



AGENDA

MOLALLA CITY COUNCIL MEETING
January 10, 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 Cindy Dragowsky
Councilor Keith Swigart

1. CALL TO ORDER

- A. Convene Regular Meeting and Roll Call
- B. Pledge of Allegiance

2. PUBLIC COMMENT/ COMMUNICATIONS AND PRESENTATIONS

- A. Civic Engagement Awards
 - Santa Avila
 - Lynn Blatter
- B. Swearing in Ceremony for Newly Hired Police Officer Jarred Brenner
- C. Appointment of Council President for 2018 year.

(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.)

3. ADOPTION OF THE AGENDA

4. CONSENT AGENDA

- A. City Council Minutes – October 11, 2017, October 25, 2017, November 8, 2017, Council Retreat November 4, 2017 and December 13, 2017.
- B. Correspondence – 2017 Legislative Review

5. Public Hearing

- A. Discussion and or Action Regarding ORD 2018-01 Dixon Avenue Vacation.

6. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. 1st Reading of Ordinance 2018- 01 Vacating a Portion of Dixon Avenue.
- B. 1st Reading of Ordinance 2018-02 Creating a Street Maintenance Fund
- C. Resolution Number 2018-01 Setting Street Maintenance Utility User Charge and Methodology.
- D. Resolution Number 2018-02 Appointing a Budget Officer for FY 2018/2019
- E. Resolution Number 2018-03 Deferred Compensation/Retirement Plan Amendment

7. NEW BUSINESS

- A. Discussion and or Action on Appointing a Budget Officer for FY 2018/2019.
- B. Discussion and or Action on 2018/2019 FY Budget Calendar.
- C. Discussion and or Action on Resolution 2018-01 Street Maintenance Fee.
- D. Discussion and or Action on Draft C4 Bylaws For Clackamas County Coordinating Committee.

8. OLD BUSINESS

A. NA

9. REPORTS AND ANNOUNCEMENTS

- A. City Manager and Staff
- B. City Councilors
- C. Mayor

10. EXECUTIVE SESSION

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

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 and 441.196 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (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.

11. 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.*

January 10, 2018

CIVIC
ENGAGEMENT
AWARD
Of
APPRECIATION



WE THE MOLALLA CITY COUNCIL WOULD LIKE TO THANK YOU FOR ALL THAT YOU
HAVE DONE FOR THE CITY IN 2017.

Santa Avila

IN RECOGNITION OF

Mayor Thompson

ISSUED BY

January 10, 2018

CIVIC
ENGAGEMENT
AWARD
Of
APPRECIATION



WE THE MOLALLA CITY COUNCIL WOULD LIKE TO THANK YOU FOR ALL THAT YOU
HAVE DONE FOR THE CITY IN 2017.

Lynn Blatter

IN RECOGNITION OF

Mayor Thompson

ISSUED BY

January 10, 2018



OATH OF OFFICE
For
CITY OF MOLALLA
POLICE
DEPARTMENT

WE THE MOLALLA CITY COUNCIL WOULD LIKE TO THANK YOU FOR YOUR SERVICE.

Jared Brenner

IN RECOGNITION OF

Mayor Thompson

ISSUED BY

City Of Molalla

City Council Meeting



Agenda Category: Public Comment/Communications and Presentations

Subject: C: Appointment of Council President for 2018

Recommendation: NA

Date of Meeting to be Presented: January 10, 2018

Fiscal Impact: NA

Background:

By Charter Chapter III section 9 to be done each year.

SUBMITTED BY: NA
APPROVED BY: NA

**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, October 11, 2017**

- 1. CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING;** the regular meeting of October 11, 2017 was called to order by Mayor Jimmy Thompson at 7:07 P.M.

ATTENDANCE:

Mayor Jimmy Thompson - Present
Councilor Elizabeth Klein - Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo - Absent
Councilor Glen Boreth – Present
Councilor Cindy Dragowsky - Present
Councilor Keith Swigart – 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
Nancy Ide, Interim City Recorder – Present
Diana Hadley, Library Director - Absent
Chad Jacobs, City Attorney – Absent

2. COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT

Lynn Deshler, (Clackamas County Health and Housing) Oregon City, OR. Ms. Deshler presented council with an electronic presentation and update from 2015 to present of the homeless situation in Clackamas County. This is an effort that the County takes part in every two years as a nationwide effort. This is to count the homeless populations and those who take part in homeless assistance programs. The count this time took place on January 23, 2017. (The full report can be viewed as attached.) (Formerly agenda item 3a)

3. ADOPTION OF THE AGENDA

Councilor Childress made the motion to approve the amended agenda of October 11, 2017 with the addition of item 7b Resolution number 2017-14 Retention Schedule and was seconded by Councilor Boreth. Motion carries (6-0), all ayes. (Formerly item 4)

4. CONSENT AGENDA

- a) NA

5. ORDINANCES, RESOLUTION AND PROCLAMATIONS

- a) **Discussion and or Action on Ordinance Number 2017-08 A Ordinance of the City of Molalla, Adopting/replacing The Development Code.** CM Huff goes into a brief description of the items that were discussed at the last meeting, 1. Alter the drive-through business standard, 2. Parking requirements for multi-family housing, 3. Examine proposed standards in the C-2 zone regarding building orientation

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requiring structures be placed along street frontage. After which time Dennis Randazzo 1851 NE 60th Portland, OR. ProCom Commercial Group, LLC speaks to council regarding his most recent conversation with CM Huff specific to “transparency” the 60% requirement in the outlined section 17-3.2 specifically D5 would literally exclude many of my current tenants and any regional or national tenant that could be interested in Molalla. I would propose the 60% requirement be amended to 20% so potential tenants are not discouraged from coming to Molalla in serious negotiations.

- Mayor Thompson opens for discussion and presents his take on the issue he feels as though there is latitude enough but suggests if they lower it to 20% that the remaining 60% be made up by some type of art work and possibly another board to approve or weigh in on the proposal such as the Tribal Council of the Grande Round Indians or the Arts Commission.
- Councilor Boreth suggests that we approve the code as presented by Planning Commission so we stick to the timeline of the grant. The changes your suggesting to make should be discussed not be quickly made.
- Councilor Childress asks CM Huff for the specific timeline for the grant and CM Huff states by the end of October. Childress refers to verbiage submitted by CM Huff from other cities and she particular likes Gladstone. She agrees with Councilor Boreth and address these issues at a later date.
- Klein, agrees that we need to adhere to our grant. She likes Mayor Thompson scenario.
- CM Huff explains that at the last meeting your discussion was to remove the parking on duplex, the drive through and building orientation Mr. Randazzo brings in another item tonight that was not a part of last meeting discussion on the 3 items. CM Huff goes on to explain that he feels we need to address the 3 issues as previously discussed parking, orientation and drive through tonight and meet our grant obligation. Then we could turn around and further discuss the transparency question.
- Council President Klein asks staff if they feel that this code gives them the flexibility needed to move through the process better than the previous code. CM Huff replies that yes it does. Klein so getting this in place would really help projects to move forward and CM Huff believes that it will.
- Boreth wants to include the language as presented for parking.
- Mayor Thompson wants to include the language for drive-through as presented by Councilor Klein.
- Childress wants to see chapters in another document documented as necessary, Mayor Thompson is not in support of it since it would need further action when the TSP would change. Gerald Fisher of Public Works explains to council the industry

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standard language that would address this very issue. CM Huff explains it even further to the council and the fact that with the TSP update it should address this issue.

A motion is made by Councilor Boreth to adopt the 2nd reading of Ordinance 2017-08 and amended Development Code with changes and is seconded by Councilor Dragowsky. 6-0 all Ayes. Removal of adjustment to parking on duplex, the drive through portion removal except the building orientation as it will come back.

A motion to adopt the Development Code with the changes suggested is made by Councilor Boreth and is seconded by Councilor Swigart. 6-0 all ayes.

- b) **Discussion and or Action on Resolution Number 2017-14 To Adopt the State of Oregon Retention Schedule for Cities.** Interim City Recorder Ide presents the resolution and explains what the schedule is and why we need to have it. This gives the local government the authority to dispose of documents as necessary for systematic control.

Mayor Thompson points out that this would include the Council as well and includes email. Ide this is more of a house keeping issue and to inform the public that we are observing the State retention schedule.

A motion is made to approve Resolution Number 2017-14 and adopt the States Retention Schedule by Councilor Boreth and is seconded by Councilor Childress. Motion is approved 6-0 all ayes.

Mayor Thompson suggests to the Council an item that he would like to see brought back to council and before he just has the item put on the agenda would like to discuss it, He goes on to explain the SDC schedule/payment plan and how it works. It is the consensus of the council to bring it back at the next meeting.

6. NEW BUSINESS

- a) NA

7. OLD BUSINESS

- a) NA

8. REPORTS AND ANNOUNCEMENTS

- a) **City Manager, Huff** briefly explains the document before you we attempted to gather all of the city policies that we could find prior to your goal setting if there are any you would like to see or discuss here they are. CM Huff also informs council

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that staff will be getting customer service training this month and should be a great success.

- b) **Staff**, Fisher explains the smoke testing effort that is currently happening in and around the city, we sent out notifications to property owners explaining what they need to do if anything. Waste Water Master Plan we have asked for applicants to apply. Fisher explains his insert regarding a possible truck route to keep large trucks off of our newly renovated down town area. Mayor Thompson would like the Transportation Committee to weigh in on this possible truck route as well. Fisher also explains that they may need to discharge treated effluent we have notified everyone according to our permit this is essentially clean water after treatment. Interim Recorder Ide explains to council she is excited to inform them that we are making leaps and bounds on the new record center.
- c) **City Councilors**, Councilor Childress briefly touches on an upcoming meeting between the City and the Chamber regarding better relations and working together. Councilor Klein and Childress will be attending a Ford Community Building Summit Conference this weekend in Bend to share what we have done regarding Visioning process. Councilor Boreth thanked everyone involved in the recent MMC update it was a long process and everyone worked really hard on it. Councilor Boreth also attended the League of Oregon Cities Conference and briefly explains some advice he received there regarding notes and compiling them in a note book and then at the end of the year turning it into the city so there all in one place. Councilor Klein also attended the League of Oregon Cities Conference and has a lot of notes to compile. Also on Saturday Klein voted on behalf of Molalla for a new League of Oregon Cities' board of directors at the annual conference. Klein also explains that one of the Cities received an award for their unique wetlands area which is used as part of their wastewater treatment system. It's very unique and a tourist attraction for visitors which includes bird watching, trails and information kiosks. Visioning phase two started; October 26th is the next meeting. There are several volunteers from phase one who will be continuing into phase two. The survey is also on-line now.
- d) **Mayor**, Thompson had nothing more.

9. EXECUTIVE SESSION

- a) NA

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10. ADJOURN

Motion to adjourn the October 11, 2017 meeting made by Councilor Boreth Councilor Swigart seconded. Motion carried (6-0), all ayes at 8:35 pm.

Mayor, Jimmy Thompson

Date

ATTEST:

Kelly Richardson, CMC
City Recorder

DRAFT

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, October 25, 2017

- 1. CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING;** the regular meeting of October 25, 2017 was called to order by Mayor Jimmy Thompson at 7:07 P.M.

ATTENDANCE:

Mayor Jimmy Thompson - Present
Councilor Elizabeth Klein - Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo - Present
Councilor Glen Boreth – Present
Councilor Cindy Dragowsky - Absent
Councilor Keith Swigart – 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
Nancy Ide Interim, City Recorder – Absent
Diana Hadley, Library Director - Absent
Chad Jacobs, City Attorney – Absent

2. COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT

- a) No one was in attendance.

3. ADOPTION OF THE AGENDA

Councilor Boreth made the motion to approve the presented agenda of October 25, 2017 and was seconded by Councilor Childress. Motion carries (6-0), all ayes.

