vacation or

unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with Human Resources and may require the requesting employee to provide proof of the "sincerely held" religious belief

J. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his/her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period.
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to [Contact] as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, City of Molalla may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

K. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to [Contact] as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. City of Molalla will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement

officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give City of Molalla notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on City of Molalla. Please contact Human Resources immediately with requests for reasonable safety accommodations.

L. Military Leave

Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact Human Resources for more information and to make arrangements for this paid leave.

IV. Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both City of Molalla policy and that of its health insurance provider are entitled to the benefit options offered by City of Molalla. That means City of Molalla offers Medical, Dental, and Vision Insurance, Life Insurance, and Employee paid HRA Veba for all of its regular, full-time employees unless otherwise established by law. City of Molalla pays 95% of the cost of health, dental, and vision premiums for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Employee is required to pay 5% of the monthly premium for that coverage on a semi-monthly basis payroll deduction.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by City of Molalla. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by City of Molalla, employees will be advised and provided with copies of relevant plan documents. Copies are available from Human Resources.

B. Employee Assistance Program (EAP)

This confidential service is provided by Canopy and is available to all FT and PT employees and anyone that is currently living in the household. The EAP can be used to assist employees and eligible household members with any personal problems, large or small. Each covered employee and eligible household members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol, or drug abuse, grieving a loss, and career development services.

Canopy also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting Human Resources, or you can contact Canopy directly at 1-800-433-2320, text 503-851-7721, or email info@canopywell.com.

C. Workers' Compensation and Safety on the Job

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

Steps to Take if You are Injured on the Job

If you are injured on the job, City of Molalla wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all the following:

1. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.

Failure to timely follow these steps may negatively affect your ability to receive benefits.

Return to Work

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may

not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. City of Molalla does not discriminate against employees who suffer a workplace injury or illness.

Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by City of Molalla, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, City of Molalla will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with City of Molalla. While you are on modified or transitional work, you are still subject to all other City of Molalla rules and procedures.

Overlap with Other Laws

City of Molalla will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

D. PERS (Public Employees' Retirement System) Benefits

City of Molalla participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at www.oregon.gov/PERS. The City of Molalla pays the contributions for the City as well as the employees portion to employee PERS or OPSRP plans

City of Molalla may consider allowing PERS-eligible employees to retire from his/her employment with the City of Molalla and then rehiring them, as permitted under Oregon law. The City of Molalla will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the City of Molalla, and the ability of existing

employees to perform the work of the retiring employee. Please see Human Resources for more information.

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

City of Molalla works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to City of Molalla's reputation.

City of Molalla expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement provisions.) This policy revises and supersedes all previous drug and alcohol testing policies and practices.

Prohibited Conduct

The following examples of prohibited conduct do not apply to law enforcement employees who possess drugs, alcohol or other items identified in this policy in connection with law enforcement work.

- Possession, transfer, use or being under the influence of any alcohol while on City of Molalla property, on City of Molalla time, while driving City of Molalla vehicles (or personal vehicles while on City of Molalla business), or in other circumstances which adversely affect City of Molalla operations or safety of City of Molalla employees or others.
 - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City of Molalla property, on City of Molalla time, while driving City of Molalla vehicles (or personal vehicles while on City of Molalla business), or in other circumstances which adversely affect City of Molalla operations or safety of City of Molalla employees. Employees may not have any

detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on City of Molalla property or on City of Molalla time.

- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City of Molalla property, or possessing, items or objects on City of Molalla property that contain any "controlled substance," including, for example, "pot brownies", "edibles" and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City of Molalla property.
- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City of Molalla property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

Prescription Drugs and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or City of Molalla operations.

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect City of Molalla operations or safety of City of Molalla employees or other persons, City of Molalla may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not

required to provide City of Molalla with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as City of Molalla will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

Testing

City of Molalla reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safety-sensitive position to a drug and alcohol test;
- b. Test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and
- d. Test employees when they: (1) cause or contribute to accidents that seriously damage a City of Molalla vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when City of Molalla reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, City of Molalla may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the City Manager or designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
 - a pattern of abnormal or erratic behavior;
 - information provided by a reliable and credible source;
 - direct observation of drug or alcohol use;
 - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);

- unexplained significant deterioration in individual job performance;
- unexplained or suspicious absenteeism or tardiness;
- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to Human Resources. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by Human Resource Department. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City of Molalla property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, City of Molalla may search furniture, equipment or other property provided to the employee by City of Molalla, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by City of Molalla to employee.

Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or

- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL). Failure to report as required will result in disciplinary action up to and including termination.

Drug and Alcohol Treatment

City of Molalla recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. City of Molalla is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor or Human Resource for assistance.

City of Molalla will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and City of Molalla to the extent its existing benefits package covers some or all of the program costs.

Although City of Molalla recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of City of Molalla policy is discovered, the employee's willingness to seek City of Molalla or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Discipline and Consequences of Prohibited Conduct

An employee who violates this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by City of Molalla. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or City of Molalla is prohibited unless written authorization is obtained from the employee

B. Fraud

Purpose: The City of Molalla is committed to the highest standard of moral and ethical behavior by its employees, including management, elected officials, volunteers,

vendors and contractors, to strengthen the public's trust in the integrity of our municipal government. This policy establishes responsibilities and procedures for reporting, investigating and resolving suspected acts of fraud, theft, waste, abuse and ethical misconduct. It will provide a structure that will encourage the reporting of any suspicions of violations of this policy and will ensure that employees are able to discuss their concerns in a secure and confidential environment.

Scope: This policy is applicable to all City of Molalla employees, elected officials, volunteers as well as outside consultants, contractors and vendors who have a business relationship with the City of Molalla.

Policy: Through all levels of management, the City of Molalla is responsible for the prevention and detection of fraud, misappropriation of City of Molalla funds, or any other deemed inappropriate conduct. It is the City of Molalla's intent to fully investigate any suspected acts of fraud, theft, abuse, waste or unethical behavior, in an impartial manner regardless of the suspected wrongdoer's length of service, position, title or relationship to the City of Molalla.

Any violation of this policy that is detected or suspected by City of Molalla employees, elected officials, volunteers as well as outside consultants, contractors and vendors, who have a business relationship with the City, must be reported immediately to the City Manager or the Anti-Fraud Committee as outlined in the Responsibilities and Procedures section of this policy. The Anti-Fraud Committee will determine who will investigate the suspected fraudulent activity in accordance with this policy.

Any employee found to have violated this policy will be subject to disciplinary action up to and including dismissal and/or prosecution by the appropriate authorities. Elected officials, volunteers and others having a business relationship with the City of Molalla may be subject to sanctions or prosecution by the appropriate authorities.

The City of Molalla intends to pursue every reasonable legal remedy when a violation has occurred and to obtain recovery of any losses from the offender including, when appropriate, notifications of bonding company, court-ordered restitution, or other available remedies.

Definitions of Fraud

Fraud: An intentional illegal use of City of Molalla assets by any act including, but not limited to, theft, embezzlement or misrepresentation. Fraud is designed to obtain a benefit or advantage or cause some benefit that is due to be denied. Examples include, but are not limited to:

- Forgery or alteration of a check, document, or account belonging to the City of Molalla
- Misappropriation of city funds, securities, supplies, or property.
(Misappropriation means to illegally use public funds or assets, which have been set aside for a specific purpose, for personal gain)
- Unauthorized personal use of city equipment and supplies
- Profiteering because of insider knowledge

- Theft of cash, checks or property
- Falsifying records such as timecards, expense reports or official documents
- Willful destruction of City of Molalla property
- Employee with access to confidential information who sells this information for personal gain
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City of Molalla

Waste: The expenditure or allocation of resources significantly in excess of need.

Examples include, but are not limited to:

- Unauthorized use or misuse of city facilities, equipment or vehicles
- Falsifying time worked or leave taken on a timesheet
- Retaining ineligible dependents on health care coverage
- Unnecessary incurring of costs as a result of inefficient or negligent practices, systems or controls.

Abuse of Position: Use of employment or official position with the city to obtain personal gain or benefit from the city to which one is not entitled. Examples of *abuse of position* include, but are not limited to:

- Obtaining a benefit or service from the city which one does not qualify
- Providing a benefit or service to someone for which they do not qualify
- Unauthorized reductions in fees and fines
- Suspending or terminating enforcement action based on a personal relationship
- Bid-fixing

Ethical Misconduct: Individuals, who conduct their official duties in a manner which is not impartial, use their position for personal gain, or fail to properly disclose an actual or potential conflict of interest. See the City of Molalla's Charter and/or Personnel Policy for details. Examples include, but are not limited to:

- Authorize contracts in violation of municipal purchasing laws
- Failure to disclose an actual or potential conflict of interest
- Accepting gifts prohibited by Oregon ethics laws

Job Application Fraud: Individuals, who knowingly provide false information on job applications.

Responsibilities and Procedures

Management and Employees: Managers, supervisors, and administrators at all levels are responsible for maintaining a system of internal controls which prevent, deter, or detect fraud, theft, waste, abuse, and/or unethical or dishonest behavior. Managers, supervisors, and administrators are also expected and required to recognize risks and potential exposures that may be inherent within their areas of responsibility, to be alert to any indication of irregularity or potential violation of this policy, and to know and follow the requirements set forth in this policy.

Each employee is required to report any suspected or detected violation of this policy, fraud, theft, waste, abuse or other unethical or dishonest conduct. An employee may choose to report immediately the suspicion and/or detection to their department manager, who in turn must immediately report the information to the City Manager or the Anti-Fraud Committee. If the employee is not comfortable reporting directly to their department manager, the employee may immediately report their suspicion directly to the City Manager, Anti-Fraud Committee or anonymously in writing to the City Manager. Suspected fraudulent activity and/or violations of this policy involving the City Manager's Office must be reported to the Anti-Fraud Committee immediately.

The employee reporting suspected violations of this policy and/or fraudulent activity may choose to identify themselves or to remain anonymous. The identity of an employee or complainant who reports suspected fraudulent activity will be protected to the fullest extent possible, but the City of Molalla cannot guarantee confidentiality. It is the City of Molalla's intent to protect an employee who discloses information of suspected fraudulent activity from retaliatory actions by other individuals in accordance with Oregon Statutes, Section 659A.200-203 (Whistleblower's Act) which prohibits adverse personnel actions against an employee for disclosing this information. Retaliation against an employee or other person who reports a detected or suspected violation of this policy is strictly prohibited. Any employee who retaliates against a person for reporting a detected or suspected violation of this policy will be subject to discipline up to and including termination of employment.

In all cases, the reporting employee must provide enough detail about the activity to aid in the investigation. All employees, which include management employees, will cooperate with the Anti-Fraud Committee and investigators and will not by any means personally investigate the suspected fraud, or contact the suspected individual in an effort to determine facts or demand restitution.

All employees shall cooperate with the investigative processes of the Committee and law enforcement agencies including prosecution of offenders. All participants in a fraud investigation will keep details and results of the investigation confidential. All inquiries from suspected individuals and their legal representatives must be directed to the City Manager. Proper response to such an inquiry is, "I am not at liberty to discuss this matter."

Anti-Fraud Committee / Human Resources:

The City of Molalla's Anti-Fraud Committee will be comprised of the City Manager, Council Member, City Recorder, and Finance Director. The Committee will appoint the investigator and oversee and coordinate all actions taken during the course of the investigation. The investigator will have unlimited and unattended access to all relevant city files at all times in order to facilitate investigative work as permitted by city policy and state and federal law. All investigations conducted by the Committee are considered part of the audit process and the working papers will be kept confidential in accordance with state statutes and administrative rules regarding public records laws.

Great care must be taken in the investigation of suspected fraudulent activity to avoid mistaken accusations or alerting suspected individuals that an investigation is under

way, or making any statement which could provide a basis for a suit for false accusation or other offenses.

The Committee will evaluate the extent of any potential criminal activity, including consulting the Clackamas County District Attorney's Office if needed. If any potential prosecutable criminal activity exists, the Police Department or other appropriate law enforcement agency will be notified and conduct the investigation. The Committee will assist with the investigation if law enforcement requests such assistance. In every case, the City will cooperate fully with the investigating and prosecuting authorities. If no potentially prosecutable criminal activity exists, the City Manager will conduct the investigation with the assistance of other appropriate City officials.

If fraudulent activity is detected or reasonably suspected of the City Attorney or City Manager, the City Recorder will apprise the Mayor and Council of the investigation and update them on progress as is deemed appropriate.

In cases where the suspected fraudulent activity involves the offices of the City Manager or City Finance, the Committee will determine the investigation process and assign an investigator. The City Manager or City Attorney will be apprised of the investigation and updated on progress as is deemed appropriate by the investigator.

The City Manager or City Recorder, as appropriate, may notify the Mayor and Council of a reported allegation of fraudulent activity upon the start of the investigation to the extent practical. The Mayor and Council will be apprised of the progress of the investigation as deemed appropriate by the City Manager. At the conclusion of the investigation, a confidential report will be issued and distributed to the Mayor, City Council, City Manager and City Attorney. After their review, a copy of the report will be provided to the appropriate department head and the Finance Director.

Disciplinary Action: If a suspected or detected violation of this policy is substantiated by an investigation, the City will take the appropriate action in conformance with City and departmental personnel policies and procedures, and union contracts if applicable. Violations of the City of Molalla's Fraud Policy will result in disciplinary actions up to and including immediate dismissal. Examples of violations of this policy which can lead to disciplinary action up to and including dismissal include, but are not limited to an employee who:

- Commits an act of fraud, theft, abuse, waste or other unethical behavior as defined by this policy.
- Suspects, discovers or has knowledge of fraudulent activity that violates or potentially violates this policy and fails to report the information as required by this policy; or
- Intentionally reports false or misleading information of fraudulent activity; or
- Retaliates against or penalizes any individual for reporting or cooperating in the investigation or prosecution of fraudulent activity.

Distribution: All City of Molalla employees, volunteers and elected officials will be given a copy of this policy. All newly hired employees and appointed volunteers will be provided a copy as part of orientation and required to provide a written acknowledgement upon receipt of the policy which be retained by the Human Resources Clerk.

Administration: The City Manager is responsible for the administration, revision, interpretation and application of this policy. The policy will be reviewed and revised as needed.

C. Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as "mobile devices" in this policy.

Cell Phones and Mobile Devices in General

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or City of Molalla-provided mobile devices may not violate City of Molalla's policies against harassment and discrimination. Thus, employees who use a personal or City of Molalla-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by the City of Molalla) that is harassing or otherwise in violation of City of Molalla's policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or City of Molalla-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from their Supervisor. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee's obligation from recording time for all hours worked.

Employee Use of City of Molalla -Provided or Paid for Mobile Devices

Mobile devices are made available to City of Molalla employees on a limited basis to conduct City of Molalla's business. Determinations as to which employees receive City of Molalla-provided mobile devices will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, City of Molalla may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City of Molalla away from the office (see Human Resources for more information).

Employees who receive a mobile device from City of Molalla must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Further, employees who receive a cell phone or mobile device from City of Molalla must acknowledge and understand that because the

mobile device is paid for and provided by City of Molalla, or subsidized by City of Molalla, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if City of Molalla has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other City of Molalla policy. Employees should have no reasonable expectation of privacy in an City of Molalla-provided or -paid for mobile device. An employee who refuses to provide City of Molalla access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's City of Molalla-provided mobile device.

Mobile Devices and Public Records

City of Molalla-related business conducted on City of Molalla-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against City of Molalla or individual employees.

Mobile Device Use While Driving

The use of a mobile device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City of Molalla vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by City of Molalla.

Employees are prohibited from using handheld cell phones for any purpose while driving on City of Molalla-authorized or City of Molalla-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages while driving on City of Molalla business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

D. Use of City of Molalla Email and Electronic Equipment and Services

City of Molalla uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet and any new technologies used in the future. This policy governs the use of such City of Molalla property.

Ownership

All information and communications in any format, stored by any means on or received or transmitted via City of Molalla's electronic equipment or services is the sole property of City of Molalla.

Use

All of City of Molalla's electronic equipment and services are provided and intended for City of Molalla business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by City of Molalla are to be used for City of Molalla business only. This means, for example, that employees may not use the City of Molalla-provided Internet, or City of Molalla electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate City of Molalla's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or City of Molalla, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the right to privacy, of protected healthcare information or otherwise, or other City of Molalla-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use City of Molalla-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Molalla email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

Inspection and Monitoring – No Right to Privacy

Employee communications, both business and personal, made using City of Molalla electronic equipment and services are not private. Any data created, received or transmitted using City of Molalla equipment services are the property of City of Molalla and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on City of Molalla's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City of Molalla's ownership of the electronic information, electronic equipment or services, or City of Molalla's right to inspect such information. City of Molalla reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of City of Molalla's electronic equipment and services, including all

communications and internet usage and resources/sites visited. City of Molalla will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

Employees may not install personal hardware or software on City of Molalla's computer systems or mobile devices without approval from City Manager. All software installed on City of Molalla's computer systems must be licensed. Copying or transferring of City of Molalla-owned software to a personal device/equipment may be done only for personal devices/equipment used for City of Molalla business and with the written authorization of the City Manager.

Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City of Molalla management. No employee can examine, change or use another person's files, output, username or password unless he/she has explicit authorization.

Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

Inappropriate Web Sites

City of Molalla's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate City of Molalla's policies on harassment and discrimination.

D1. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with City of Molalla, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of City of Molalla or City of Molalla's legitimate business interests may result in disciplinary action up to and including termination.

Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any City of Molalla policies, including City of Molalla's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening

or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from your blog, website or other social networking site to an City of Molalla-owned or maintained website without identifying yourself as an City of Molalla employee.

Express only your personal opinions. Never represent yourself as a spokesperson for City of Molalla unless you are authorized by your manager/supervisor to do so. If City of Molalla is a subject of the content you are creating, be clear and open about the fact that you are a City of Molalla employee and make it clear that your views do not represent those of City of Molalla or its employees or elected officials.

Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, City of Molalla's employees and elected officials, and suppliers or other third parties who do business with City of Molalla.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City of Molalla employees or elected officials, that might constitute harassment or bullying, and/or that violate City of Molalla policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City of Molalla policy.

Maintain the confidentiality of City of Molalla's confidential information. Do not post internal reports, policies, procedures or other internal, City of Molalla-related confidential communications or information. (See "Confidential City of Molalla Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt City of Molalla operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the City of Molalla's interest in the effective and efficient fulfillment of its responsibilities to the public.

Request for Employee Social Media Passwords

City of Molalla's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by City of Molalla.

Nothing in this policy prohibits City of Molalla from requiring an employee to produce content from his/her social media or internet account in connection with a City of Molalla-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

E. Confidential City of Molalla Information

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City of Molalla policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of City of Molalla) may be removed from our premises without permission from City Manager. Likewise, any materials developed by City of Molalla's employees in the performance of their jobs is the property of City of Molalla and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City of Molalla's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

F. Ethics

At City of Molalla, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City of Molalla or the City of Molalla 's citizens.

We at the City of Molalla are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Molalla from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets the City of Molalla's or Oregon's ethical standards, please talk with your Supervisor or Human Resources. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

G. Open-Door Policy

City of Molalla's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City of Molalla's managers and supervisors are responsible for creating a work

environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in City of Molalla, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the Human Resource department.

H. Outside Employment

Generally, employees may obtain employment with an employer other than City of Molalla or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of City of Molalla time (including the employee's work time), City of Molalla facilities, equipment and supplies, or the prestige or influence of the employee's position with City of Molalla. In other words, the employee may not engage in private business interests or other employment activities on the City of Molalla's time or using the City of Molalla's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the City of Molalla.

The City of Molalla requires employees to report outside employment to their supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her supervisor and Human Resource Department on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

I. Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug-or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City of Molalla property, or in an City of Molalla vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

J. Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City of Molalla employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Molalla (see "Holidays" section, above), City of Molalla is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to and to what extent the City of Molalla will close, and the City will have supervisors contact all employees.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve City of Molalla from home, you should do so subject to approval by your manager or supervisor. If weather does not permit you to come to work, the office is closed, or you must leave early due to inclement weather, you are expected to use vacation or compensatory time, you will not be paid by the City of Molalla for these hours. Safety and a trustworthy approach are your guides. Closures do not apply to CCPOA or Teamster employees. Please refer to your bargaining agreement.

M. Driving While on Business

Employees using a private or City vehicle to conduct City of Molalla's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized City of Molalla business use should make any necessary arrangements with their insurance carriers.

The City of Molalla may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with City of Molalla, we may receive automated reports from the Department of Motor Vehicles (DMV). The reports notify City of Molalla when there are transactions on your driving record such as speeding tickets and citations.

While on City of Molalla business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Mobile Device Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a City of Molalla-owned vehicle or while on City of Molalla business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

N. Workplace Violence

City of Molalla recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by City of Molalla.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with City of Molalla, or that threaten the safety, security or financial interests of City of Molalla. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to Human Resources.

City of Molalla also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

O. Workplace Inspections — No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by City of Molalla pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the City of Molalla; these areas are not private.*

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

P. Smoke-Free Workplace

City of Molalla provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to City of Molalla vehicles or facilities/buildings.

City of Molalla buildings and vehicles are tobacco and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, City of Molalla prohibits tobacco/marijuana use in or around City of Molalla vehicles and equipment or machinery.

If you wish to smoke tobacco, you must do so outside of City of Molalla's facilities/buildings, only in designated smoking areas, and out of visitor view during authorized breaks. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. Tobacco users are expected to dispose of such items appropriately. Sidewalks and parking lots are not appropriate places of disposal.

Q. Recruitment and Selection

Purpose

To provide a competitive system of filling positions for the city with the individuals whose skills, abilities, and qualifications best match those of the open position.

Scope

This policy applies to recruiting and selecting employees for regular full-time and regular part-time positions except those listed in the City Charter, as it may be amended from time to time (i.e. elected positions, City Manager, Municipal Judge).

Policy

When a personnel vacancy occurs, the appropriate department director, in collaboration with the city manager and human resources, will carry out a recruitment and selection process designed to identify the most qualified individual for the position by carefully considering current employees as well as new applicants. All recruitment and selection practices and procedures shall be conducted in compliance with all applicable state and federal laws governing equal employment opportunity. Veteran preference shall be provided according to Oregon law.

The city is committed to using job-related criteria consistent with business necessity in its selection program. The city is also committed to providing reasonable accommodation to individuals with disabilities throughout the selection process and in its employment practices.

Definitions

A. Job Related

Each qualification standard, test or other selection criterion must be a legitimate measure or qualification for the specific job it is being used for. It is not enough that it measures qualifications for a general class of jobs.

B. Consistent with Business Necessity

If a test or other selection criterion excludes an individual with a disability *because of* the disability and does not relate to the *essential functions of a job* it is not consistent with business necessity. A standard may be job-related but not justified by business necessity, because it does not concern an essential job function

C. Reasonable Accommodations

Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly situated employee without a disability.

The Americans with Disabilities Act (ADA) requires that even if a qualification standard or selection criterion *is* job-related and consistent with business necessity, it may not be used to exclude an individual with a disability if this individual could satisfy the legitimate standard or selection criterion with a "reasonable accommodation."

Procedure

The following steps govern the recruitment and selection process:

A. Promotion and Transfers

The city encourages promotions and transfers from within city service and seeks to select the best-qualified individual for the position. Promotional appointments shall be made from employees within the city if the department director and city manager determine that there exists qualified and interested employees to compete through an internal selection process.

If only one qualified and interested employee is determined to exist, the employee interested in a promotional appointment may communicate his/her interests and concerns directly to his/her department director and may be considered for promotion. If the employee is selected for promotion, the position vacated by the promoted employee shall be filled using the recruitment and selection process adopted by the city.

B. Temporary Assignments

1. A temporary appointment may be required to fill a position on an immediate, short-term basis. For example, a temporary appointment may be used to fill an unexpected vacancy, to fill in for a current, regular employee out on an approved leave of absence such as disability leave or family medical leave, or to fill a special project position resulting from the availability of grant money. The department director may fill these vacancies by appointment on a temporary basis after consultation with the city manager without following the recruitment and selection process for a period not to exceed six (6) months. Approval from the City manager for an extension is required.

2. Vacated regular positions may be filled with temporary appointments. A regular position, which is vacant because an employee is out on approved leave, may be filled by temporary appointment if there is a reasonable expectation that the employee will return. A new position funded by grant moneys or other outside source may be filled by temporary appointment for the duration of the funds. If such position becomes a regular full-time position with the city, however, the recruitment and selection process shall be initiated and followed. If a current and qualified applicant pool or list exists for any vacated position, the department director shall first consider making the temporary appointment from this pool or list.

C. Request to Recruit

When a job vacancy exists or is anticipated, the department director shall make a request to the city manager to initiate the recruitment and selection process. The request shall include a current job description listing the essential job duties and responsibilities, the essential job qualifications, established salary range, and the selection criteria. Upon approval of the city manager human resources shall initiate the recruitment and selection process.

D. Job Announcement

1. A notice announcing recruitment for an open position shall be prepared specifying the title of the job, salary range of the position, summary of the essential job duties, responsibilities and qualifications, and the application procedures. The notice shall be published and posted on the city's web site. At the city's discretion, additional notices may be circulated to professional organizations and published in professional journals or posted electronically on web sites of relevant professional organizations. The application procedures shall, at a minimum, include the time and location to apply, how to make alternate arrangements if the location is inaccessible; the selection process to be used, i.e., testing, application, assessment centers, interviews, etc., as well as the closing date for accepting applications.

Reasonable accommodations will be made to enable an applicant with a disability to apply for and test for a job. All job announcements shall include this message: "We are an Equal Opportunity Employer. We do not discriminate based on race, color, religion, sex, age, national origin, physical or mental disability, marital familial

status, status as a special disabled veteran, or membership in any other group protected by law in accordance with applicable federal, state and local laws."

2. Job announcements will be posted for a minimum of five (5) working days. Posting locations include the personnel department, employee bulletin boards in city facilities. Vacancy announcements may also be sent to newspapers for inclusion in the "help wanted" ads, the State of Oregon Employment Division, and other agencies or organizations where there may exist qualified, interested applicants. The city shall further make job announcements accessible to people with disabilities by providing written information in various formats upon request.

E. Applications

Employment applications shall be available in City Hall and on the city's web site. Assistance in filling out an application shall be provided upon request. All individuals applying for a position shall complete an application form and any supplemental materials required by the city for certain positions, as specified. Application materials shall be considered confidential and reviewed only by the authorized personnel. The city shall make specific reasonable accommodation for both site accessibility and testing for applicants with disabilities.

The city accepts applications and/or resumes only when a vacancy exists. The city does not stockpile job applications or resumes for possible future consideration. When the city solicits applications for a vacant position, there will be a designated cut-off date beyond which applications will not be accepted. Unless the city is currently accepting applications for a vacant position, all applications will be returned with a Response to Unsolicited Application form letter.

F. Selection

1. Selection criteria shall be designed to measure each applicant's qualifications, experience, and ability to perform the duties and responsibilities of the open position. When requested, specific reasonable accommodations will be made for individuals with disabilities.
2. Any combination of two or more of the following methods may be used to determine the applicant best suited for the position:
 - a) information supplied by the applicant, on the application, in resumes, letters of recommendation and through supplemental examinations, if required.
 - b) written, performance (i.e., typing test) and physical agility test (not a medical exam);
 - c) individual or group oral interviews.
 - d) assessment centers.
 - e) information and evaluation provided by previous and current employers and references.
 - f) personal background investigation for some positions; and

g) other appropriate job-related screening techniques.

Note: Some positions may require that medical and related information be obtained through a medical entrance exam or other means to evaluate the ability of applicants to perform essential job functions, or to promote health and safety on the job. The city will not request this information until after a conditional job offer has been made, and then only when it is consistent with business necessity.

G. Multiple Use of Application and Selection Methods

Multiple Use of Application and Selection Methods. When it is deemed appropriate by the city manager, selection materials including application, testing and interview results, reference, and other selection information received for one (1) vacancy may be considered for a subsequent recruitment and selection process, if the subsequent recruitment and selection process is in the same job classification and provided that no more than one (1) year has passed since the initial process. All applicants shall be notified of their application status.

H. Appointment

Appointment. The department director makes the appointment to the position after consultation with the city manager. All recruitment and selection records shall be retained by the city recorder based on retention requirements. Appointments may be made subject to the result of a medical entrance exam.

