



AGENDA

MOLALLA CITY COUNCIL MEETING

November 28, 2018

7:00 PM

Molalla Adult Center

315 Kennel Ave., Molalla, OR 97038

Mayor Jimmy Thompson

*Council President Elizabeth Klein
Councilor Leota Childress
Councilor DeLise Palumbo*

*Councilor Glen Boreth
Councilor Jody Newland
Councilor Keith Swigart*

CALL TO ORDER

Convene Meeting and Roll Call
Pledge of Allegiance

PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

(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 generically 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.)

ADOPTION OF AGENDA

CONSENT AGENDA

- [1.](#) City Council Minutes November 14, 2018
- [2.](#) Molalla Library Board Minutes November 15, 2018

ORDINANCES, RESOLUTIONS, PROCLAMATIONS

- [3.](#) Resolution 2018-20 Public Works Admin Fee Schedule
- [4.](#) Resolution 2018-21 Water Rate Inflation Schedule
- [5.](#) Resolution 2018-22 Sanitary Sewer Inflation Schedule
- [6.](#) Resolution 2018-23 Stormwater Inflation Schedule

NEW BUSINESS

- [7.](#) Council Rules
- [8.](#) Future Topics
- [9.](#) Veterans Memorial



AGENDA

MOLALLA CITY COUNCIL MEETING

November 28, 2018

7:00 PM

Molalla Adult Center

315 Kennel Ave., Molalla, OR 97038

OLD BUSINESS

REPORTS AND ANNOUNCEMENTS

ADJOURN

Agenda posted at City Hall, Senior Center, 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 Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, November 14, 2018**

CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING; the regular meeting of November 14, 2018 was called to order by Mayor Jimmy Thompson at 7:01 P.M.

COUNCIL ATTENDANCE:

Mayor Jimmy Thompson – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo – Present
Councilor Glen Boreth – Present
Councilor Jody Newland - Present
Councilor Keith Swigart – Present
Terry Shankle, Chamber Board - Present

STAFF IN ATTENDANCE

Dan Huff, City Manager – Present
Gerald Fisher, Public Works Director – Present
Chaunee Seifried, Finance Director – Present
Rod Lucich, Police Chief – Absent
Kelly Richardson, City Recorder – Present
Diana Hadley, Library Director – Absent

Chad Jacobs, City Attorney – Absent

Pledge of Allegiance

PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

Mayor Thompsons presented certificates of appreciation to members of the Visioning Team and the members of the Celebrate Molalla Team.

(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 generically 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.)

ADOPTION OF AGENDA

Motion made by Councilor Boreth to adopt the agenda as presented. Seconded by Councilor Swigart.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

CONSENT AGENDA

Motion made by Councilor Boreth to approve the consent agenda as presented. Seconded by Councilor Swigart.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

1. City Council Minutes October 24, 2018
2. Elected Essentials Training Workshop



**Minutes of the Molalla City Council Meeting
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ORDINANCES, RESOLUTIONS, PROCLAMATIONS

3. Resolution 2018-19

City Manager Huff presented the information from Clackamas County regarding the pending proposed County wide tobacco license. Council discussed the information presented councilors had varying concerns;

- Education
- Notifications
- Information
- Proof of compliance/evidence

Following a brief discussion of these varying concerns it was the consensus of the Council not to support the proposed County wide tobacco license. Councilors also wanted to send a letter of nonsupport and stating why Council did not support the fee.

NEW BUSINESS

4. IGA Clackamas County Jurisdictional Transfer of Ona Way Road

Motion made by Councilor Swigart approve City Manager Huff to sign the IGA to transfer Ona Way Road to Molalla. Seconded by Councilor Newland.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

5. Council Procedures & Policies Review

CM Huff presented the information to Council. Huff explained that last year Council had begun updating various policies and that it was time to look at them again and to complete the process. Huff asked Council how they would like to achieve the updates and Council asked for them one at a time. Council wanted to review the Council procedures/rules first.

6. Capital Improvement Program 2018-2023

PWD Fisher presented the 2nd generation of the Capital Improvement Plan 2018/2023 by high, low and medium priority and potential funding sources for the 5-year projects, which is included in the 2nd generation report. The 20 year is the final that shows all the projects and whether they show SDC eligibility or not. The CIP plan also shows how it correlates with TSP and Wastewater Master Plan.

PWD Fisher pointed out an error on the bottom of page 42 of the packet in the table. Which will be updated.