4. CONSENT AGENDA

- a) City Council Minutes –NA
b) Liquor License – NA
c) Correspondence - NA

Motion is made by Councilor Boreth to approve the Consent Agenda and is seconded by Councilor Swigart. Motion carries 6-0. All ayes.

5. ORDINANCES, RESOLUTION AND PROCLAMATIONS

- a) NA

6. NEW BUSINESS

- a) **Discussion and/or Action on Street Utility next steps**, CM Huff, Council held a Town Hall meeting on September 20, 2017 for the purpose of making a street condition presentation and identify options regarding funding. The Town Hall was attended by approximately 20 people with varying opinions regarding the amount that a utility should charge. Interestingly, there seemed to be a consensus that a fee should be charged and at the higher rate. Council may want to discuss next steps on this. Councilor Swigart thought that instead of every 5 years that it could be looked at yearly. CM Huff explains that staff is trying to come up with a solution to look at

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rates either yearly at budget time or when it is the best time but to at least do it and monitor various rates so the city is not behind. Mayor Thompson wants to look at them prior to budget and have a plan before the budget process and CM Huff agrees. PWD Fisher states that it will take a year or so before revenue can be generated enough to accomplish a project. PWD Fisher feels that if Council made a decision before the end of January there will be plenty of time. CM Huff states that if we are looking at a spring time project's we need to move fairly quickly. Councilor Childress explains that she is on board with the fee. However another item we need to really look at is the treatment plant and its issues. PWD Fisher states that he won't have the numbers until next spring. It takes about a year to bring the Master Plan to you which will include the treatment plant items. Childress in the meantime is there a need for a rate increase PWD Fisher those were brought to you during the rate study. Thompson really these are different items and need to be looked at separately. PWD Fisher explains that the Council never adopted the rate study you agreed on a percentage however it wasn't adopted I need more information before I could bring it back to you for adoption. We need to know if you're looking at a full 5 year rate or a yearly rate. There are a few items you need to do first adopt rate study and then a resolution to adopt the rate itself. CM Huff does explain the City needs to look into funding options at some point that could defer the amount of the street utility fee or other projects. Mayor Thompson explains how the Town Hall meeting went regarding the need and what has created the need. The city presented various dollar amounts that explained what could be done with each amount and surprisingly they were ok with the higher dollar amount. Citizens who attended all agreed that there was a need and they went towards the \$20.00 dollar fee. Councilor Swigart concern is that November is right around the corner and many departments will be needing money to fund projects. Klein states there is also a need for more discussion and to discuss various options let's not move too quickly. Councilor Boreth agrees with Councilor Klein he also likes the idea of an online survey but definitely more discussion. Boreth also states he doesn't remember who stated it but he felt the road maintenance should be a fee and save the bonding for a much larger project such as the treatment plant. Boreth stated staff wanted direction on rates as a 1 year or 5 year I think a 1 year at this point. Palumbo feels that we need to pare down a few of the items we don't want to bombard our citizens so I agree with a 1 year. Swigart thinks we need to look at the older portions of town regarding roads.

Consensus is to direct staff to draft a Resolution to implement a street maintenance fee that is reviewed annually by council. Mayor Thompson bonding if done right can help with maintenance of the roads we should look at more options and discuss it further in the future.

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b) Discussion and/or Action on System Development Charges-CM Huff, Payment Installment Plan, and Included with the Agenda is a copy of Molalla Municipal Code Section 13.14.095 deferred and installment payments regarding SDC's. We have also attached a copy of the Clackamas County's Code language regarding deferred payments as a comparison. Mayor Thompson opens with some background, for example had someone that was looking at moving their business it would have caused them to incur SDC's of about \$200,000 so this could discourage them from moving. Currently in Molalla Municipal Code (MMC) they can enter into an installment plan which allows them to pay one fifth down however, they need it paid in full within 2 years at 9% interest. Even if the applicant paid half of SDC fee it's still relatively costly. Under the County's plan they could pay it off over a ten-year period and there is still a lien placed on the property to ensure the City gets paid. Mayor Thompson believes this would help encourage growth. PWD Fisher informs council this has been in the code since 2008 and no one has taken advantage of the payment plan. CM Huff states there will be some type of security to ensure SDC's are paid in full. Councilor Childress doesn't believe that a payment plan is necessary for residential development since they roll those charges in at the time of sale. CM Huff feels as though this would be something of a larger scale development. Councilors go back and forth discussing the risk factor and the possibilities of bankruptcy and who would get paid. Council is concerned about the ten-year payout it sounds like five years would be a better time frame. Councilor Boreth states he agrees with Mayor on this that as long as the building isn't built then were not out anything. Council go back and forth on this issue with various concerns regarding this. PWD Fisher gives some background on a situation that is the driving force between this regarding a church and a daycare and Mayor Thompson also gives a situation regarding a food cart. PWD Fisher doesn't think this would be an issue where developers are concerned because they just put it in as part of the cost to do business. CM Huff stated generally the developers on the smaller projects and or repurposing buildings as a new use are the ones that are different and harder to determine. PWD Fisher believes that adjusting the code to reflect a 20% payout and payments over five years would be a beneficial change and allow us to be competitive and will help smaller businesses and projects. The larger developers probably won't be affected by a payment plan being offered or not. CM Huff stated he agrees with PWD Fisher that the larger developers really are not going to be the ones using this it just doesn't make sense for them. The payment plan needs to be the same across the board for everyone. Council discuss various payment scenarios. Mayor Thompson proposed a \$1,000.00 administration fee at application, a five-year

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bi-annual payment plan and prime plus 3% interest rate which could be limited to \$250,000.

- c) **Discussion and/or Action on Goal Setting Retreat**, CM Huff, We have a Communication Session scheduled for October 31 and Goal Setting scheduled for November 4, to encourage a discussion. CM Huff states currently he has a workbook here for council to look at and will send over the previous goals at a later date. CM Huff explains that there is a difference in Council goals and City goals. There could be goals and actions. Mayor Thompson asks each councilor to commit to reading the document and filling out the document and getting it back to staff.
- d) **Discussion and/or Action on Council Policies**, CM Huff, states it is a good time to begin discussion on City Policies. Current policies may need to be updated and there may be a need to adopt new policies. Current policies are in councils draft handbook. These are the policies that staff have been able to locate.
- Mayor Thompson begins the discussion, Fraud policy is fine we just completed it. Staff compensation 2009-01 staff can provide a better way to word this so were not looking at 5-7 years from 2009. A simple statement to be competitive. 2009-02 remove 2A and B and omit from the very first sentence if less than 5,000 simply have pay the fee in lieu of the building permit process.
 - 2010-01 Employment policy there is really only 3 people the city council employs the City Attorney, Judge and City Administrator. If we want an employment policy that is who it would be for. CM Huff should have input on the policy/employment practices. It would be appropriate for council to approve that policy but it's really not necessary for council to have one. Council discuss the policy briefly. Council agree to simplify and remove the time references. The employee manual is what staff puts together and the council adopts once that is done staff will execute it. CM Huff states the city currently does not have a recruitment policy in the employee handbook so that is something were going to want to add.
 - 2011-01 regarding City Grants and Loans, Mayor Thompson explains this was put into place when the city had a grant line in the budget we needed to have back up and since the city no longer has the grant line in the budget staff can remove it as well. CM Huff couldn't find documentation on if this was put into force or not. Klein remembers this was a recommendation during the budget process.
 - 2011-02, Appointments to Boards and Commissions, Mayor Thompson states this policy is no longer needed since our Charter update in 2011. Because the Charter update addresses the correct language.

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- CM Huff I believe it should be in place in the employee handbook before we remove the policy altogether following the discussion.

7. OLD BUSINESS

- a) NA

8. REPORTS AND ANNOUNCEMENTS

- a) **City Manager**
- b) **Staff**
- c) **City Councilors**
- d) **Mayor**, didn't have anything.

9. EXECUTIVE SESSION

- a) Was held pursuant to Public Record Law under ORS 192.660(2);
 - (e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - (h): To consult with the counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

City Attorney Chad Jacobs joins the group for the executive session.

Motion to adjourn regular session and open executive session is made by Councilor Boreth. Councilor Swigart seconded. Motion carried (6-0), all ayes at 9:40 pm.

10. ADJOURN

Motion to adjourn regular session is made by Councilor Boreth. Councilor Swigart seconded. Motion carried (6-0), all ayes at 10:15 pm.

Mayor, Jimmy Thompson

Date

ATTEST:

Dan Huff
City Manager

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, November 8, 2017

- 1. CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING;** the regular meeting of November 08, 2017 was called to order by Mayor Jimmy Thompson at 7:00 P.M.

ATTENDANCE:

Mayor Jimmy Thompson - Present
Councilor Elizabeth Klein - Present
Councilor Leota Childress – Absent
Councilor DeLise Palumbo - Present
Councilor Glen Boreth – Present
Councilor Cindy Dragowsky - Present
Councilor Keith Swigart – 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

2. COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT

- a) Susan Hanson, (Bear Creek Recovery) Molalla, OR. MS. Hansen read a statement into the record which has been made a part of the final packet.
- b) Ceremonies - Appointment to the Project Advisory committee for the Waste Water Master Plan. Two applications were received 1. Bill Taylor, with the Molalla River Watch, Molalla River Alliance and Molalla Community Planning. 2. Anna Rankin, Pudding River Water Shed Council. (Formerly item 4a of the old format.) Staff member Fisher explains this will be kept open as we are looking for a representative from residential, commercial and industrial to have a well-rounded committee. We already have a Councilor and Planning Commission member along with the members appointed this evening.

Councilor Swigart made a motion to allow Mayor Thompson to appoint the applicants to the PAC and is seconded by Councilor Boreth. Motion carries (6-0) all ayes.

3. ADOPTION OF THE AGENDA

Councilor Boreth made the motion to approve the presented agenda of November 8, 2017 and was seconded by Councilor Palumbo. Motion carries (6-0), all ayes.

4. CONSENT AGENDA

- a) City Council Minutes – September 26, 2017 (Formerly Item 6D)
- b) Liquor License – Lucky Buckaroo, LLC 107 East 2nd Street Molalla, OR. For a limited on premise and off premise license. No discussion (formerly item 6E)
- c) Correspondence - NA

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Motion is made by Councilor Boreth to approve the Consent Agenda and is seconded by Councilor Swigart. Motion carries 6-0. All ayes.

5. ORDINANCES, RESOLUTION AND PROCLAMATIONS

- a) **Discussion and/or Action** on Resolution Number **2017-15** A Resolution of the City of Molalla, Adopting the July 2017 Utilities Rate Study of 2017. Gerald Fisher, Public Works Director gives a brief summary of the Rate Study and explains the CPI index.

A motion is made by Councilor Boreth to adopt the Utilities Rate Study of 2017 as presented and is seconded by Councilor Palumbo.

- b) **Discussion and/or Action** on Resolution Number **2017-16** 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. (Formerly Item 6A)
- c) **Discussion and/or Action** on Resolution Number **2017-17** A Resolution of the City of Molalla, Oregon Establishing Waste Water Rates and Annual Inflation Adjustments thereafter as provided by MMC Chapter 13.08. (Formerly Item 6B)
- d) **Discussion and/or Action** on Resolution Number **2017-18** A Resolution of the City of Molalla, Oregon Establishing Surface Water Rates and Annual Inflation Adjustments thereafter as Approved by MMC Chapter 13.13 (Formerly Item 6C)

Motion to approve Resolutions **2017-16, 17 & 18** as presented is made by Councilor Boreth and is seconded by Councilor Swigart. Motion carries 6-0 all ayes.