R. Hiring of Family Members

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at the City of Molalla subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of City of Molalla restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or Human Resources. The employees and City of Molalla will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, the City of Molalla will make the final decision, based on the City of Molalla's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City of Molalla. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

VI. Termination of Employment

A. Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and City of Molalla's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment or other City of Molalla records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City of Molalla property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Molalla equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Molalla property.
- Carrying firearms or any other dangerous weapon on City of Molalla premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City of Molalla property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Molalla employee, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Molalla.
- Misrepresentation of City of Molalla policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Molalla. Employees may not use the City of Molalla's name, logo, likeness, facilities, assets or other resources of the City of Molalla for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.

- Violation of any safety, health, security or City of Molalla policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by City of Molalla or outside regulatory or legislative bodies.
- Harassment or discrimination that violates City of Molalla policy.

This statement of prohibited conduct does not alter City of Molalla's policy of at-will employment. Except for employees subject to a collective bargaining agreement or contract of employment, City of Molalla remains free to terminate the employment relationship at any time, with or without cause or notice.

B. Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City of Molalla standards, City of Molalla will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline such as:

1. Verbal counseling - It will be confirmed in writing by your supervisor for your personnel file.
2. Written warning - Written documentation of the written warning will contain the facts surrounding the offense, previous verbal counseling or other communications on the subject, if any, plan of action will be necessary if the offense is not corrected. Employees are given a copy of all written warnings, copies of which will be added to their personnel files.
3. Suspension - Suspension may also be used to remove an employee from City premises during an investigation. A suspension may be paid or unpaid. If you are suspended, it will be documented in your personnel file and you will receive a copy.
4. In certain instances, a "Last-Chance Agreement" may be put into place to offer one last chance to comply with City standards, behavior, or other area of correction. This agreement is signed by both the employee and manager and signifies that if compliance is not met, the employee will be terminated. This agreement is usually accompanied by a "Letter of Expectations" to clearly outline expectations of compliance with the agreement.
5. Termination – Termination decisions are confirmed in writing for the personnel file. The terminated employee also receives a copy.

In all cases, City of Molalla will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. City of Molalla may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when City of Molalla deems such action appropriate. City of Molalla retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

All employees (including probationary or introductory employees) may seek to have the City Manager review any discipline or corrective action imposed on them by the City of Molalla. In order to avail oneself of this review, an employee must present a written appeal to the City Manager within five days after the discipline that is the basis of the appeal. The City Manager will then meet with the employee within five business days of receiving the appeal and attempt to resolve the issue. Within five business days of that meeting, the City Manager will prepare a written decision to the employee that addresses the appeal.

C. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give City of Molalla as much notice as possible — preferably a minimum of at least (10) workdays before departure, and (30) days before departure for supervisors and management-level personnel. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave City of Molalla, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the Human Resource department before making a final decision.

Employees must return all City of Molalla property including key fob's/keys, ID cards, cell phones, tools, software, computers, credit cards, uniforms and any other items in your possession that are the property of the City of Molalla to their supervisors on or before their last day of work.

D. References

All requests for references or recommendations must be directed to the Human Resource department. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, City of Molalla discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

Acknowledgment of Receipt of 2022 Personnel Policy Handbook

I acknowledge that I have received and will read a copy of City of Molalla's 2022 Personnel Policy Handbook. I also understand that a copy of the Personnel Policy Handbook is available to me at any time to review in the Human Resource Department and on the City's Website.

I understand that City of Molalla has adopted the Personnel Policy Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City of Molalla's sole discretion. I also understand that the Personnel Policy Handbook has control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policy Handbook is not an employment contract and is not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either City of Molalla or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review City of Molalla's policies regarding equal employment opportunity and that the City of Molalla aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation, or harassment to Human Resources, or any trusted manager or supervisor.

During my employment with City of Molalla, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices are issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgment carefully before signing.

Employee Signature

Date

Printed Name

The original of this signature page will be kept in the Employee's personnel file.

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Employee Signature

Date

Printed Name

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AGENDA

MOLALLA CITY COUNCIL GOAL SETTING CONFERENCE

January 21, 2023

8:00am – 4:30pm

Molalla Civic Center

315 Kennel Ave, Molalla, OR 97038

Mayor Scott Keyser

*Councilor Leota Childress
Councilor Crystal Robles
Councilor Eric Vermillion*

*Councilor Jody Newland
Councilor Terry Shankle
Councilor Rae Lynn Botsford*

PERSONNEL POLICY HANDBOOK ITEMS FOR CITY COUNCIL

- Pg. 5 C. No-Harassment Policy
- Pg. 9 D. No-Bullying Policy
- Pg. 11 G. Reporting Improper or Unlawful Conduct – No Retaliation
- Pg. 17 H. Employee-Incurred Expenses and Reimbursements
- Pg. 38 A. Alcohol and Drug Use (don't drink and drive to/from a Council meeting or other Council business)
- Pg. 42/43 B. Fraud (specific to Abuse of Position and Ethical Misconduct)
- Pg. 47/48 C. Mobile Devices Policy
- Pg. 48 D. Use of City of Molalla Email and Electronic Equipment and Services
- Pg. 49 Inspection and Monitoring - No Right to Privacy (regarding City email)
- Pg. 50 Prohibited Postings (no harassing or bullying)
- Pg. 51 Encouraged Conduct
- Pg. 52 E. Confidential City of Molalla Information
- Pg. 52 F. Ethics
- Pg. 53 I. Criminal Arrests and Convictions

MOLALLA PUBLIC LIBRARY

2022 Outreach & Growth



Early Literacy

Promoting a love for reading from infancy.

Weekly Storytime for
0-5 years and their
caregivers





Storytime Fun!



Elementary Age Programs

Engaging children in the wonder of learning.



Homeschooling Huddle

Provides a connection for our homeschooling families as well as a learning-based enrichment program.

LEGO Club

Encourages a love for design and building.

STEAM Powered Fun!

Immerses children and their caregivers in a scientific topic each month with hands-on experiments.



Homeschooling Huddle



Apple Basket Building Task:
Students created baskets using basic tools to see whose baskets could hold the most apples



LEGO Club Fun





STEAM POWERED FUN!

Science ♦ Technology ♦ Engineering ♦ Arts ♦ Math

Slime!

Teen Programs

Connecting (often reconnecting) teens to the joy of reading and learning.

Teen STEAM

Crafts and activities designed to connect teens to the library and each other, creating a sense of community.

Teen Book Boxes

Monthly mystery boxes filled with 3 personalized book selections, as well as some goodies to make their monthly reading that much more fun!

Teen Book Boxes



Teen STEAM



Adult Programs

Creating community...



Presentations

From Bigfoot to Acupressure to Czech glass beads, there is something for everyone through a wide variety of speakers.

Citizenship Preparation

Designed to assist prospective citizens with the Civics Test portion of the U.S. Citizenship Application.

Make It Monday

Wide variety of craft projects in an adult-only atmosphere.

Adult Book Boxes

Monthly mystery boxes filled with 2 personalized book selections, as well as some goodies to make reading more fun!

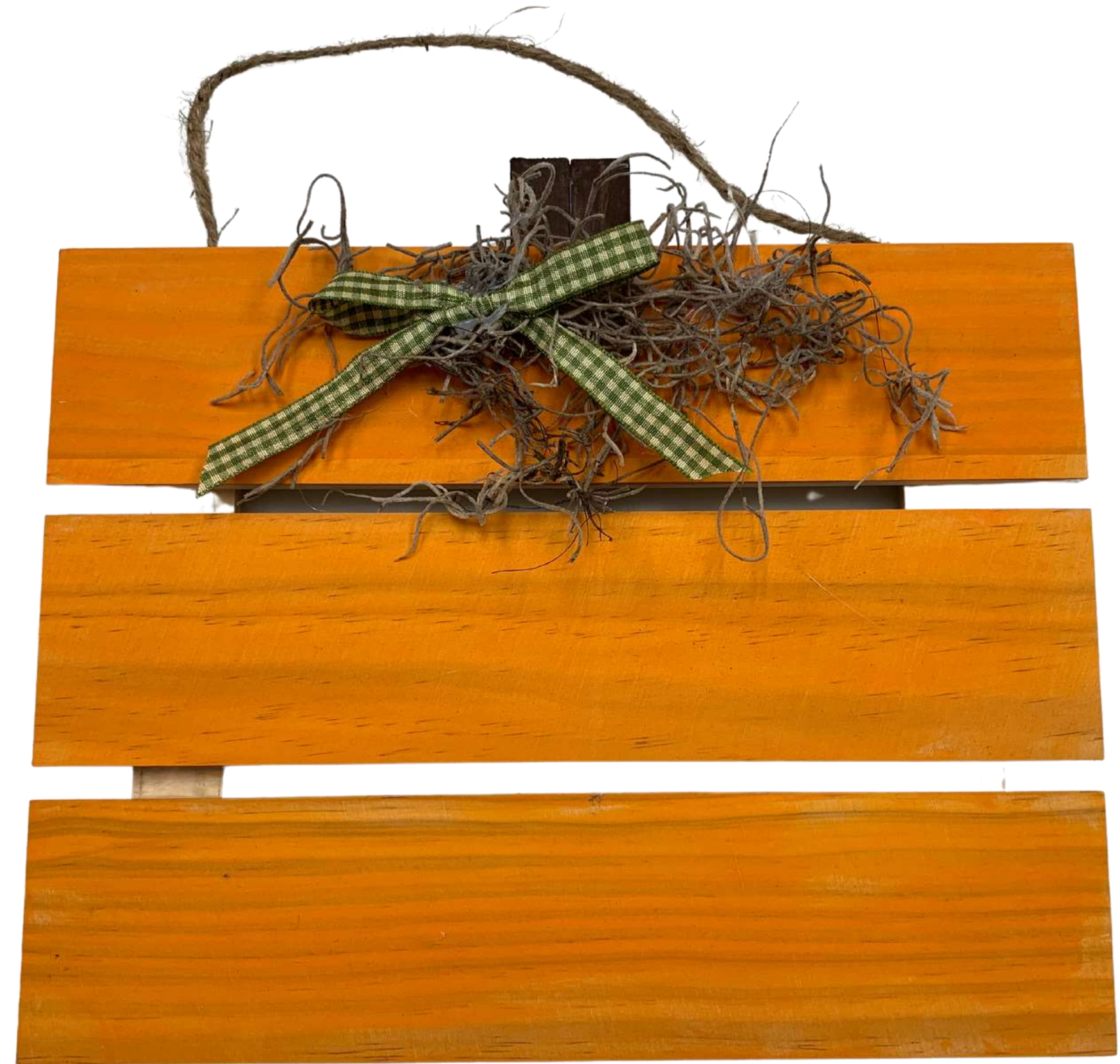
Mexican Cooking Class



Bigfoot



Make It Monday



Adult Book Boxes...

Specially curated boxes for
subscribed readers



Multicultural Programs

Reaching underserved populations of the Molalla Library service area.

Children's Day

This International holiday celebrates children all over the world.

Dia de los Muertos

Celebrate our heritage and ancestors through this Mexican holiday.

Loteria

Mexican bingo designed to introduce basic Spanish vocabulary words.

Dia de los Muertos



Summer Reading

Encouraging a love of reading throughout the year.

Music in the Park

Highlights local musicians as families gather together in the city park.

Teen & Children's Programs

From Reptile Man to Butterfly storytimes to Gnome painting, there is something for everyone!

Reading Challenge

Designed to prevent the "Summer Slide" or loss of reading skills students experience during the summer while away from school.

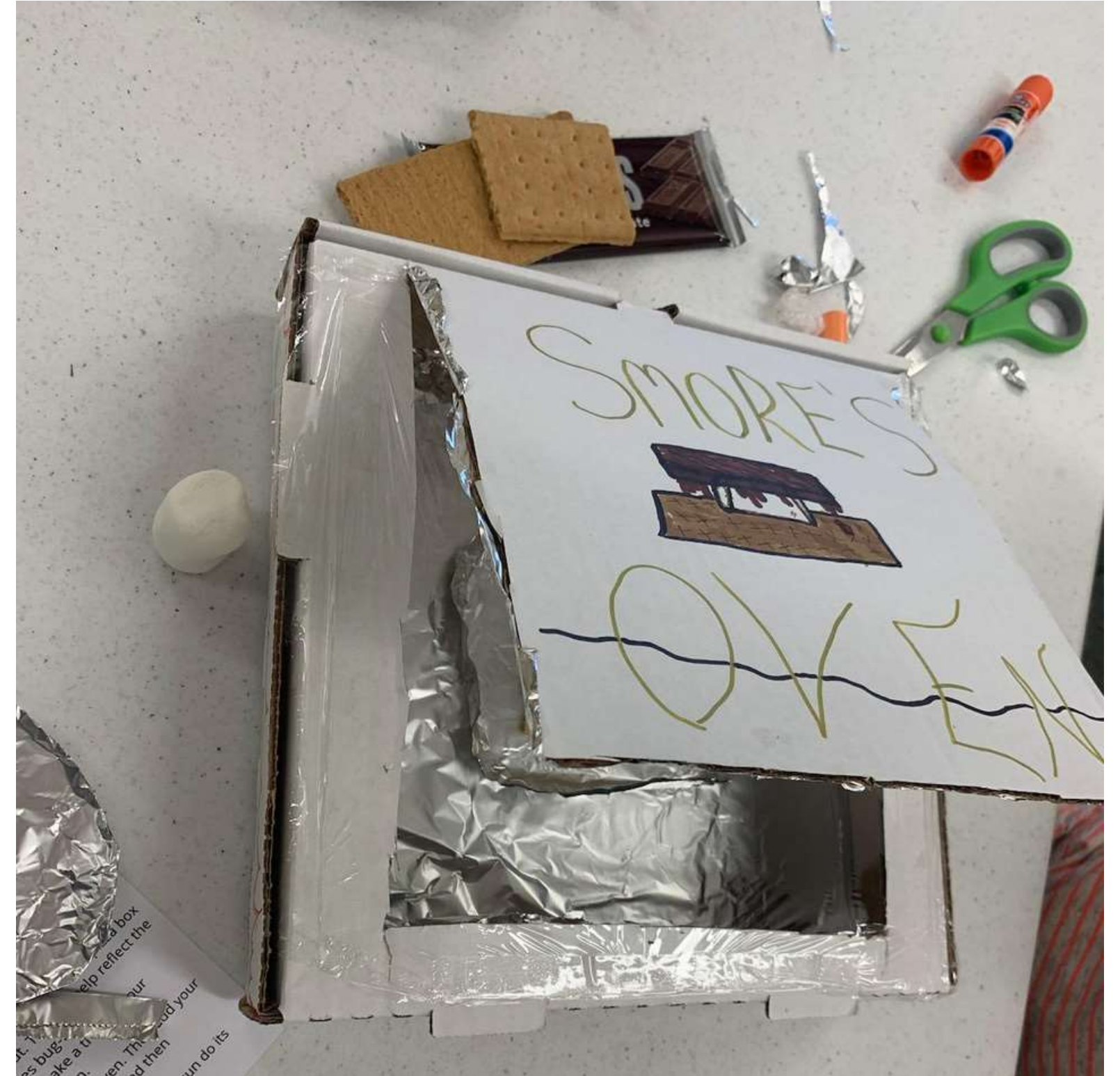
Music in the Park



Butterfly Storytime



S'more Solar Ovens



Fairy Gardens



Reptile Man





Outreach Expansion

2022 Focus Forward

*Reach the public in
their space*

Preschool Visits- bringing STEM storytime to Molalla Service area preschools.



Colton Elementary 4th & 5th Grade Book Bags- mystery book bags designed to encourage a love of reading and challenge their reading goals.

Los Robles Bookmobile Stop-
monthly craft/activity visit to reach
out to Hispanic families in Molalla.



**Molalla Adult Center Bookmobile
Stop & Outreach to eldercare
facilities-** monthly visit/activities to
reach out to the elderly in Molalla.

Colton Bookmobile Stop



National Night Out



Celebrate Molalla



Molalla Library
BOOKMOBILE

MOLALLA PUBLIC
LIBRARY

Council Goal Setting and Presentation

Chief of Police, Chris Long

Drug and substance abuse:

- Working with the county we have obtained an ongoing supply of Narcan for our officers and the schools. We will be pushing it out to other buildings within the city like the library, along with the training on administering it.
- More focused patrols as staff allows for high drug use areas, parks, abandon/closed businesses. (Roadblocks; closing of sobering center, measure 110)
- All our officers carry Narcan in the event of an overdose.
- Working with county public health and other third-party vendors on an overdose tracking system. (Good information to present to the state on the severity of the opioid problem)
- This issue is not unique to Molalla. Several talks with surrounding and partnering agencies on solutions as well as strategies to deal with the issue.
- Need elected officials to speak up to legislatures about the issues and how they affect the community. This is being done partly by OACP lobbyists at the state capital, but we need more involvement.

Homeless/houseless community:

- Last year Clackamas County reopened their transition center (This helps with resources for the homeless being released from the jail) i.e., housing, clothing, food, and mental health.
- Working with community development to develop a code compliance program with emphasis on livability concerns through compliance. This position would also act as a homeless liaison for the homeless by providing information and possible resources.
- Working with CM and community development on updating and refining our municipal code to address some of the code issues.
- Working with local businesses on deterring illegal camping and other activities on and around their premises.
- Increased patrols and presence in city parks and checks on vacant businesses and properties.
- Looking into possible partnership with another local agency on sharing on a contract basis a behavior health specialist.

Goals and accomplishments:

- Body worn cameras fully implemented along with new state-of-the-art tasers and evidence storage system.
- 20 new computers to replace outdated mobile data terminals for all officers.
- New camera system through the city facilities and parks are in process (this will help some of the issues within the park)
- New police facility hired Group Mackenzie as architectural firm, P&C Construction for CMGC and are in talks with an election consultant for a bond measure in 2023.
- Working with Community Development and city on hiring fulltime code compliance specialist for a more proactive approach to address neighborhood livability issues
- Completed upstairs remodel for administrative staff which has helped with space and confidentiality issues.
- Successfully transitioned Chief, Lieutenant, 2 sergeants and Support Services/Administrative Supervisor

COUNCIL ORDINANCE No. 2222

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE (MMC) BY ADDING A NEW SECTION 9.32 CAMPING.

WHEREAS recent court cases prohibit civil or criminal punishments for sitting, lying, or sleeping in public when a shelter bed is unavailable, and

WHEREAS Oregon House Bill (HB) 3115 (2021) requires that any law regulating the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be “objectively reasonable” as to time, place, and manner with regards to people experiencing homelessness, and

WHEREAS the metro region is currently facing a housing affordability crisis and thousands of individuals have been priced out of the housing market, and

WHEREAS this city continues to approve the construction of more affordable units, but cannot meet the demand alone, and

WHEREAS the city supports the dignity and wellbeing of individuals needing a safe location to sleep in at night, and

WHEREAS the city strongly recognizes the need to take action to restore and protect our natural areas, ecosystems, climate, and planet, and the shared desire for a resilient community, environmental justice, and access to nature for all community members, and

WHEREAS we must balance the needs of all residents and the natural environment as we strive to meet the needs of our houseless population, and

WHEREAS the city is in the process of hiring and partnering to hire both a mental health specialist and houseless liaison for individuals in crisis, and

WHEREAS the Milwaukie Police Department has an exceptional record of developing positive relationships with our houseless community and working with many to find a path to stable housing, and

WHEREAS the community development department has led work on behalf of the City Council to address the needs of those in crisis over the past six years.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Amendments. The Milwaukie Municipal Code (MMC) is amended as described below.

Section 2. Effective Date. The amendments will become effective 30 days from the date of adoption.

9.32.010 Purpose.

The purpose of this chapter is to provide objectively reasonable time, place, and manner restrictions for temporary camping on public property while also taking into consideration environmental impact, human dignity, and community safety concerns.

9.32.020 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

“Camp” or “camping” means to pitch, create, maintain, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, natural materials, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city-designated cooking facilities and similar equipment.

“Camping impact area” means the areas specified within MMC 9.32.030.

“Campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.

“Family” means any person or group of persons living within a single housekeeping unit as defined in MMC 19.201.

“Mapped natural resource area” means any land designated as a natural resource area on the Natural Resource Administrative Map, including, but not limited to, Habitat Conservation Areas and Water Quality Resources.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater

“Parking lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.

“Public Park” means a park, playground, swimming pool, reservoir, or athletic field within the city that is under the control, operation, management, or ownership of the City of Milwaukie or another public agency as defined in MMC 19.201.

“Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.

“Solid waste disposal services” means contracted solid waste collection service for a campsite with the city’s exclusive franchisee for the collection of solid waste.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

“Stormwater system” means any structure or configuration of ground that is used or by its location becomes a place where stormwater flows or is accumulated, including, but

not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, detention facilities, ponds, creeks, underground injection control (UIC) facilities, open drainageways, and their appurtenances.

“Street” means any highway, lane, road, street, right-of-way, boulevard, alley, and every way or place in the City of Milwaukie that is publicly owned or maintained for public vehicular travel.

“Transitional Housing Facility” means a camp facility for which a permit has been sought and obtained from the Milwaukie City Manager, or their designee, and/or a city-sponsored Transitional Housing Facility

“Vehicle” means a device in, upon, or by which any person or property is or may be transported or drawn upon a public street, except devices moved by human power or used exclusively upon stationary rails or tracks as defined in MMC 19.201

“Water Supply System” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use.

9.32.030 Unlawful Camping.

A. *Camping Impact Areas.* It is unlawful to camp at any time within a camping impact area. The following locations are camping impact areas:

1. Within 1000 feet of the nearest point of any transitional housing facility;
2. Within 50 feet of the nearest edge of the Willamette River, Kellogg Creek, and Johnson Creek.
3. Within any publicly owned Mapped Natural Resource Special Area
4. Upon any land managed for the operation and regulatory compliance of the municipal water supply system, stormwater systems and associated natural outlets.

B. *Daytime Camping Prohibited.* During the hours of 7:00 a.m. to 9:00 p.m., it will be unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas:

1. Any Public Park or Mapped Natural Resource Area;
2. Any street or sidewalk; or
3. Any publicly owned or maintained parking lot, alley, public right-of-way or other publicly owned or maintained area, improved or unimproved.

9.32.040 Unlawful storage of personal property in public space.

Except as otherwise provided within this chapter, during the hours of 7:00 a.m. to 9:00 p.m., it will be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas:

1. Any Park or Mapped Natural Resource Area;
2. Any street or sidewalk; or
3. Any publicly owned or maintained parking lot, alley, public right-of-way or other publicly owned or maintained area, improved or unimproved.

9.32.050 Penalty for violations.

Before issuing a citation under this chapter, a municipal police officer will first give the person a written, and if possible, a verbal notice of violation with guidance and direction to remedy the violation. The written notice will be physically served on the camp occupant(s) if they can be contacted or prominently posted at the camp. The person will be given a minimum of 72 hours to remedy from the violation. The person will also be offered assistance accessing social services, including shelter resources (to the extent they are available), veteran resources, mental health support, and drug and alcohol addiction and recovery resources. A citation will not be issued if the person promptly complies with the direction and remedies the violation within the 72 hours following the notice of violation. Any person who does not remedy the violation within 72 hours may be subject to the following penalties:

1. First violation in 30-days: Written and/or verbal warning that violation is subject to citation and/or arrest. City staff will initiate outreach and support for accessing social services.
2. Second violation in 30-days: A citation of not more than \$50 and a 30-day exclusion pursuant to MMC 9.20.020.
3. Third violation in 30-days: A municipal citation of not more than \$50 and a 90-day exclusion pursuant to MMC 9.20.020.

OR a criminal citation for violation of any applicable Oregon Revised Statute including, but not limited to, the following:

- a. ORS 164.805- Offensive Littering;
- b. ORS 164.775- Deposit of trash within 100 yards of a waterway.
- c. ORS 166.025- Disorderly Conduct II;
- d. ORS 162.247-Interfering with a Peace Officer I; and
- e. ORS 162.235- Obstructing Governmental or Judicial Administration.

Any single municipal citation and fine issued to a person experiencing homelessness will not exceed \$50.00. The Municipal Court Judge may waive fines for anyone providing proof they are actively engaging in social services which relate all or in part

to the offense cited for (camping, mental health support, addiction, and recovery support).

9.32.060 Removal of Campsite.

A. The City may call for the removal of campsites, regardless of location, if a campsite poses a safety or health risk to the public or environment. These circumstances include, but are not limited to, the following:

1. Violation of the Milwaukie Municipal Code.
2. To ensure the safety of people camping and other users of the roadway, including pedestrians, due to camp facilities being in or near the portion of the right-of-way used by vehicles.
3. To abate solid waste and debris left in the right-of-way or on nearby public or private property other than the right-of-way if attempts to manage solid waste and debris have been unsuccessful.
4. To prevent violence and/or criminal activity reported to and/or observed by the Milwaukie Police Department.
5. To prevent adverse environmental impact including, but not limited to, improper disposal of solid waste, public urination and defecation, and open burning.
6. To prevent hostile interactions and/or altercations (which are not protected under the state and federal constitution as free speech) with members of the public.
7. To prevent the construction or erection of unpermitted structures in the right-of-way.
8. To prevent a campsite from blocking vehicle or bicycle travel lanes or reducing the clear, continuous sidewalk width to less than three feet.

B. The 72-hour notice requirement under 9.32.050 does not apply:

1. When law enforcement officials have a reasonable belief or suspicion that illegal activities other than camping are occurring at an established camping site.
2. In the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety.
3. If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under 9.32.050 may be posted at least 24 hours before removing people camping from the camping site.

Any person ordered to remove a campsite under this subsection must vacate and remove all belonging from the campsite within four hours of receiving notice of the

safety or health risk to the public necessitating the removal unless additional time is otherwise required by law.

C. In addition to any other penalties that may be imposed under this chapter, any violation of this chapter will constitute a public nuisance and may be abated pursuant to ORS 202.077 and 203.079.

D. Property seized will be stored for a minimum of 30 days. Property that has no apparent utility or value, or that is in an unsanitary condition rendering it unsafe to store, will be discarded immediately. An unsanitary condition is one that will likely lead to injury or health problems for individual near it or required to handle it. Property simply being wet and/or dirty does not constitute an unsanitary condition for the purpose of this ordinance. A substance or material is hazardous or contaminated if it is capable of posing an unreasonable risk to health, safety and property when contacted or transported. There will be no fee to retrieve property collected and stored for safekeeping.

9.32.070 Administrative Rules.

The city manager or designee may adopt administrative rules to implement any of the provisions of this chapter.

Read the first time on 12/6/2022 and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 12/6/2022 .

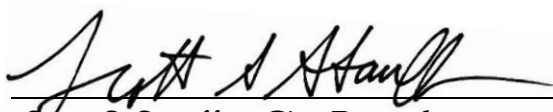
Signed by the Mayor on 12/6/2022 .



Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney



Lifecycle of a Public Capital Project

City of Molalla Council Goal Setting

January 21, 2023

Presented By: Mac Corthell, Community Development Director &
Andy Peters, Public Works Division Manager

Two Types of Capital Project

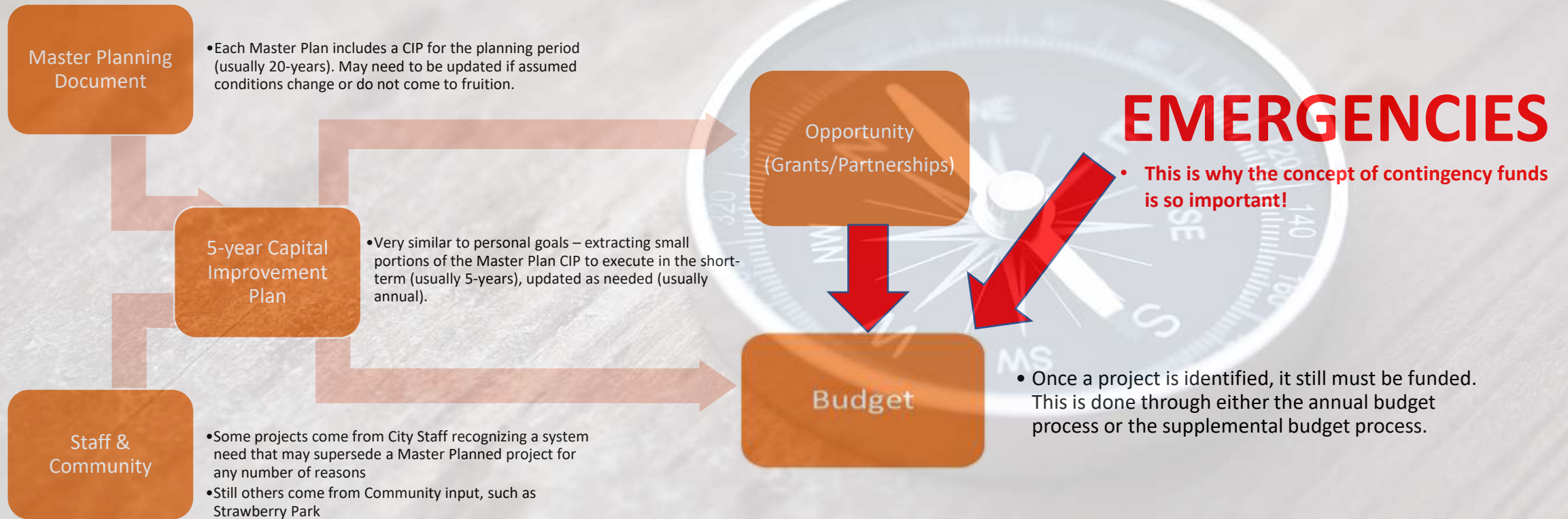
Private

- Public Improvements required in association with Development of Real Property
- Roughly proportional to the impact of the development
- Managed and warrantied by private developer
- Inspected and accepted by City of Molalla

Public

- Private development not involved
- In compliance with Molalla Municipal Code and State Contracting Laws
- Managed by City Staff or City Managed Consultant
- Warrantied by construction company
- Inspected and accepted by City of Molalla

Where do Public Capital Projects Come From?