Councilor Swigart asked if the Highway 213 and Toliver Road proposed roundabout effect costs. PWD Fishers stated that this is identified in a few locations in the project plans cost estimates were calculated as worst-case scenario.

Councilor Boreth clarified that if a funding source is not identified then the project is on hold until it is identified. Boreth confirmed with PWD Fisher is happy with the plan and PWD Fisher stated yes, he was happy with the plan moving forward

Councilor Swigart wanted to know who would choose which high priority projects went first and PWD Fisher stated its driven by development most of the time.

CM Huff informed Council through budget and awarding projects Council will be able to monitor the plan.



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PWD Fisher also informed Council the CIP will be updated yearly to reflect project completions.

Motion made by Councilor Childress to adopt the Capital Improvement Program 2018-2023 as edited. Seconded by Councilor Boreth.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

7. Future Topics

Councilor Swigart wanted to discuss the probability of a veteran's memorial in Odd Fellows Park. Following a brief discussion CM Huff asked Swigart to come in and they will discuss what that would look like. Staff is directed to place the item on the agenda until such time it is completed

Councilor Childress wanted to review the sign ordinances. CR Richardson clarified the direction or reason for the review of the sign ordinance and following that discussion it is determined it could be a code enforcement issue. Council directs staff to bring back information regarding signs in relation to closed businesses. Council would then determine if the sign code needed updating or not.

It is the consensus of Council to cancel the December 26, 2018 meeting because of the holidays.

OLD BUSINESS

8. Tobacco Retail License

This item was discussed during the Resolution section of the meeting.

9. Council Retreat

It is the consensus of Council to have the retreat February 9, 2019 at Hopkins Demonstration Forest for one day not overnight.

REPORTS AND ANNOUNCEMENTS

- **Terry Shankle Chamber Board** Informed Council that beginning on Saturday after Thanksgiving, lights will be put up around down town and preparation for the tree lighting is on its way.
- **Finance Director Seifried** had nothing at this time.
- **PWD Fisher** informed Council Fenton Avenue project is on time and set for completion December 13 pending weather. Faurie Avenue waterline project is underway. Wastewater Master Plan (WWMP) is ongoing DEQ is reviewing and it will be presented at the December meeting.
CR Richardson had nothing.
- **CM Huff** informed Council that the meeting with ODOT to discuss funding options specific to highway 213 and Toliver went well. ODOT provided various options and staff will present final options hopefully at the December meeting.
- **Councilor Newland** Informed Council that she took a tour of the Molalla Police Department and observed first hand the working conditions of our staff. Newland encouraged others to take the tour and see for themselves.



**Minutes of the Molalla City Council Meeting
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Secondly Newland was pleased with the turn out for Halloween and encouraged citizens to possibly sponsor a business and help handout candy and treats. Newland also informed everyone that there was a meeting next Monday regarding road improvements in the County.

- **Councilor Palumbo** had nothing.
- **Councilor Swigart** thanked staff for all the time and hard work spent on these various projects.
- **Councilor Boreth** thanked everyone involved with the many hours spent compiling the Capital Improvement Program.
- **Councilor Childress** thanked everyone involved with the Celebrate Molalla Community event the event was a huge success because of everyone involved. Childress publicly thanked Roxie Smith, Pamela Luke and Jordan Nesbit because of their level of involvement and hard work. Childress talked about the need for volunteers for the warming center shifts available.
- **Councilor Klein** gave an update on the visioning process. Bill Flood the facilitator is compiling all the data and formulating value statements and action items. There will be some community events coming up stay tuned for dates and times. Participation is key so hopefully citizens will come and partake and provide feedback, it is up to all of us to chart our future.
- **Mayor Thompson** stated that on Tuesday the 20th of November that CM Huff, PWD Fisher and himself will be meeting with Ryan Winchiemer with ODOT to discuss request Thompson had made regarding the development along highway 211 and the pedestrian improvements. Thompson had requested that Molalla be able to place a temporary crosswalk so that Molalla didn't have to wait until 2020.

EXECUTIVE SESSION

Held pursuant to Oregon Public Record Law, ORS 192.660(2):

Motion made by Councilor Swigart to enter executive session at 8:25pm. Seconded by Councilor Boreth.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

There were no objections to Councilor elect Terry Shankle attending the executive session.