6. NEW BUSINESS

- a) NA

7. OLD BUSINESS

- a) NA

8. REPORTS AND ANNOUNCEMENTS

- a) **City Manager**, Informs Council that he attended the Veterans celebration/program at the middle school today and lets council know our Police Chief sang and city was well represented. Also council you will see in your packet the notes from last Saturday regarding the vision retreat. The next meeting will be November 15 at City Hall in the conference room again on November 30 and December 2 council had set aside discussion for the potential street fee that council is considering.

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- b) **Staff**, Fisher explains to council technical memo #4 regarding the existing positions on the Transportation Master Plan those will be posted to the project website and a link on the city website.
- c) **City Councilors**, Councilor Boreth thanked everyone who took the time to attend the Vision Retreat this last weekend. Councilor Klein updates the council on the visioning process the surveys are being processed our volunteers are working hard to get these out to our citizens. So far in this round we have had about 190 surveys completed, overall combined with 140 in the first round a total of about 330 so far. The goal is to have about 2,000 filled out by January 31, 2018.
- d) **Mayor**, doesn't have anything else at this time. Councilor Klein reminds everyone that it is Veterans Day this weekend and wanted to thank all of our Veterans.

9. EXECUTIVE SESSION

- a) NA

10. ADJOURN

Motion to adjourn made by Councilor Boreth. Councilor Swigart seconded. Motion carried (6-0), all ayes at 7:42 pm.

Mayor, Jimmy Thompson

Date

ATTEST:

Kelly Richardson, CMC
City Recorder

**Minutes of the Molalla City Council Retreat Meeting
Resort at the Mountain 68010 E. Fairway Ave., Welches, Oregon
Saturday, November 4, 2017**

- 1. CALL TO ORDER OF THE MOLALLA CITY COUNCIL RETREAT MEETING;** the retreat meeting of November 4, 2017 was called to order by Mayor Jimmy Thompson at 8:34 A.M.

ATTENDANCE:

Mayor Jimmy Thompson - Present
Councilor Elizabeth Klein - Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo - Present
Councilor Glen Boreth – Present
Councilor Cindy Dragowsky - Present
Councilor Keith Swigart – Present

STAFF IN ATTENDANCE:

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

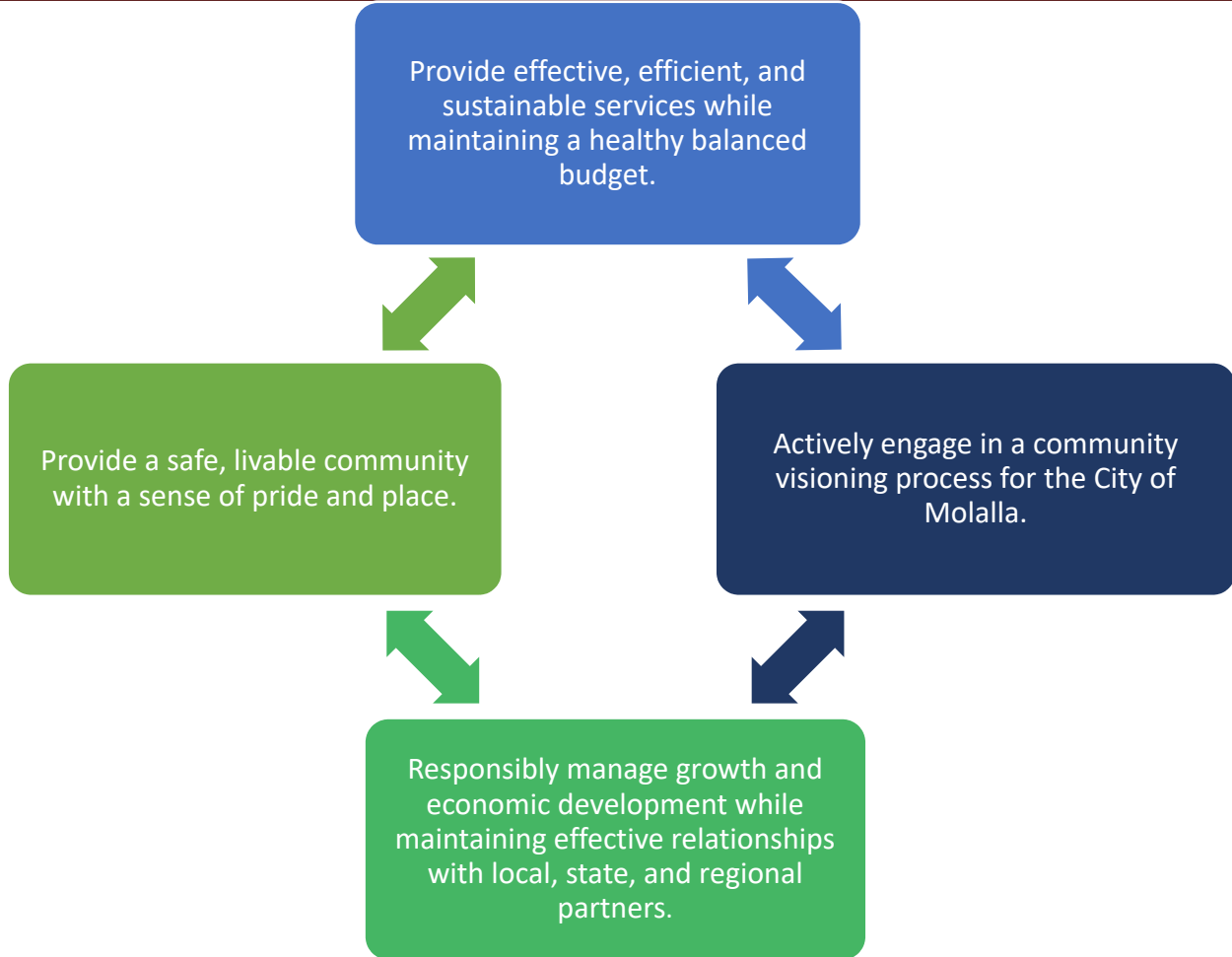
2. PURPOSE REVIEWED

- a) Below are the goals from 2016/2017,

CITY COUNCIL GOALS FOR 2016/2017

On February 24, 2016 the Molalla City Council and Staff had a goal setting session. Goals from 2015/2016 were reviewed. Some of the 2015/2016 goals carried over and new goals added for 2016/2017. The 3 main existing goal categories were determined to still be relevant to the operational ideals City Council has for this community. In addition, the discussion determined a 4th category of developing a City of Molalla vision could help multiple entities prosper.

**Minutes of the Molalla City Council Retreat Meeting
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1. Provide a safe, livable community with a sense of pride and place.

- Increase public awareness of community safety needs.
- Improve Community Policing Efforts (*More of a presence*).
- Increase awareness and value of having neighborhood watches.
- Continue development of new website to promote community awareness and information provisions.
- Continue ongoing changes to the website to utilize to its fullest potential.
- Promote a Downtown Development/Main Street program, improvements, and events.
- Work with local events as partners through participation.
- Promote green space and park improvements.

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2. Provide effective, efficient, and sustainable services while maintaining a healthy balanced budget.

- Create and maintain a 5 Year strategic plan for the city to follow.
- Participate openly in the Annual Audit process & maintain an Unqualified Audit and prepare City of Molalla CAFR (*Comprehensive Annual Financial Report*).
- Work with ODOT to improve pedestrian crossings on Highway 211.
- Implement strategies using the Budget as the fiscal Master Plan for the City.
- Implement a water mainline replacement program.
- Maintain annual funding source for I&I (*Inflow & Infiltration*).
- Establish a funding source for annual street maintenance.
- Continue to identify ways to improve transportation connectivity and flow within the city.
- Construct a bike/pedestrian trail on the old rail line.
- Pursue additional land options for recycled water and bio solid placement
- Investigate possible infra-structure additions for collection and distribution.

3. Responsibly manage growth and economic development while maintaining effective relationships with local, state, and regional partners.

- Partner with Clackamas County Business and Economic Development, develop an economic development plan for Molalla.
- Begin process to examine public facilities including current and future needs through master planning.
- Continue working with State/County agencies to promote Highway 211 and Highway 213 improvements.
- Maintain our relationships with local, state and regional partners.
- Maintain our funding partnerships with Clackamas County and ODOT.
- Plan for all public building and facility upgrades, replacement and/or repurposing.
- Master plan for growth and current capacities
- Work with downtown property and business owners to examine downtown parking needs.

4. Actively engage in a community visioning process for the City of Molalla.

- Identify community stakeholders and form a focus group/committee.
- Begin groundwork for developing a strategic plan to actualize the vision.
- Aid groups and individuals in long-term decision making.
- Identify how groups and individuals can play a part in bringing a community vision to fruition.

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3. VISIONING VS. GOAL SETTING

a) Council briefly discussed the differences between both and the similarities of each.

4. FINALIZING GOALS AND NEXT STEPS

1. Provide a safe, livable community with a sense of pride and place.

- Create a plan to address safety needs
- Encourage Neighborhood Watch along with each
- Continue to make the Website a tool to communicate issues with community – rework with end user in mind
- Front page of Web – larger calendar (dynamic)
- Work with partners to support local events – sponsor
- Economic development plan with County
- Assess what is in our control
- Be responsible to developers with expectations clear
- Update master parks plan
- We have made progress on safety
- What can be done to get more people involved

2. Provide effective, efficient, and sustainable services while maintaining a healthy balanced budget.

- Identify what needs to be included in the 5-year plan
- Audit goal going forward
- Move ODOT to Goal #1 - Pursue funding to improve pedestrian safety on Hwy 211/213 with ODOT
- Implement strategies using budget as fiscal Master Plan – (Does not belong here)
- Plan for and implement water line replacement
- Plan for and implement sewer line replacement
- Establish street maintenance by X date
- Complete TSP to improve transportation connectivity
- Complete TSP for bike-ped-trail-amenities using old rail, private property or existing roadways
- Complete waste water master plan
- Plan for new police facility funding and location & funding
- Complete Vision Plan and align 5-year Master Plan
- Consolidate Oregon Financial Report – seek to get award – community awareness
- Transportation Master Plan should address issues with ODOT – and all connectivity issues where community has control.

3. Responsibly manage growth and economic development while maintaining effective relationships with local, state, and regional workers.

- Fund Economic Development Plan
- Identify & Improve relationships, foster collaborative relationships, call out
- Develop chart of plans and what feeds into master
- Consider Economic Improvement District Development

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- Use Urban Renewal as a tool
- Include Parking Analysis in TSP
- Define Public Buildings and facilities
- Partner with Library District
- Improve signage and lighting behind City Hall

4. Actively engage in a community visioning process for the City of Molalla.

- Develop Strategic Plan to actualize Vision – Action Plan
- Add timeline for vision process to align activities
- Engage Chamber in process

a) The next meeting to finalize the next steps which was set for Wednesday November 15, 2017 at 6:30pm at the City Hall conference room.

5. ADJOURN

Mayor Jimmy Thompson at the end of the session adjourned at 3:07 P.M.

Mayor, Jimmy Thompson

Date

ATTEST:

Kelly Richardson, CMC
City Recorder

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, December 13, 2017

1. **CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING;** the regular meeting of December 13, 2017 was called to order by Mayor Jimmy Thompson at 7:00 P.M.

ATTENDANCE:

Mayor Jimmy Thompson - Present
Councilor Elizabeth Klein - Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo - Present
Councilor Glen Boreth – Present
Councilor Cindy Dragowsky - Present
Councilor Keith Swigart – 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

2. **COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT**

- a) Ceremonies - Appointment to the Molalla Planning Commission applicant Brar Hardeer gave a brief background summary and explained to the council that he wanted to get involved in the community in which he lives.
- **Councilor Boreth** wanted to confirm the applicant did or did not live within the city limits. At which time it was determined that the criteria for the seat position available had been met.

Councilor Boreth made a motion to allow Mayor Thompson to appoint the applicant to the MPC and is seconded by Councilor Dragowsky. Motion carries (7-0) all ayes.