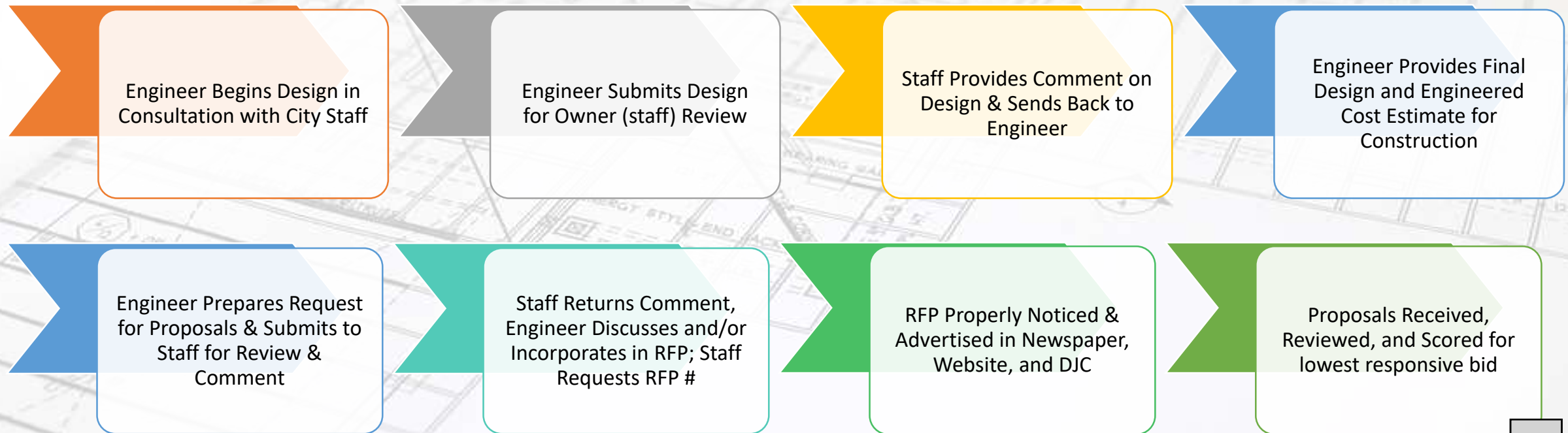
The Pre-Design Phase

1. Project has been identified by a Master Plan, Staff, the Community, or an Emergency
2. Project (or part thereof) has been funded through some public budgeting process



The Design Phase

1. Project has been identified by a Master Plan, Staff, the Community, or an Emergency
2. Project (or part thereof) has been funded through the local budgeting process
3. Engineering and/or Architectural Services Under Contract



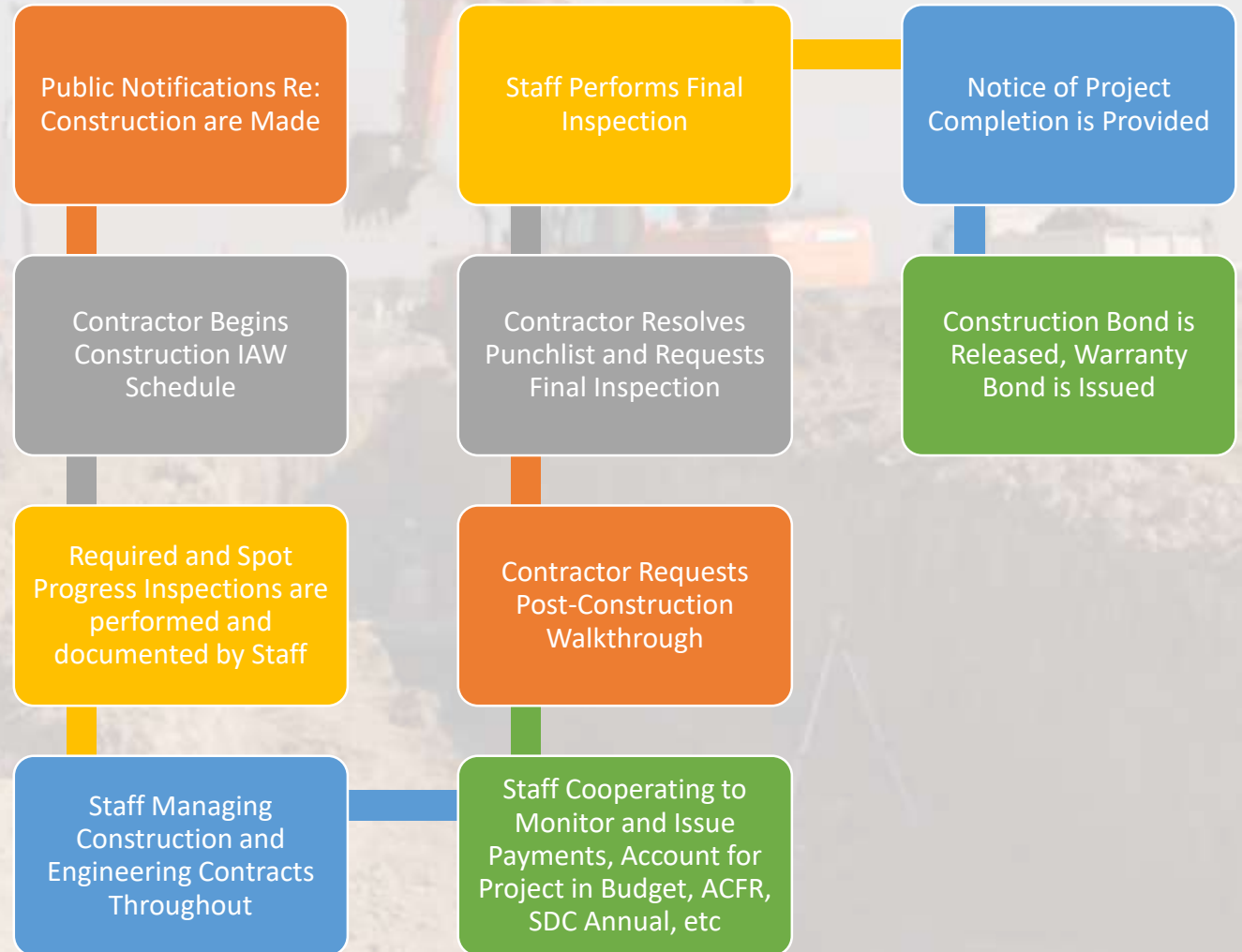
The Pre-Construction Phase

1. Project has been identified by a Master Plan, Staff, the Community, or an Emergency
2. Project (or part thereof) has been funded through the local budgeting process
3. Engineering and/or Architectural Services Under Contract
4. Project Design Complete, Bids Received



The Construction Phase

1. Project has been identified by a Master Plan, Staff, the Community, or an Emergency
2. Project (or part thereof) has been funded through the local budgeting process
3. Engineering and/or Architectural Services Under Contract
4. Project Design Complete, Bids Received
5. Construction Services Under Contract



The Post-Construction Phase

1. Staff & Engineer Issue Project Closeout

2. Staff Reviews Paper and Digital Files to Ensure Match and Comprehensive

3. Staff Provides Fixed Asset Sheet to Finance and Completed Files to City Recorder

4. City Recorder Puts File on Appropriate Retention Schedule and Retains

5. Finance adds New Fixed Asset to The City's Total Fixed Assets

6. Staff does final project budget reconciliation, updates Annual SDC Report, and updates CIP

Warranty Period



All Major Public Projects are Required to Submit a Warranty Bond in order to Close out Project



Staff monitors improvements during warranty period



Any deficiencies during warranty period are corrected by contractor or bond is called for 125% of repair cost



At the end of the warranty period staff conducts final walkthrough



Upon final walk through, any deficiencies are repaired



Warranty Bond is released and project is officially closed out



Goal Setting

January 21, 2023

Community Development Department

Council Goals for Unclassified Community Development Department

Civic Center City Council Chambers and Office Space – Complete

*City Hall HVAC Replacement – Complete

City Hall Upstairs Remodel – Complete

Public Facing Project Map – Complete

*Civic Center Camera Install – Complete

* - Not a Council Goal, but completed due to emergency

Projects In-Work

Civic Center CDBG Upgrades

- *CDBG Grant Awarded, awaiting grant agreement*

Refresh City Website

- *Delayed until July 2023 due to platform host migration*

Recommended Goals

Complete Civic Center CDBG Upgrades

Complete City Website Refresh

Develop and Implement a City Building Maintenance Program

Side and Paint Civic Center



Goal Setting

January 21, 2023

Molalla's Code Support Section

Current Council Code Support Goals

None.

Projects In-Work

Establishing Code Enforcement Position

- *Salary Comps Completed*
- *Equipment List and Pricing Completed*
- *Job Description Completed*
- *Financial Analysis Completed*

Recommended Goals

Establish a Code Enforcement Activity or Fund

Hire and Outfit a Code Support Officer

Develop a comprehensive Code Enforcement Program

Implement Code Enforcement in Molalla



Goal Setting

January 21, 2023

Molalla's Planning Division & Economic Development Section

Current Council Planning/ED Goals

Wayfinding Kiosks/Travel Oregon Grant – Complete
Establish Molalla Current Public Engagement Platform – Complete
Facilitate Community Branding to incorporate new logo/slogan for ED – Complete
Coordinate with Chamber to Develop Digital Business Map for Kiosks – Complete
Collaborate with Chamber to Bring BRC to Molalla Businesses – Complete
Establish Beautification & Culture Committee/Dissolve Arts and ED CPC's – Complete
Negotiate purchase price for new Police Facility Property – Complete
Purchase and Install City Hall Reader Board – Complete
Contract and Implement SMS Text Messaging Platform – Complete
Develop and Implement Monthly Newsletter – Complete
Develop Local Government Internship Program – Complete
Complete and Facilitate Adoption of Economic Development Plan – Complete
Develop and Post "How to Start a New Business" checklist – Complete
Develop Tracking System to Account for DLCD Reporting Requirements – Complete
Complete HNA/BLI and Associated Plan Amendments – In Work
Identify Funding & Begin Employment Studies for UGB – In Work
Reconcile PSP Zoning and Associated Plan Amendments – In Work
Travel Oregon Destination Assessment Study Grant – Complete
Travel Oregon Destination Project (Regional Rec Map) – In Work
2022 Kiosk Art Contest – Complete
Mural Program – In Work
Ezone Expansion – Complete
MURA Opportunity Grant Program – Complete
Manage IOF Dansons - Withdrawn
HB 2001 Compliance - Complete

Planning/ED Projects Currently In-Work

Housing Needs Analysis and Buildable Lands Inventory (Planning Grant)

- Draft Completed
- Public Hearing Scheduled for 2/8/23 CC Meeting
- Awaiting DLCD Approval of Sequential UGB Process for Adoption

Housing Production Strategy and Associated Legislative Amendments (Planning Grant)

- Survey posted to Current for approximately 6 mos.
- Working to schedule Town Hall Meeting

Sequential Urban Growth Boundary Amendment

- Approved by City Council
- Work Plan Development Complete
- Awaiting Clackamas County Concurrence, then DLCD

Mural Code Amendment

- *Developed by B & C CPC*
- *Staff Review Complete*
- *Proposed Mural Ordinance to Council in May 2023*

Outdoor Recreation Map (Travel Oregon Grant)

- *Multiple Stakeholder Meetings to Discuss points of interest and aesthetic design complete*
- *Travel Oregon engaging CTGR*
- *Mt. Hood Territory working with Copy Writer*
- *Final Map Product by May 2023*
- *1st round of printing and dissemination included in grant funding*

Reconcile PSP Zoning & Associated Plan Amendments

- *All properties in use as PSP, but zoned otherwise, identified*
- *Type of ownership and property status reconciled*
- *Public Hearing Noticed to DLCD*
- *Will go before PC at Feb or March Meeting, then on to Council*

Recommended Goals

Develop and Implement Molalla Current Page for B&C CPC

Gain approval of Sequential UGB Process from Partner Agencies

Adopt Housing Needs Analysis and Buildable Lands Inventory

Adopt Housing Production Strategy and Associated Legislative Amendments

Apply for DLCD Planning Grant to Complete Economic Opportunities Analysis (EOA)

Begin work on EOA using Grant Funding

Complete and Disseminate Outdoor Recreation Map

Complete Mural Code Amendment

Begin Process to take Development Applications Paperless by 2025

Explore and Select Digital Permitting/Land Use platforms for implementation in 2024



Goal Setting

January 21, 2023

Molalla's Parks/Trails Section

Current Council Parks Goals/Status

Complete Clark Park Ph. 4 – Completed
Complete Strawberry Park – Substantially Completed
Establish Bohlander Field Vision – On Hold
Recruit and Implement Parks CPC – Completed
Complete MFR Bike & Ped Path – Completed
Replace Equipment at Fox Park – Completed
Chief Yelkus Park Development – In Work on Design
Manage and Facilitate Parks CPC – Ongoing
Update Parks Master Plan – In Work on RFP
Examine Funding Options for RR ROW – On Hold

Parks Projects Currently In-Work

Disk Golf at Ivor Davies

- Engaged with local Disk Golf Professionals to assist in developing course layout
- Reconciled course layout with complaints of errant disks in residential yards
- Developed budget for in-house course development
- Course layout going to Parks CPC at next meeting for comment

Chief Yelkus Park Design

- Completed wetland delineation
- Completed bubble diagram
- Parks CPC in-work on fundraising efforts
- Yelkus Park Road set for improvement in FY23-24

Strawberry Park Punchlist

- Playground, squishy stuff, and fence complete
- Awaiting bench selection from Parks CPC

Gazebo Removal at Long Park

- Completed utility conflict work to resolve dual electrical connection with bathroom
- Removal scheduled for 1/25/23

Recommended Goals

Complete Parks Master Plan Update by early 2024

- Staff believes that the vast majority of the recommended goals can be complete by the time the Parks Master Plan is updated. This update will provide guidance from the community to the Council and Staff on future goals for Parks.

*Complete Construction of Disk Golf at Ivor Davies by Summer 2023 - **Opportunity***

Complete Punch-List for Strawberry Park by Spring 2023

*Complete Pickleball Courts at Long Park in FY23/24 - **Opportunity***

Complete Design for Chief Yelkus Park in FY23/24



Goal Setting

January 21, 2023

Molalla's Wastewater Section

Current Council Wastewater Goals

- SDC & CIP Reconciliation and Adoption – Complete
- Implement Wastewater Master Plan - Ongoing
 - Sewer Main Emergency Repair – Complete
 - Sewer PIPP Lining Toliver Rd. – Complete
 - Sewer PIPP Lining S Molalla Ave. – Complete
 - Sewer Main Replacement Eckerd, Lola, 2nd – In Work
- Wastewater Consent Decree Compliance – Ongoing
- New Wastewater Treatment Plant – In Work
- Develop Integrated Project Management Program – In Work

Projects In-Work

WWTP Aeration Basin Emergency Repair

- *Multiple engineering options considered and discussed with DEQ and other interested parties*
- *Engineering solution selected based on cost and DEQ feedback*
- *Supplemental Budget Passed for use of Contingency Funds*
- *Awaiting Purchase of 2 aerators for lagoon*

New Wastewater Treatment Plant (WWTP)

- *Design approx. 90%*
- *Working on NPDES Permit Modifications*
- *Working with DEQ & USDA to secure project funding*

Sewer Main and Services Replacement Eckerd, Lola, 2nd

- *Project identified by consent decree*
- *Currently in Construction phase*

Biosolids Removal from Lagoons

- *Also required in association with Consent Decree*
- *All will have to be removed before lining of the lagoon*

Expand Recycled Water Use Plan (RWUP)

- *Part of the Master Plan, this expands the fields for out of season discharge*

Deconflicting Sewer Pipes with RAB Project on OR-213

- *Design Complete and Submitted to ODOT*

Recommended Goals

- Complete Aeration Basin Repair (Emergency) by Summer 2023*
- Complete expanded RWUP plan by Spring 2023*
- Complete Eckerd, Lola, 2nd by Spring 2023*
- Continue to utilize PIPP where eligible*
- Complete mitigation of Sewer Conflicts with OR-213/Toliver RAB*
- Continue Biosolids Removal... Completion in FY25/26*
- Continue new WWTP project... Completion in FY25/26*



Goal Setting

January 21, 2023

Molalla's Stormwater Section

Current Council Stormwater Goals

Implement Stormwater Master Plan – Ongoing

Fenton Ave Reconstruction – Complete

Shops Decant Facility – Complete

Mercury TMDL Implementation – Complete

Establishing Temperature Allocation for Molalla in the Willamette TMDL – In Work

Mitigate Flooding in the Community – On Hold

Stormwater Master Plan, CIP, and Rate Study – In Work

Develop Integrated Project Management Program – In Work

Stormwater Projects In-Work

Stormwater Master Plan, CIP, and Rate Study

- *RFP for Stormwater Master Plan in Development*

Develop Integrated Project Management Program

- *Currently developing a process map, this is first step*

Recommended Goals

Complete Establishing Temperature Allocation for Molalla in the Willamette TMDL

Complete Stormwater Master Plan Update by Spring 2024

Develop Storm Swale Maintenance Program

Encourage/Incentivize Development to Improve Additional Stormwater Systems - Opportunity



Goal Setting

January 21, 2023

Molalla's Transportation Section

Current Council Street Goals

Continue OR-211 Signal Project – Complete

Continue OR-213 RAB Project – In Work

S Leroy Ave ROW Acquisition and Development to Lowe Rd – In Work

Designate Truck Route – Complete

Street Utility Fee – On Hold

Develop and Install Public Parking Signs at City Hall – Complete

Molalla Forest Road Exploration – In Work

MFR Bike/Ped Bridge - Complete

*OR-211 Street Improvements and Pedestrian Beacon at Cascade Center - Complete

*Existing S Leroy Ave Development - Complete

Shirley Street Curb Extension Relief - Complete

*Starbucks Frontage Improvements on OR-213 – In Work

*Heintz St Overlay – Complete

*Culvert & 3-lane Cross Section at Tractor Supply – Complete

* - Not a Named CC Goal, but in Master Plan or Completed by Private Development

Projects In-Work

OR-211 (220 W Main) and Metzler Improvements

- Opportunity Project, Expands Improvements down W Main and onto Metzler

OR-213 & Toliver Roundabout & Utility Conflicts

- Opening for bids in Feb or March 2023

MFR & MFR Park Road Development & Opening

- Resolving ROW Encroachment
- Design In-Work

OR-211 Street Improvements at 1000 W Main St

- Opportunity Project, Expands Improvements to North side of OR-211

Update City Code for Sidewalk Provisions

- Based on City Attorney Advice

On Call Paving Services

- Procurement and Contracting Complete
- Analytical Framework for Prioritization Complete
- Develop Annual Paving Plan as Part of Budget and CIP

Recommended Goals

Complete City Code Sidewalk Provision Update in 2023

Complete OR-211 Street Improvements at 1000 W Main in 2023

Complete OR-211 and Metzler Improvements in 2023

Complete Yelkus Park Road Development & Opening 2023/2024
Complete Molalla Forest Road Resurfacing and Opening in 2023/2024
Implement Annual Paving Plan in Spring/Summer 2023
Complete OR-213 & Toliver Roundabout & Utility Conflicts in 2024/2025



Goal Setting

January 21, 2023

Molalla's Water Section

Current Council Water Goals

Complete Water Service Leak Repairs – On Hold

Complete Water Master Plan – Complete

Implement Water Master Plan – Ongoing

WTP Filter Unit & Telemetry Upgrades – Complete

Water CIP, Rates, and SDC Study – Complete

Shops, Elementary School, and WWTP Waterline Replacement – Complete

Emergency Mainline Replacement, Toliver at Trinity Estates – Complete

Scandia Waterline Replacement – Complete

Design of S Molalla Waterline 5th to Molalla Forest Road – Complete

Water Intake Structure and Move – In Work

Property for 2.0mg Water Tank – In Work

Projects In-Work

Water Service Leak Repairs

- *Shovel Ready for next Budget Year*

Water Intake Structure Reconstruction

- *Design in Work*

WTP Auto Shutdown Upgrade

- *Parts on order*

New 2.0mg Water Tank at WTP

- *Acquisition negotiated*
- *Purchase and Sale Contract being drafted by City Attorney*

Water Distribution System Pressure Zoning/PRV Installation

- *Moved up the CIP list by Staff due to major system impacts*
- *Design In Work*

WTP Tracer Study

- *Complete by July 2023*

Eckerd, Lola, 2nd St Mainline and Service Replacements

- *Project In Construction, 50% complete*

Lead & Copper Water Service Inventory

Recommended Goals

Complete Eckerd, Lola, 2nd St Mainline and Service Replacements

Complete WTP Tracer Study

Complete Lead and Copper Service Inventory

Complete Auto Shutdown Upgrade

Complete Water Intake Structure Design

Complete New 2.0mg Water Tank Property Acquisition and Design

Complete Water Distribution Pressure Zoning/PRV Installation

Article III. Planning Commission

2.06.090 Purpose.

2.06.100 Created—Composition—Compensation.

2.06.110 Terms of members.

2.06.120 Quorum—Rules of procedure.

2.06.130 Meetings—Officers.

2.06.140 Record of proceedings.

2.06.150 Right of parties to present evidence at hearings.

2.06.090 Purpose.

The purpose of the Planning Commission shall be to conduct the review of the Comprehensive Plan, implement ordinances, hold hearings and make decisions and recommendations to the City Council on major plan and ordinance amendment applications as well as other such matters approved in this chapter. (Ord. 2018-05 §1)

2.06.100 Created—Composition—Compensation.

A. There is created a City Planning Commission for the City of Molalla.

1. The Planning Commission shall consist of the following:

a. Voting Members.

i. A minimum of three but no more than seven members to be appointed as outlined in Section 2.06.110.

ii. No more than two voting members may be non-residents of the City. There shall be more residents of the City than non-residents on the Commission.

b. It is the policy of the City of Molalla that involving youth in the public decision-making process promotes interest and participation. Accordingly, the Planning Commission may also have up to two additional non-voting members of high-school age, who must live within the Molalla River School District. (Ord. 2019-06 §6; Ord. 2018-05 §1)

2.06.110 Terms of members.

A. Each member of the Planning Commission shall be appointed as provided in the City Charter to a four-year term. Any vacancies shall be appointed by the Mayor with the consent of the City Council for the remaining portion of the term.

B. Unexcused absences from three regular meetings may disqualify a member at which time the Planning Commission may request that the Mayor appoint a replacement. Members shall call, mail, or drop-off a letter to staff in order to be excused from regularly scheduled meetings.

C. All appointments to the Commission may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2019-06 §7; Ord. 2018-05 §1)

2.06.120 Quorum—Rules of procedure.

A. A majority of the voting Commission shall constitute a quorum. The Commission is authorized to adopt rules of procedure for the conduct of its meetings and hearings, provided such rules do not conflict with state law, City Charter, Ordinances, and the Comprehensive Plan. A copy of such rules shall be filed with the City Recorder and made available for inspection to those appearing before the Planning Commission prior to their appearance.

B. When exercising the function of the Hearings Officer, the Planning Commission shall follow the rules of the Hearings Officer in performing said function. A majority vote of the Planning Commission members present shall be sufficient for taking any action authorized by ordinance. (Ord. 2018-05 §1)

2.06.130 Meetings—Officers.

The Planning Commission shall meet on a monthly basis. At the first meeting of each calendar year, the Commission shall select a chair, vice-chair, and a secretary. The chair, or vice-chair in the chair's absence, shall preside over the Planning Commission's meetings and hearings. (Ord. 2018-05 §1)

2.06.140 Record of proceedings.

A record of the proceedings shall be made by electronic recording and subject to retention schedule. A transcript can be made available upon written request within the first year of the proceeding. Summary written minutes will be kept of each meeting of record as a tracking method of the meeting and or hearing of record. (Ord. 2018-05 §1)

2.06.150 Right of parties to present evidence at hearings.

A. At public hearings before the Planning Commission, all interested persons and organizations shall be allowed an opportunity to be heard and to present and rebut evidence.

B. The chair may limit the speaking time allowed for interested parties to five minutes. (Ord. 2018-05 §1)

Contact:

City Hall: 503-829-6855

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Chapter VII ELECTIONS

Section 25. Councilors. At each general election after the effective date of this charter, three councilors will be elected for four-year terms. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. (Reso. No. 2011-10)

Section 26. Mayor. At every other general election after the effective date of this charter, a mayor will be elected for a four-year term. The term of the mayor in office when this charter takes effect is the term for which the mayor was elected. (Reso. No. 2011-11; Reso. No. 2011-10)

Section 27. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan. (Reso. No. 2011-10)

Section 28. Qualifications.

- (a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.
- (d) The council is the final judge of the election and qualifications of elected officials. (Reso. No. 2011-10)

Section 29. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position. (Reso. No. 2011-10)

Section 30. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office. (Reso. No. 2011-10)

Section 31. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon, and the charter, ordinances and resolutions of the city. (Reso. No. 2011-10)

Section 32. Vacancies. The mayor or a councilor office becomes vacant:

- (a) Upon the incumbent's:

- (1) Death;

- (2) Adjudicated incompetence; or
 - (3) Recall from the office.
- (b) Upon declaration by the council after the incumbent's:
- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
 - (2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;
 - (3) Ceasing to reside in the city;
 - (4) Ceasing to be a qualified elector under state law;
 - (5) Conviction of a public offense punishable by loss of liberty;
 - (6) Resignation from the office; or
 - (7) Violation of Section 33(i) of this charter. (Reso. No. 2011-10)

Section 33. Filling Vacancies. A vacancy in the office of mayor or councilor will be filled by a majority of the remaining council members. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the consent of the council may appoint a councilor pro tem. (Reso. No. 2011-10)

Contact:

City Hall: 503-829-6855

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Chapter 1.02 COUNCIL RULES

1.02.010 Council rules.

1.02.020 Definitions.

1.02.030 Robert's Rules adopted.

1.02.040 The presiding officer.

1.02.050 Parliamentarian.

1.02.060 Council meetings.

1.02.070 Agenda.

1.02.080 Order and decorum.

1.02.090 Public comment.

1.02.100 Motions.

1.02.110 Councilor conduct.

1.02.120 Confidentiality.

1.02.130 Communications.

1.02.140 Minutes.

1.02.150 Adjournment.

1.02.160 Bias and disqualification.

1.02.170 Ex parte contacts and disqualification.

1.02.180 Oregon Ethics Commission requirements and reporting.

1.02.190 Legal advice.

1.02.200 Manager evaluation.

1.02.210 Council expenses.

1.02.220 Boards and commissions.

1.02.230 News media.

1.02.240 Authorization of expenditures.

1.02.250 Personnel records.

1.02.010 Council rules.

The Council shall review its rules at least once every four years. Amendments shall be adopted by a majority vote. The Council has an obligation to be clear and simple in its procedures and consideration of the questions coming before it. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, city ordinances or policies, or provisions of the City Charter. (Ord. 2007-05 §1)

1.02.020 Definitions.

- A. "City committees" means all city committees, commissioners, task forces, and advisory bodies.
- B. "Council" and "Councilors" means the Mayor, the Council President, and the Councilors.
- C. "Councilors" means the Council President and the Councilors.