Carol Rosen with Pamplin Media attended the meeting and Mayor Thompson clearly stated the executive session protocols regarding confidentiality and reporting of the press and other individuals in attendance.

(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.

Motion made by Mayor Thompson adjourn executive session at 9:05pm. Seconded by Councilor Swigart.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

Going back into regular session;

Motion made by Councilor Childress to approve City Managers wage compensation plan as presented. Seconded by Councilor Newland.



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Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

ADJOURN

Motion made by Councilor Childress to adjourn the regular meeting of November 14, 2018 at 9:10pm. Seconded by Councilor Boreth.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

Mayor, Jimmy Thompson

Date

ATTEST: _____
Kelly Richardson, CMC
City Recorder

Minutes of the Molalla Public Library Board Regular Meeting
Molalla Public Library
201 E 5th St., Molalla, OR 97038

1. **CALL TO ORDER OF THE MOLALLA PUBLIC LIBRARY BOARD MEETING;** the regular meeting of September 13, 2018 was called to order by Diana Hadley at 7:05 PM.

ATTENDANCE:

Charlotte Bloebaum, Board Member - Present
Valerie Coy, Board Member – Present
Cindy Fincher, Board Member – Present
Angela Patton, Chair – Absent, excused
Steve Rowland, Board Member – Present

STAFF IN ATTENDANCE:

Diana Hadley, Library Director - Present

2. The July minutes were approved.

3. **REPORTS AND ANNOUNCEMENTS**

a) **Library Director's report:**

- a. Discussion of library's e-newsletter. Cindy and Steve asked to be added to the mailing list. Everyone made suggestions for publicizing how to sign up for the list.

4. **NEW BUSINESS:**

- a. Discussion about meeting time. It was decided it would be easier to meet at 7:00 PM instead of 6:45. Valerie Coy moved; Charlotte Bloebaum seconded. All voted to so move.
b. Those present expressed an interest to go over the contents of the Library Board notebook at the next meeting.

5. **Next meeting will be Thursday, November 15, at 7:00 PM**

6. **ADJOURN**

Motion to adjourn made by Steve Rowland and Cindy Fincher seconded. Motion carried (4-0), all ayes at 7:51 PM




Angela Patton

November 15, 2018

Date

ATTEST:



Diana Hadley
Library Director



Public Works Department
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 829-6855
Fax: (503) 829-3676

November 28, 2018

TO: City Council

CC: Dan Huff, City Manager 

FROM: Gerald Fisher, Public Works Director

RE: Adoption of Administrative Fee Schedule for Public Works

Dear City Council,

Included in the November 28, 2018 Council packet is a Resolution to separate Public Works fees from other departmental fee structures and provide a stand-alone set of fees. All of the fee amounts match the fees currently in place with the exception of cost to print large format plan copies by our Engineering Division. Costs on a per sheet basis have increased over time and the prior fees have not kept pace with costs to provide this service.



RESOLUTION NUMBER 2018-20

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON,
ESTABLISHING PUBLIC WORKS ADMINISTRATIVE FEES AS APPROVED
BY MOLALLA MUNICIPAL CODE CHAPTERS 12.16, 13.04, 13.08, 13.13,
AND 21.70. REPEALING AND REPLACING ALL PREVIOUS RATE
SCHEDULES.**

WHEREAS, the Molalla Municipal Code Sections 12.16, 13.04, 13.08, 13.13, and 21.70 provides that fees for plan review, permits, and other administrative fees be established by resolution of the City Council; and

WHEREAS, the City has prepared a fee schedule to cover costs associated with plan review, the issuance of permits, inspection, administrative fees, and equitable cost recovery methods; and

WHEREAS, the City Council desires to implement the equitable cost recovery methods as outlined in the attached fee scheduled.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. Public Works fees adopted in prior Resolutions are repealed and replaced by this Resolution.

Section 2. The Public Works Administrative Fees are established in attached Exhibit "A"

Section 3. This Resolution is and shall be effective upon adoption and all rates and charges established herein for customers shall go into effect as of such date.