- b) Ceremonies – Appointment to the Wastewater Facility & Collection System Master Plan Project Advisory Committee; Applicant Nathan Williams was not in attendance however in his application Williams expressed in his application with his knowledge of the Wastewater Treatment and Collections systems he, would be an asset.
- There was no council discussion at this time.

Councilor Boreth made a motion to allow Mayor Thompson to appoint the applicant to the Wastewater Facility & Collection System Master Plan Project Advisory Committee and is seconded by Councilor Swigart. Motion carries (7-0) all ayes.

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3. ADOPTION OF THE AGENDA

- a) Mayor Thompson moved a few of the items to the consent agenda as he thought the items were housekeeping items and no discussion was necessary. The items as follows;
- 5b Resolution Number 2017-19
 - 6a Public Works Projects
 - 6c PAL Building as a warming center

Councilor Boreth made the motion to approve the changes per Mayor Thompson to the consent agenda of December 13, 2017 and was seconded by Councilor Swigart. Motion carries (7-0), all ayes.

4. CONSENT AGENDA

- a) City Council Minutes – October 11, 2017 & October 25, 2017 November 8, 2017 and Council Retreat November 4, 2017.
- b) Library Board Minutes – July 20, 2017
- c) Correspondence – NA
- d) **Resolution 2017-19.**
- e) **6a Public Works Projects.**
- f) **6c PAL Building as a warming center.**

Motion is made by Councilor Boreth to table the minutes and is seconded by Councilor Swigart. Motion carries 7-0. All ayes.

Motion is made by Councilor Palumbo to approve the amended consent agenda and is seconded by Councilor Dragowsky. Motion carries (7-0) all ayes.

5. ORDINANCES, RESOLUTION AND PROCLAMATIONS

- a) **Discussion and/or Action** on Resolution Number **2017-20** A Resolution of the City of Molalla, to Reauthorize the Molalla Enterprise Zone.

Council opened a public hearing on this matter by motion from Councilor Boreth and seconded by Councilor Childress. Motion carries (7-0) all ayes.

Hearing no discussion a motion is made by Councilor Boreth and a second by Councilor Swigart to close the Public Hearing. Motion carries (7-0) all ayes.

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CM Huff explains to the council the reason this Resolution is coming before them yet again. There needed to be some additional language added to comply with the requirements.

Motion is made by Councilor Swigart to adopt the Enterprise Zone Resolution 2017-20 as presented and is seconded by Councilor Boreth. Motion carries (7-0) all ayes.

- b) **Discussion and/or Action** on Resolution Number **2017-19** this item was moved to the consent agenda.

6. NEW BUSINESS

- a) **Discussion and/or Action** on Public Works Projects was moved to the consent agenda.
- b) **Discussion and/or Action** on Molalla Wastewater Treatment Improvements Guiding Principals. After a brief discussion Council agreed upon a few changes as follows;
- Opening; sentence add the language each of the following Guiding Principles “equally”:
 - Bullet; one remove the word “problems” and replace with “issues”
 - Bullet; two add “while following solutions”,
 - Bullet; three following benefits add with “a goal to reach full compliance”.
 - No other changes discussed

Motion is made by Councilor Swigart to adopt the Public Works Guiding Principles as amended and is seconded by Councilor Boreth. Motion carries (7-0) all ayes.

7. OLD BUSINESS

- a) **Discussion and/or Action** on Street Maintenance Utility Fee, Staff was directed to hold a series of Town Hall meetings to hear from the Molalla citizens to help Council make a more informed decision regarding the new fee. The results as follows;
- City staff held three informational Town Hall meetings to discuss the pavement condition of City owned and operated streets. Meetings were held on September 20th, November 30th, and again on December 2nd. A total of approximately 20 citizens attended the first meeting, six at the second meeting, and two at the final meeting. Input received on a levels of funding totaled: \$5 = 3, \$7 = 0, \$9 = 0, \$11 = 10, and \$19.98 = 4. One additional note from a citizen was to bond the full \$16.4M to do all of the work. Other

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comments included utilizing a gas tax, bond, and/or combination of all revenue options. Staff requests direction from City Council on what funding option they would like to be brought back for approvals.

- Councilors following PWD Fisher's data discussed the options and the data weighing carefully the impacts. CM Huff explained to the Council they could always change their minds regarding the terms of the fee council was not locked into anything. The main thing the Councilors could all agree is that the citizens of Molalla want their streets fixed. PWD Fisher did want to add that one citizen thought the best way to handle this fairly was to base the fee off of trips generated. Council discussed the option in brief but felt that it was not really the best option as they would pay one way or another.
- Council directed staff to move forward with a draft resolution with an \$11.00 fee and to provide citizens with 60 days' notice to begin on/or about March 12, 2018 and revisit the fee after 1 year.

Motion to direct staff to move forward with a draft resolution for the next council meeting is made by Councilor Swigart and is seconded by Councilor Boreth. Motion carries (7-0) all ayes.

8. REPORTS AND ANNOUNCEMENTS

- a) **City Manager**, Huff had nothing to report.
- b) **Staff**,

- ❖ FD Seifried informs Council staff will be sending out the final letter to approximately 1000 water customers and wanted council to know there will be a shut off attached to it for those that don't comply by the end of January. Mayor Thompson asks that staff share the information on Facebook and to run it in the newspaper we want to get the word out. If at all possible Council wants to avoid shutting water off. However council and staff all agree that citizens have had ample time to comply.
- Secondly the city will need to reconvene the Budget Committee because of the fees and rate changes that were approved it will put city over the 10% mark. We are looking at the end of January or first part of February so keep that in mind.
- ❖ PWD Fisher, Informs Council about his meeting with the Clackamas County Engineering group regarding topics of transferring jurisdictional roadways within the city limits to the city. Currently the city has two County roads (section of Ona Way and Lowe Rd.) Lowe Rd. is a portion that is a public street that is not maintained by the County the city is working on an IGA for control.

Minutes of the Molalla City Council Regular Meeting
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If the city had control during the Stone Place development, city could have had them perform half street improvements and sidewalks instead city has ditches. Secondly Ona Way following the over lay. Will be transferred to City of Molalla. Therefore all roadways within the City will be owned by the City or the State. PWD Fisher other topics were of the enormous amount of growth in the surrounding areas that will at some point come our way. Thirdly, PW conducted a smoke test as part of our Wastewater Master Plan and there were varied results. The test results revealed a lot of broken connections, storm connections about 51% of the issues were clean outs either at right-away or by residences, 21% leaking manholes, 13% catch basins, 1% mains, 9% leaking drains, 4% roof drains. Currently staff has met with contractors to begin the repairs as necessary in the areas mentioned. Even though City doesn't have the Master Plan done staff has already started the repairs.

- ❖ City Recorder Richardson explains to Council in an attempt to organize the packets better the 3 ring binders in front of you, which should help line up with the agenda. Since the goal is to stay current on the minutes council can always email any edits a head of time.
- c) **City Councilors**, Councilor Palumbo thanked CR Richardson for the binder along with the others. Swigart challenged the rest of the Councilors to donate their stipend check to a community outreach program or charity of their choice. Councilor Boreth wishes everyone a safe and happy holiday season. Councilor Childress thanks Council and City for allowing the use of the PAL building as a warming center this winter. Childress, on behalf of the Ford Institute Banner sponsor program presented a check in the amount of \$1,262.96 as funds not used for the project back to the City for maintenance of the program.
Councilor Klein gives a brief update regarding the visioning process currently the city is pushing towards 500 surveys to be completed by the end of January. Following that we will roll out the next phase of the project.
- d) **Mayor**, Thompson wanted to issue his own challenge to everyone to volunteer at the warming center for a shift. Thompson wished Merry Christmas and Happy Holidays to everyone.

9. EXECUTIVE SESSION

- a) NA.

**Minutes of the Molalla City Council Regular Meeting
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10. ADJOURN

Motion to adjourn the December 13, 2017 meeting is made by Councilor Boreth and is seconded by Councilor Swigart. Motion carries (7-0), all ayes at 8:16 pm.

Mayor, Jimmy Thompson

Date

ATTEST:

Kelly Richardson, CMC
City Recorder

If you have any questions about how ORS 197.522 might affect you as a decision maker or as a governing body, please reach out to your

city attorney for further information and clarification.

David Doughman



Legislative Review

THE FOLLOWING LIST contains bills signed by the Governor in the 2017 legislative session, which will affect cities and counties throughout the state.

- **HB 2005** – Pay equity act – provides definitions relating to comparable work for purposes of pay equity provisions.
- **SB 481** – Defines “business day” for purposes of public records and requires acknowledgement of public records requests within 5 days of receipt.
- **SB 327** – Provides recreational immunity to holder of any legal or equitable interest in the land.
- **HB 3253** – Requires state agencies, departments and political subdivisions to grant to persons who are blind priority to establish and operate vending facilities in public buildings and preference to operate cafeterias in public buildings and vending facilities in community colleges.
- **HB 3464** – Prohibits public body from disclosing specified personal information unless required by state or federal law.
- **SB 1051** – Requires city with population greater than 5,000 or county with population greater than 25,000 to review and decide on applications for certain affordable housing developments within 100 days.
- **SB 754** – Creates offense of selling tobacco products or inhalant delivery systems to persons under 21 years of age.
- **HB 2873** – When municipal corporation places local option tax measure or general obligation bond measure on ballot, requires chief elections officer of city, governing body of county or district elections authority to file all materials relating to measure with appropriate county elections officer.
- **HB 2316** – Requires city with population of less than 25,000 to determine estimated housing need for 20-year period, inventory buildable land and adopt measures as part of periodic or legislative review of comprehensive plan.
- **SB 865** – Requires county or city to submit notice of tentative plan to certain special districts for district approval prior to approval by county or city.
- **SB 319** – Authorizes local governments to allow medical marijuana dispensaries and marijuana retailers licensed by Oregon Liquor Control Commission to be located within certain distance of schools.
- **SB 310** – Authorizes city or county to designate area as vertical housing development zone.
- **HB 2409** – Permits city to issue speeding citation using red light camera in conjunction with other technology that is capable of measuring speed.
- **SB 360** – Directs counties to establish community service exchange program for persons who have served sentence with Department of Corrections and who are serving active period of parole or post-prison supervision.
- **HB 2377** – Authorizes city or county to adopt ordinance or resolution granting exemption for newly rehabilitated or constructed multi-unit rental housing.
- **HB 3245** – Permits city to authorize planning commission or hearings officer to conduct hearings and make final decisions on applications for amendments to city comprehensive plan map.
- **SB 299** – Allows employers to limit number of hours of sick time that employees may accrue

per year.

- **SB 890** – Defines “legally protected material” to mean information and records of city that are protected by attorney-client privilege held by city and attorney work product prepared in course of providing legal services to city.
- **HB 3203** – Requires contracting agency to perform analysis to determine whether constructing public improvement with contracting agency’s own equipment and personnel will result in least cost to contracting agency.
- **HB 2611** – Requires law enforcement unit that hires police or corrections officer originally hired by another law enforcement unit, to reimburse original employing law enforcement unit for certain expenses.
- **HB 3012** – Permits county to allow owner of lot or parcel of at least two acres zoned for rural residential uses to construct new

single-family dwelling on lot or parcel if owner converts existing historic home to accessory dwelling unit.

- **HB 2002** – Expands laws regarding preservation of participating properties that are publicly supported housing.
- **SB 311** – Authorizes city or county to adopt ordinance or resolution providing time-limited property tax exemption to certain commercial and residential buildings that will be seismically retrofitted.
- **SB 418** – Requires Director of Department of Land Conservation and Development, at city’s request, to approve or remand sequential phases of work tasks related to potential amendment of urban growth boundary.

If you have questions about any of these bills and the impact on your entity, contact us and we would be happy to help.