D. "Mayor" means the Mayor, or in the absence of the Mayor, the Council President or other presiding officer. (Ord. 2007-05 §1)

1.02.030 Robert's Rules adopted.

Unless otherwise provided by federal or state law or administrative rule or modified by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, or to confuse the audience at public meetings and the citizens in general. (Ord. 2007-05 §1)

1.02.040 The presiding officer.

A. The Mayor. The Mayor shall preside at all meetings of the Council and shall be the recognized head of the city for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of the Mayor's position as Presiding Officer.

B. Council President. At the first meeting of each year, the Council shall elect a president from its membership. In the event of the Mayor's absence from any Council meeting, the Council President shall act as the Presiding Officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the Council President shall act as Mayor Pro Tem.

C. Temporary Chair. In event of the absence of the Mayor and Council President, the City Attorney shall call the Council to order and call the roll of the members. If a quorum is present, those Councilors present shall elect, by majority vote, a temporary chair for that meeting. Should the Mayor or Council President arrive, the temporary chair shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

D. Privileges Not Affected by Status. The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Councilor by reason of acting as the Presiding Officer. (Ord. 2012-01 §1; Ord. 2007-05 §1)

1.02.050 Parliamentarian.

The City Attorney, or in the City Attorney's absence, the City Manager, shall be the parliamentarian, and shall advise the presiding officer on any questions of order. (Ord. 2007-05 §1)

1.02.060 Council meetings.

A. Regular meetings to conduct Council business will be held on the 2nd and 4th Wednesdays of each month unless canceled by the Mayor for good cause.

B. Work sessions may be held prior to each City Council meeting. Work sessions and agendas will be developed by the City Manager in consultation with the City Council, or by motion with Council approval or by concurrence of the Council.

C. Special meetings or work sessions may be called by the Mayor or Council President in the absence of the Mayor or by a majority of the Council. Final decisions shall not be made at work sessions.

D. Executive sessions will be held in compliance with the Oregon Public Meetings law.

E. Minutes of regular meetings, special Council meetings and work sessions will be taken as provided by the Oregon Public Records law.

F. Telephone/electronic meetings may be held in compliance with the Oregon Public Meetings law. Councilors may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings law.

G. Attendance at meetings is expected of Councilors who should use their best efforts to attend all Council meetings. Councilors will inform the Mayor and the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor. (Ord. 2019-07 §§1—3; Ord. 2007-05 §1)

1.02.070 Agenda.

A. Order. The order of business for Council meetings is generally as follows:

- Call to Order
- Flag Salute
- Roll Call
- Consent Agenda/Approval of Minutes
- Communications—Written and Verbal
- Awards and Recognitions
- Public Hearing
- Continuing Business
- New Business
- Ordinances and Resolutions
- Proclamations
- Reports and Announcements
- Executive Session
- Adjournment

B. Preparation. The City Manager/Mayor shall prepare an agenda of the business to be presented at a regular Council meeting. Wherever possible, it is desirable that no item of business be added to an agenda after 12:00 noon on the Friday prior to a regular Council meeting. The agenda packet containing all agenda bills will be available for the City Council and public on the Friday afternoon prior a regular Council meeting.

C. Councilors may place an item on a Council agenda by motion or with the Mayor's approval. Any two members of the Council may place an item on the agenda over the objection of the Mayor. The City Manager shall be notified. Councilors will endeavor to have subjects they wish considered submitted in time to be placed on the agenda. Agendas will generally be set to allow meetings to end no later than 9:30 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.

D. In the event of an emergency, the City Manager may place an item on the agenda. The City Manager shall strive to provide 24 hours notice to the Council and the news media. (Ord. 2007-05 §1)

1.02.080 Order and decorum.

A. Councilors will conduct themselves so as to bring credit upon the City government by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all Council decisions, whether or not the member voted on the prevailing side.

B. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other actions, delay or interrupt the proceedings or refuse to obey the orders of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.

C. The following ground rules will be observed to maintain order and decorum during Council discussions:

1. Councilors will strive to gather necessary information and ask questions of City staff before meetings. During regular public meetings, questions should be directed to staff through the City Manager.

2. Councilors will have an opportunity to speak at least once on any pending motion or agenda item.

3. Councilors will not speak on behalf of the Council, unless they have been authorized by the Council to do so.

4. Except for minor revisions or corrections, which shall be approved by motion or consensus, Councilors shall not attempt to amend or revise prepared ordinances during public meetings. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Councilors' objectives.

5. Councilors will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.

6. Councilors will focus on City issues and avoid becoming involved in issues not properly within the purview of the Council.

7. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Councilor with an opportunity to speak before recognizing another Councilor. Councilors will not interrupt another Councilor who has the floor.

8. Councilors will not disguise statements as questions or use repetitions as a way to convince others.

9. Councilors will keep discussions moving and call for a “process check” if the Council becomes bogged down in discussions.

10. Councilors may by motion set time limits on discussions.

11. Councilors will not publicly criticize or attack each other, City staff or other persons. Councilors will not personally attack each other, City staff or other persons.

12. If a Councilor wishes to discuss a major policy issue that is not on the agenda, it should be raised during new business for consideration at a future work session or meeting, not during the current meeting.

13. City staff and others attending Council meetings shall observe the same rules of procedure, decorum and conduct as Councilors.

14. While addressing or attending a Council meeting, any person who disrupts proceedings may be removed if directed by the presiding officer. In the event the presiding officer fails to act, this rule may be enforced by motion approved by a majority vote. A Sergeant-at-Arms may be appointed by the presiding officer to preserve decorum.

15. Councilors should obtain the appropriate permission before representing another Councilor’s view or position to the media. (Ord. 2011-01 §1; Ord. 2010-12 §2; Ord. 2007-05 §1)

1.02.090 Public comment.

A. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.

B. During public meetings, all public comments should be directed to the question under discussion and addressed to the Mayor representing the Council as a whole.

C. In general, Councilors will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff and reviewed before placing on a future agenda. (Ord. 2007-05 §1)

1.02.100 Motions.

A. Councilor motions will be clearly and concisely stated. The minute taker will take down the name of the Councilor who made the motion and the Councilor who made the second.

B. The motion maker, Mayor, or City Manager should repeat the motion prior to voting.

C. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second.

D. Discussion of a motion is open to all Councilors who wish to address the motion. A Councilor may speak more than once on each motion unless a motion to call the previous question is adopted. A Councilor must be recognized by the Mayor before speaking.

E. The Mayor will ask for a voice vote for all final decisions. All Councilors are expected to vote on each motion unless they are disqualified for some reason. A Councilor who does not vote must state the basis for any conflicts of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Councilor may request a roll call vote on any motion.

F. At the conclusion of any vote, the Mayor will announce the results. Councilors who wish to explain the reasons for their votes must do so briefly and succinctly.

G. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.

H. Tie. A motion that receives a tie vote fails.

I. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by a motion approved by a majority vote.

J. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.

K. Call for Question. A motion to “call for the question” or to “move the previous question” ends debate on the item and is not debatable. This motion is out of order unless each Councilor wishing to speak on the item has had at least one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Councilor objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds vote. Debate may continue if the motion fails. Two-thirds shall be defined as follows:

1. If four members of the Council are present, three affirmative votes are required.
2. If five members of the Council are present, three affirmative votes are required.
3. If six members of the Council are present, four affirmative votes are required.
4. If seven members of the Council are present, five affirmative votes are required.

L. Amendment. A motion to amend may be made to a previous motion that has been seconded, but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.

M. Reconsideration. When a motion has been decided, any Councilor who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved. (Ord. 2007-05 §1)

1.02.110 Councilor conduct.

A. Representing City. In all statements relating to public issues or policies, a Councilor shall take care to state whether his or her comments are personal opinions or represent the official position of the city.

B. Censure.

1. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Councilor substantially violate these rules or state law, the Council may take action to protect Council integrity and discipline the Councilor with a public reprimand, by motion approved by the Council.

2. A motion to censure shall include a public statement by the maker as to the grounds or basis for the motion. Upon being seconded, a vote on a motion to censure shall be placed on the agenda under new business for the next regular Council meeting, but no sooner than two weeks from the date of the motion, in order for the Councilor who is the subject to the censure motion to have time to prepare an explanation or a defense.

3. Discussion on the motion to censure shall occur at the next regular Council meeting. The presiding officer shall grant the Councilor who is the subject of the motion a reasonable opportunity to present a defense or explanation. Documents relevant to the Councilor's explanation or defense may be presented to the Council for consideration. In its deliberations, the Council may seek clarification of any points raised in the explanation or defense. The presiding officer shall then call for a vote on the motion to censure. (Ord. 2008-17 §1; Ord. 2007-05 §1)

1.02.120 Confidentiality.

A. Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the city's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.

B. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Councilors may not have any contact or discussions with any other party or its representatives nor communicate any executive session discussion.

C. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Councilor.

D. Unless required by law, no Councilor may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules. (Ord. 2007-05 §1)

1.02.130 Communications.

A. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:

1. Working with the staff as a team with a spirit of mutual respect and support.

2. Not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city license and permits. However, the sharing of ideas on these matters is appropriate.

3. Except during work sessions, limiting individual contacts with city staff to the City Manager so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the City Manager authority or to prevent the full Council from having benefit of any information received.

B. All written informational material requested by Councilors will be submitted by staff to the entire Council with a notation stating who requested the information.

C. The Mayor will refer any comments or questions regarding city personnel or administration to the City Manager. The Mayor may redirect other questions to a Councilor or the City Manager, as appropriate. Councilors may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

D. In keeping with Oregon's open meetings law, members of the Council shall not use telephonic or electronic communications with each other, serially or in conference, as a means of developing policy or working toward consensus on issues, unless such deliberations are properly noticed.

E. Members of the Council shall take care to retain official correspondence and e-mails in accordance with Oregon's public records law. (Ord. 2012-01 §2; Ord. 2007-05 §1)

1.02.140 Minutes.

A. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:

1. The name of Councilors and staff present;

2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

3. The result of all votes, including ayes and nays and the names of the Councilors who voted;

4. The substance of the discussion on any matter;

5. Reference to any document discussed at the meeting.

B. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, the Councilor should read and submit any changes, additions or corrections to the City Manager during or prior to the work session immediately preceding a Council meeting.

C. The City Recorder or designee will make an audio recording of all meetings except for executive sessions. The City Recorder will maintain custody of all recordings, but a Councilor may obtain a copy of any recording. A Councilor may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law. (Ord. 2007-05 §1)

1.02.150 Adjournment.

A. Upon motion and majority vote of the Councilors present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.

B. Upon the request of two or more Councilors a short recess may be taken during a Council meeting.

C. A motion to adjourn will be in order at any time except as follows:

1. When made as an interruption of a member while speaking; or
2. While a vote is being taken. (Ord. 2007-05 §1)

1.02.160 Bias and disqualification.

A. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Councilor to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Councilor's bias, pre-judgment, personal interest or other factor from which the party has concluded the Councilor should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.

B. In quasi-judicial matters, each Councilor must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Councilor testifies at a Planning Commission meeting. The Councilor must state whether the member can participate in the hearing with no regard for the prior decision made. If the Councilor is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.

C. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Councilor who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.

D. Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue. (Ord. 2007-05 §1)

1.02.170 Ex parte contacts and disqualification.

A. For quasi-judicial hearings, Councilors should refrain from ex parte contacts relating to any issue of the hearing. Ex parte contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. Ex parte contacts may be either oral statements when other interested parties are not present or written information that other interested parties do not receive.

B. If a Councilor has ex parte contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Councilor must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Councilors also will state whether such contact affects their impartiality or ability to vote in the matter. The Councilor must state whether the member will participate or abstain.

C. For quasi-judicial hearings, a Councilor who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Councilor reviews all the evidence and testimony received. (Ord. 2007-05 §1)

1.02.180 Oregon Ethics Commission requirements and reporting.

A. Councilors must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.

B. Councilors must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.

C. In accordance with ORS 244.195, it is each Councilor's responsibility to file statements of economic interest with the Government Standards and Practices Commission. (Ord. 2007-05 §1)

1.02.190 Legal advice.

A. Requests to the City Attorney for legal advice may not be made by a Councilor without the concurrence of a majority of the Council or the Mayor.

B. Before requesting research or other action by the City Attorney, Councilors are encouraged to consult with the City Manager to determine if the request or action can be accomplished more cost-effectively.

C. Outside a Council meeting, a Councilor should direct requests of the City Attorney through the City Manager or the Mayor.

D. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests. These requests must be made through the Mayor. (Ord. 2007-05 §1)

1.02.200 Manager evaluation.

A. Criteria. The standards, criteria, and policy directives used in the evaluation of the City Manager will be adopted at a regular Council meeting in accordance with state law.

B. Process.

1. Councilors will make written comments in response to the evaluation.

2. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.

3. At evaluation sessions, Council summary comments and individual Councilor comments will be made. The City Manager will have an opportunity to respond to all comments. The effect of the evaluation on the City Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the City Manager.

4. Councilors will then complete their individual evaluations and convene to discuss overall evaluation of the City Manager and reach a consensus.

5. Council will then reconvene with the City Manager to review final performance evaluation and discuss compensation.

C. Contract. The City Attorney will prepare any employment contract amendments to the City Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting. (Ord. 2007-05 §1)

1.02.210 Council expenses.

Reimbursement. The Council shall receive a monthly reimbursement for expenses, the amount to be set appropriately by the Mayor and Council. (Ord. 2007-05 §1)

1.02.220 Boards and commissions.

A. Appointments to boards and commissions shall be made as provided in the City Charter.

B. Each board, commission and committee will annually report to the Council on their activities for the previous year at a regular City Council meeting. The report will be prepared in a format prescribed by the Council. (Ord. 2019-04 §1; Ord. 2011-09 §1; Ord. 2011-01 §1; Ord. 2007-05 §1)

1.02.230 News media.

A. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Work space shall be reserved for members of the news media at Council meetings in order that proceedings may be observed and heard clearly. See also Executive Sessions.

B. A member of the news media is someone who:

1. Represents an established channel of communication, such as a newspaper or magazine, radio or television station, and either:

2. Regularly reports on the activities of government or the governing body, or

3. Regularly reports on the particular topic to be discussed by the governing body. (Ord. 2007-05 §1)

1.02.240 Authorization of expenditures.

A. A department director or manager shall not spend or commit more than \$5,000.00 of budgeted funds without approval of the City Manager.

B. Subject to Section 34.d.1. of the City of Molalla Charter, the City Manager shall receive Council approval prior to making any budgeted expenditures in excess of \$100,000.00 that are outside the scope of regular daily city operations.

C. The City Manager shall receive Council approval prior to making any expenditures, regardless of the dollar amount, if the contemplated expenditure is not included in the adopted budget for the given fiscal year in which the contemplated expenditure is to be made. (Ord. 2017-09 §1; Ord. 2012-01 §3; Ord. 2011-01 §1; Ord. 2007-05 §1)

1.02.250 Personnel records.

Unless otherwise provided in ORS 192.410—192.990, Oregon’s public records law, no member of the Council may review personnel records of current or former employees of the City of Molalla without approval of a majority of the Council. (Ord. 2010-12 §1)

Contact:

City Hall: 503-829-6855

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Molalla Area Vision and Action Plan 2020 - 2030



MOLALLA AREA VISION AND ACTION PLAN 2020-2030

FOCUS AREA #1

Molalla is... a resilient community that passionately recognizes and builds on its history, culture, and location

Strategies:

- Be deliberate about building identity
- Embed collaborative thinking and practice in all actions
- Identify, support, and build on local culture including arts, history, heritage, and humanities

MOLALLA AREA VISION AND ACTION PLAN 2020-2030

FOCUS AREA #2

Molalla is... a welcoming, friendly and vibrant community with an attractive hometown feel that is safe, hospitable, and inclusive of all residents, businesses and visitors

Strategies:

- Develop the physical infrastructure needed to support a welcoming community
- Foster socially welcoming activities and embrace diversity as our strength
- Engage youth

MOLALLA AREA VISION AND ACTION PLAN 2020-2030

FOCUS AREA #3

Molalla is... an economically sound and growing community which is evident in the diversity of businesses, partnerships, education, innovation, and the strong work ethic of its people

Strategies:

- Develop and sustain an environment for successful economic development and managed growth
- Encourage youth participation in job development

MOLALLA AREA VISION AND ACTION PLAN 2020-2030

FOCUS AREA #4

Molalla is... a full-service hub of resources

Vision Focus Areas



MOLALLA AREA VISION AND ACTION PLAN 2020-2030

FOCUS AREA #5

A beautiful and tranquil area where people are deeply connected to its unique natural features

Strategies:

- Strengthen regional partnerships to identify key natural resources
- Develop new programs and support existing efforts dedicated to protecting natural areas
- Create sustainable tourism activities and promotion campaigns



GOALS CREATED FOR 2022

FOCUS AREA 1

A resilient community that passionately recognizes and builds on its history, culture, and location.

- Promote Diversity, Equity, and Inclusion Opportunities
- Update Parks Master Plan including updates for Chief Yelkus Park, Strawberry Park, Fox Park (equipment update), Skate Park

FOCUS AREA 2

A welcoming, friendly, and vibrant community an attractive hometown feel that is safe, hospitable, and inclusive of all residents, businesses, and visitors.

- Molalla Current Newsletter translated into Spanish
- Kiosk Map listed on city website
- Update Parks Master Plan (see Focus Area 1)

FOCUS AREA 3

An economically sound and growing community which is evident in the diversity of businesses, partnerships, education, innovation, and the strong work ethic of its people.

- Multiple areas listed via Community Development Department (see attached report)
- Update Focus Area to: Expectations, Goals, and Accomplishments
Provide Goals and Accomplishment document to citizens at Celebrate Molalla
- Street or Maintenance Fee to be used for Streets and Parks together – or keep separate
Provide Simplified Education to public regarding need, funding, etc.

FOCUS AREA 4

A full-service hub of resources.

- City identifies resources with Action Goal via the City of Molalla Website and Molalla Current
- Update Emergency Management Plan

FOCUS AREA 5

A beautiful tranquil area where people are deeply connected to its natural features.

- Identify where we are incorporating branding/slogan: Kiosks, Art contest, other?
- Architectural standards
- Art Contest
- Mural Code
- Combining Art with new Police Facility
- Complete Destination and Assessment Project/Grant

COUNCIL PROJECTS
Goal Setting Conference
January 29, 2022

CITY-WIDE TRASH DAY
(Partner with B & B Leasing, City, other agencies)

- Shred Truck - \$ per banker box/bag?
- E-cycle – out of date electronics
- Recycle – metal, glass, etc.
- Paint disposal
- Lion’s Club – donate eyeglasses
- Other

- ❖ Once per year – Bohlander Field
- ❖ Proof of B&B Leasing service – bill/statement
- ❖ Coordinate with PD Drug Take Back Day – April 30th, 10a-2p

CELEBRATE MOLALLA

- NEW DATE: August 27, 2022
- Location: S. Molalla Avenue
- Car Show
- Food Court
- Beer Garden
- 100 Vendors

- ❖ City provide list of Goals & Accomplishments for Citizen Education

GOAL SETTING CONFERENCE
MESSAGES RECEIVED FROM COUNCILORS
January 17, 2023

C. ROBLES

FA1-

Fields (Clark / Sheets) will they be included in Parks? Should City have part in partnering with Youth Sports or will this remain a topic for discussion with Parks CPC

Skate Park- will it be updated to be a Molalla City Park? Or added to Parks Master Plan Update

Diversity, Equity, Inclusion- lately more “people” have been mentioning or commenting there are “people scared to walk in Molalla”. Brainstorm ways to promote and avoid terms such as “scared to walk down roads”.

FA3

Street Maintenance Fee- revisit

Keep track of cost of overlays to be completed and revisit SMF to get more community members onboard when/if we revisit the Street Maintenance Fee

FA5

Culture and Arts- share more information of the Molalla Tribes to community

J. NEWLAND

Parks...

Discuss making skate park and ball fields a council priority. I know we have groups wanting to raise money for these specific things, and I would like to encourage them to be able run with it.

R. BOTSFORD

-Disaster preparedness – **We are working toward having our Emergency Operations Plan updated. However, we have accomplished quite a lot and we can talk in detail.**

-Homeless, what state laws are stopping police from doing their job, what options does the city have to protect its citizens from open drug use, using city land such as parks and the defecation and garbage possible fees or trespassed. – **We do have this one on the goal setting agenda.**

-kids safe passage to schools – **There is a program “Safe Routes to Schools” but that involves bringing the School District to the table. We can chat about this one as well.**

Industrial/business park.

With the upcoming housing analysis and HB 2003 I would like to see dedicated land possibly become and Industrial/Business park to help promote job providing businesses into our town.



Minutes of the Molalla City Council Work Session

Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
January 25, 2023

CALL TO ORDER

The Molalla City Council Work Session of January 25, 2023 was called to order by Mayor Scott Keyser at 6:00pm.

COUNCIL ATTENDANCE

Mayor Scott Keyser, Council President Jody Newland, Councilor Leota Childress, Councilor Terry Shankle, Councilor Crystal Robles, Councilor Eric Vermillion, and Councilor RaeLynn Botsford.

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder.

DISCUSSION ITEMS

A. Planning Commission Applicant Interviews

Mayor Keyser invited Planning Commission applicant Greg Hillhouse to the podium to be interviewed.

- What motivated you to apply for this position?

Mr. Hillhouse has been involved in many areas of the city, however not city government. He would like to become more actively involved and felt the Planning Commission would be a good way for him to do that.

- Do you have any personal/professional interest in the city's planning or development? If yes, please explain.

Mr. Hillhouse replied that he does not.

- What prior knowledge, if any, do you have working with planning, development, or serving on a public committee/commission?

Mr. Hillhouse has no previous knowledge. He keeps himself familiar with Planning Commission by watching the videos online.

- Commitment to this position is, at minimum, one meeting a month for a few hours with some further time needed for events and other trainings/meetings. Is this something you have planned for and are willing to agree to?

Mr. Hillhouse can commit to the attending the meetings.

Darci Lightner did not attend the Work Session. Mayor Keyser moved onto Mr. David Potts.

- What motivated you to apply for this position?

Mr. Potts and his wife moved from the Portland area a few years ago. He was active in the East Portland Action Plan when they lived there and would like to now be involved in our community.

- Do you have any personal/professional interest in the city's planning or development? If yes, please explain.

Mr. Potts replied that he does not.

- What prior knowledge, if any, do you have working with planning, development, or serving on a public committee/commission?

Mr. Potts career was in title insurance. He is familiar with legal documents, city code building restrictions, and as-builts meeting requirements.

- Commitment to this position is, at minimum, one meeting a month for a few hours with some further time needed for events and other trainings/meetings. Is this something you have planned for and are willing to agree to?

Mr. Potts is willing to attend required meetings.

- Why did you move to Molalla?

Mr. Potts grew up in a small town, then moved to a large city. After years of living in a large city, he and his wife wanted to return to a smaller city, where they could become involved.

Mayor Keyser then invited Mr. Ornelas to the podium, and asked the following questions.

- What motivated you to apply for this position?

Mr. Ornelas would like to become more involved with the community. He is a firm believer in that cities are made by those that show up. He would like to be considered someone who shows up.

- Do you have any personal/professional interest in the city's planning or development? If yes, please explain.

Mr. Ornelas replied he does not.

- What prior knowledge, if any, do you have working with planning, development, or serving on a public committee/commission?

Mr. Ornelas replied that he has none.

- Commitment to this position is, at minimum, one meeting a month for a few hours with some further time needed for events and other trainings/meetings. Is this something you have planned for and are willing to agree to?

Mr. Ornelas agrees to the time commitment of monthly meetings.

- Why did you move to Molalla?

Mr. Ornelas previously lived in Hillsboro, and wanted to be part of a smaller community. He is not afraid of the large reading requirement for Planning Commissioners.

Mr. Hillhouse and Mr. Potts are prepared for the reading requirements of the Planning Commission, as well.

Councilor Robles thanked each person for applying for the positions on the Planning Commission.

[For the complete video account of the City Council Meeting, please go to YouTube "Molalla City Council Work Session – January 25, 2023"](#)

ADJOURN

Mayor Keyser adjourned the Work Session at 6:16pm.

Scott Keyser, Mayor

Date

ATTEST:

Christie Teets, CMC
City Recorder



Minutes of the Molalla City Council Meeting

Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
January 25, 2023

CALL TO ORDER

The Molalla City Council Meeting of January 25, 2023 was called to order by Mayor Scott Keyser at 7:00pm.

COUNCIL ATTENDANCE

Present: Mayor Scott Keyser, Council President Jody Newland, Councilor Leota Childress, Councilor Terry Shankle, Councilor Crystal Robles, Councilor Eric Vermillion, and Councilor RaeLynn Botsford.

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder; Chaunee Seifried, Finance Director; Cindy Chauran, Interim Senior Accountant.

APPROVAL OF AGENDA

Approved as presented.

CONSENT AGENDA

- A. Meeting Minutes – January 11, 2023

A motion was made by Councilor Robles to approved the Consent Agenda. Vote passed 7-0, with all Councilors voting Aye.

PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. Planning Commission Appointments

Mayor Keyser announced that during the Work Session this evening, Council interviewed three applicants for the two vacant seats on the Planning Commission. Mayor Keyser stated that each applicant would be voted on by a show of hands. Applicant Greg Hillhouse received six votes, David Potts received two votes, and Martin Ornelas received six votes. City Recorder Teets made the announcement that both Mr. Hillhouse and Mr. Ornelas would be appointed to the Planning Commission. Mayor Keyser informed Mr. Potts that if a seat were to become vacant in the next thirty to sixty days, he would be notified.

- B. Budget Committee Appointment – Elizabeth Klein

Mayor Keyser announced that at the December 14, 2022 regular meeting, former Councilor Elizabeth Klein, expressed interest in remaining involved with City government. She submitted her applications for appointment as positions became available. Budget Committee Robert Thompson's term expired in December. He is not seeking to continue with the Budget Committee, therefore an opening has become available. Council would like to appoint Lizz Klein to the Budget Committee. Lizz is unable to attend tonight's meeting, as she is in Washington DC on a work trip. There is an additional Budget Committee position that has opened that will be posted next week.

A motion was made by Councilor Vermillion to appoint Elizabeth Klein to the Budget Committee. Vote passed 7-0, with all Councilors voting Aye.

- C. Beautification & Culture CPC Appointment – Elizabeth Klein

Mayor Keyser announced that Councilor Childress recently resigned her position on the Beautification & Culture Committee. Lizz Klein has served on this Committee since the beginning and would like to continue to work with the group.

A motion was made by Councilor Vermillion to appoint Elizabeth Klein to the Beautification & Culture CPC. Vote passed 7-0, with all Councilors voting Aye.

PUBLIC COMMENT

None.

PUBLIC HEARINGS

None.

ORDINANCES AND RESOLUTIONS

None.

GENERAL BUSINESS

A. Clackamas County Stranded Worker IGA

City Manager Huff presented an Inter Governmental Agreement between the City of Molalla and Clackamas County. The concept is that during a significant regional disaster, where regional travel becomes difficult or impossible, our respective employees could report to the nearest jurisdiction to assist. This document has been identified as a tool to strengthen and better coordinate the overall County's disaster preparedness.

A motion was made by Councilor Childress to enter into the Agreement with Clackamas County. Vote passed 7-0, with all Councilors voting Aye.

B. Code Enforcement FTE

Finance Director Seifreid presented the staff report for the need for a Code Enforcement Officer. She explained that the original plan was to propose this position as part of our 2023 – 2024 Budget process. However, we believe our needs are urgent at this point and we are asking Council to approve this addition mid-year. Normally, we do not ask for an additional FTE outside the normal Budget process, but an earlier decision allows us to move more quickly on the process of bringing a staff member on board.

A motion was made by Councilor Childress to approve the adding of an additional full-time employee (FTE). Vote passed 7-0, with all Councilors voting Aye.

C. Goal Setting Conference Follow-Up

City Manager Huff addressed the Goal Setting Conference and the upcoming Work Sessions. He also gave Council members suggestions on how they can assist in the city's focus areas. He mentioned getting involved with other Elected Officials, promoting the new Police Facility, acting as the political arm of the city, and being a voice on Measure that negatively affect us. Mr. Huff also mentioned the importance of being involved in citywide events, such as Clean-Up Day, the 4th of July Parade, and Celebrate Molalla.