Adopted this _____ day of _____, 2018

Mayor, Jimmy Thompson

ATTEST:

Kelly Richardson, CMC, City Recorder



Public Works Department
 117 N Molalla Avenue
 PO Box 248
 Molalla, Oregon 97038
 Phone: (503) 829-6855
 Fax: (503) 829-3676

Public Works Administrative Fees
Exhibit "A"
Adopted by Resolution 2018-20

Water & Sewer Fees

| | |
|-------------------|----------|
| Water Hook Up Fee | \$600.00 |
| Sewer Hook Up Fee | \$600.00 |

Bulk Water Fees (see note below)

| | |
|---------------------------------------|----------|
| Bulk Water Meter Deposit (refundable) | \$700.00 |
| Bulk Water Meter Account Setup | \$25.00 |

Bulk Water (1000 gal = 133.681 CF)

Bulk Water Cost Current Water Use Rate x 1.33681 = \$ per 1,000 gal

Note: Bulk water can only be provided to construction contractors performing work within the City limits or contractors performing work outside of City limits for Clackamas County, ODOT, or other public agency as approved by the Public Works Director. Sale of bulk water outside of corporate City limits not identified above is prohibited.

Engineering Fees

| | |
|-------------------------------|----------------------------------|
| Engineering Design Review Fee | *1.5% but not less than \$300.00 |
|-------------------------------|----------------------------------|

* 1.5% of the total the Engineer's Estimate of the public improvements

| | |
|-------------------------|----------------------------------|
| Construction Permit Fee | *3.5% but not less than \$700.00 |
|-------------------------|----------------------------------|

* 3.5% of the total the Engineer's Estimate of the public improvements

Permit Fee

| | |
|---|------------------|
| Right-Of-Way Permit Fee (non-franchise) | \$125.00 |
| Right-Of-Way Permit Fee (non-franchise) - with Street Cut | \$150.00 ea. Cut |
| Reinspection - Right-Of-Way Permit Fee (non-franchise) | \$75.00 |
| Driveway, Sidewalk, and/or Curb & Gutter Const Permit Fee | \$95.00 |
| Reinspection - Driveway, Sidewalk, and/or Curb & Gutter | \$47.00 |

Plotter Fees

| | |
|-----------------------|-----------------------------|
| Base Rate Per Request | \$12.50 |
| | Page Size Cost / Sheet |
| | 24" x 18" \$0.23 |
| | 24" x 30" \$0.36 |

| | |
|-----------|--------|
| 24" x 36" | \$0.41 |
| 36" x 44" | \$0.76 |

Fee charged will be equal to the Base Rate plus the cost per sheet.



Public Works Department
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 829-6855
Fax: (503) 829-3676

November 28, 2018

TO: City Council

CC: Dan Huff, City Manager 

FROM: Gerald Fisher, Public Works Director

RE: Adoption of Utility Rate Study and Water, Sewer, Stormwater Fee Increases

Dear City Council,

Included in the November 28, 2018 Council packet are three resolutions. This is the second year of the rate increases set out in the 2017 Utilities Rate Study. The study recommended the rate increases that the City should make over the next five years based on the current Capital Improvement Plan which was amended by City Council on November 14, 2018. On November 11, 2017 the City Council adopted the first-year rate increase recommended in the rate study and those increases took effect on July 01, 2018.

The resolution language is the same from last year except for the water fee where we have included the cost for bulk water which is used for construction activities.

Adoption of the last fee increase has increased our ability to design and construct the capital projects needed within our systems and to complete the prior obligations tied to federal grants received by the City. Looking ahead these rate increases will allow us to continue our efforts to lower the bonded debt costs of the WWTP upgrade, complete sewer collection system replacements in compliance with our Mutual Agreement Order with DEQ, complete necessary expansion and replacement projects in the water system and continue needed stormwater improvements as opportunities arise with water, sewer, and street projects. Staff recommends the Council approve the rate increases identified in the Rate Study so that we can continue our work to replace aging infrastructure and prepare the City for future growth.



RESOLUTION NUMBER 2018-21

A RESOLUTION OF THE CITY OF MOLALLA, OREGON, ESTABLISHING WATER RATES AND ANNUAL INFLATION ADJUSTMENTS THEREAFTER AS APPROVED BY MOLALLA MUNICIPAL CODE CHAPTER 13.04.

WHEREAS, the Molalla Municipal Code Section 13.04.160 provides that fees for water service be established by resolution of the City Council; and

WHEREAS, the City desires to regularly review the costs of operating, maintaining and improving the water system; and

WHEREAS, the City has prepared a fee rate study which has identified water system costs, rate structure alternatives, and equitable cost recovery methods; and

WHEREAS, the City completed a 5-year water capital improvement plan and rate study to revise the fees based on the updated plan; and

WHEREAS, the City Council desires to implement the average annual rate increase of 2.86% for the first year as identified in the July 2017 Utilities Rate Study.