ATTORNEYS AT LAW

**BEERY, ELSNER
& HAMMOND, LLP**

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t 503.226.7191

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Administration – City Manager’s Office
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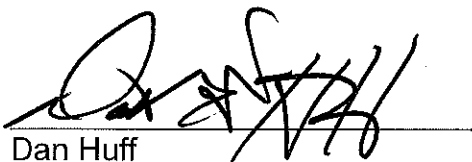
DATE: January 10, 2017
TO: Mayor and Council
FROM: City Manager
SUBJECT: **Ordinance 2018-01 – Vacating a portion of Dixon Avenue**

The attached Ordinance No. 2018-01 regarding vacation of a portion of Dixon Avenue is a housekeeping measure dating back to the 1970’s. The City previously processed a vacation proceeding to vacate the portion of Dixon Avenue between Hoyt Street and Heintz Street.

However, somewhere in the midst of the process we cannot find the recorded version of the vacation for the east side of the roadway. The west side of the roadway has been subdivided and is part of the retirement center. The east side of the roadway is identified as private property on the Clackamas County Tax Rolls but a Title Company would not issue Title Insurance on the parcel because a recorded document could not be located (see attached map).

We have worked with the property owner as well as Clackamas County and determined that the best way to solve the problem was to process a street vacation proceeding, adopt a new Ordinance and record the document in order to clean-up the process.

Staff is available for questions and concerns.



Dan Huff
City Manager



Dixon Ave Existing Conditions

Dixon Vacation

- - - East Half
- - - West Half

Other Features

- Taxlots
- Existing ROW

CITY OF MOLALLA

ORDINANCE NO. 2018-01

AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT OF WAY LOCATED WITHIN THE CITY LIMITS AND BEING A PORTION OF DIXON AVENUE IN THE CITY OF MOLALLA, OREGON IN THE COUNTY OF CLACKAMAS

WHEREAS, the Molalla City Council, initiated a street vacation by action of the City Council pursuant to Oregon Revised Statutes 271.130, to vacate a portion of a public right of way located with the city limits and being a portion of Dixon Avenue as described by metes and bounds as follows:

“Beginning at 5/8" iron – rod with a yellow plastic cap stamped “Land Tech” at the Northeast corner of Lot 18 of Buckingham Place, a Subdivision recorded in Plat Book 115, Page 21, Clackamas County Records and the south right-of-way line of West Heintz Street (60.00 foot width), in the Northeast quarter of Section 8, Township 5 South, Range 2 East of the Willamette Meridian, City of Molalla, Clackamas County, Oregon; thence North 81°59'30" West along said south right-of-way line a distance 30.00 feet, to the West right-of-way line of Dixon Avenue (60.00 foot width); thence South 8°24'23 West along said West right-of-way line a distance of 600.00 feet to the North right-of-way line of Hoyt Street (60.00 foot width); thence South 81°59'30" East along said North right-of-way line of Hoyt Street to the East right-of-way line of Dixon Avenue; thence North 8°24'23 East along said East right-of-way line a distance of 600.00 feet to the South right-of-way line of Heintz Street; thence North 81°59'30" West along said South right-of-way line a distance of 30.00 feet to the Point of Beginning”

Published notice of a public hearing on the proposed street vacation in the Molalla Pioneer on December 27, 2017 and January 3, 2018. City staff posted 3 copies of the notice with all required information at the site of the proposed vacation areas and gave note by mail to property owners as required by law; and

WHEREAS, the City Council held a public hearing on the proposed vacation on January 10, 2018 at which time the public was invited to appear and give testimony on the proposed street vacations; and,

WHEREAS, the City has received the written consent from all abutting property owners or the consent of more than 2/3 of the affected area as defined by Oregon Revised Statutes, per ORS 271; and

WHEREAS, the public interest will not be prejudiced by the street vacation because portions of Dixon Avenue to be vacated are not currently used for access to any adjacent property, are not required to meet City street standards, and are not located on an area needed by the City of Molalla to construct improvements for the benefit of the public.

THE CITY OF MOLALLA ORDAINS AS FOLLOWS:

SECTION 1. The portion of Dixon Avenue in the City of Molalla, Clackamas County,

Oregon, described formerly in the metes and bounds description is hereby declared to be vacated, for the length of the vacated right of way.

SECTION 2. Title to the vacated portion of Dixon Avenue shall transfer to the property owner whose lands border the vacated area pursuant to ORS 271.140.

SECTION 3. A certified copy of this Ordinance shall be filed with the Clerk of Clackamas County in accordance with ORS 271.150.

SECTION 4. Effective date. This ordinance shall be in full force and effect upon the thirtieth (30th) day after its passage by the Council and approval by the Mayor.

ADOPTED by the City Council on this ____ day of _____, by the following votes:

AYES: _____

NAYES: _____

ABSENT: _____

ABSTAIN: _____

APPROVED and signed by the Mayor this ____ day of _____ 2018.

Jimmy Thompson, Mayor

ATTEST: _____
Kelly Richardson, CMC
City Recorder

NOTICE OF PROPOSED STREET VACATION

www.cityofmolalla.com

NOTICE IS HEREBY GIVEN that at 7:00 p.m. on the 10th day of January, 2018, at the Molalla Adult Center, 315 Kennel Ave, in the City of Molalla, Oregon, there shall be a public hearing before the City Council of said city on the question of the vacation of unimproved portion of public right-of-way on Dixon Avenue. A complete legal description depicting the street to be vacated is available from the City Recorder.

Any objection or remonstrance made in writing and filed with the City Recorder will be accepted up to and during the public hearing. This vacation proceeding was initiated by City Council as a housekeeping issue.

Kelly Richardson, CMC
City Recorder, City of Molalla

Molalla Pioneer Publish Dates: December 27, 2017 and January 03, 2018
Public Posting Dates on Street: December 27, 2017 - January 03, 2018.

CITY OF MOLALLA

ORDINANCE NO. 2018-01

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SECTION 2. Title to the vacated portion of Dixon Avenue shall transfer to the property owner whose lands border the vacated area pursuant to ORS 271.140.

SECTION 3. A certified copy of this Ordinance shall be filed with the Clerk of Clackamas County in accordance with ORS 271.150.

SECTION 4. Effective date. This ordinance shall be in full force and effect upon the thirtieth (30th) day after its passage by the Council and approval by the Mayor.

ADOPTED by the City Council on this ____ day of _____, by the following votes:

AYES: _____

NAYES: _____

ABSENT: _____

ABSTAIN: _____

APPROVED and signed by the Mayor this ____ day of _____ 2018.

Jimmy Thompson, Mayor

ATTEST: _____
Kelly Richardson, CMC
City Recorder

Ordinance 2018 – 02

AN ORDINANCE OF THE CITY OF MOLALLA CREATING THE MOLALLA MUNICIPAL CODE CHAPTER 12.22., STREET MANAGEMENT SYSTEM.

WHEREAS, the Molalla City Council in an effort to maintain the city streets of Molalla directed staff to research and develop a Street Management System; and

WHEREAS, upon completion of Town Hall meetings, data was compiled and developed into the Street Management System; and

WHEREAS, the City has posted this Ordinance in compliance with the Molalla Municipal Code and notification requirements.

THE CITY OF MOLALLA ORDAINS AS FOLLOWS:

SECTION 1, TITLE 12 STREET, SIDEWALKS AND PUBLIC PLACES be amended to include:

Chapter 12.22 STREET MANAGEMENT SYSTEM

12.22.010 Definitions.

- A. “City” means the City of Molalla.
- B. “Customer” means the person in whose name service is rendered, as evidenced by a request for service, receipt of service, signature on an application for service, or by receipt and payment of bills for service.
- C. “Developed” means any property which has been altered by grading, filling of the ground surface, or by construction of any improvement or impervious surface area, which could affect the hydraulic or hydrologic properties of the property.
- D. “Equivalent dwelling unit (EDU)” is a unit of measurement. One EDU is equal to one single family home, town home, apartment, commercial business, industrial business. A duplex constitutes two EDUs, tri-plex is three EDUs, etc.
- E. “Person” means any individual, group or legal entity.
- F. “Single-family residential” means any service location which is improved with a dwelling unit for occupancy by a single family or a similar group of persons.
- G. “Street management system” means all facilities, both natural and constructed, used by the City to regulate the conveyance of traffic, including pavement, curbs, gutters, and sidewalks.
- H. “Undeveloped” means any location which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious area, which could have a traffic impact to the street system.

12.22.020 Exclusive control of system and services by City.

The street management system within the City limits, including all connections and contributions to the system, shall be under the exclusive control of the City. No person shall install or connect to any part of the system, make improvements to the system, or otherwise interfere with any part of the system without authorization of the City.

12.22.030 Street maintenance utility user charge.

A. Establishment—Setting of Rate. There is hereby established a Street Maintenance Utility User Charge, which shall be set by the City Council by resolution. The rate shall be in an amount reasonable and necessary to fund the administration, planning, design, construction, operation,

maintenance and repair of the street management system.

B. Application of Charge. The street maintenance utility user charge shall be based upon the number of equivalent development units EDUs owned by a customer. Owners of undeveloped and unoccupied property shall not be charged. Each customer using a location for one single-family residential use shall be charged a uniform rate based upon one (EDU). For multifamily residential uses, the charge shall be one EDU per each residential unit. The charge for all other uses shall be based upon the total number of businesses per property. The total service charge shall be computed by multiplying the number of EDUs measured for each use by the rate established for each EDU.

ADOPTED by the City Council on this ____ day of _____, by the following votes:

AYES: _____

NAYES: _____

ABSENT: _____

ABSTAIN: _____

APPROVED and signed by the Mayor this ____ day of _____ 2018.

Jimmy Thompson, Mayor

ATTEST this 10th day of January,
2018

Kelly Richardson, CMC
City Recorder

RESOLUTION 2018-01

A RESOLUTION OF THE CITY OF MOLALLA, MOLALLA CITY COUNCIL SETTING THE STREET MAINTENANCE UTILITY USER CHARGE AND METHODOLOGY

WHEREAS, City Council held three Town Hall meetings on September 20, 2017, November 30, 2017, and December 2, 2017 to solicit input from the community regarding the establishment of a Street Maintenance Utility User Charge; and

WHEREAS, members of the community recommended a fee amount with a majority of recommendations selecting an \$11.00 per month charge; and

WHEREAS, on December 13, 2017 at a regularly scheduled meeting the City Council unanimously approved the direction of staff to bring back a Street Maintenance Utility Charge for their approval at the first meeting in January 2018; and

WHEREAS, the City Council at the January 10, 2018 meeting passed an Ordinance for the creation of Chapter 12.22 Street Management System in Title 12 Streets, Sidewalks and Public Places; and

WHEREAS, Section 12.22 Street Management System of the Molalla Municipal Code established a Street Maintenance Utility User Charge, and specified that the rate shall be in an amount reasonable and necessary to fund the administration, planning, design, construction, operation, maintenance and repair of the Street Management System; and

WHEREAS, City Council intends to set the monthly charge at \$11.00 per equivalent dwelling unit in accordance with Section 12.22.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOLALLA AS FOLLOWS:

- Section 1. The methodology attached hereto and incorporated herein by reference regarding the calculation of the Street Maintenance Utility User Charge is hereby adopted.
- Section 2. The Equivalent Dwelling Unit (EDU) shall be based on a methodology in accordance with Section 12.22 of the Molalla Municipal Code.
- Section 3. The fee shall be \$11.00 per EDU.
- Section 4. This Resolution is effective 60 days after adoption and all rates and charges established herein for utility customers shall go into effect as of March 12, 2018.

DULY ADOPTED AND EFFECTIVE the 10th day of January, 2018.