STAFF COMMUNICATION

- City Manager Huff expressed his thanks to Finance Director Seifried for her constant support over the years. He also reminded Council that many exciting things are happening in the city.
- Senior Accountant Chauran invited the community to a retirement send-off for Chaunee on Thursday, January 26th.
- Finance Director Seifried offered her thanks to Council. She has worked for many council members during her career and appreciates this councils trust in staff very much.
- City Recorder Teets announced that a Budget Committee position is open. Applications will be received from February 1-March 1, 2023.

COUNCIL COMMUNICATION

- Councilor Vermillion shared that he had recently attended an event and the Aquatic Center, and was impressed with how much they have to offer. He also announced the upcoming Work Session for the Molalla River School District.
- Councilor Shankle had nothing to report. She thanked Chaunee for her hard work during her time with Molalla.
- Councilor Childress is sad to see Finance Director Seifried go, however wished her well on her retirement. Councilor Childress is very impressed with how successful the Aquatic Center has become.
- Council President Newland promoted the Aquatic Center events and encouraged the community to take advantage of all they have to offer. Councilor President Newland attended the Day at the Capitol for elected officials. She pointed out responsibilities of Elected Officials and city staff for contacting the government when there are issues. She also stated

that “you (community members) have a responsibility as citizen in a representative government, your job is to contact your legislature, also. She encouraged folks to call or email often.

- Councilor Robles shared events coming up at the Library, and also thanked Chaunee for her years of service.
- Councilor Botsford reminded everyone of the upcoming Annual Chamber Banquet and Auction. She also thanked Finance Director Seifried for her service to our community.
- Mayor Keyser expressed his sincere thanks to Finance Director Seifried for her leadership, knowledge, kindness and passion for the city.

At 7:49pm, Mayor Keyser announced that we will recess into Executive Session, held pursuant to Oregon Public Record Law, ORS 192.660(2):

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

RECONVENE REGULAR SESSION

Mayor Keyser reconvened the City Council meeting at 8:51pm.

ADJOURN

Mayor Keyser adjourned the meeting at 8:51pm.

For the complete video account of the City Council Meeting, please go to YouTube
“Molalla City Council Meetings – January 25, 2023”

Scott Keyser, Mayor

Date

ATTEST:

Christie Teets, CMC
City Recorder

City of Molalla

City Council Meeting



Agenda Category: Public Hearing

Subject: First hearing for Molalla draft Housing Needs Analysis (HNA) and Residential Buildable Lands Inventory (BLI).

Date of Meeting to be Presented: 1/4/2023-Planning Commission Discussion, 2/8/2023 City Council Public Hearing.

This hearing is part of the process to engage the public and the Council in discussion of the HNA/BLI. Additional public hearing(s) will be held in conjunction with the Comprehensive Plan amendment process to adopt the HNA/BLI upon finalization.

Recommended Action & Motion(s): Provide a public forum to receive Community and Council input on the Draft HNA/BLI.

Fiscal Impact: None.

Background: In late 2021, Molalla received grant funding from DLCD to complete a HNA, Housing Production Strategy (HPS), and residential Buildable Lands Inventory to bring the City into compliance with HB 2003 and OAR 660. In early December of 2022, Emerio Design provided a final draft of the HNA to the Staff for review. The Draft HNA is included in this staff report as “*Exhibit A.*” The report analyzes the City’s current demographics and housing trends and applies accepted population forecasts from Portland State University to determine the required 20-year land supply for the City. This informs the City on UGB expansion for residential lands. The update will be the City’s first formal UGB analysis since the 1980s. City has a hard deadline from DLCD to adopt an HNA by December, 2023.

Because the City is applying to adopt the sequential review process Staff cannot present the HNA for adoption until DLCDC confirms that the City can proceed with sequential review without the HNA becoming void. On January 11, 2023, Molalla City Council passed a resolution authorizing Staff to pursue the sequential UGB Amendment process outlined in ORS 197.626(3) and OAR 660-025-0185(1) & (2). OAR 660-025-0185 requires that the City *“submit written notice of election to use the sequential review process contained in this rule to the department prior to submittal of a component for review.”* This hearing presents an opportunity for comment from Council and the Public to put final touches on the HNA prior to a hearing for adoption. Once the work plan is completed and approved by DLCDC and Clackamas County the City will hold a second hearing for HNA adoption.

Staff is currently preparing a revised draft work plan for sequential review to be reviewed by Clackamas County and DLCDC in coming weeks.

Exhibits:

Exhibit A – DRAFT CITY OF MOLALLA - 2022 – 2042 Housing Needs Analysis and Buildable Lands Inventory

Exhibit A
DRAFT

CITY OF MOLALLA

2022 – 2042 Housing Needs Analysis

Buildable Lands Inventory



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Acknowledgements

Emerio Design, LLC prepared this report for the City of Molalla. Emerio Design, LLC and the City of Molalla would like to thank the many people who helped develop this Housing Needs Analysis.

Technical Advisory Committee (TAC)

Dan Zinder – City of Molalla

Mac Corthell – City of Molalla

Laura Kelly – Department of Land Conservation and Development

Kelly Reid - Department of Land Conservation and Development

Ethan Stuckmayer – Department of Land Conservation and Development

Karen Buehrig – Clackamas County

City of Molalla Staff

Mac Corthell – Community Development Director

Dan Zinder – Senior Planner

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Jennifer Arnold, Senior Land Use Planner

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I. Introduction

This report has been prepared to serve as the City of Molalla’s Housing Needs Analysis for the 2022 to 2042 planning period. The purpose of this document is to provide the City of Molalla with a factual basis to inform and guide future planning efforts related to residential development and redevelopment. It will be a valuable asset when updating the Housing Element of Molalla’s Comprehensive Plan and Development Code. This report is an amalgamation of the City of Molalla’s existing demographic profile (population, household size, age, income, etc.) – all data points relevant to a city’s residential development – existing housing stock, and projected housing demand consistent with the 20-year need assessment requirements of Oregon Revised Statutes¹ and Oregon Administrative Rule 660 Division 8 (Statewide Planning Goal 10, Housing). This information and population forecast from Portland State University’s (PSU) Population Research Center (PRC) were used to project Molalla’s housing needs to accommodate growth over the next 20 years. Emerio Design, LLC’s primary data sources include:

- Portland State University Population Research Center;
- U.S. Census;
- City of Molalla;
- Clackamas County; and
- Other sources are identified as appropriate.

Data from both the Decennial Census and the American Community Survey (ACS) was used to create this report. While data from the ACS has a larger statistical margin of error than the ten-year census, the five-year ACS estimates are used whenever possible because the five-year estimates have lower margins of error compared to the three-year and one-year estimates. However, all Census data has some margin of error despite being the best source of data used to describe a city’s demographic profile.

A. Oregon Housing Regulatory Requirements

Passage of the Oregon Land Use Planning Act of 1974 (ORS Chapter 197) established the Land Conservation and Development Commission (LCDC) and the Department of Land Conservation and Development (DLCD). This Act required the Commission to develop and adopt a set of statewide planning goals. Goal 10 addresses housing in Oregon and provides guidelines for local governments to follow in developing specific local comprehensive land use plans and implementing policies.

At a minimum, local housing policies must meet the applicable requirements of Goal 10 and the statutes and administrative rules that implement it (ORS 197.295 – 197.314, ORS 197.475 – 197.490, and OAR 600-008). Goal 10 requires incorporated cities to complete an inventory of buildable residential lands. Additionally, Goal 10 requires cities to encourage the numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. The Molalla Comprehensive Plan has been written in compliance with Goal 10 and mirroring all Statewide Planning Goals.

Goal 10 defines needed housing types as “all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within

¹ ORS 197.628; OAR 660-025

the county with a variety of incomes, including but not limited to household with low incomes, very low incomes and extremely low incomes.” ORS 197.303 defines needed housing types:

- (a) “Housing that includes, but is not limited to, attached, and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;²
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 – 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.”

B. Housing Needs Analysis Methodology

The housing needs analysis work for the City of Molalla includes the following tasks:

- 1. Housing needs forecast for the City of Molalla Urban Growth Boundary (UGB);
- 2. Buildable lands inventory (BLI) for residential and mixed-use designations in the UGB;
- 3. Residential land needs analysis for accommodating a 20-year forecast; and
- 4. Identification of local policy measures and housing strategies for accommodating needed housing

The recommended approach to conducting a housing needs analysis is described in Planning for Residential Growth: A workbook for Oregon’s Urban Areas, the Department of Land Conservation and Development’s guidebook on local housing needs studies. As described in the workbook, the specific steps in the housing needs analysis are:

- 1. Project the number of new housing units needed in the next 20-years;
- 2. Identify relevant national, state, and local demographic and economic trends and factors that may affect the 20-year projection of structure type mix;
- 3. Describe the demographic characteristics of the population and, if possible, the housing trends that relate to demand for different types of housing;
- 4. Determine the needed housing mix and density ranges for each plan designation and the average needed net density for all structure types; and
- 5. Estimate the number of additional needed units by structure type.

II. City of Molalla Demographic Profile

The City of Molalla has a population of approximately 10,228 people and is located entirely within Clackamas County, Oregon. This report’s geographic scope is all land within the City of Molalla’s Urban Growth Boundary (UGB). Exhibit 1, below, illustrates Molalla’s city limits (red dashed) and UGB (green dashed). This report analyzes the status and development/redevelopment potential of residential land within city limits and the potential of land outside city limits, but inside the UGB, to address housing related deficiencies.

² Government assisted housing can be any housing type listed in ORS 197.303 (a), (c), or (d).

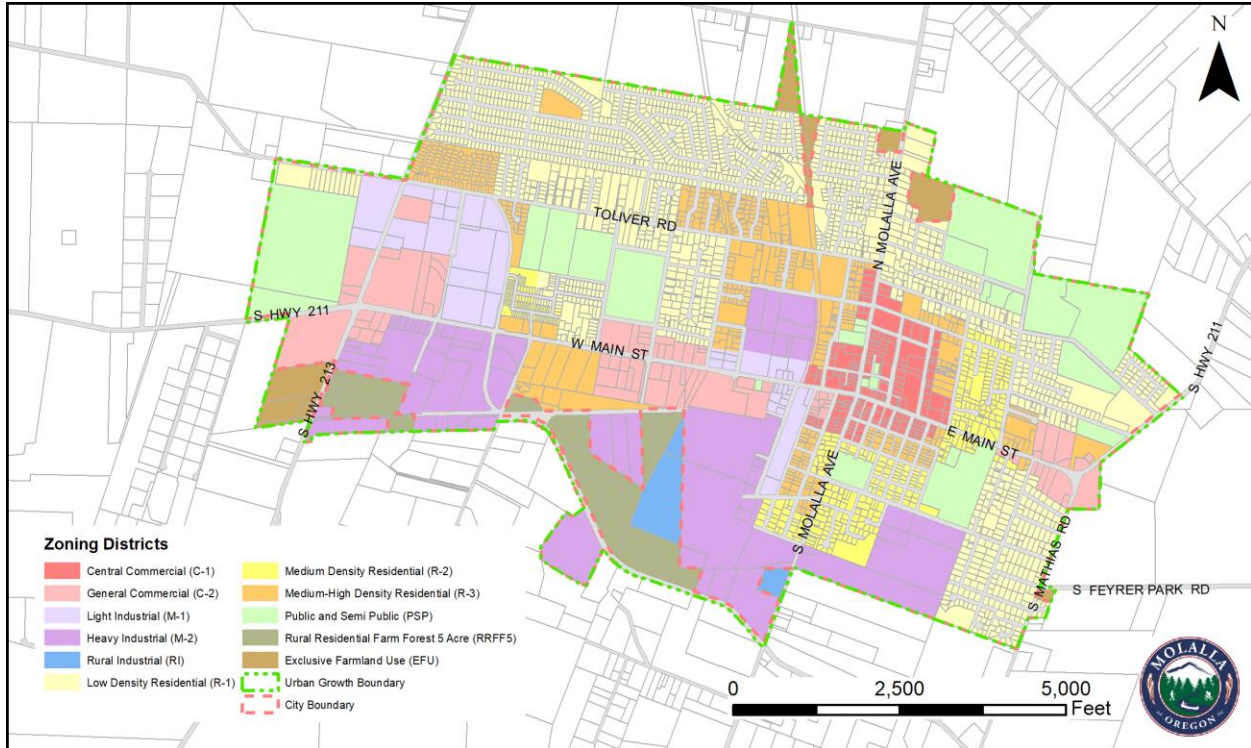


Exhibit 1: City of Molalla Zoning District Map

A. Population Growth

The City of Molalla has sustained constant growth for more than twenty years. In the year 2000, only 5,872 people resided in the city. This had increased to 8,108 people by 2010. Within the last ten years, the population has increased by 2,120 people, which represents a 26 percent increase in total population. At this pace, Molalla boasts an Average Annual Growth Rate (AAGR) of 1.8 percent between the 2010 and 2020 Decennial Census.

Table 1: Population & Housing Type

	Year 2010	Year 2020	Difference
Total Population	8,108	10,228	2,120
In Household	8,055	10,109	2,054
In Group Quarters	53	119	66

Source: U.S. Census, PSU Population Research Center, Emerio Design, LLC
DEC Redistricting Data (PL 94-171)

For reference, Molalla growth percentage is greater than Oregon’s 10.77 percent and Clackamas County’s 11.06 during the same timeframe.

The vast majority, 98.8 percent, of Molalla’s population resides in a household – A household is defined by the U.S. Census Bureau as “all the persons who occupy a housing unit as their usual place of residence. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters.” Only 1.2 percent of the population lives in group quarters, defined as “a place where

people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. For example, college residence halls, treatment centers, skilled-nursing facilities, and group homes, are classified as group quarters. Residents in group quarters are not included in the calculations to determine the other types of housing needed to serve the City of Molalla. This analysis assumed that the proportion of people living in group quarters will remain steady over the 20-year assessment period.

B. Housing Units

The total number of house units in the City of Molalla has increased by 707 units, resulting in a total count of 3,724 units in 2020. Despite the total number of units has increased, the number of vacant or seasonally occupied units has decreased, although not significantly, from 160 to 146 units. As a result, the City of Molalla has an incredibly low vacancy rate of 0.4 percent.

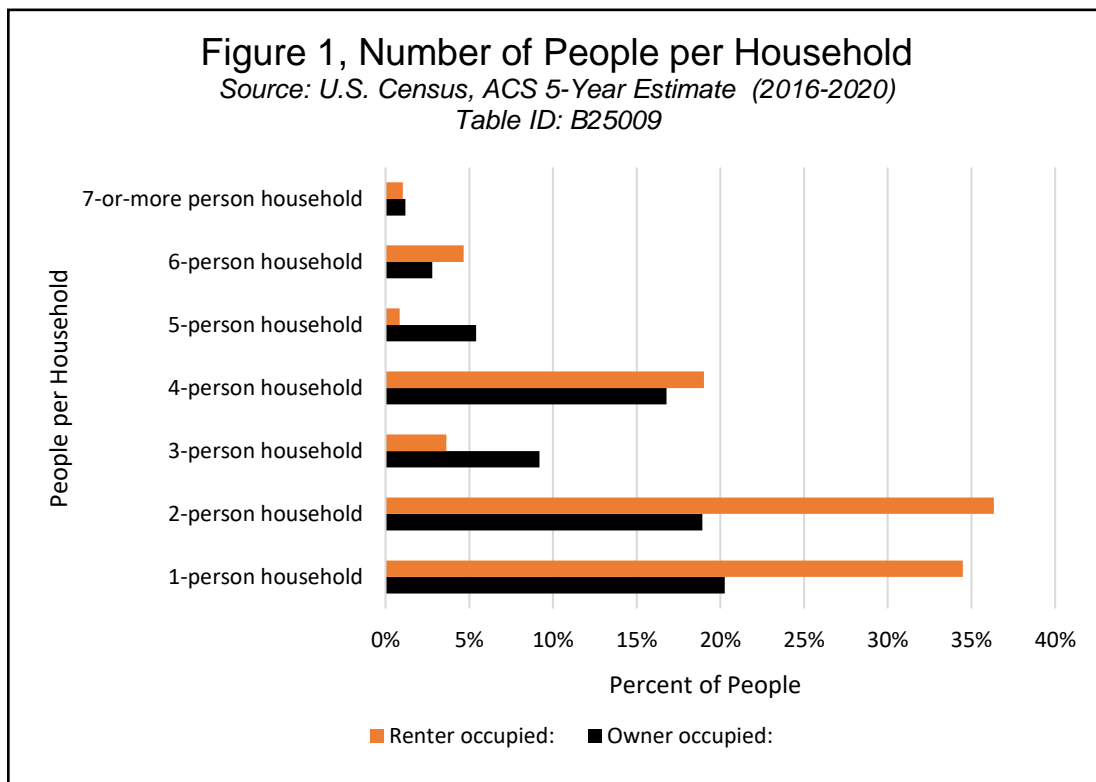
Table 2, Total Housing Units

	2010 (Census)	2020 (Census)	Difference
Total	3,017	3,724	707
Occupied	2,857	3,578	721
Vacant or Seasonal Occupied	160	146	-14

Source: U.S. Census, PSU Population Research Center, Emerio Design, LLC
DEC Redistricting Data (PL 94-171)

C. Household Growth & Size

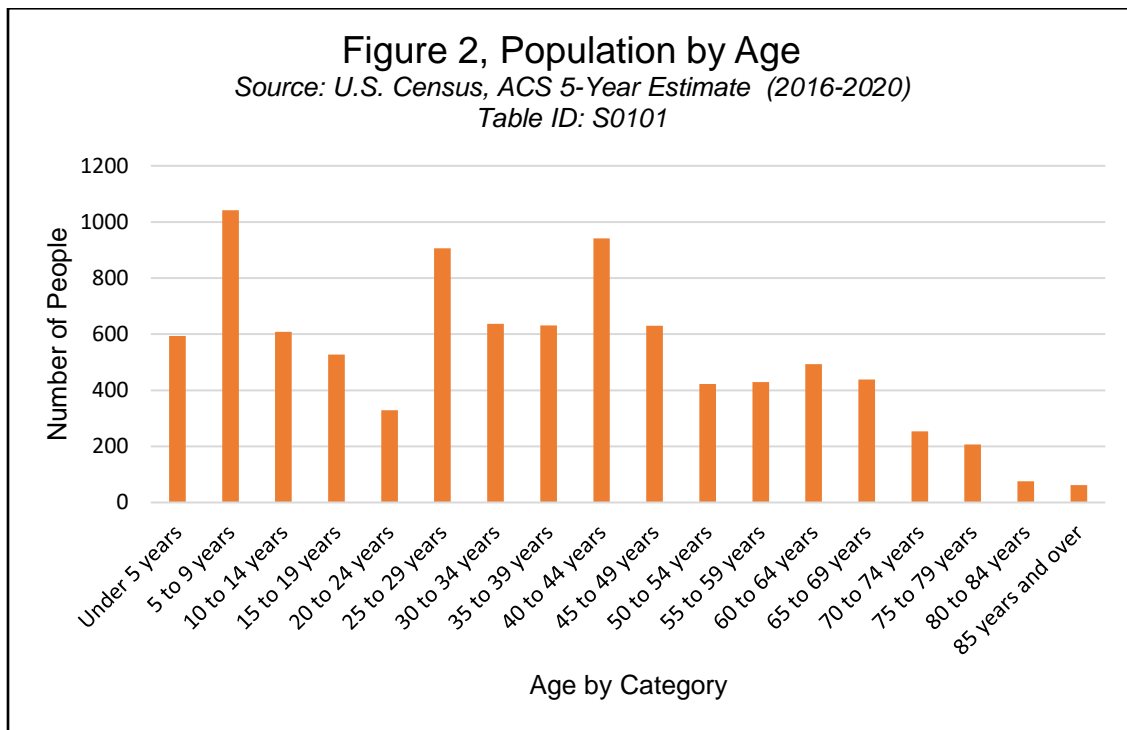
While the City of Molalla’s population has been growing at a significant rate, the average household size has remained consistent. In 2010, it was 2.82 people per household. By 2020 it had only increased to 2.83 people per household.



As Figure 1 demonstrates, the majority of renter occupied households are most likely to contain one or two individuals. Except for a relatively large portion of renter-occupied units containing four people, the number of people per renter-occupied households decreases as the number of persons per household increases. Meanwhile, the owner-occupied households are much more evenly distributed. There are still larger percentages to be found in the one-, two-, and four-person household categories, but it is not as extreme as the renter occupied units. Age trends, as discussed in the next section, could explain the concentration of people in these specific households.

D. Age Trends

The City of Molalla is comparatively younger than its surroundings. The median age is 34.8 years. Oregon’s median age is a few years older at 36.5 years, and Clackamas County is even older than Oregon at 41.7 years. The largest age brackets in the City of Molalla are 5 to 9 years, 25 to 29 years, and 40 to 44 years as illustrated by Figure 2, below.



E. Income Trends

The median household income in the City of Molalla increased from \$49,524 in 2010 to \$68,590 in 2020, representing a 39 percent growth rate. Over this same period, the U.S. inflation rate was approximately 19%. Thus, median household income in the City of Molalla significantly outpaced the national inflation rate. Locally, over the same period, the median household income in Clackamas County increased from \$62,007 in 2010 to \$82,911 in 2020, a growth rate of approximately 34 percent. Thus, the City of Molalla has experienced a slightly higher growth rate in median household income than Clackamas County. However, its median household income of \$68,590 remains well below that of Clackamas County at \$82,911.

Table 3, Median Household Income

	2010 (ACS)	2020 (ACS)	Growth
Median Household	\$ 49,524.00	\$ 68,590.00	39%

Source: U.S. Census, ACS 5-Year Estimates, Emerio Design, LLC
Table ID: S1901

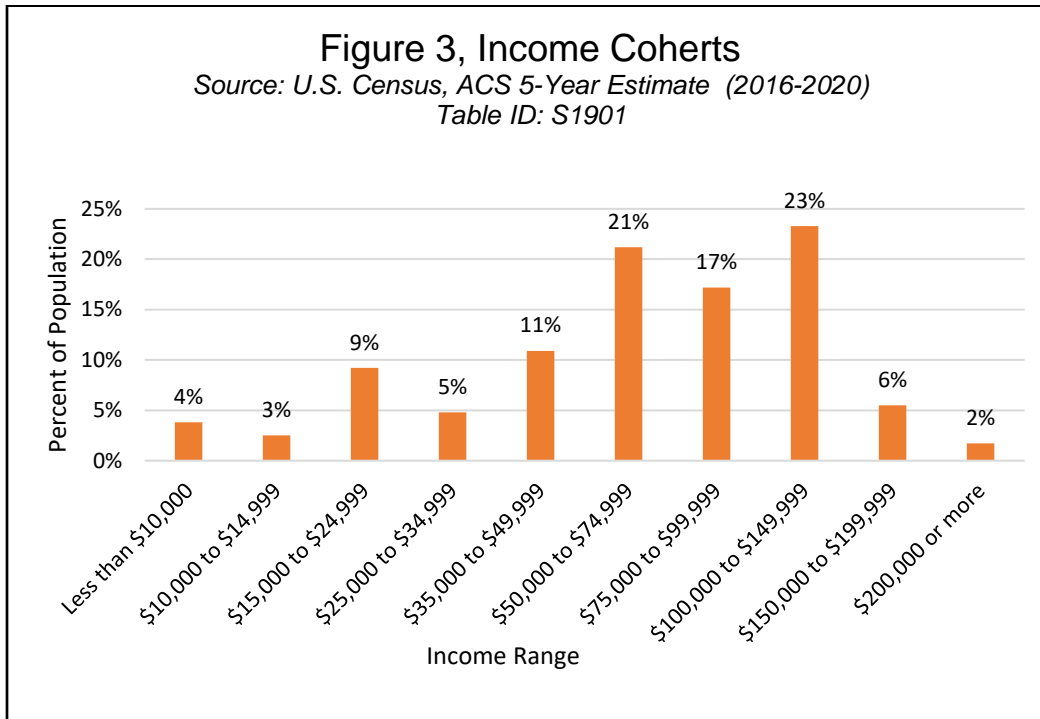


Figure 3 shows the estimated distribution of households by income level for the year 2020. Sixty-one percent of households earn between \$50,000 and \$149,999. Thirty-two percent of households earn less than \$50,000 per year.

F. Poverty

The Federal Poverty Level (FPL) is a set of income thresholds that vary by family size as defined by the US Census. The average household size for Molalla is 2.8 according to the US Census, and for the purposes of measuring poverty this number was rounded up to 3 persons per household. Based on the FPL, a three-person household has a weighted average threshold of \$21,559 according to a U.S. Census Report (Creamer, Shrider, & Burns, 2021)³. According to this report, 10.9 percent of Molalla’s population live in poverty. This equates to approximately 1,115 individuals. Comparatively, the poverty rate for Clackamas County is only 6.7 percent (using the same methodology), while the statewide average is 12.2 percent.

G. Employment Location Trends

Figure 4 shows workforce commuter patterns to and from Molalla based on the Census Longitudinal Employer Household Dynamics for 2019, the latest year available. The data shows

³ U.S. Census Bureau, 2022. Poverty in the United States: 2021. Census.gov. Available at: <https://www.census.gov/library/publications/2022/demo/p60-277.html>

that 1,673 people commute into Molalla for employment, 418 people both work and live in Molalla, and 3,518 live in Molalla and commute elsewhere for work. Factors contributing to the disproportionate amount of people who live in Molalla and commute elsewhere likely include:

- An ever-tightening housing market in the Metro area that has pushed housing development into Molalla. As housing becomes more scarce people are willing to commute longer distances to work in order to attain housing.
- As a burgeoning community, Molalla has yet to develop a deep employment base that is prevalent in the surrounding Metro area.

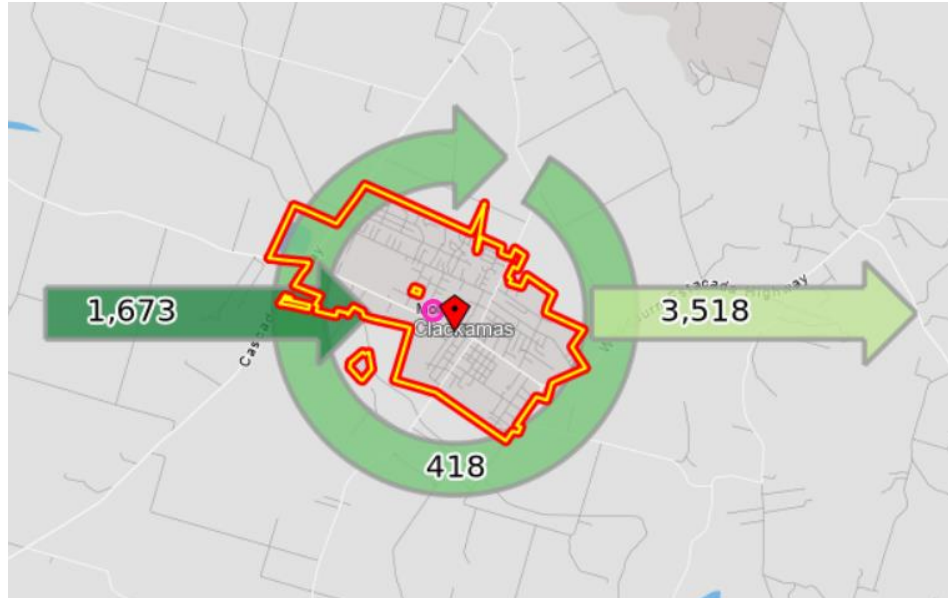


Figure 4: Workforce Commuter patterns

Table 4 summarizes the employment status for residents of Molalla age 16 and older. As shown below, the unemployment rate has decreased from 12.7% in 2010 to 5.8% in 2020 while those not in the labor force increased by 13%.

Table 4: Employment Status

Employment Status	2010	Percent	2020	Percent	Difference
Population 16 years and over	5,438	100.0%	6,864	100%	26.2%
In labor force	3,782	69.5%	4,993	72.7%	32.0%
Civilian labor force	3,782	69.5%	4,982	72.6%	31.7%
Employed	3,300	60.7%	4,691	68.3%	42.2%
Unemployed	482	8.9%	291	4.2%	-39.6%
Armed Forces	0	0.0%	11	0.2%	N/A
Not in labor force	1,656	30.5%	1,871	27.3%	13.0 %
Unemployment Rate	N/A	12.7%	N/A	5.8%	N/A

Source: U.S. Census, ACS 5-Year Estimates, Emerio Design, LLC
Table ID: DP03

III. Buildable Lands Inventory Summary

A. Methodology

In accordance with OAR 660-008-0005 (2), an estimate of buildable land inventory within the Molalla Urban Growth Boundary has been created to determine that amount of land available to meet housing needs. The BLI analysis used current GIS data provided by City Staff.