WHEREAS, the City desires to establish within its water rate structure both incentives for water conservation and the ability for the City to recover the costs of providing water services; and

WHEREAS, the City desires to establish within its water rate structure an annual increase to address inflation based on the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U), service provision and maintenance.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. Resolution No. 2017-16 is repealed upon the effective date of this Resolution.

Section 2. The Water Rates and Fees are established:

Rate Schedule thru June 30, 2019 – Water

(All Residential, Commercial, and Industrial inside the City)

| Meter Size (inches) | Rate | Use Charge (per 100 cubic feet) |
|--------------------------------|-------------|--|
| 3/4 | \$13.44 | \$2.95 |
| 1 | \$22.53 | \$2.95 |
| 1-1/2 | \$44.82 | \$2.95 |
| 2 | \$72.01 | \$2.95 |
| 3 | \$156.83 | \$2.95 |
| 4 | \$268.85 | \$2.95 |
| 6 | \$560.08 | \$2.95 |
| 8 | \$806.53 | \$2.95 |

**Rate Schedule Effective July 01, 2019 – Water
(All Residential, Commercial, and Industrial inside the City)**

| Meter Size (inches) | Rate | Use Charge (per 100 cubic feet) |
|--------------------------------|-------------|--|
| 3/4 | \$13.82 | \$3.03 |
| 1 | \$23.17 | \$3.03 |
| 1-1/2 | \$46.10 | \$3.03 |
| 2 | \$74.07 | \$3.03 |
| 3 | \$161.32 | \$3.03 |
| 4 | \$276.54 | \$3.03 |
| 6 | \$576.10 | \$3.03 |
| 8 | \$829.60 | \$3.03 |

All Fire Line Rates are set at \$0.00 per month.

Section 3. Rates for all services outside of the City limits shall be 150% of the rate schedule shown above.

Section 4. Annual inflationary adjustments for all water users shall be effective automatically each year on July 1 based on the published values by the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U).

Section 5. The rate for bulk water shall be equal to the Use Charge times 1.33681 and measured as cost in dollars per 1,000 gallons used.

Section 6. This Resolution is effective upon adoption and all rates and charges established herein for water customers shall go into effect as of such date.

Adopted this _____ day of _____, 2018

Mayor, Jimmy Thompson

ATTEST:

Kelly Richardson, CMC, City Recorder



RESOLUTION NUMBER 2018-22

A RESOLUTION OF THE CITY OF MOLALLA, OREGON ESTABLISHING SANITARY SEWER RATES AND ANNUAL INFLATION ADJUSTMENTS THEREAFTER AS PROVIDED BY MOLALLA MUNICIPAL CODE CHAPTER 13.08

WHEREAS, The Molalla Municipal Code Section 13.08.370 provides that fees for sanitary sewer service be established by resolution of the City Council; and

WHEREAS, the City desires to regularly review the costs of operating, maintaining and improving the sanitary system; and

WHEREAS, the City has prepared a fee rate study which has identified sanitary sewer system costs, rate structure alternatives and equitable cost recovery methods; and

WHEREAS, the City completed a 5-year sanitary sewer capital improvement plan and rate study to revise the fees based on the updated plan; and

WHEREAS, the City Council desires to implement the average annual rate increase of 6.09% for the first year as identified in the July 2017 Utilities Rate Study.

WHEREAS, the City desires to establish within its sanitary sewer rate structure an annual increase to address inflation based on the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U), service provision and maintenance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Resolution No. 2017-17 is repealed upon the effective date of this Resolution.

Section 2. The fixed fee shall be based on a rate per equivalent dwelling unit (EDU) per month. The variable fee shall be based on the per hundred cubic feet (Ccf) of winter average water consumption for residential properties. The variable fee shall be based on the per hundred cubic feet (Ccf) of actual use for commercial and industrial properties. Sanitary Sewer Rates and Fees are established:

Rate Schedule thru June 30, 2019 – Sanitary Sewer

(All Residential, Commercial, and Industrial inside the City)

| All Classes | Rate | Use Charge (per 100 cubic feet) |
|--------------------------|---------|------------------------------------|
| Equivalent Dwelling Unit | \$38.14 | \$3.78 |

Rate Schedule Effective July 01, 2019 – Sanitary Sewer

(All Residential, Commercial, and Industrial inside the City)

| All Classes | Rate | Use Charge (per 100 cubic feet) |
|--------------------------|---------|------------------------------------|
| Equivalent Dwelling Unit | \$40.46 | \$4.01 |

Section 3. Rates for all services outside of the City limits shall be 150% of the rate schedule shown above.