Mayor Jimmy Thompson

ATTEST this 10th day of January, 2018:

Kelly Richardson, CMC
City Recorder

RESOLUTION 2018-02

A RESOLUTION APPOINTING THE CITY MANAGER AS BUDGET OFFICER FOR FISCAL YEAR 2018-2019

WHEREAS: Municipal Budgeting requires the appointment of a Budget Officer to prepare and present the budget for the City of Molalla; and

WHEREAS: the City of Molalla is initiating preparation of its fiscal year 2018-2019 budget.

NOW, THEREFORE, THE CITY COUNCIL OF MOLALLA RESOLVES to appoint City Manager, Dan Huff as Budget Officer for fiscal year 2018-2019.

DULY APPOINTED, by the City Council and the City of Molalla on this 10th day of January 2018.

Mayor, Jimmy Thompson

Date

Attest:

Kelly Richardson, CMC
City Recorder

AMENDMENT TO CITY OF MOLALLA DEFERRED COMPENSATION PLAN (“the Plan”)

WHEREAS, City of Molalla (the “Employer”) maintains the City of Molalla Deferred Compensation Plan (the “Plan”) for its employees; and

WHEREAS, City of Molalla has decided that it is in its best interest to amend the Plan; and

WHEREAS, Section 14.01(b) of the Plan authorizes the Employer to amend the selections under the City of Molalla Deferred Compensation Plan Adoption Agreement.

NOW THEREFORE BE IT RESOLVED, that the City of Molalla Deferred Compensation Plan Adoption Agreement is amended as follows. The amendment of the Plan is effective as of 1-1-2017.

1. The Adoption Agreement is amended to read:

2-3 TYPE OF CONTRIBUTIONS: (Check all that apply.)

- (a) Salary Deferral Contributions
- (b) Employer Matching Contributions
- (c) Employer Contributions
- (d) Rollover Contributions

2. The Adoption Agreement is amended to read:

3-1 ELIGIBLE EMPLOYEES: In addition to the Employees identified in Section 2.02 of the Plan, the following Employees are excluded from participation under the Plan with respect to the contribution source(s) identified in this AA §3-1. (See Sections 2.02(d) and (e) of the Plan for rules regarding the effect on Plan participation if an Employee changes between an eligible and ineligible class of employment.)

Deferral	Match	ER	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(a) No exclusions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(b) Collectively Bargained Employees, unless the Collective Bargaining Agreement provides otherwise.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(c) Non-resident aliens who receive no compensation from the Employer which constitutes U.S. source income.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(d) Employees who normally work less than ____ hours a week. (See Section 2.02(b)(3) of the Plan.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(e) Employees eligible for a 401(k), a 403(b) plan or another 457(b) plan sponsored by the Employer.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(f) Part-Time Employees (as defined in Section 1.38 of the Plan)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(g) Seasonal Employees (as defined in Section 1.56 of the Plan)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(h) Temporary Employees (as defined in Section 1.59 of the Plan)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(i) Employees in an appointed or elected position.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(j) Employees paid on an hourly basis.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(k) Employees paid on a salaried basis.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(l) Other: <u>All Employees other than Police Officers</u>

3. The Adoption Agreement is amended to read:

4-1 **ELIGIBILITY REQUIREMENTS – MINIMUM AGE AND SERVICE:** An Eligible Employee (as defined in AA §3-1) who satisfies the minimum age and service conditions under this AA §4-1 will be eligible to participate under the Plan as of his/her Entry Date (as defined in AA §4-2 below).

(a) **Service Requirement.** An Eligible Employee must complete the following minimum service requirements to participate in the Plan.

Deferral	Match	ER	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(1) There is no minimum service requirement for participation in the Plan.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(2) One Year of Service (as defined in Section 2.03(a)(1) of the Plan and AA §4-3).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(3) The completion of ___ consecutive full calendar months of employment during which the Employee is credited with at least ___ Hours of Service or the completion of a Year of Service. <i>[If no minimum Hours of Service are required, insert one (1) in the second blank line.]</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(4) The completion of ___ Hours of Service during an Eligibility Computation Period. <i>[If this (4) is chosen, an Employee satisfies the service requirement immediately upon completion of the designated Hours of Service.]</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(5) Eligibility service will be determined under the Elapsed Time method as described in AA§4-3 below.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(6) Describe eligibility conditions: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Describe eligibility conditions: _____

(b) **Minimum Age Requirement.** An Eligible Employee (as defined in AA §3-1) must have attained the following age with respect to the contribution source(s) identified in this AA §4-1(b).

Deferral	Match	ER	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(1) There is no minimum age for Plan eligibility.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(2) Age 21.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(3) Age ____.

4. The Adoption Agreement is amended to read:

4-2 **ENTRY DATE:** An Eligible Employee who satisfies the minimum age and service requirements in AA §4-1 shall be eligible to participate in the Plan as of his/her Entry Date. For this purpose, the Entry Date is the following date with respect to the contribution source(s) identified under this AA §4-2. **[Note: If any of (b) – (g) is completed for a contribution source, also complete one of (h) – (k) for the same contribution source.]**

Deferral	Match	ER	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(a) Immediate. The date the minimum age and service requirements are satisfied (or date of hire, if no minimum age and service requirements apply).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(b) Semi-annual. The first day of the 1st and 7th month of the Plan Year.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(c) Quarterly. The first day of the 1st, 4th, 7th and 10th month of the Plan Year.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(d) Monthly. The first day of each calendar month.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(e) Payroll period. The first day of the payroll period.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(f) The first day of the Plan Year.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(g) Other: _____

An Eligible Employee's Entry Date (as defined above) is determined based on when the Employee satisfies the minimum age and service requirements in AA §4-1. For this purpose, an Employee's Entry Date is the Entry Date:

Deferral	Match	ER	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(h) next following satisfaction of the minimum age and service requirements.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(i) coinciding with or next following satisfaction of the minimum age and service requirements.
N/A	<input type="checkbox"/>	<input type="checkbox"/>	(j) nearest the satisfaction of the minimum age and service requirements.
N/A	<input type="checkbox"/>	<input type="checkbox"/>	(k) preceding the satisfaction of the minimum age and service requirements.

This section may be used to describe any special rules for determining Entry Dates under the Plan. For example, if different Entry Date provisions apply for the same contribution sources with respect to different groups of Employees, such different Entry Date provisions may be described below.

Deferral	Match	ER	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(l) Describe special rules for determining Entry Dates under the Plan: _____

5. The Adoption Agreement is amended to read:

5-4 **PERIOD FOR DETERMINING COMPENSATION.**

(a) **Compensation Period.** Plan Compensation will be determined on the basis of the following period(s) for the contribution sources identified in this AA §5-4. *[If a period other than Plan Year applies for any contribution source, any reference to the Plan Year as it refers to Plan Compensation for that contribution source will be deemed to be a reference to the period designated under this AA §5-4.]*

Deferral	Match	ER	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(1) The Plan Year.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(2) The calendar year ending in the Plan Year.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(3) The Employer's fiscal tax year ending in the Plan Year.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(4) The 12-month period ending on ____ which ends during the Plan Year.

(b) **Compensation while a Participant.** Unless provided otherwise under this subsection (b), in determining Plan Compensation, only compensation earned while an individual is a Participant under the Plan with respect to a particular contribution source will be taken into account.

To count compensation for the entire Plan Year for a particular contribution source, including compensation earned while an individual is not a Participant with respect to such contribution source, check below. (See Section 1.44 of the Plan.)

Deferral	Match	ER	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All compensation earned during the Plan Year will be taken into account, including compensation earned while an individual is not a Participant.

6. The Adoption Agreement is amended to read:

6B-1 **MATCHING CONTRIBUTIONS.** Is the Employer authorized to make Matching Contributions under the Plan?

Yes.

No. *[Check this box if there are no Matching Contributions. If "No" is checked, skip to Section 7.]*

[Note: Any Matching Contribution made pursuant to this AA §6B will count towards the Code §457(e)(15) Maximum Contribution Limit. See Section 5.01 of the Plan.]

7. The Adoption Agreement is amended to read:

6B-2 **MATCHING CONTRIBUTION FORMULA:** For the period designated in AA §6B-5 below, the Employer will make the following Matching Contribution on behalf of Participants who satisfy the allocation conditions under AA §6B-6 below.

- (a) **Discretionary match.** The Employer will determine in its sole discretion how much, if any, it will make as a Matching Contribution.
- (b) **Fixed match.** The Employer will make a Matching Contribution for each Participant equal to:
 - (1) 100 % of Salary Deferrals made for each period designated in AA §6B-5 below.
 - (2) \$ ___ for each period designated in AA §6B-5 below.
 - (3) The Employer Contribution will be determined in accordance with the personal service contract or employment contract applicable to the Participant.
 - (4) The Employer Contribution will be determined in accordance with any Collective Bargaining Agreement(s) addressing retirement benefits of Collectively Bargained Employees under the Plan.
- (c) **Tiered match.** The Employer will/may make a Fixed/Discretionary Matching Contribution to all Participants based on the following tiers of Salary Deferrals.

(1) **Tiers as percentage of Plan Compensation.**

Salary Deferrals	Fixed Match	Discretionary Match
<input type="checkbox"/> (i) Up to ___% of Plan Compensation	_____%	<input type="checkbox"/>
<input type="checkbox"/> (ii) From ___% up to ___% of Plan Compensation	_____%	<input type="checkbox"/>
<input type="checkbox"/> (iii) From ___% up to ___% of Plan Compensation	_____%	<input type="checkbox"/>
<input type="checkbox"/> (iv) From ___% up to ___% of Plan Compensation	_____%	<input type="checkbox"/>

(2) **Tiers as dollar amounts.**

Salary Deferrals	Fixed Match	Discretionary Match
<input type="checkbox"/> (i) Up to \$___	_____%	<input type="checkbox"/>
<input type="checkbox"/> (ii) From \$___ up to \$___	_____%	<input type="checkbox"/>
<input type="checkbox"/> (iii) From \$___ up to \$___	_____%	<input type="checkbox"/>
<input type="checkbox"/> (iv) Above \$___	_____%	<input type="checkbox"/>

- (d) **Year of Service match.** The Employer will/may make a fixed %/Discretionary Matching Contribution as a uniform percentage of Salary Deferrals to all Participants based on Years of Service with the Employer.

Years of Service	Matching %	Discretionary Match
<input type="checkbox"/> (1) From ___ up to ___ Years of Service	_____%	<input type="checkbox"/>
<input type="checkbox"/> (2) From ___ up to ___ Years of Service	_____%	<input type="checkbox"/>
<input type="checkbox"/> (3) From ___ up to ___ Years of Service	_____%	<input type="checkbox"/>
<input type="checkbox"/> (4) Years of Service equal to and above ___	_____%	<input type="checkbox"/>

For this purpose, a Year of Service is each Plan Year during which an Employee completes at least 1,000 Hours of Service. Alternatively, a Year of Service is: _____

8. The Adoption Agreement is amended to read:

6B-3 **CONTRIBUTIONS ELIGIBLE FOR MATCHING CONTRIBUTIONS (“ELIGIBLE CONTRIBUTIONS”).** Unless designated otherwise under this AA §6B-3, all Salary Deferrals, including any Roth Deferrals, Age 50 Catch-Up Contributions and Special 457 Catch-Up Contributions, are eligible for the Matching Contributions designated under AA §6B-2.