- BLI analysis included the following calculations:
 - Calculate gross vacant acres by plan designation, including classifications for fully vacant and partially vacant (infill potential) parcels.
 - Calculate gross buildable vacant acres by plan designation by subtracting land that is constrained from future development, such as existing public right-of-way, parks and open space, steep lots, and floodplains.
 - Calculate net buildable vacant acres by plan designation by subtracting future public facilities such as roads, schools, parks, and gross buildable vacant acres.
 - Determine total net buildable acres by plan designation by adding redevelopable acres to net buildable vacant acres.

B. Analysis

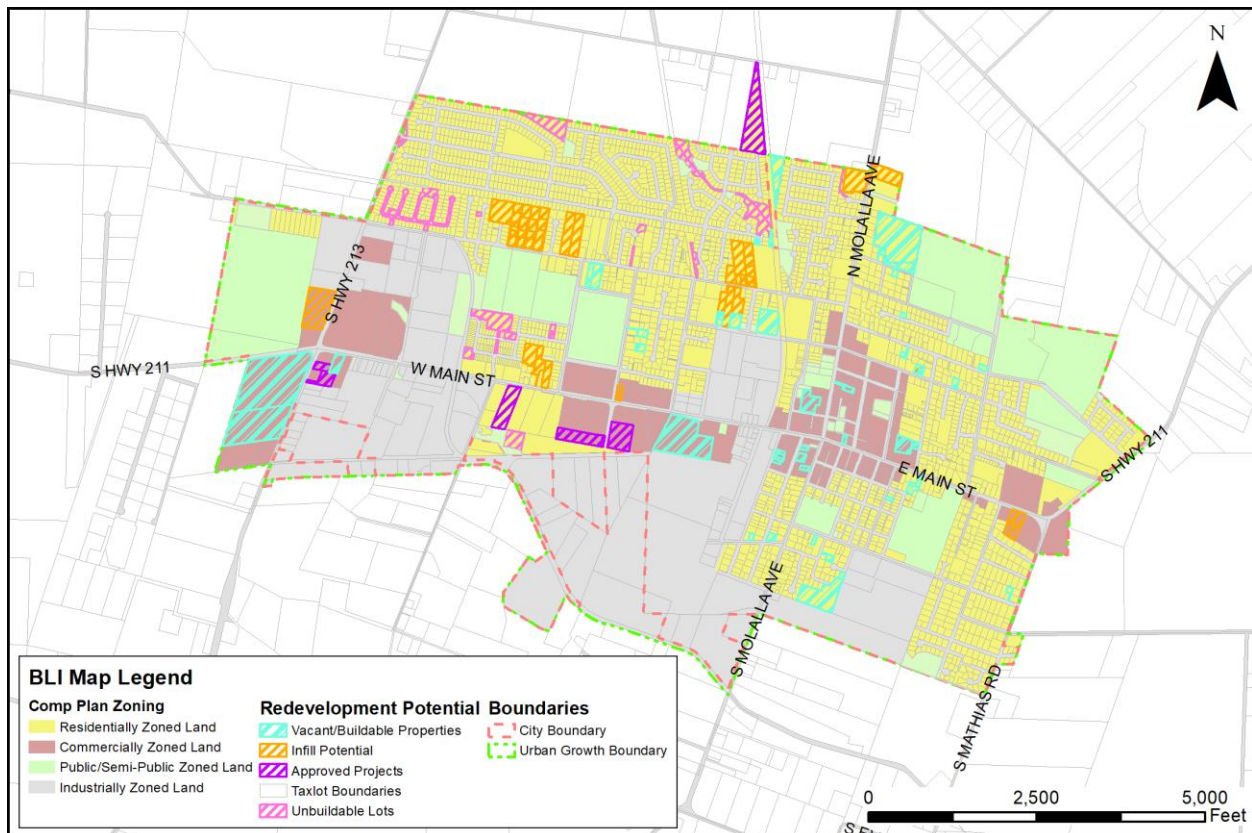


Exhibit 2: Buildable Lands Inventory Map; Provided to Emerio Design, LLC by City Staff

Exhibit 2 is a map of the City of Molalla including the city limits, urban growth boundary, and Comprehensive Plan designations. Further analysis is shown by indicating which parcels are constrained or unbuildable, considered infill properties, approved projects, and vacant parcels.

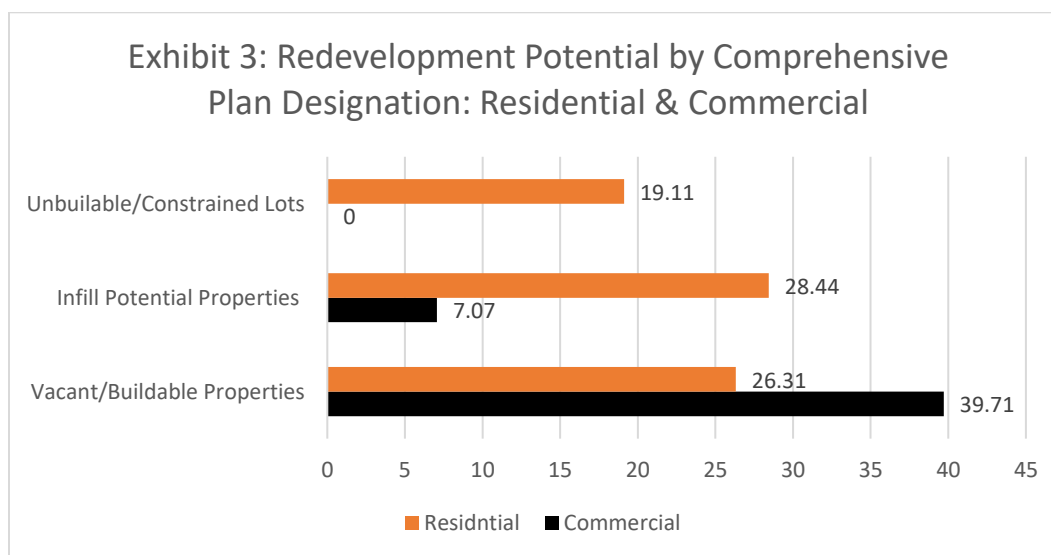
For the purposes of this analysis, constrained land is any land identified with natural hazards as determined by Statewide Planning Goal 7, land subject to natural resource protection under Statewide Planning Goals 5, has a slope of 25% or greater, is within the mapped 100-year floodplain, or land designated as open or public spaces.

Table 5: Residential Land Base Areas

Existing Residential Units (By Current Comp. Plan Designation)	Land Area ¹ (Acres)	Land Area Constrained (Acres)	Number of Units (2022 current)
Low Density Residential (R-1)	358.68	12.59	1,833
Medium Density Residential (R-2)	64.03	0.65	407
Medium-High Density Residential (R-3)	125.50	5.84	1,263

¹ Land area information from Clackamas County Assessor's Office

Table 5 describes the residential land areas by comprehensive plan designation as shown in Exhibit 2. A breakdown of the commercial and residential designated properties is shown in Exhibit 3. Total areas are calculated using the County Assessor records for parcel size and reflected in acres. No commercial land was identified by City Staff to be constrained or unbuildable.



After removing constrained lands there are 26.31 net buildable acres within the residential vacant/buildable property designation. Since commercial plan designated properties permit multi-family development above an approved commercial use, the vacant/buildable property designation was also reviewed for dwelling unit potential. As shown in Exhibit 3, there are 39.71 net buildable acres within the commercial plan designation.

Note: Draft Buildable Lands Inventory findings and results are reviewed by City Staff and subjected to public review, then refined accordingly based on the input received – currently ongoing.

IV. Current Housing Conditions

A. Housing Tenure

According to the 2020 American Community Survey and summarized in Table 6 below, the City of Molalla had a total of 3,362 occupied housing units. Of those, 68.1 percent are owner-occupied, and 31.9 percent are renter-occupied. The percentage of owner-occupied units is higher than the statewide average of 61.3% (per U.S. Census Table ID DP04) but lower than the County average of 70.7% (per U.S. Census Table ID DP04). Correspondingly, the percentage of renter-occupied units is lower than the statewide average at 38.7% and higher than the County average at 29.3%.

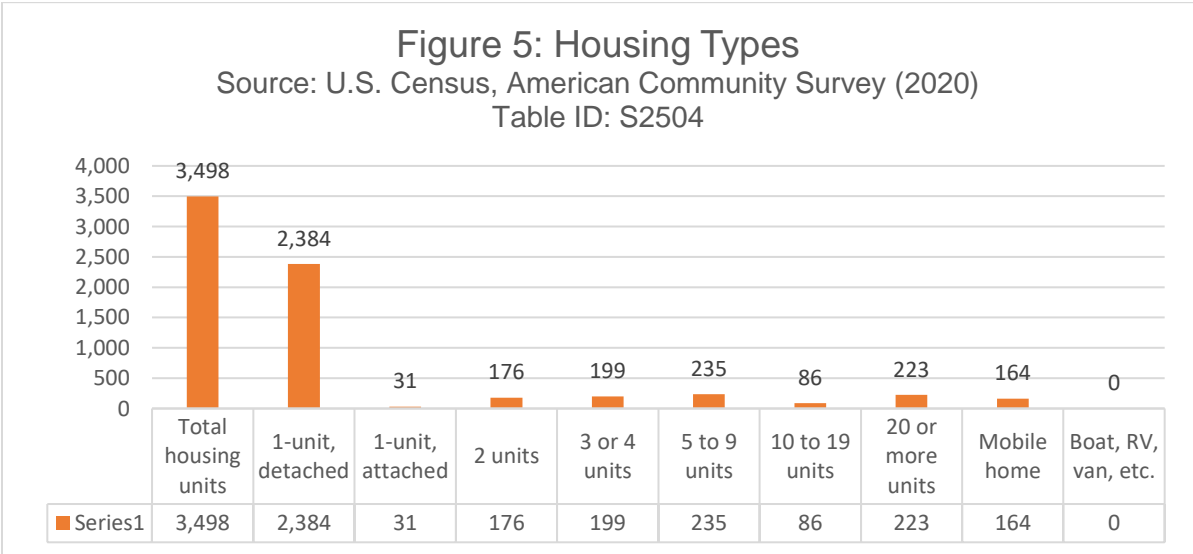
Table 6: Housing Tenure

	Occupied Housing Units	Owner Occupied	Renter Occupied	Percent of Total Owned	Percent of Total Rented
City of Molalla	3,362	2,289	1,073	68.1%	31.9%
Clackamas County	143,357	101,324	42,033	70.7%	29.3%
State of Oregon	1,533,430	939,637	593,793	61.3%	38.7%

Source: U.S. Census, ACS 5-Year Estimates, Emerio Design, LLC
Table ID: DP04

B. Housing Stock

Figure 5 shows the distribution of housing unit types in the City of Molalla. Detached, single-family homes make up the vast majority (68.2%) of Molalla’s housing stock. Apartments with 5 or more units make up roughly 15 percent (15.6%) of the housing stock. Triplexes and quadplexes account for nearly 6 percent of all units, while duplexes account for 5 percent. Mobile homes make up 4.7 percent. Attached, single-family units (e.g., townhouses) account for only 0.9 percent of the total housing stock.



C. Number of Bedrooms

Table 7 and Figure 5 show the distribution of housing units in the City of Molalla by number of bedrooms. Of the 3,362 occupied housing units in the City of Molalla, roughly 70 percent of them have 2 or 3 bedrooms, while an additional 23 percent have four or more bedrooms. One-bedroom units make up only 4.4 percent of all occupied housing units, with “no bedroom” units—commonly referred to as studios—making up the remaining 3.5%.

Table 7 also provides a breakdown of owner and renter-occupied units by number of bedrooms. Housing units with 2 or 3 bedrooms make up 68 percent of owner-occupied units and 71 percent of renter-occupied units. Housing units with 4 or more bedrooms make up approximately 23 percent of owner-occupied units and 8.4 percent of renter-occupied units. Studio and one-bedroom units are predominately renter-occupied. Combined, they account for 20.5 percent of all renter-occupied units, while only accounting for 2 percent of owner-occupied units.

Table 7: Number of Bedrooms - Renter and Owner Occupied

	Occupied housing units	Percent of occupied housing units	Owner-occupied housing units	Percent of owner-occupied housing units	Renter-occupied housing units	Percent of renter-occupied housing units
No bedroom	116	3.5%	27	1.2%	89	8.3%
1 bedroom	149	4.4%	18	0.8%	131	12.2%
2 or 3 bedrooms	2,323	69.1%	1,560	68.2%	763	71.1%
4 or more bedrooms	774	23.0%	684	29.9%	90	8.4%
Totals	3,362	100%	2,289	100%	1,073	100%

D. Unit Types by Tenure

Table 8 shows the distribution of housing unit types that are owner-occupied. Single-family detached homes account for 92 percent of all owner-occupied housing units, followed by “mobile homes and other housing types” at 6.5 percent. Townhouses and duplexes make up the remainder. There are no owner-occupied units that consists of buildings with three or more units—frequently referred to as condominiums—within Molalla city limits.

Table 8: Owner-Occupied Housing

	Single-Family Detached	Single-Family Attached	Duplex	Triplex and Quadplex	5+ Units	Mobile Homes & Other Types
Housing Units	2,100	23	18	0	0	148
Percentage	91.7%	1.0%	0.8%	0.00%	0%	6.5%

Table 9 shows the distribution of housing unit types that are renter-occupied. Single-family detached homes account for approximately 28 percent of all renter-occupied housing units,

followed by Triplexes and Quadplexes (25.2%) and 5+ units (27.1%). Duplexes make up roughly 12 percent of all renter-occupied units.

Table 9: Renter-Occupied Housing

	Single-Family Detached	Single-Family Attached	Duplex	Triplex and Quadplex	5+ Units	Mobile Homes & Other Types
Housing Units	223	8	130	199	214	16
Percentage	28.2%	1.0%	16.5%	25.2%	27.1%	2.0%

E. Age of Housing Stock

Table 10 provides a housing stock outlook for age and occupancy up to 2017. Not captured in Table 10 are the approximately 170 single-family homes added from 2018 to 2022 according to the Portland State Population Research Center Annual Housing Unit and Population Survey Molalla staff submitted. Nearly 60 percent of Molalla’s housing stock was built before the year 2000 according to Table 10, with the largest pre-2000 cohort being 1980 to 1999 (33.8%). The majority of the remaining 40 percent was built during the housing boom that occurred in the early 2000s (34.4%). Comparatively, 75 percent of Clackamas County’s existing housing stock was built before 2000. Molalla’s relatively newer housing stock is reflective of the growth and increased development pressures the community has experienced over the past twenty years.

The largest share of owner-occupied housing units were built from 2000 to 2009 (39.10%), while the largest share of renter-occupied housing units were built from 1980 to 1999 (43.10%). Approximately 56 percent of owner-occupied units were built before 2000, while roughly 70 percent of renter-occupied housing units were built before 2000. Due to investor and homeowner preferences, it is not uncommon for the majority of renter-occupied units to be comprised of older homes (20+ years).

Table 10: Age of Housing Stock - Renter and Owner Occupied

Year Structure Built	Occupied Housing Units	Percent Occupied	Owner-occupied	Percent Owner-occupied	Renter-occupied	Percent Renter-occupied
2014 to 2017	120	3.6%	78	3.4%	42	3.9%
2010 to 2013	40	1.2%	30	1.3%	10	0.9%
2000 to 2009	1,226	34.4%	895	39.1%	263	24.5%
1980 to 1999	1,135	33.8%	673	29.4%	462	43.1%
1960 to 1979	569	13.0%	256	11.2%	182	17.0%
1940 to 1959	281	8.4%	224	9.8%	57	5.3%
1939 or earlier	190	5.7%	133	5.8%	57	5.3%
Totals	3,561	100%	2,289	100%	1,073	100%

Source: U.S. Census, 2020 ACS 5-Year Estimates (Table ID: B25034), Emerio Design, LLC

F. Housing Costs vs. Local Incomes

According to the 2020 Census, the median cost for housing in Molalla is \$327,200 for those with a mortgage⁴ and \$257,800 for those without a mortgage⁵. In 2020, the median rent in Molalla was \$1,118 per month according to the Census data⁶. The Table 11 shows the estimated number of owner and renter households that spend less than 20% of their income on housing costs, 20 to 29 percent of their income on housing, and 30 percent or more of their income on housing. Housing that requires no more than 30% of a household's income is generally considered affordable. Conversely, households that spend more than 30 percent of their income on housing costs are considered "rent burdened," despite the fact that both homeowners and renters can be rent burdened.

Oregon Housing and Community Services (OHCS) produces an annual report reviewing severe rent burdened communities of 10,000 people or larger. OHCS defines "severe rent burden" as the share of households spending more than 50% of their income on rent. Molalla was included in the 2020 report after surpassing the 10,000-resident threshold. The 2020 OHCS report lists Molalla as 23.6% severe rent burdened.

Not surprisingly, the less a household earns the more likely they are to spend a greater portion of their income on housing. Due to rents often increasing yearly, renters are typically more likely to be rent burdened than are homeowners, particularly in tight housing markets where rent increases outpace gains in wages.

As Table 11 demonstrates, this holds true in Molalla and in Clackamas County. Renters are significantly more likely to be rent burdened in all income categories than are homeowners.

⁴ Data source: Table S2506 American Community Survey; Financial Characteristics for Housing Units with a Mortgage

⁵ Data source: Table S2507 American Community Survey; Financial Characteristics for Housing Units without a Mortgage

⁶ Data source: Table DP04 American Community Survey; Selected Housing Characteristics

Table 11: Percentage of Income Spent on Housing; Monthly (Estimate)

	Molalla: Owner-Occupied Housing Units	Molalla: Renter-Occupied Housing Units	Clackamas Co.: Owner Occupied Housing Units	Clackamas Co.: Renter Occupied Housing Units
Less than \$20,000:				
Less than 20 percent	0	23	112	0
20 to 29 percent	39	9	64	462
30 percent or more	71	249	4,768	7,725
\$20,000 to \$34,999:				
Less than 20 percent	27	0	1,206	0
20 to 29 percent	25	41	1,133	165
30 percent or more	26	140	5,634	6,146
\$35,000 to \$49,999:				
Less than 20 percent	82	32	2,030	32
20 to 29 percent	26	0	1,481	102
30 percent or more	83	118	6,200	5,866
\$50,000 to \$74,999:				
Less than 20 percent	90	24	4,151	521
20 to 29 percent	189	258	2,516	3,165
30 percent or more	146	6	5,884	3,834
\$75,000 or more:				
Less than 20 percent	765	36	51,965	6,828
20 to 29 percent	592	74	22,016	5,280
30 percent or more	128	9	9,108	1,249

Source: U.S. Census, ACS 5-Year Estimates, Emerio Design, LLC
Table ID: S2503

V. Current Housing Needs

A. Actual Development

Recent development has been based on Development Code policies (most recently updated early 2022) which implements the goals and policies of the Comprehensive Plan. The City of Molalla’s 2014 Comprehensive Plan established residential land designations and density ranges.

Molalla 2014 Comprehensive Plan Designations⁷ (Residential):

- Low Density Residential (R-1) provides for single-family dwellings and duplexes at densities of 4-8 units per buildable acre.
- Medium Density Residential (R-2) provides for a mix of multi-family, attached single-family housing and manufactured dwelling parks at densities of 6-12 dwelling units per net buildable acre.
- Medium-High Density Residential (R-3) provides for a mix of multi-family, attached and single-family housing at 8-24 dwelling units per net buildable acre.

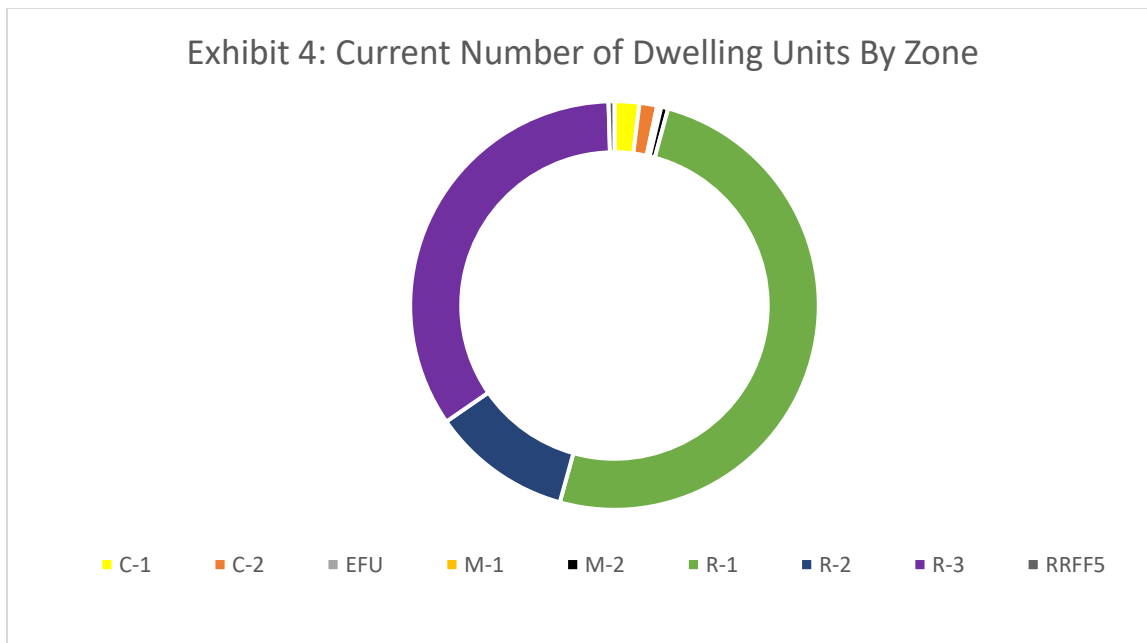
⁷ City of Molalla 2014 Comprehensive Plan pages 50-51 retrieved from https://www.cityofmolalla.com/sites/default/files/fileattachments/planning/page/3760/3_final.molalla.comp_plan.10.09.2014.pdf

Table 12 describes the total development permits approved from 2018 to 2022 (percent column of Table 12 calculated using the number of permits not the number of dwelling units added). A previous study by Winterbrook Planning⁸ provided the data for building and development permits from 2011-2017. According to the Winterbrook Study, from 2011 to 2017 single-family homes accounted for 30% of the residential development including manufactured homes. During this same period 70% of the residential development permits proposed multi-family or duplex housing.

Clackamas County provided data from 2018-2022 (spring) and City Staff provided data for approved development permits as of Fall 2022 including approved projects where a development permit may not yet have been pulled. Since 2018, 33 building permits have been approved and were issued certificates of occupancy to account for 284 residential units. Only two multi-family or apartment building permits were approved (certificate of occupancy issued) although this category accounted for dwelling units added during this time (211 dwelling units of the total 284 units). Duplexes (2 dwelling units on one parcel) accounted for 21 percent of the total building permits applied for during this same period.

Table 12: Building Permits 2018-2022

	2018-2022	Percent ⁹
Single-Family	14	42%
Manufactured Home	9	27%
Duplex (units)	14 (7 projects)	21%
Multi-family (units)	247 (3 projects)	9%



As shown in Exhibit 4, 95% of the current development in Molalla is split between the three residential zoning designations (R-1, R-2, and R-3). Molalla has 3.38 acres of property with a zoning designation of Exclusive Farm Use within its urban growth boundary but only accounts for two dwelling units. M-1 and M-2 zones describe property intended for industrial development and

⁸ DRAFT Residential Land Needs Report by Winterbrook Planning (2018) pages 6-8

⁹ Percent calculated using total number of units rather than number of permits

allows a dwelling unit as a conditional use for the purpose of a caretaker or watchman. The M-1 and M-2 zones account for 10 dwelling units over 10.61 acres. C-1 and C-2 are commercially zoned properties but allow for limited residential development. Manufactured homes are permitted within the C-1 and C-2 zones along with residential units above a commercial use. Molalla has 20.49 acres of commercially zoned land split between the C-1 and C-2 zones. To date, Molalla has 123 residential units within this zoning designation and equates to the second largest cohort in Exhibit 2.

VI. Future Housing Needs to 2042

The future (20 year) housing need forecast for Molalla considers demographic and socio-economic factors. The Portland State University Population Research Center forecasts Molalla’s 2042 population to be 15,660. Based on projected population growth as forecasted and housing market conditions, Molalla is expected to add 5,432 people and that will require 2,077 net new dwelling units over the next 20 years as described in Table 13.

The expected distribution of housing types is depicted in Table 14. Based on local housing mix preferences outlined in the Safe Harbor Method, it is anticipated that 55% of the dwelling unit demand (1,143 dwelling units) will consist of single-family detached homes including manufactured dwellings, 25% will be townhouse/plexes (519 dwelling units), and 20% (415 dwelling units) will be multi-family (apartments). The future demand represents a greater share of medium and high-density housing in Molalla than the current inventory and would result in more attainable housing for households at all income levels.

We also reviewed vacancy rates as part of the Housing Needs Analysis. The City of Molalla had overall vacancy rates lower than Clackamas County and indicates a constrained housing market. Molalla’s vacancy rate as of 2020 was 2% compared to Clackamas County at 3.7%¹⁰. For the purposes of this analysis, we assumed an increase of overall vacancy rate to 4% due to large margins of error in US Census data.

Table 13: Project New Dwelling Units Needed

Year	2042
Projected Population Increase	5,432
Households @ 2.72 Persons Per Household	1,997
Households Including 4% Vacancy Rate	2,077

The Safe Harbor Method is described in OAR 660-024-0040(8)(f) and further described in “Table 1: Housing Mix/Density Safe Harbors”. As part of this rule municipalities are categorized by projected size. Based on the methodology, the City of Molalla is grouped into the category with a projected 2042 population (20-year projection) range of 10,001 to 25,000. As indicated in Table 14, this assumes 2,077 net new dwelling units with a required mix as follows: 55% low-density, 25% medium-density, and 20% high-density residential units. This method requires an overall citywide minimum density within residential base zones of 5 dwellings per net acre. Additionally, this method requires 7 dwellings per net acre for UGB analysis and a maximum density of at least 9 units per acre over all on the identified residential buildable land base.

¹⁰ Data source: US Census Table CP04 American Community Survey; Comparative Housing Characteristics

Table 14: Safe Harbor Housing Mix and Density

Dwelling Mix	Percent	Number of Dwellings	Notes
Low Density Residential ¹ (R-1)	55%	1,143	See OAR 660-024: Table 1
Medium Density Residential (R-2)	25%	519	See OAR 660-024: Table 1
Medium-High Density Residential (R-3)	20%	415	See OAR 660-024: Table 1
Total	100%	2,077	

¹Includes Mobile Homes

VII. Conclusion

From the Buildable Lands Inventory Analysis, we know that the City of Molalla has 26.31 acres of vacant/buildable land with a residential comprehensive plan designation within the Urban Growth Boundary and City Limits. Further broken down, Molalla staff has identified 15.78 acres within the R-1 zone, 5.99 acres within the R-2 zone, and 4.54 acres in the R-3 zone. Using the 7 units per net acre density, the current available land can accommodate 184 of the 1,662 attached and detached dwelling units (including manufactured dwellings) needed for the projected population growth by 2042. 28.44 acres of land with a comprehensive plan designation of residential is considered infill potential properties (19.44 acres of R-1 zoned property and 9 acres of R-3 zoned property). This land area adds an additional 199 dwelling units of the needed 1,662 using the same methodology of 7 dwelling units per acre. Between residential infill potential properties and vacant/buildable land, Molalla currently has capacity to offer 383 new dwelling units, leaving a deficit of 1,279 units.

Properties with a commercial plan designation within the Comprehensive Plan permit medium-high density dwellings above commercial uses. This development is typically seen in the form of apartment or condominium dwelling units. Based on the Buildable Lands Inventory summary, Molalla staff have identified 39.71 acres of vacant/buildable commercial properties (4.37 ac within C-1 zone and 35.34 ac within the C-2 zone) and 7.07 acres of infill potential commercial properties (all within the C-2 zone) as shown in Exhibit 3. An additional 277 multi-family units can be accommodated in land currently designated residential and commercial in the Comprehensive Plan at an average density of 7 units per acre. A total of 660 residential dwelling units can be accommodated under current land use designations leaving a deficit of 1,001 dwelling units.