Section 4. Annual inflationary adjustments for all sanitary sewer users shall be effective automatically each year on July 1 based on the published values by the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U).

Section 5. This Resolution shall be effective upon adoption and all rates and charges established herein for sanitary sewer customers shall go into effect as of dates provided in rate schedule.

Adopted this _____ day of _____, 2018

Mayor, Jimmy Thompson

ATTEST:

Kelly Richardson, CMC, City Recorder



RESOLUTION NUMBER 2018-23

A RESOLUTION OF THE CITY OF MOLALLA, OREGON ESTABLISHING SURFACE WATER RATES AND ANNUAL INFLATION ADJUSTMENTS THEREAFTER AS APPROVED BY MOLALLA MUNICIPAL CODE CHAPTER 13.13

WHEREAS, The Molalla Municipal Code Section 13.13.030 provides that fees for surface water charge be established by resolution of the City Council; and

WHEREAS, the City desires to regularly review the costs of operating, maintaining, and improving the surface water system; and

WHEREAS, the City has prepared a fee rate study which has identified surface water system costs, rate structure alternatives, and equitable cost recovery methods; and

WHEREAS, the City completed a 5-year stormwater capital improvement plan and rate study to revise the fees based on the updated plan; and

WHEREAS, the City Council desires to implement the average annual rate increase of 3.50% for the first year as identified in the July 2017 Utilities Rate Study; and

WHEREAS, the City desires to establish within its surface water rate structure an annual increase to address inflation based on the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U), service provision and maintenance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Resolution No. 2017-18 is repealed upon the effective date of this Resolution.

Section 2. The methodology attached hereto and incorporated herein by reference regarding the calculation of the Surface Water Utility User Charge is hereby adopted.

Section 3. The Equivalent Dwelling Unit (EDU) shall be based on a local value of 2,980 square feet of impervious surface and the EDU factor shall be 1.00.

Section 4. Impervious surface factors for properties other than a single family dwelling shall be based on the square feet of impervious surface divided by one EDU and measured to the nearest one-hundredth EDU.

Section 5. The impervious surface factor shall be multiplied by the base fee to determine the monthly fee.

Section 6. A reduction in the amount of calculated impervious surface for commercial and industrial properties may be granted by the Public Works Director based on the use of infiltration facilities meeting the requirements of the Public Works Standards and approved and monitored by the Oregon Department of Environmental Quality.

Section 7. A reduction in the amount of calculated impervious surface for commercial and industrial properties may be granted by the Public Works Director based on the removal of paved areas or scarifying of compacted gravel areas to allow for infiltration.

Section 8. The Surface Water Rates and Fees are established.

**Rate Schedule thru June 30, 2019 – Stormwater
(All Residential, Commercial, and Industrial inside the City)**

| Area Calculation | Rate |
|--------------------------|--------|
| Impervious Area/EDU Area | \$3.74 |

**Rate Schedule Effective July 01, 2019 – Stormwater
(All Residential, Commercial, and Industrial inside the City)**

| Area Calculation | Rate |
|--------------------------|--------|
| Impervious Area/EDU Area | \$3.87 |

Section 9. Annual inflationary adjustments for all storm water users shall be effective automatically each year on July 1 based on the published values by the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U).

Section 10. This Resolution is and shall be effective upon adoption and all rates and charges established herein for water customers shall go into effect as of such date. Duly adopted by Molalla City Council the 28th day of November 2018.

Adopted this _____ day of _____, 2018

Mayor, Jimmy Thompson

ATTEST:

Kelly Richardson, CMC, City Recorder

City of Molalla

City Council Meeting



Agenda Category: New Business

| | |
|---|--------------------------------|
| Subject: | Council Rules |
| Recommendation: | Review and Update if Necessary |
| Date of Meeting to be Presented: | November 28, 2018 |
| Fiscal Impact: | N/A |
| Submitted By: | Dan Huff |
| Approved By: | City Manager Dan Huff |

| |
|--|
| Background: |
| This is a yearly review and or update. |

CITY COUNCIL RULES OF PROCEDURE

ORDINANCE NO. 2007-05, 2008-17, 2010-12, 2012-01 & 2017-09

This is a complete list of Council Rules as of 11/21/2018

WHEREAS, city councils are composed of individuals with a wide variety of backgrounds, personalities, value opinions and goals; and recognizing this diversity, Molalla City Council members have chosen to serve in public office in order to advance the goal of preserving Molalla's quality of life. In all cases, this common goal should be acknowledged even as Council members may "agree to disagree" on contentious issues, and