- (a) **Matching Contributions.** Only the following contribution sources are eligible for a Matching Contribution under AA §6B-2:
 - (1) Pre-tax Salary Deferrals
 - (2) Roth Deferrals
 - (3) Age 50 Catch-Up Contributions
 - (4) Special 457 Catch-Up Contributions
- (b) **Application of Matching Contributions to elective deferrals made under another plan maintained by the Employer.** If this subsection is checked, the Matching Contributions described in AA §6B-2 will apply to elective deferrals made under another plan maintained by the Employer.
 - (1) The Matching Contribution designated in AA §6B-2 above will apply to elective deferrals under the following plan maintained by the Employer: _____
 - (2) The following special rules apply in determining the amount of Matching Contributions under this Plan with respect to elective deferrals under the plan described in subsection (1): _____
[Note: This subsection may be used to describe special provisions applicable to Matching Contributions provided with respect to elective deferrals under another plan maintained by the Employer, including another Code §457(b) plan, a §401(a) qualified plan, or Code §403(b) plan.]
- (c) **Special rules.** The following special rules apply for purposes of determining the Matching Contribution under this AA §6B-3: _____

9. The Adoption Agreement is amended to read:

6B-4 **LIMITS ON MATCHING CONTRIBUTIONS.** In applying the Matching Contribution formula(s) selected under AA §6B-2 above, the following limits apply.

- (a) **No limits apply.** All Salary Deferrals are eligible for Matching Contributions.
- (b) **Limit on Salary Deferrals.** The Matching Contribution formula(s) selected in AA §6B-2 above apply only to Salary Deferrals that do not exceed:
 - (1) 1 % of Plan Compensation.
 - (2) \$ _____.
 - (3) A discretionary amount determined by the Employer.
- (c) **Limit on Matching Contributions.** The total Matching Contribution provided under the formula(s) selected in AA §6B-2 above will not exceed:
 - (1) ___ % of Plan Compensation.
 - (2) \$ _____.

(d) **Special limits:** A matching contribution is made to Eligible Employees that defer at least 1% of compensation

10. The Adoption Agreement is amended to read:

6B-5 **PERIOD FOR DETERMINING MATCHING CONTRIBUTIONS.** The Matching Contribution formula(s) selected in AA §6B-2 above (including any limitations on such amounts under AA §6B-4) are based on Salary Deferrals for the **Plan Year**. To apply a different period for determining the Matching Contributions and limits under AA §6B-2 and AA §6B-3, check one of (a) – (d) below.

(a) payroll period

(b) Plan Year quarter

(c) calendar month

(d) Other: _____

[Note: Although Matching Contributions (and any limits on those Matching Contributions) will be determined on the basis of the period designated under this AA §6B-5, this does not require the Employer to actually make contributions or allocate contributions on the basis of such period. See Section 3.04(c) of the Plan for a discussion of the “true up” requirements applicable to Matching Contributions.]

11. The Adoption Agreement is amended to read:

6B-6 **ALLOCATION CONDITIONS.** A Participant who has otherwise satisfied all conditions to receive a Matching Contribution, must satisfy any allocation conditions designated under this AA §6B-6 to receive an allocation of Matching Contributions under the Plan.

(a) **No allocation conditions** apply with respect to Matching Contributions under the Plan.

(b) **Employment condition.** An Employee must be employed with the Employer on the last day of the Plan Year.

(c) **Minimum service condition.** An Employee must be credited with at least:

(1) _____ Hours of Service during the Plan Year.

(2) _____ consecutive days of employment with the Employer during the Plan Year.

(d) **Exceptions.** The above allocation condition(s) will **not** apply:

(1) if the Employee dies during the Plan Year.

(2) if the Employee terminates employment as a result of a Disability.

(3) if the Employee terminates employment after attainment of Normal Retirement Age.

(4) Other: _____

12. The Adoption Agreement is amended to read:

6B-7 **SPECIAL RULES APPLICABLE TO MATCHING CONTRIBUTIONS.** The following special rules apply to Matching Contributions: _____

13. The Adoption Agreement is amended to read:

8-1 **CONTRIBUTIONS SUBJECT TO VESTING.** Does the Plan provide for Employer Contributions under AA §6 or Matching Contributions under AA §6B that are subject to vesting?

Yes

No [If “No” is checked, skip to Section 9.]

[Note: The imposition of a vesting schedule creates a substantial risk of forfeiture with respect to the contributions subject to the vesting schedule. If a contribution is subject to a substantial risk of forfeiture, such contribution is not counted toward the Maximum Contribution Limit until the substantial risk of forfeiture lapses (i.e., the contributions are vested.). Where an amount is subject to a substantial risk of forfeiture, gains or losses allocable to the amount deferred, through the date that the substantial risk of forfeiture lapses, are taken into account in determining the amount that is considered deferred in the year in which the substantial risk of forfeiture lapses.]

14. The Adoption Agreement is amended to read:

8-2 **VESTING SCHEDULE.** The vesting schedule under the Plan is as follows for both Employer Contributions and Matching Contributions, to the extent authorized under AA §6 and AA §6B. See Section 7.02(a) of the Plan for a description of the various vesting schedules under this AA §8-2. (Note: If the Employer imposes a vesting schedule, Employer Contributions and Matching Contributions, and attributable earnings, will count towards the Code §457(e)(15) Maximum Contribution Limit for the year in which the amounts become vested.)

ER	Match	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(a) Full and immediate vesting.
<input type="checkbox"/>	<input type="checkbox"/>	(b) 3-year cliff vesting schedule
<input type="checkbox"/>	<input type="checkbox"/>	(c) 6-year graded vesting schedule
<input type="checkbox"/>	<input type="checkbox"/>	(d) Modified vesting schedule ___% after 1 Year of Service ___% after 2 Years of Service ___% after 3 Years of Service ___% after 4 Years of Service ___% after 5 Years of Service 100% after 6 Years of Service
<input type="checkbox"/>	<input type="checkbox"/>	(e) Other: _____

15. The Adoption Agreement is amended to read:

8-3 **VESTING SERVICE.** In applying the vesting schedules under this AA §8, the following service with the Employer is excluded.

- (a) None, all service with the Employer counts for vesting purposes.
- (b) Service before the original Effective Date of this Plan is excluded. (See Section 7.06 of the Plan for rules regarding Predecessor Service.)
- (c) Service completed before the Employee's ___ birthday is excluded.

16. The Adoption Agreement is amended to read:

8-4 **FULL VESTING.** An Employee's vesting percentage increases to 100% if, while employed with the Employer, the Employee:

- (a) dies.
- (b) terminates employment due to becoming Disabled.
- (c) Other: _
- (d) Not applicable. No increase in vesting applies.

17. The Adoption Agreement is amended to read:

8-5 **DEFAULT VESTING RULES.** In applying the vesting requirements under this AA §8, the following default rules apply.

- **Year of Service.** An Employee earns a Year of Service for vesting purposes upon completing 1,000 Hours of Service during a Vesting Computation Period. Hours of Service are calculated based on actual hours worked during the Vesting Computation Period.
- **Vesting Computation Period.** The Vesting Computation Period is the Plan Year.

To override the default vesting rules, complete the applicable sections of this AA §8-5. If this AA §8-5 is not completed, the default vesting rules apply.

- | ER | Match | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Year of Service. Instead of 1,000 Hours of Service, an Employee earns a Year of Service upon the completion of ____ [<i>must be less than 1,000</i>] Hours of Service during a Vesting Computation Period. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Vesting Computation Period. Instead of the Plan Year, the Vesting Computation Period is:
<input type="checkbox"/> (1) The 12-month period beginning with the anniversary of the Employee's date of hire.
<input type="checkbox"/> (2) Describe: _____
<i>[Note: Any Vesting Computation Period described in (2) must be a 12-consecutive month period and must apply uniformly to all Participants.]</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Elapsed Time Method. Vesting service will be determined under the Elapsed Time Method. (See Section 7.03(b) of the Plan.) |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) Equivalency Method. For purposes of determining an Employee's Hours of Service for vesting, the Plan will use the Equivalency Method (as defined in Section 7.03(a)(2) of the Plan). The Equivalency Method will apply to:
<input type="checkbox"/> (1) All Employees.
<input type="checkbox"/> (2) Employees who are not paid on an hourly basis. For Employees paid on an hourly basis, vesting will be determined based on actual hours worked.
If this (d) is checked, Hours of Service for vesting will be determined under the following Equivalency Method.
<input type="checkbox"/> (3) Monthly. 190 Hours of Service for each month worked.
<input type="checkbox"/> (4) Weekly. 45 Hours of Service for each week worked.
<input type="checkbox"/> (5) Daily. 10 Hours of Service for each day worked.
<input type="checkbox"/> (6) Semi-monthly. 95 Hours of Service for each semi-monthly period. |

18. The Adoption Agreement is amended to read:

8-6 **ALLOCATION OF FORFEITURES.** Any forfeitures occurring during a Plan Year will be:

- | ER | Match | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (a) N/A. All contributions are 100% vested. [<i>Do not complete the rest of this AA §8-6.</i>] |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Reallocated as additional Employer Contributions or as additional Matching Contributions. |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Used to reduce Employer and/or Matching Contributions. |

For purposes of subsection (b) or (c), forfeitures will be applied:

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (d) for the Plan Year in which the forfeiture occurs. |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) for the Plan Year following the Plan Year in which the forfeitures occur. |

Prior to applying forfeitures under subsection (b) or (c):

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (f) Forfeitures may be used to pay Plan expenses. (See Section 7.08(c) of the Plan.) |
| <input type="checkbox"/> | <input type="checkbox"/> | (g) Forfeitures may not be used to pay Plan expenses. |

In determining the amount of forfeitures to be reallocated under subsection (b), the same allocation conditions apply as for the source for which the forfeiture is being allocated under AA §6-5 or AA §6B-6, unless designated otherwise below.

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (h) Forfeitures are not subject to any allocation conditions. |
| <input type="checkbox"/> | <input type="checkbox"/> | (i) Forfeitures are subject to a last day of employment allocation condition. |
| <input type="checkbox"/> | <input type="checkbox"/> | (j) Forfeitures are subject to a ____ Hours of Service minimum service requirement. |

In determining the treatment of forfeitures under this AA §8-6, the following special rules apply:

- | | | |
|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | (k) Describe: _____ |
|--------------------------|--------------------------|---------------------|

19. The Adoption Agreement is amended to read:

8-7 **SPECIAL RULES REGARDING CASH-OUT DISTRIBUTIONS.**

- (a) **Additional allocations.** If a terminated Participant receives a complete distribution of his/her vested Account Balance while still entitled to an additional allocation, the forfeiture provisions do not apply until the Participant receives a distribution of the additional amounts to be allocated.

To modify the default forfeiture rules, complete this AA §8-7(a).

- The forfeiture provisions will apply if a terminated Participant takes a complete distribution, regardless of any additional allocations during the Plan Year.

- (b) **Timing of forfeitures.** A Participant who receives an Involuntary Cash-Out Distribution (as described in AA §9-5(a)) is treated as having an immediate forfeiture of his/her nonvested Account Balance.

To modify the forfeiture timing rules to delay the occurrence of a forfeiture upon an Involuntary Cash-Out Distribution, complete this AA §8-7(b).

- A forfeiture will occur at the end of the ____ year following the Involuntary Cash-Out Distribution.

20. The Adoption Agreement is amended to read:

8-8 **SPECIAL VESTING RULES.**

ER Match

- Special vesting provisions:** _____

21. The Adoption Agreement is amended to read:

9-2 **IN-SERVICE DISTRIBUTIONS.**

- (a) **Distribution events.** A Participant may withdraw all or any portion of his/her vested Account Balance, to the extent designated, upon the occurrence of the event(s) selected under this AA §9-2.

Deferral Match ER

- (1) No in-service distributions are permitted.
- (2) The attainment of age 70½.
- (3) The occurrence of an Unforeseeable Emergency.