The Safe Harbor method results in a potential residential land need of 143 net buildable acres.

Note: Draft Housing Needs Analysis findings and results are reviewed by City Staff and subjected to public review, then refined accordingly based on the input received – currently ongoing.

VIII. Glossary of Key Terms

Acre is 43,560 square feet

Buildable Lands are properties classified as vacant or partially vacant that have at least some development capacity for new residential development.

Density is the number of housing units on one acre of land.

Dwelling is a structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit is a house, apartment, mobile home or trailer, group of rooms, or single room that is occupied or is intended for occupancy.

Federal Poverty Level (FPL) is a set of income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income before taxes is less than the family's FPL, then the family and every individual in it is considered in poverty.

Infill Properties are land areas identified as underdeveloped or have the potential to be redeveloped to a higher density.

Multi-family Development is a structure or group of structures containing three or more dwellings on the same lot or parcel.

Oregon Administrative Rules (OAR) are created by most agencies and some boards and commissions to implement and interpret their statutory authority (ORS 183.310(9)). Agencies may adopt, amend, repeal, or renumber rules, permanently or temporarily. Every OAR uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number. For Example, Oregon Administrative Rules, Chapter 166, Division 500, Rule 0020 is cited as OAR 166-500-0020. (Oregon.gov)

Persons per Household (PPH) is the average household size (i.e. the average number of persons per occupied housing unit).

Partially Vacant Property is a legal lot of record with some existing development or improvement but can be subdivided to allow for additional residential development.

Redevelopable Acres are properties identified as vacant, partially vacant, other non-constrained legal lots of record planned for future residential development or properties identified as infill properties.

Safe Harbor means an optional course of action that a local government may use to satisfy a requirement of Goal 14 (urbanization); and if the city needs to expand their urban growth boundary, a safe harbor analysis lends protections from appeal on certain elements.

Severely Cost Burdened (AKA Rent Burdened) are households who spend over 50% of their income on housing according to the US Department of Housing and Urban Development (HUD).

Townhouse (attached, single-family dwelling) is a dwelling unit located on its own lot that shares one or more common or abutting wall(s) with one or more dwelling units on adjacent lot(s).

Vacant Property is a legal lot of record with no existing structures or improvements and identified as unconstrained within the local buildable land inventory for future residential development.

From: [Dan Zinder](#)
To: [Christie Teets](#)
Subject: FW: HNA review - Molalla
Date: Wednesday, February 1, 2023 1:37:54 PM
Attachments: [Task 3.8 Deliverable Waldport Final BLI.pdf](#)

#1

Dan Zinder
503.759.0226

From: REID Kelly * DLCD <Kelly.REID@dlcd.oregon.gov>
Sent: Monday, January 30, 2023 9:22 AM
To: Dan Zinder <dzinder@cityofmolalla.com>
Cc: Mac Corthell <mcorthell@cityofmolalla.com>; Jennifer Arnold <jarnold@emeriodesign.com>; STUCKMAYER Ethan * DLCD <Ethan.STUCKMAYER@dlcd.oregon.gov>
Subject: RE: HNA review - Molalla

Hi Dan,

Both, I think – in order to answer questions such as those listed below. The summary that is provided in your current HNA document does not provide enough detail to answer these questions. I've also attached an example BLI document from Waldport.

- How were wetlands and other sensitive lands counted or not counted in the BLI?
- What criteria were used to identify infill potential parcels?
- Do “approved projects” have building permits yet, or are they only approved through the land use process?
- Did you use the assumption of 25% of land area needed for future public facilities (right of way, etc)? Or some other percentage?
- You show 26.31 net buildable acres of residentially-designated land. What is the breakdown of that land by zone, or density, and how many future units are estimated to be built in each zone?
- How does development capacity assumed for commercially zoned land compare to recent experience in Molalla? Is the 7 units/acre assumption realistic?

Feel free to call with any questions!



Kelly Reid

Regional Representative for Multnomah and Clackamas Counties
Portland Metro Regional Solutions
Pronouns: She/her
Oregon Department of Land Conservation and Development
1600 SW Fourth Avenue, Suite 109 | Portland, OR 97201
Cell: 971-345-1987 | Main: 503-373-0050
kelly.reid@dlcd.oregon.gov | www.oregon.gov/LCD

From: Dan Zinder <dzinder@cityofmolalla.com>
Sent: Friday, January 27, 2023 4:53 PM
To: REID Kelly * DLCD <Kelly.REID@dlcd.oregon.gov>
Cc: Mac Corthell <mcorthell@cityofmolalla.com>; Jennifer Arnold <jarnold@emeriodesign.com>
Subject: RE: HNA review

To clarify, is what you're looking for specifically the methodology regarding the parcel selections or more generally expand on project methodology?

Dan Zinder
503.759.0226

From: Dan Zinder
Sent: Thursday, January 26, 2023 9:21 AM
To: 'REID Kelly * DLCD' <Kelly.REID@dlcd.oregon.gov>
Cc: Mac Corthell <mcorthell@cityofmolalla.com>; 'Jennifer Arnold' <jarnold@emeriodesign.com>
Subject: RE: HNA review

Thanks for the feedback, Kelly.

Jennifer and I are chatting tomorrow and we'll discuss and get you something shortly.

Best,
Dan Zinder
503.759.0226

From: REID Kelly * DLCD <Kelly.REID@dlcd.oregon.gov>
Sent: Wednesday, January 25, 2023 6:44 PM
To: Dan Zinder <dzinder@cityofmolalla.com>
Subject: HNA review

Hi Dan,

Ethan and I have been reviewing your HNA and wanted to know if it is possible to share the BLI data from Emerio? We'd like to look more closely at the methodology that Jennifer used to get the results.

In many cases the BLI is an appendix to the HNA – we'd recommend doing that, for transparency and to demonstrate that the methodology is sound.

Thanks!

Kelly Reid
Regional Representative for Multnomah and Clackamas Counties



Portland Metro Regional Solutions

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From: [Dan Zinder](#)
To: [Christie Teets](#)
Subject: FW: HNA review - Molalla
Date: Wednesday, February 1, 2023 1:38:24 PM

#2. Thank you!

Dan Zinder
503.759.0226

From: REID Kelly * DLCD <Kelly.REID@dlcd.oregon.gov>
Sent: Wednesday, February 1, 2023 8:51 AM
To: Dan Zinder <dzinder@cityofmolalla.com>
Cc: Mac Corthell <mcorthell@cityofmolalla.com>; Jennifer Arnold <jarnold@emeriodesign.com>; STUCKMAYER Ethan * DLCD <Ethan.STUCKMAYER@dlcd.oregon.gov>
Subject: RE: HNA review - Molalla

Hi Dan,

The comments are essentially similar to what I sent below, plus:

- Table 12 appears to have an error – if the percentage column is the percentage of units (as noted in footnote 9) then the percentages should be: single family – 4.9%, Man. Home – 3.6%, Duplex – 4.9%, and multifamily – 86.9%.
- The city is opting to follow the “safe harbor” identified in OAR 660-024-0040(8) (f) and listed below. This has some significant implications for future zoning that we want to bring to your attention.
 - a. A housing mix of 55% LDR, 25% MDR, and 20% HDR, and
 - b. Required overall minimum densities of 5 units/acre, assumed densities for UGB analysis of 7 units/acre, and all residential zones to allow at least 9 units per acre.

Please note that the city will be required to adopt zoning that ensures buildable land in the urban area, including land added to the UGB, cannot develop at an average overall density less than the applicable “safe harbor” Required Overall Minimum density of 5 units/acre. It appears Molalla’s current residential density standards may already achieve this minimum density, although the city would need to show the calculations to demonstrate this is the case, at the time of UGB expansion.

If that is not the desire of the city, you have the option of forecasting your future land needs by zone based on analysis of achieved densities in recent residential developments in each of your zones, instead of using the “safe harbor.”



Kelly Reid

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To: REID Kelly * DLCD <Kelly.REID@dlcd.oregon.gov>

Cc: Mac Corthell <mcorthell@cityofmolalla.com>; Jennifer Arnold <jarnold@emeriodesign.com>;

STUCKMAYER Ethan * DLCD <Ethan.STUCKMAYER@dlcd.oregon.gov>

Subject: RE: HNA review - Molalla

Hi Kelly,

Got your message today that you're going to be submitting formal comments for the HNA hearing. Do you have a draft of those comments available?

Jennifer and I have been discussing the requested items below and she intends to provide an updated methodology document by the end of the week. I was reviewing OAR 660-024-0050 requirements this morning and will have some BLI edits based on that and the methodology will reflect the OAR. The result will be fairly close to what we have in the draft document but just wanted you to be aware that the methodology that we send will be a little out front of these edits.

Best,

Dan Zinder

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MEMORANDUM

Final Buildable Lands Inventory – Methodology and Results

City of Waldport

DATE June 14, 2022

TO City of Waldport Housing Needs Analysis Advisory Committee

FROM Brandon Crawford and Cathy Corliss, APG | MIG

CC Jaime White and Dann Cutter, City of Waldport
Mari Valencia-Aguilar and Hui Rodomsky, DLCD¹
Brendan Buckley, Johnson Economics

INTRODUCTION

The purpose of this memorandum is to describe the methodology and data sources for the City of Waldport Residential Buildable Lands Inventory (BLI) and the results of the inventory. This BLI is a component of the Waldport Housing Capacity Analysis (HCA) project, and the results will inform the Residential Land Needs Analysis (RLNA) and the Measures to Accommodate Needed Housing. The Waldport HCA is being funded through a Department of Land Conservation and Development (DLCD) grant for implementing applicable requirements of House Bills 2001 (Middle Housing) and 2003 (Regional Housing Needs Analysis) implementation. The BLI addresses land within the Waldport Urban Growth Boundary (UGB), shown in Figure 1.

The BLI is conducted in several steps, as follows.

- **Step 1: Identify Constraints.** Constraints include floodplains, wetlands, water bodies, and steep slopes.
- **Step 2: Classification of Land.** Every tax lot within the Waldport UGB was classified based on residential zoning. The BLI for this project is confined to those properties that are zoned for residential uses.
- **Step 3: Assign Development Status.** Each tax lot within the Waldport UGB is given a “development status.” These development statuses are based on assessor’s data, aerial imagery, and staff input. Each development status type is defined later in the memo.
- **Step 4: Determine Developable Acreage.** Tax lots with a vacant or partially vacant status are given an amount of developable acreage based on their size, existing uses, and any development constraints on the property identified in Step 1.

¹ This project is funded by a grant from the Department of Land Conservation and Development.

- **Step 5: Determine Development Capacity.** For land categorized as residential, development capacity was determined by number of units based on the developable acreage of a parcel and a review of the City’s zoning regulations.

The remainder of this memorandum discusses these steps and initial results in greater detail.

LEGAL FRAMEWORK

STATE RULES AND STATUTES

This memorandum draws on requirements related to analyzing buildable lands for UGB expansions in jurisdictions throughout Oregon. Relevant to this analysis are provisions under OAR 660 Division 24, Urban Growth Boundaries (660-024-0050 Land Inventory and Response to Deficiency); and Division 38 (Simplified Urban Growth Boundary Method).

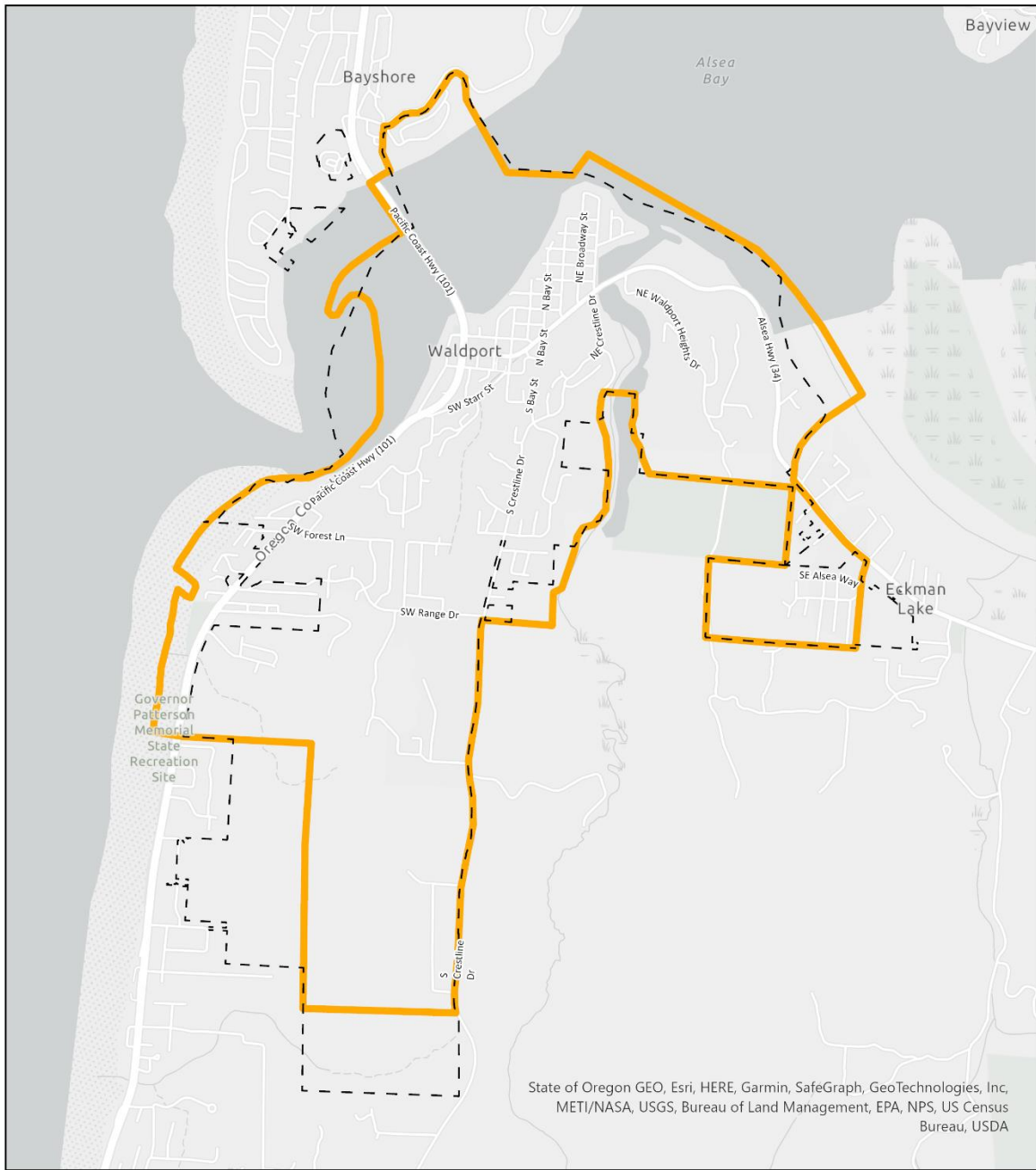
This regulatory framework provides the following guidance for assessment of buildable lands within the UGB:

- Physical constraints on the developability of land include floodways and water bodies; land with greater than 25% slopes; and lands subject to Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Air, Water, and Land Resources Quality), or Goal 7 (Areas Subject to Natural Disasters and Hazards).
- Land should be categorized as vacant, partially vacant, or developed.
- A BLI must consider lands for public facilities such as roads, stormwater facilities, schools, etc. Publicly owned land is not generally considered available for development.
- Per OAR 660-038-0070, the following types of constraints must be removed from the land inventory at the varying rates:
 - a) The regulatory floodway and 100-year floodplain – 100% removal
 - b) Slopes over 25% that are contiguous and at least one acre – 100% removal
 - c) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7
 - d) Lands subject to natural hazards or natural resource protection measures determined under Statewide Planning Goals 5, 6, 7, or 15-19 – removal based on the maximum level of development authorized by the jurisdiction

Figure 1 shows the project study area, which includes all land within the Waldport UGB. Lands within the City limits, but outside the UGB are included for information only.

Total area within both UGB and City limits	1,628 acres
Total area within UGB but not within City limits	206 acres
<i>Total area within the UGB</i>	<i>1,834 acres</i>
Total area within City limits but not within UGB	308 acres
<i>Total area UGB and City limits combined</i>	<i>2,142 acres</i>

FIGURE 1. STUDY AREA



Waldport City Limits and Urban Growth Boundary

- City Limits
- UGB



STEP 1 - CONSTRAINTS

Development constraints are factors that temporarily or permanently limit or prevent residential development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, slope, topography, infrastructure deficiencies, parcel fragmentation, or natural hazard areas. The first step of the BLI process addresses land constrained by natural resources. Subsequent steps in the BLI removes the constrained acreage from the total area within each tax lot.

NATURAL RESOURCE CONSTRAINTS

Natural resources typically provide beneficial environmental functions or aesthetic enhancements that are necessary to preserve. In addition, the City contains areas subject to natural hazards and other land that is not suitable for development, such as floodplains and steep slopes. Each constraint was identified for removal due to State or local requirements that limit development.

The following natural resource constraints are assumed to be entirely unbuildable and removed fully.

- Steep Slopes > 25% (Data source: Digital Elevation Model from Oregon Spatial Data Library and MIG)
- Wetlands identified in the City's Local Wetland Inventory (Data source: Oregon Spatial Data Library and Oregon Department of State Lands).
- Waterbodies (Data source: Oregon Spatial Data Library and the National Hydrography Dataset)
- Significant Flood Hazard Area (SFHA – 100-year floodplain) (Data Source: City of Waldport)

Note that any given piece of land can have multiple, overlapping constraints. For instance, most of the City's wetlands are located in floodplains, tidal zones, and estuaries. Moreover, a significant portion of the City's total wetland area is located in tidal/marshland in the northern portion of the UGB. It is also worth mentioning that portions of the City are within the tsunami inundation zone. Properties within the tsunami zones are not subject to any local development restrictions, however these areas are subject to some state restrictions. Despite those restrictions, the tsunami inundation zone coincides with the boundaries of the City's SFHA (100-year floodplain), and therefore was not included in the BLI analysis.

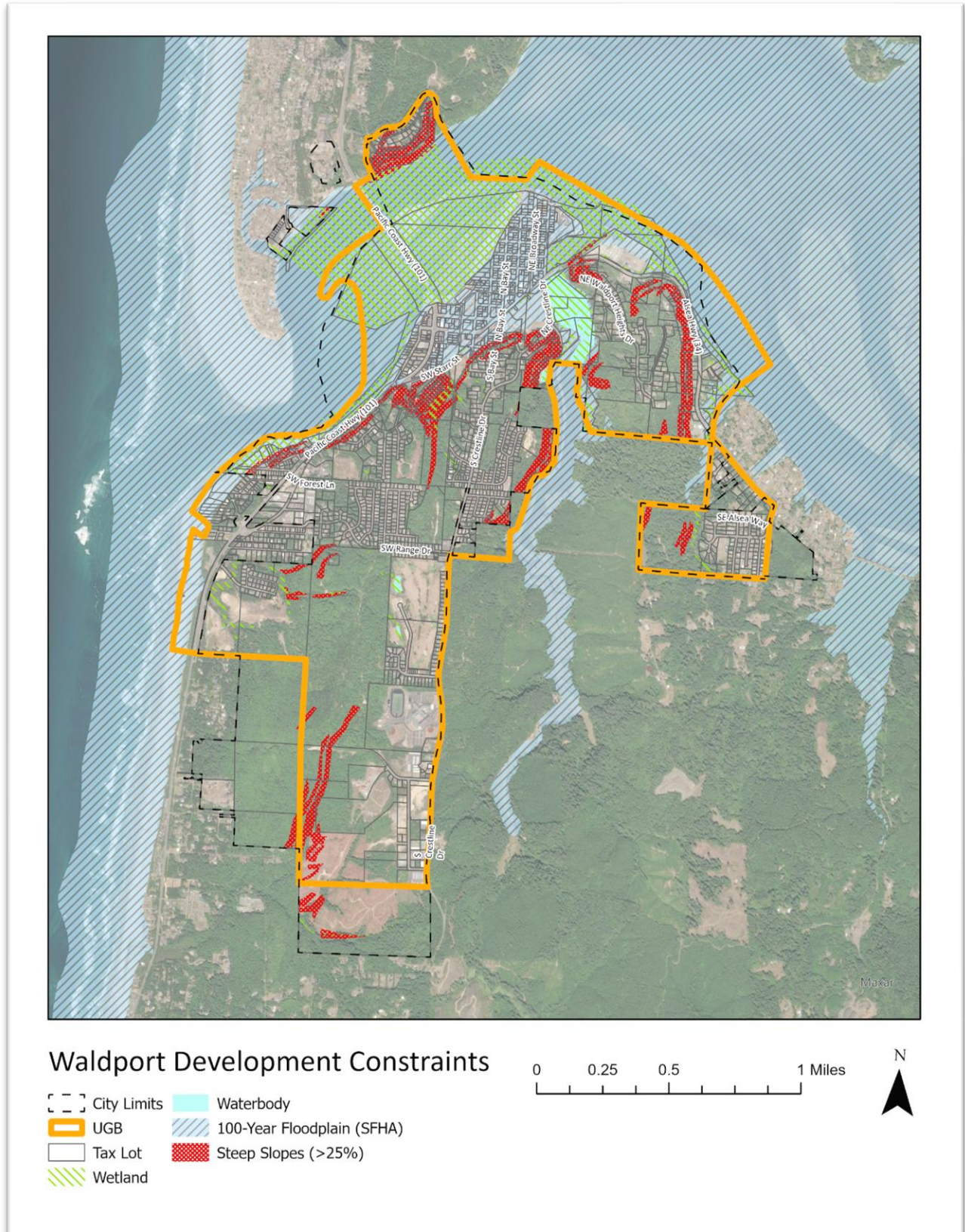
The constrained areas were combined and then overlaid with City tax lots to estimate the amount of land in each parcel where development is limited. Constraints are shown on Figure 2, and Table 1 summarizes the acreage for each constraint. Floodplains and wetlands comprise of the majority of the City's constrained areas.

TABLE 1: ENVIRONMENTAL CONSTRAINT SUMMARY

Constraint	Total (acres)
Total	1,130.6
<i>Total adjusted</i>	<i>709.9</i>
Floodplain	529.2
Steep Slopes	167.4
Wetlands	410.9
Water Bodies	23.1

NOTE: The adjusted constrained area accounts for overlapping constrained areas. Specifically, this would be the acreage that is removed from the buildable area analysis. Also note that these figures apply to all area in the UGB and City limits, not just residential areas.

FIGURE 2: WALDPOR DEVELOPMENT CONSTRAINTS



STEP 2 - CLASSIFICATION OF LAND

The only areas included in the analysis are the City’s four residential zones that are currently being applied: R-1 through R-4. Land zoned for other uses (commercial, industrial, open space, etc.) or which is outside the UGB is excluded.

Table 2 summarizes the amount of residentially zoned or designated land that is constrained. There is a total of 855 acres of residential land within the City’s UGB. As shown, R-1 represents a significant portion of all residential land within the UGB at approximately 633 acres (approximately 75% of residential land).

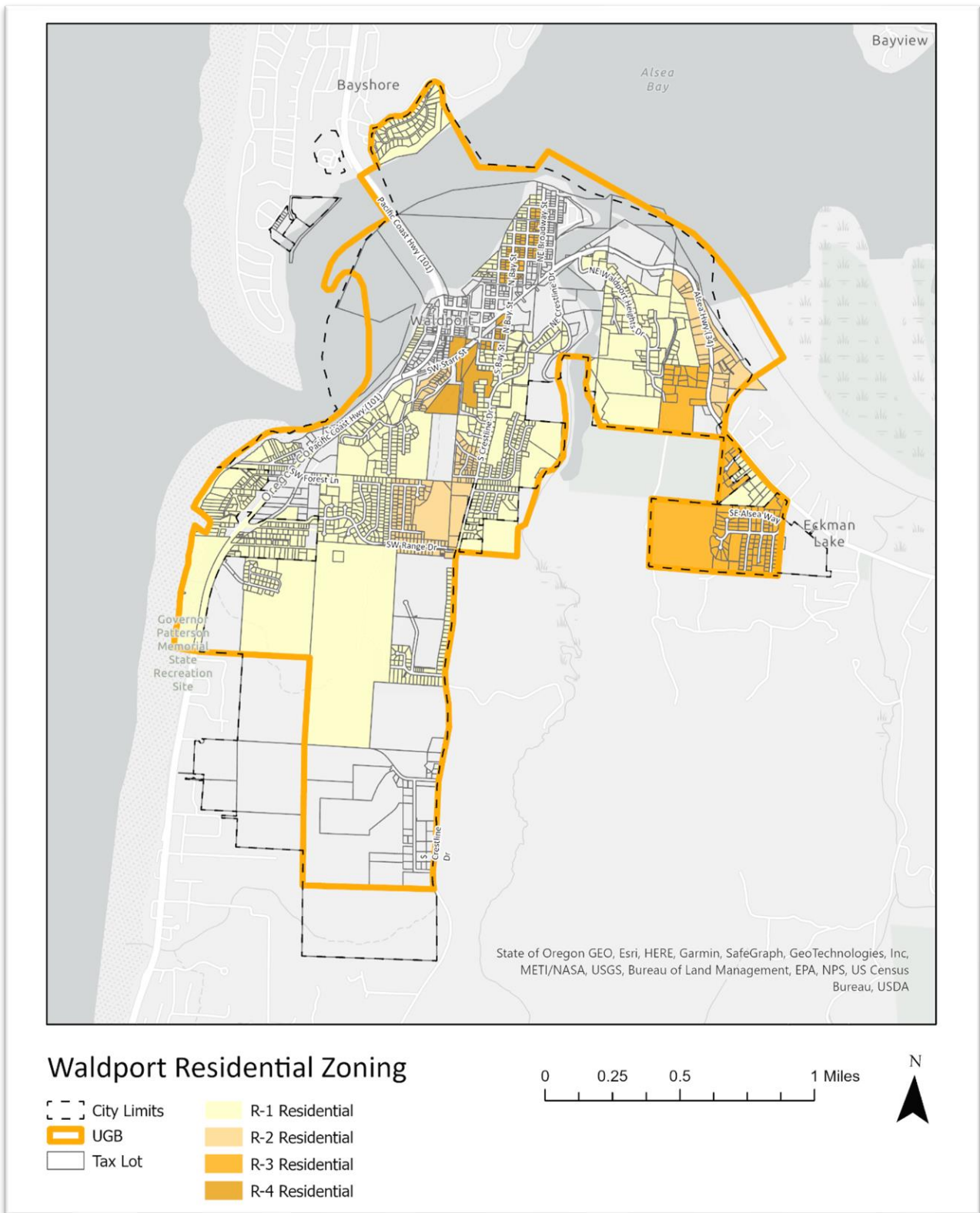
Each residential zone has a relatively high percentage of constrained land. Residential zones concentrated in the northern portion of the UGB where more floodplain is present have the highest percentages of constrained area, including R-2 (~29% constrained) and R-4 (~59%).

TABLE 2: GROSS ACREAGE IN RESIDENTIAL LAND INVENTORY

Zone	Unconstrained Acres	Constrained Acres	Total Acres
R-1	506.8	126.7	633.5
R-2	61.2	24.5	85.6
R-3	93.8	19.6	113.5
R-4	9.4	13.3	22.7
Total	671.2	184.2	855.4

Figure 3 shows residential zones with constraints overlaid. Consistent with the table and figures above, a substantial portion of constrained appears in the northern segment of the UGB.

FIGURE 3. LAND CLASSIFICATION MAP



STEP 3 - DEVELOPMENT STATUS

Each residential tax lot within the Waldport UGB was given a “development status” of either vacant, partially vacant, constrained, or developed. These designations are based on County tax assessor’s data, aerial photography, and staff input. Criteria for these categories are described below.

DEVELOPMENT STATUS FOR RESIDENTIAL TAX LOTS

- **Vacant** – Vacant tax lots have no existing development, as identified by assessor data or aerial photography. Vacant tax lots were identified as those with a tax assessor Real Market Value (RMV) Improvement value of less than \$10,000, and a minimum of 1,000 unconstrained square feet.
- **Partially Vacant properties** – These tax lots are greater than 1/2 acre (unconstrained) in size and have an existing single-family home.² One quarter-acre is deducted from the unconstrained acreage of the tax lot to account for the existing home and any remaining unconstrained acreage is considered available for future development.
- **Constrained** – These properties do not have capacity for additional development under current zoning regulations (even if the site is currently undeveloped). They were identified as having less than 1,000 square feet of unconstrained land.
- **Developed** – Tax lots with this designation are assumed to be fully developed or unavailable for development (such as parks/open space, working lands, or cemeteries). Any tax lot that was not previously identified as vacant, partially vacant, or constrained was assumed to be developed.