WHEREAS, governance of a City relies on the cooperative efforts of elected officials, who set policy; City staff, who implement and administer Council policies; and public volunteers. Therefore, every effort should be made to be cooperative and respect the contributions made by each individual to the community, and

WHEREAS, Council members have a public stage to demonstrate effective problem-solving, and the Council can show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole, and

WHEREAS, at all times, while in session or otherwise, Councilors should conduct themselves in a manner appropriate to the dignity of their office, and

WHEREAS, City Charter Section 12 provides that the Council shall by ordinance prescribe rules to govern the meetings and proceedings, and

WHEREAS it is the intent the Council to have clear and simple procedures for considering agenda matters and for the conduct of City business,

NOW, THEREFORE, THE CITY OF MOLALLA ORDAINS AS FOLLOWS:

Section 1. The Molalla Municipal Code is amended by adding a new Chapter 1.02 to read as follows:

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 Council Member 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.

1.02.020 Definitions

1. City Committees: All city committees, commissioners, task forces, and advisory bodies.
2. Council and Council members: The Mayor, the Council President, and the Councilors.
3. Councilors: The Council President and the Councilors.
4. Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

1.02.030 Roberts 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.

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.

1.02.060 Council Meetings

1. 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.
2. Work Sessions to review meeting agenda items will be held prior to each meeting. Work sessions and agendas will be developed by the City Administrator/Manager in consultation with the City Council, or by motion with Council approval or by concurrence of the Council.
3. 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 taken at work sessions.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes of regular and special Council meetings will be taken as provided by the Oregon Public Records law.
6. Telephone/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings law.
7. Attendance at meetings is expected of Council members 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.

1.02.070 Agenda

1. 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 & VERBAL
- AWARDS & RECOGNITIONS
- PUBLIC HEARING
- CONTINUING BUSINESS
- NEW BUSINESS
- ORDINANCES & RESOLUTIONS
- PROCLAMATIONS
- REPORTS & ANNOUNCEMENTS
- EXECUTIVE SESSION

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

1. 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.
2. 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.
3. In general, Council members 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.

1.02.100 Motions

1. Council member 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.
2. The motion maker, Mayor, or City Administrator/Manager should repeat the motion prior to voting.
3. 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.
4. Discussion of a motion is open to all Council members who wish to address the motion. A Council member 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.
5. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member 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 Council member may request a roll call vote on any motion.
6. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes must do so briefly and succinctly.
7. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
8. Tie. A motion that receives a tie vote fails.
9. 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.
10. 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.
11. 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 Council member 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 Council member 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:

- A. If four members of the Council are present, three affirmative votes are required.
 - B. If five members of the Council are present, three affirmative votes are required.
 - C. If six members of the Council are present, four affirmative votes are required.
 - D. If seven members of the Council are present, five affirmative votes are required.
12. 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.
13. Reconsideration. When a motion has been decided, any Council member 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.

1.02.110 Council Member 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

- 1. Council members 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 Council members, the City Administrator/Manager or City Attorney.
- 2. 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. Council members may not have any contact or discussions with

- any other party or its representatives nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
 4. Unless required by law, no Council member 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.

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

1. 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:
 - A. The name of Council members and staff present;
 - B. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - C. The result of all votes, including ayes and nays and the names of the Council members who voted.
 - D. The substance of the discussion on any matter.
 - E. Reference to any document discussed at the meeting.
2. 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 Council member should read and submit any changes, additions or corrections to the City Administrator/Manager during or prior to the work session immediately preceding a Council meeting.
3. The City Recorder or designee will make an audio recording of all meetings. The City

Recorder will maintain custody of all recordings, but a Council member may obtain a copy of any recording. A Council member 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.

1.02.150 Adjournment

1. Upon motion and majority vote of the Council members 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.
2. Upon the request of two or more Council members a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
 - A. When made as an interruption of a member while speaking; or
 - B. While a vote is being taken.

1.02.160 Bias and Disqualification

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member 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.
2. In quasi-judicial matters, each Council member 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 Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. 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 Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, 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 Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member 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.

1.02.170 Ex Parte Contacts and Disqualification

1. For quasi-judicial hearings, Council members 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.
2. If a Council member has ex parte contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member 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 Council members also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

1.02.180 Oregon Ethics Commission Requirements and Reporting

1. Council members 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.
2. Council members 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, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with ORS 244.195, it is each Council member's responsibility to file statements of economic interest with the Government Standards and Practices Commission.

1.02.190 Legal Advice

1. Requests to the City Attorney for legal advice may not be made by a Council member without the concurrence of a majority of the Council or the Mayor.
2. Before requesting research or other action by the City Attorney, Council members are encouraged to consult with the City Administrator/Manager to determine if the request or action can be accomplished more cost-effectively.
3. Outside a Council meeting, a Council member should direct requests of the City Attorney through the City Administrator/Manager or the Mayor.
4. Exceptions to this are issues related to the performance of the City Administrator/Manager and unique/sensitive personal, yet City business-related, requests. These requests must be made through the mayor.

1.02.200 Manager Evaluation

1. Criteria. The standards, criteria, and policy directives used in the evaluation of the Administrator/Manager will be adopted at a regular Council meeting in accordance with state law.
2. Process.
 - A. Council members will make written comments in response to the evaluation.
 - B. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.

- C. At evaluation sessions, Council summary comments and individual Council member comments will be made. The Administrator/Manager will have an opportunity to respond to all comments. The effect of the evaluation on the Administrator/Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the Administrator/Manager.
 - D. Council members will then complete their individual evaluations and convene to discuss overall evaluation of the Administrator/Manager and reach a consensus.
 - E. Council will then reconvene with the Administrator/Manager to review final performance evaluation and discuss compensation.
3. Contract. The City Attorney will prepare any employment contract amendments to the Administrator/Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting.

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.

1.02.220 Boards and Commissions

- 1. Appointments to boards and commissions shall be made as provided in the City Charter.
- 2. 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.
- 3. Notwithstanding any other provision of the Molalla Municipal Code relating to boards and commissions, no former member of the City of Molalla City Council may serve on a board, commission or committee established by city ordinance, either as a voting or nonvoting member, until a minimum of one year has elapsed from the person's separation from membership of the City Council. (Ord. 2011-09 §1; Ord. 2011-01 §1; Ord. 2007-05 §1)

1.02.230 News Media

- 1. 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.
- 2. A member of the news media is someone who:
 - Represents an established channel of communication, such as a newspaper or magazine, radio or television station, and either:
 - Regularly reports on the activities of government or the governing body, or
 - Regularly reports on the particular topic to be discussed by the governing body.

1.02.240 Authorization of Expenditures

- 1. A department director or manager shall not spend or commit more than \$5,000.00 of budgeted funds without approval of the City Manager.
- 2. 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.
- 3. 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

1. 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



Administration – City Recordors Office
117 N Molalla Avenue, PO Box 248, Molalla, Oregon 97038
Phone: (503) 829-6855 Ext. 291 Fax: (503) 829-3676

DATE: November 28, 2018
TO: Molalla City Council
FROM: City Recorder
SUBJECT: Council Policies List

Compensation 2009-01

Fee in Lieu of parks 2009-02

Employment Policy 2010-01

Grants and Loans 2011-01

Appointments 2011-02

Public Contracting

Decorum (Rules)

Email Policy elected officials

Financial Policies

Fraud Policy (recently updated)

Kelly Richardson, CMC
City Recorder

City of Molalla

City Council Meeting



Agenda Category: New Business

| | |
|---|-------------------|
| Subject: | Future Topics |
| Recommendation: | N/A |
| Date of Meeting to be Presented: | November 28, 2018 |
| Fiscal Impact: | N/A |
| Submitted By: | Mayor Thompson |
| Approved By: | Dan Huff |

| |
|------------------------|
| Background: |
| Place Holder on Agenda |

City of Molalla

City Council Meeting



Agenda Category: Future Topics

| | |
|---|-------------------|
| Subject: | Veterans Memorial |
| Recommendation: | Discussion |
| Date of Meeting to be Presented: | November 28, 2018 |
| Fiscal Impact: | Unknown |
| Submitted By: | Dan Huff |
| Approved By: | Dan Huff |

| |
|--|
| Background: |
| Staff was directed to place item on agenda until such time as it is necessary. |