Table 3 summarizes the number of tax lots within each development status category by the respective zoning designation. As shown in the table, there is an estimated 337 vacant or partially vacant tax lots within the UGB (approximately 24% of residentially zoned tax lots). The majority of the developable land is in the R-1 zone, at approximately 258 acres, or almost 76% of all residential land with development capacity.

² This analysis used property class codes provided in County tax assessor GIS data to assist with identifying and categorizing partially vacant properties. Property class codes are the basis of the classification system used by the County to categorize current uses. Each lot or parcel is classified in accordance with ORS 308.215 and is based upon the highest and best use of the property. Lots or parcels that are coded as residential (100’s), tract (400’s), and farmland (500’s) that met the definition of partially vacant properties are categorized as such.

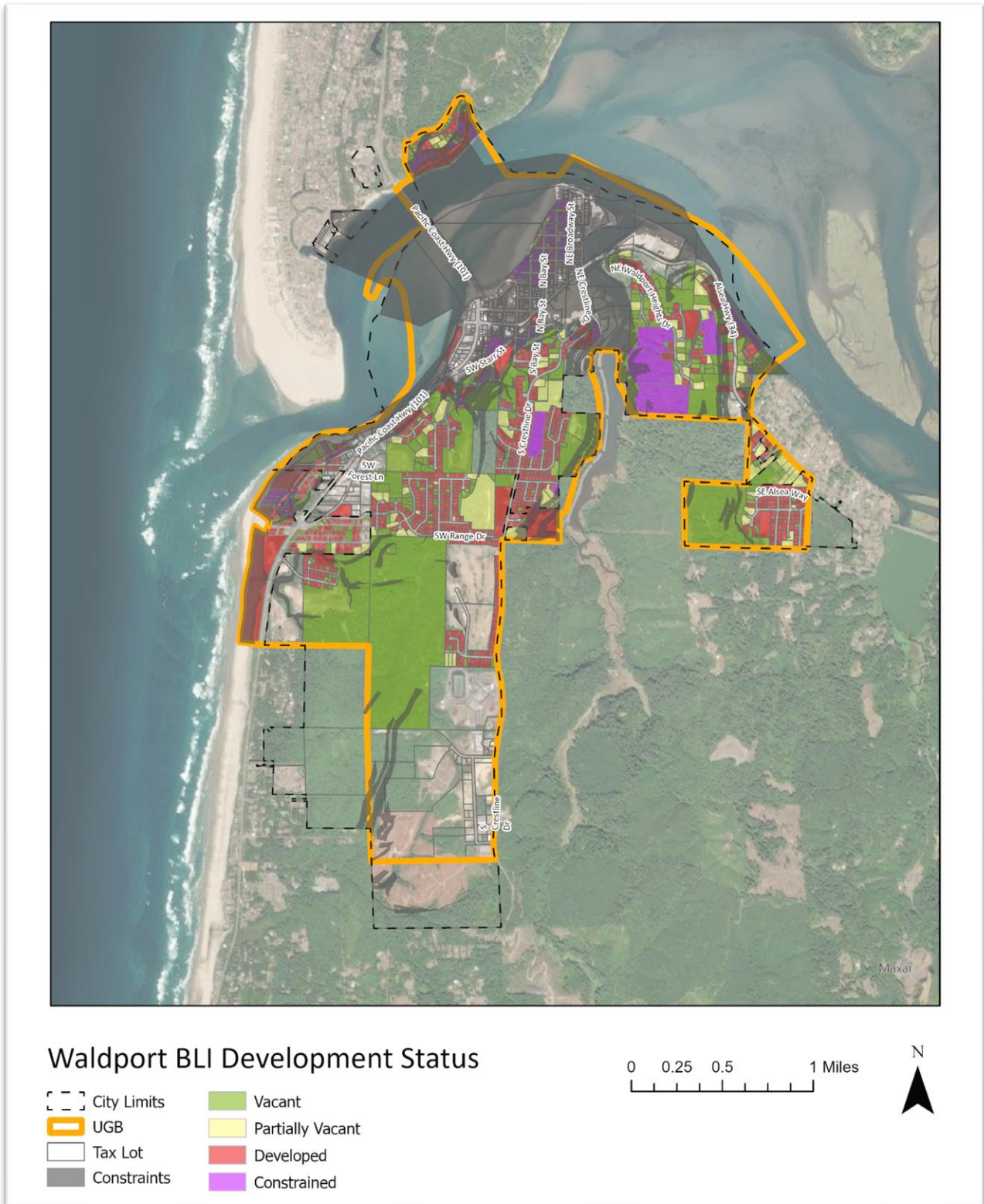
TABLE 3. TAX LOT DEVELOPMENT STATUS BY ZONE

Zoning	Vacant Lots	Partially Vacant Lots	Developed Lots	Constrained Lots	Total Lots
R-1	200	53	624	80	957
R-2	28	7	139	20	194
R-3	26	15	97	63	201
R-4	8		4	10	22
Total	262	75	864	173	1,374

Figure 5 illustrates the location and development status of tax lots within the City’s UGB. Most of the Waldport’s vacant land is in mid-portions of the City, with a few large vacant parcels in the southwestern area and in the southeastern arm. In addition, most vacant area is within City limits. The large vacant lots in the southeastern portion of the UGB are currently forest/timber production uses. The City has indicated that these lots are unlikely to develop in the near future due to their value as forest uses and transportation access challenges. However, the Oregon Administrative Rules (OAR 660) do not recognize the financial value of land for non-residential uses (e.g., farm/forest uses) to be a constraint to housing development. Because these parcels are zoned for residential use and are physically developable (despite access challenges), these areas must be categorized as vacant due to their development potential over the 20-year horizon.

Most of the “constrained” lots are in the north, in or near downtown. While the analysis identified these lots as constrained due to their location in the floodplain, many of these parcels are developed. Furthermore, neither the “constrained” nor “developed” category represents any potential development capacity. Therefore, for the purposes of this BLI, the distinction between constrained and developed parcels is negligible.

FIGURE 4. DEVELOPMENT STATUS



STEP 4 - DETERMINE DEVELOPMENT CAPACITY

The capacity of developable residential land is estimated based on the City’s zoning designations. Buildable land is the unconstrained acreage minus the assumed future right-of-way (ROW) dedication to accommodate dwelling units (e.g., streets). ROW dedication removal from unconstrained acreage was determined from the following sliding scale:

- Tax lots under 3/8 acre, assume 0% set aside for future streets.
- Tax lots between 3/8 acre and 1 acre, assume a 10% set aside for future streets.
- Tax lots greater than an acre, assume an 18.5% set aside for future streets.

The buildable acreage is shown in Table 4:

TABLE 4: ESTIMATED BUILDABLE ACRES BY DEVELOPMENT STATUS AND ZONE

Zone	Vacant Acres	Partially Vacant Acres	Total Acres
R-1	226.9	31.4	258.3
R-2	9.1	14.3	23.4
R-3	44.1	8.7	52.9
R-4	5.2		5.2
Total	285.4	54.4	339.8

Assumed densities for each zone were determined by the minimum lot sizes shown in Table 5:

TABLE 5: RESIDENTIAL AREAS, MINIMUM LOT SIZE, AND DENSITY ASSUMPTION

Zone	Minimum Lot Size(s) (square feet)	Density Assumption (Dwelling Units/Acre)
R-1	SFD – 6,000	7 DU/acre*
R-2	SFD and Duplex – 5,000	9 DU/acre*
R-3	SFD and Duplex – 5,000 Multi-Family – 5,000, 1,250 for additional units beyond two	15 DU/acre*
R-4	SFD and Duplex – 5,000 All housing types – 1,250 per unit	15 DU/acre*
* Outside Sewer Service Area (See Figure 5 for approx. boundary)	R-1 to R-4; All housing types – 15,000 per dwelling unit	2.5 DU/acre

The housing capacity was estimated by multiplying the assumed density by the estimated buildable acreage for each zone. Additionally, housing capacity for each parcel was rounded to the nearest whole number. Specifically, all parcels with a calculated capacity greater than one unit were rounded down, while those calculated to be less than one unit were rounded up. This approach assumes that every vacant or partially vacant parcel can accommodate at least one unit. The estimated housing capacity and density assumptions are shown in Table 4. Housing capacity

estimates are mapped in Figure 5. Most of the City’s vacant area, and therefore its housing capacity, is in the R-1 zone.

TABLE 4: HOUSING UNIT CAPACITY ESTIMATE AND DENSITY ASSUMPTIONS^{3,4}

Zone	Assumed Density	Unit Estimate for Vacant Lots	Unit Estimate for Partially Vacant Lots	Total Estimated Housing Unit Capacity
R-1	7 du/acre*	745	145	890
R-2	9 du/acre*	59	113	172
R-3	15 du/acre*	111	27	138
R-4	15 du/acre*	75	0	75
Total		990	285	1,275
<i>* Outside Sewer Service Area⁵</i>	<i>2.5 du/acre</i>	<i>605</i>	<i>52</i>	<i>657</i>

As shown in Figure 5, most of the City’s housing capacity reflects where most of the developable land is located, which is concentrated in the mid-sections of the City. All lots outside of the City’s sewer service district are limited to a maximum density of approximately 2.5 units per acre. Therefore, all lots outside of this boundary currently limit housing capacity, however, should sewer services be extended, these areas would legally be allowed to develop at higher densities per their zoning designations. Figure 5 shows the boundary of the sewer service area; a significant portion of the City’s land area is outside the service boundary. The project team will continue to assess the impact of sewer service deficiencies on the City’s buildable housing capacity. Most lots with development capacity that are outside the sewer service area are in the southeastern arm of the City limits and UGB.

Waldport has very little housing capacity in the northern section of the City. While this is partly due to the majority of the constraints present in the north, this area of town is also more developed, has smaller parcels, and has less residentially zoned property. Most of the area is constrained by the 100-year floodplain, and while areas in the floodplain can legally be developed (subject to

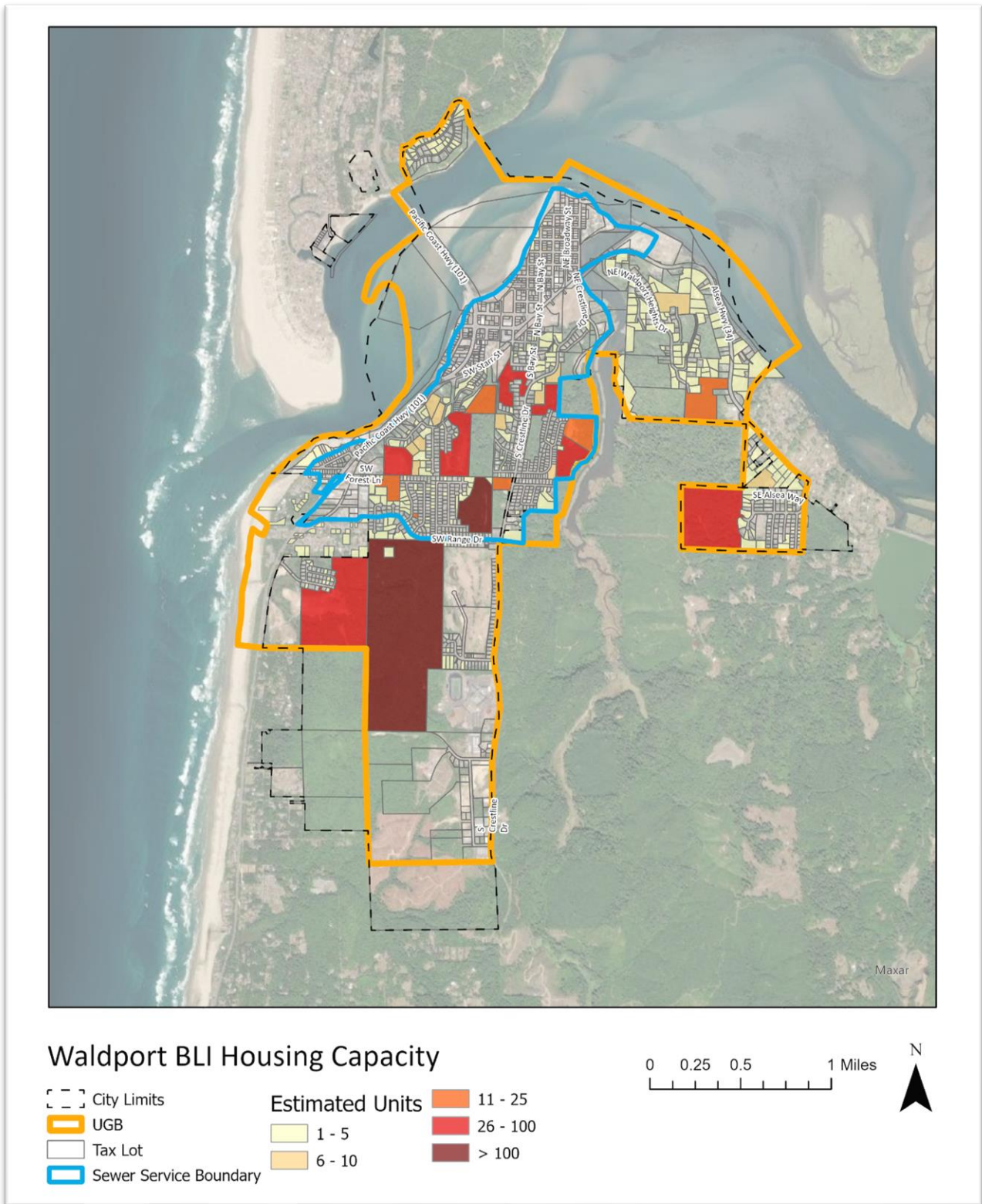
³ There are minor discrepancies between some of these figures and the product of multiplying the buildable acreage (Table 5) for some zones with their corresponding assumed density. This is because multiplying each zone’s total buildable acreage with its assumed density does not account each parcel’s rounding to the nearest whole number, which was discussed in the Step 4 methodology.

⁴ There are seven vacant lots that are within the City limits but outside of the UGB. State rules require the City only inventory land within the UGB. Although there is a significant amount of vacant annexed City land outside the UGB, the estimated housing capacity is only approximately 30 units due to the low density zoning designations that are implemented by the County.

⁵ The zoning designations for areas outside the City’s sewer service area allow for greater housing densities than what these areas can realistically support. The estimated housing capacity for these areas is 2,098 units if they assume density based on zoning designation rather than access to sewer services. Because a significant portion of the vacant and partially vacant land is outside the sewer service area, the density limits for areas outside the sewer service area limits capacity by about 1,441 units (difference between what would otherwise be allowed based on zoning and what is currently allowed). The project team will continue to assess the impact of sewer services on the City’s buildable capacity.

floodplain regulations), the potential housing capacity that is constrained by floodplain *alone* only represents an estimated 13 units.

FIGURE 5: ESTIMATED HOUSING UNIT CAPACITY



Brief review of Emeril HNA and implications:
Mike Simmons 1/23/2022

1. Emeril is making an odd interpretation of the safe harbor for existing residential lands capacity – assigning 5 units/acre for land within the UGB. The safe harbor requires the city to zone for at least 5 units/acre, not to assume 5 units/acre. This will likely be challenged and they'll need to increase the density assumption to 7 units/acre here – reducing the land need result slightly.
2. Emeril is making an assumption that all available commercial land will be developed at residential densities – at a higher (7 units/acre) density assumption than they used for vacant residential land. (Apartments above stores was mentioned in meetings) That's not normal and has significant downstream implications – i.e., that all commercial land will need clear and objective zoning for housing development (no conditional uses, no discretion on review). Assuming it will develop at full commercial and full residential densities, with no evidence or history of this happening, is double counting the land supply.
3. The end figure of 148 acres is “net buildable” – meaning there is not assigned a net-gross ratio. The net-gross safe harbor is: *(10) As a safe harbor during periodic review or other legislative review of the UGB, a local government may estimate that the 20-year land needs for streets and roads, parks and school facilities will together require an additional amount of land equal to 25 percent of the net buildable acres determined for residential land needs under section (4) of this rule, and in conformance with the definition of “Net Buildable Acre” as defined in OAR 660-024-0010(6).* That is not referenced in the document.
4. **HOWEVER** “Average Overall Density” means the average density of all buildable land in the UGB, including buildable land already inside the UGB and buildable land added to the UGB, including land zoned for residential use that is presumed to be needed for schools, parks and other institutional uses. The rule text points to the safe harbor for “Assume for UGB Analysis” in Table 1 (in this case 7 units/acre) and calls that “Average Overall Density”. So if they use the residential density safe harbor they're using, they can't plan for schools, parks, or other institutional uses on residential land.

5. The school district should be involved in estimating the required needed land in the 20 year future as I understand this is related to their future funding. If schools and parks are not accounted for in the HNA, they must be a line item in the Sequential UGB plan.
6. Repeating that the Southern exception areas were noted by DLCD as an area that could (and should) have a discounting ration applied due to the small parcels and high cost (millions) of a sewer pumping station needed if developed because of the escarpment. This should be discussed and confirmed or denied in the staff report.
7. Repeating as documented earlier that the Soils in the area north of town on Vick Rd are class 3&4 as shown in the earlier provided soil studies.

Best Regards

Mike Simmons

13264 S Vick Rd Molalla OR, 97038

From: [Christie Teets](#)
To: [Community Planner; charpennie@comcast.net](#)
Subject: RE: Testimony
Date: Tuesday, January 31, 2023 2:24:55 PM

Good Afternoon,

I am in receipt of your email and will include it in next week's agenda and packet. If you choose, you will also have an opportunity to speak with Council during the Public Hearing portion of the meeting.

Kind Regards,

Christie Teets, CMC

City Recorder

117 N Molalla Ave. | PO Box 248 | Molalla, OR 97038

Phone: 503.829.6855 | Direct Line: 503.759.0285

Fax: 503.829.3676



This electronic communication, including any attached documents, may contain confidential and/or legally privileged information that is intended only for use by the recipient(s) named above. If you have received this communication in error, please notify the sender immediately and delete the communication and any attachments. Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law.

From: Community Planner <communityplanner@cityofmolalla.com>
Sent: Tuesday, January 31, 2023 1:25 PM
To: charpennie@comcast.net; Community Planner <communityplanner@cityofmolalla.com>
Cc: Christie Teets <cteets@cityofmolalla.com>
Subject: RE: Testimony

Good afternoon, Char!

I acknowledge the receipt of your email. We inadvertently put my name and email in the post, but this needs to go through Christie Teets, the City Recorder. I will forward your email on to her.

Respectfully,

Ronda Lee

Community Development | City of Molalla

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

Phone – [503.759.0243](tel:503.759.0243)

Email – rlee@cityofmolalla.com

Website – <http://www.cityofmolalla.com>

From: [charpennie@comcast.net](#) <[charpennie@comcast.net](#)>

Sent: Tuesday, January 31, 2023 12:39 PM

To: Community Planner <communityplanner@cityofmolalla.com>

Subject: Testimony

Dear Ronda,

I would like to submit this public testimony at the Public Hearing on February 8th.

I believe the report from Portland State University (PSU) is inaccurate to use in order to quantify Molalla's housing needs over the next 10-20 years. At the rate that people are moving to Molalla I'm guessing you are going to see at least another 5+ thousand people moving to Molalla within the next 5 years. Portland State University is extremely biased in favor of infill and high-density housing that is reliant on public transit, bicycles and pedestrian commuting. Their perfect vision for Molalla will look much like the high-density government subsidized housing instead of any more single-family homes. I believe that Portland State is prejudiced against expansion of our urban growth boundary. If what is good for Portland was good for Molalla, I suspect Molalla would have already joined Metro.

Many people move here to raise their children in a family friendly neighborhood environment not to raise them in high rises and subsidized housing. You only have to look at how many young children now live in Molalla and consider whether they would be better served by more single-family homes.

I have noticed many apartment units under construction in Molalla. Is this to address the already large influx of people?

Sincerely,
Char Pennie & David Potts
722 Burghardt Drive
Molalla, OR 97038
503-358-2032



City of Molalla – Administration Office
 117 N Molalla Avenue | PO Box 248 | Molalla, Oregon 97038
 Phone: (503) 829-6855 Fax: (503) 829-3676

Citizen Concern/Inquiry Form

Name of Citizen: Ron Higginbotham

Address/Email: 1820 Toliver Rd

Phone Number: (503) 829-4016

Report Regards:

- City of Molalla Employee: YES _____ NO X
 Employee's Name (if known) _____
- A City of Molalla Policy or Procedure: YES X NO _____
- General Report YES _____ NO _____

Date of the incident: _____

Time of the incident: _____

Location of the incident: _____

Who else may have witnessed the incident: _____

DESCRIPTION (Attach additional sheets if necessary):

I propose that the city ordinance regarding farm animals inside city boundaries match what the Clackamas County Zoning requires. Molalla's ordinance 6.08.020 mainly refers to large farm animals, where CC zoning section 821 (attached) includes fowl inside urban areas. Section 821 also limits the number of fowl to 6 and their young up to 12 weeks old and prohibits roosters or peacocks, where Molalla's ordinance doesn't make any discrimination to quantities. (More attached)

Signature: Ron Higginbotham Date: 20 DEC 2022

Please return to City Hall or email to cityrecorder@cityofmolalla.com

For Internal Use Only:

Date Received: _____ Time Received: _____ Received by: _____

Reviewed by City Manager: _____ Date: _____

Action Taken: _____ Taken By: _____ Date: _____

As Molalla has grown and the density of many neighborhoods has increased it makes sense to place limitations on fowl and rabbits. Without appropriate rules in place, and published to the citizens, situations will occur pitting neighbor vs neighbor and creating problems for the enforcement (police dept).

I have highlighted the sections in the CC Ordinance that I propose are adopted in Molalla.

821 LIVESTOCK

821.01 STANDARDS

Livestock shall be subject to the following standards:

- A. Livestock shall not be kept for commercial purposes.
- B. Livestock shall be properly caged or housed, and proper sanitation shall be maintained at all times.
- C. All livestock food shall be stored in rodent-proof receptacles.
- D. The keeping of swine is prohibited, except that the keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig (*sus scrofa vittatus*) is permitted, subject to the following standards:
 - 1. The maximum height of each swine is 18 inches at the shoulder, and the maximum weight of each swine is 95 pounds.
 - 2. The swine shall be spayed or neutered.
 - 3. No more than two such swine may be kept on a lot of record for any period in excess of three calendar days.
- E. The minimum lot size for the keeping of cows, horses, and similar large livestock is one acre. Each of these animals, other than their young under the age of six months, shall be provided a minimum of 25,000 square feet of usable barn or pen area.
- F. Each goat, miniature horse, or sheep, other than their young under the age of six months, shall be provided a minimum of 10,000 square feet of usable barn or pen area.
- G. Roosters, peacocks, and any other fowl known for its loud call are prohibited. Other types of fowl, as well as rabbits, may be kept, subject to one of the following options:
 - 1. Hutches, coops, barns, or pens for any number of rabbits or fowl shall be located a minimum of 100 feet from any dwelling other than the dwelling of the owner of the subject property; or
 - 2. A maximum of six rabbits or fowl, other than their young under the age of 12 weeks, are allowed in hutches, coops, barns, or pens located behind the building line of the dwelling and a minimum of five feet from all lot lines.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. All animal byproducts and waste shall be kept a minimum of five feet from all lot lines.
- b. Hutches, coops, barns, and pens shall be enclosed on those sides that are not otherwise screened from adjacent lots by a sight-obscuring fence, wall, or hedge a minimum of six feet in height.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-268, 10/2/18]

Title 6 ANIMALS

Chapter 6.08 FARM ANIMALS

6.08.010 Running at large prohibited.

6.08.020 Keeping within 100 feet of residences prohibited.

6.08.030 Accumulation of manure or other wastes prohibited.

6.08.040 Violation—Penalty.

6.08.010 Running at large prohibited.

No person owning or having possession or control of any chicken, pigeon, duck, turkey, geese or any domestic fowl shall intentionally, knowingly, or negligently allow such fowl to run at large or remain at large upon any street, alley, park, public place, or property, other than that of the owner or lawful possessor of such fowl. (Ord. 1980-11 §1)

6.08.020 Keeping within 100 feet of residences prohibited.

No person shall keep or maintain any horse, mule, cow, sheep, goat, swine or other similar animal within a distance of 100 feet of any residence or dwelling occupied by one or more persons. For the purposes of this section, “any horse” does not include miniature horses. In order to be considered a miniature horse under this provision, a horse’s height (at its last mane hairs) cannot exceed 38 inches. (Ord. 2001-07 §1; Ord. 1980-11 §1)

6.08.030 Accumulation of manure or other wastes prohibited.

Any person owning or keeping a horse, mule, cow, sheep, goat, poultry, domestic fowl, or other animal within the City shall not permit accumulation of manure or other animal wastes upon the premises in such amounts or for such a length of time as to cause an odor noticeable to persons on abutting real property or public streets and rights-of-way. (Ord. 1980-11 §3)

6.08.040 Violation—Penalty.

Any person violating the provisions of this chapter shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine not to exceed \$100.00, or both such fine and imprisonment. (Ord. 1980-11 §4)



CITY OF MOLALLA

117 N. Molalla Avenue
PO Box 248
Molalla, OR 97038

Staff Report

Agenda Category:

Agenda Date: February 8, 2023

From: Christie Teets, City Recorder
Approved by: Dan Huff, City Manager

SUBJECT: Draft Ordinance for MMC, Chapter 2.06 Planning Commission

FISCAL IMPACT: none

RECOMMENDATION/RECOMMEND MOTION: Direct staff with edits or preference of the preferred Ordinance.

BACKGROUND:

2.06.110 Terms of members.

A. Each member of the Planning Commission shall be appointed as provided in the City Charter to a four-year term. Any vacancies shall be appointed by the Mayor with the consent of the City Council for the remaining portion of the term.

B. Unexcused absences from three regular meetings may disqualify a member at which time the Planning Commission may request that the Mayor appoint a replacement. Members shall call, mail, or drop-off a letter to staff in order to be excused from regularly scheduled meetings.

C. All appointments to the Commission may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2019-06 §7; Ord. 2018-05 §1)



ORDINANCE NUMBER 2023-xx

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON.
AMENDING MOLALLA MUNICIPAL CODE, CHAPTER 2.06 HEARINGS
BODIES AND THEIR DUTIES, ARTICLE III. PLANNING COMMISSION**

WHEREAS, The Molalla City Council has reviewed Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission, 2.06.110 Terms of Members; and

WHEREAS, City Council desires to make a change to Chapter 2.06.100, letter B.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. Chapter 2.06.100, letter B shall state, "Absences or tardies from two regular meetings per calendar year may/shall disqualify a member at which time the Planning Commission may request that the Mayor appoint a replacement. Members must notify staff via email or telephone to be excused from regularly scheduled meetings.

Section 2. Effective Date. The effective date of this Ordinance will take place immediately after adoption.

-OR- This Ordinance shall take effect 30 days after enactment.

The First Reading was held on _____, and moved to a Second Reading by _____ vote of the City Council.

The Second Reading was held on _____ and adopted by the City Council on _____.

Signed this ____ day of _____ 2023.

Scott Keyser, Mayor

ATTEST:

Christie Teets, CMC
City Recorder



ORDINANCE NUMBER 2023-xx

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON.
AMENDING MOLALLA MUNICIPAL CODE, CHAPTER 2.06 HEARINGS
BODIES AND THEIR DUTIES, ARTICLE III. PLANNING COMMISSION**

WHEREAS, The Molalla City Council has reviewed Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission, 2.06.110 Terms of Members; and

WHEREAS, City Council desires to remove Chapter 2.06.100, letter B.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. Chapter 2.06.100, letter B, shall no longer be reflected in the Molalla Municipal Code.

Section 2. Effective Date. The effective date of this Ordinance will take place immediately after adoption.

-OR- This Ordinance shall take effect 30 days after enactment.

The First Reading was held on _____, and moved to a Second Reading by _____ vote of the City Council.

The Second Reading was held on _____ and adopted by the City Council on _____.

Signed this ____ day of _____ 2023.

Scott Keyser, Mayor

ATTEST:

Christie Teets, CMC
City Recorder