- (b) **Rollover Contributions.** Unless designated otherwise under this subsection (b), a Participant may withdraw amounts attributable to Rollover Contributions at any time. If this subsection (b) is selected, amounts attributable to Rollover Contributions may be distributed only upon the occurrence of the following event(s):

- (1) No in-service distributions are permitted.
- (2) The attainment of age 70½.
- (3) The occurrence of an Unforeseeable Emergency.
- (4) Describe: _____

- (c) **Distribution of Smaller Amounts**

- (1) The Employer has discretion to make distribution of smaller amounts as described in Section 8.06 of the Plan.
- (2) The Participant may withdraw a distribution of smaller amounts as described in Section 8.06 of the Plan.
- (3) Special rules applicable to the distribution of smaller amounts: _____

22. The Adoption Agreement is amended to read:

9-3 **SPECIAL RULES FOR IN-SERVICE DISTRIBUTIONS.**

- (a) In-service distributions will only be permitted if the Participant is 100% vested in the amounts being withdrawn.
- (b) A Participant may take no more than ____ in-service distribution(s) in a Plan Year.

- (c) A Participant may not take an in-service distribution of less than \$_____.
- (d) If a distribution is permitted upon the occurrence of an Unforeseeable Emergency in AA §9-2 above, a Participant may take such a distribution after termination of employment.
- (e) Describe any special in-service distribution rules: _____

EMPLOYER SIGNATURE PAGE

PURPOSE OF EXECUTION. This Signature Page is being executed to effect:

- (a) The adoption of a **new plan**, effective _____ [*insert Effective Date of Plan*].
- (b) The **restatement** of an existing plan, effective _____ [*insert Effective Date of Plan*].
 - (1) Name of Plan(s) being restated: _____
 - (2) The original effective date of the plan(s) being restated: _____
- (c) An **amendment** of the Plan. If this Plan is being amended, the updated pages of the Adoption Agreement may be substituted for the original pages in the Adoption Agreement. All prior Employer Signature Pages should be retained as part of this Adoption Agreement.
 - (1) Identify the section(s) of the Adoption Agreement being amended: Adoption Agreement Sections related to the addition of a Match contribution to the Plan
 - (2) Effective Date(s) of such changes: 1-1-2017

[**Note:** It is recommended that the Employer consult with legal counsel before executing this Agreement.]

City of Molalla

(Name of Employer)

(Name of authorized representative)

(Title)

(Signature)

(Date)

**CITY OF MOLALLA
RESOLUTION 2018-03**

**AMENDMENT TO THE CITY OF MOLALLA DEFERRED COMPENSATION PLAN
AN ACTION BY UNANIMOUS CONSENT OF MOLALLA CITY COUNCIL
AMENDMENT OF QUALIFIED RETIREMENT PLAN**

WHEREAS, the City of Molalla maintains the City of Molalla Deferred Compensation Plan (“Plan”), a qualified retirement plan, for the benefit of its eligible employees; and

WHEREAS, the City has decided to amend the City of Molalla Deferred Compensation Plan Adoption Agreement; and

WHEREAS, Section 14.01(b) of the Plan authorizes the City of Molalla to amend the selections under the Adoption Agreement; and

WHEREAS, the City of Molalla has reviewed and evaluated the proposed amendments to the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Molalla City Council hereby approves the Amendment to the City of Molalla Deferred Compensation Plan, to be effective on 1-1-2017. A true copy of the amendment, as approved by the City, is attached hereto.

RESOLVED FURTHER, that the Molalla City Council authorize the execution of the Plan amendment and authorize the performance of any other actions necessary to implement the Plan amendment.

RESOLVED FURTHER, if the Plan amendment modified the provisions of the Summary Plan Description, Plan participants will receive a Summary of Material Modifications summarizing the changes under the amendment.

APPROVED by the Molalla City Council this 10th day of January, 2018

Jimmy Thompson, Mayor

ATTEST:

Kelly Richardson, CMC
City Recorder

CITY OF MOLALLA & URBAN RENEWAL 2018-19 BUDGET CALENDAR

The process followed in the preparation of this budget complies with the Local Budget Law established by the State of Oregon (ORS Chapter 294). The process and calendar of events leading up to the adoption of this budget are as follows.

January 10, 2018	Appoint Budget Officer by Resolution (ORS.294.331)
January 2018	Budget worksheets delivered to Departments.
February 23, 2018	Department Heads submit final proposed budgets to Budget Officer
March 2018	Budget 101 Presentation (If needed) <i>6:30pm @ the Molalla Adult Center</i>
March 23, 2018	Budget Officer/Finance Final Budget Worksheets.
March 28, 2018	Publish Notice of 1 st Budget Meeting (ORS.291.401) to include Shared Revenue hearing and Public comment. Post on Website.
April 4, 2018	Budget Committee Meeting #1 (Wednesday) <i>6:30pm @ the Molalla Adult Center</i>
April 18, 2018	Budget Committee Meeting #2 (Wednesday... if needed) <i>6:30pm @ the Molalla Adult Center</i>
	Budget Committee approves and forwards to City Council (ORS.406)
June 6, 2018	Publish Notice of Budget LB/UR Forms in Molalla Pioneer (ORS 294.421)
June 13, 2018	Budget Hearing before City Council (ORS 294.430)
July 15, 2018	Submit tax certification document to County Assessor (ORS 294.555)

TO ALL: Budget committee has openings for citizen committee. If you know anyone interested please have them contact the City Recorder.

City Of Molalla

City Council Meeting



Agenda Category: New Business

Subject: Street Maintenance Utility Fee Ordinance and Resolution

Recommendation: Adopt Ordinance and Resolution

Date of Meeting to be Presented: January 10, 2018

Fiscal Impact: Street Fund

Background:

Under City Council direction, City staff has prepared an Ordinance for the creation of a Street Maintenance Utility User Charge and Resolution setting the fee per EDU at \$11.00 per month. Fee will take effect 60 days after adoption and will be shown on the April bill to utility customers.

SUBMITTED BY: Gerald Fisher, Public Works Director
APPROVED BY: Dan Huff, City Manager

DRAFT CLACKAMAS COUNTY COORDINATING COMMITTEE BY-LAWS

1. **PURPOSE**

The Clackamas County Coordinating Committee (C-4) was founded by the County to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages, and Community Planning Organizations (CPOs).

C-4's primary functions are to:

- Enhance coordination and cooperation between the jurisdictions
- Establish unified positions on land use and transportation plans
- Provide a forum for issues of mutual benefit and interest
- Promote unified positions in discussions at the state and regional levels

2. **MEMBERSHIP POLICY BODY**

Committee membership shall consist of representatives from the following jurisdictions, communities, and districts:

Voting Body		Members	Votes
<i>* = Urban Jurisdiction</i>			
<i>^ = Urban & Rural Representation</i>			
County	Board of County Commissioners [^]	2	2
Cities	Barlow	1	1
	Canby	1	1
	Estacada	1	1
	Gladstone*	1	1
	Happy Valley*	1	1
	Johnson City*	1	1
	Lake Oswego*	1	1
	Milwaukie*	1	1
	Molalla	1	1
	Oregon City*	1	1
	Portland*	1	1
	Rivergrove*	1	1
	Sandy	1	1
	Tualatin*	1	1
	West Linn*	1	1
	Wilsonville*	1	1
Communities	CPOs [^]	1	1
	Hamlets	1	1
	Villages	1	1
Districts	Fire*	1	1
	Sanitary*	1	1
	Water*	1	1
Total		24	24

Non-Voting Body		Members
Regional	Metro*	1
	Clackamas Citizen from MPAC	1
Transit	Rural	1
	Urban*	1
Other	Port of Portland*	1
Total		5

At a minimum, Clackamas County Board of Commissioners will select its two (2) elected representatives in February of odd-numbered years and notify the Secretary of C-4 by letter signed by the Chair or a designee appointed by the Chair.

At a minimum, the cities shall provide the names of their elected C-4 representatives and alternates by letter signed by the Mayor or their designee in February of each odd-numbered year to the Secretary of C-4.

The special districts/authorities representatives shall be designated by agreement among districts/authorities represented. The Hamlet and Village representatives shall be designated by agreement among the County's Hamlets and Villages represented. The process for designating the representatives shall be established by agreement among each of the groups of Districts/Authorities and Hamlets/Villages. Each of these entities shall submit the names of their elected C-4 representative and alternate to the Secretary of C-4 by letter signed by the Chairs of the Boards represented in February of every even-numbered year.

The CPO representative and alternate shall be determined in a process that is guided by the County and includes the opportunity for input of each of the County's recognized CPOs and the County's Committee for Citizen Involvement (CCI). That selection process shall be completed by February of each even-numbered year and the name of the representative and alternate shall be submitted to the C-4 Secretary.

Each jurisdiction with a voting membership shall have one (1) vote, with the exception of the County which has two (2) votes. The cities, special districts, and Clackamas County representatives to JPACT and MPAC are encouraged but not required to have their representative as a voting member or alternate on C-4.

The Metro Council shall provide the name of their C-4 representative and alternate by letter signed by the Metro President or his/her designee in February of each odd-numbered year.

The representatives from the Port of Portland, the transit agencies, and the Clackamas Citizen from MPAC are not elected officials, and their membership is determined by appointment from their respective organizations.

3. EXECUTIVE COMMITTEE

The Executive Committee shall be comprised of a representative of: (a) the board of county commissioners, (b) an urban city, (c) a rural city, (d) water and sewer districts, (e) fire districts, and f) Hamlets, Villages, and CPOs. The Executive Committee will establish the agendas for meetings of C-4, including additional agenda request items that may be made as set forth in section 5(G) of these Bylaws, and may make recommendations to the C-4 body on action items as appropriate. C-4 Metro Jurisdiction cities and Rural Cities shall elect their respective Executive Committee representatives annually at the March C-4 Regular meeting. Special Districts shall annually determine their own Executive Committee representative selection process and shall submit the name of the appointment by a letter signed by the chairs of the special district boards to the Secretary of C-4 at or before the March C-4 meeting.

4. OFFICERS

The co-chairs of the Executive Committee will also serve as the co-chairs of C-4 and shall be elected annually at their March meeting by members of the Executive Committee from among its members. The County member will co-chair the Executive Committee and C-4. The secretary of the Executive Committee and C-4 shall be a county staff member designated by the Board of County Commissioners.

5. PROCEDURES

A. Meetings

All meetings of C-4 and any of its subcommittees are considered public meetings under Oregon's Public Meetings Law. Meetings will be held monthly on a day to be determined by C-4 or called as needed by the co-chairs or by a vote of C-4. The secretary is responsible for notifying members of the meeting time and place and for preparing the agenda. Meeting notices will be provided to the C-4 members, interested parties, and to the public as soon as practicable and shall include a list of the principal subjects anticipated to be considered.

B. Quorum

A quorum of C-4 shall consist of a majority of the participating jurisdictions' voting members.

C. Voting

Votes in C-4 shall carry by a simple majority of those present, provided that no action shall be taken unless a quorum is present. Only members or their designated alternate shall have voting rights.

D. Alternates

A designated alternate will sit in the absence of a member and shall have full voting rights. Alternates will be appointed by the member jurisdiction. There shall be no alternates for either of the co-chair positions.

E. Records

All C-4 actions shall be documented in the form of minutes, memoranda and special reports. The secretary will be responsible for such documentation and distribution of such minutes, memoranda and reports.

F. Rules

Meetings shall be conducted in accordance with Sturgis' Standard Code of Parliamentary Procedure.

G. Additional Agenda Requests

Before presentation to C-4 for action, agenda items shall be presented to the Executive Committee for consideration and placement on the agenda of an upcoming meeting of C-4. Only voting members of C-4 shall be eligible to recommend agenda placement items. If the Executive Committee declines to place an item on the C-4 agenda, then any voting member may present the agenda item for consideration of placement as an agenda item to the entire C-4 body. The matter shall be presented by the voting member under "other business." If C-4 votes in the affirmative to place the matter on the agenda, then it will be placed as an agenda item on the next meeting agenda. If that agenda is full, then not later than the following meeting, unless a later agenda date is otherwise agreed to by the voting C-4 members present. Compliance with this section may be waived where circumstances warrant faster action by an affirmative vote of two-thirds of those C-4 voting members present.

6. ADVISORY SUBCOMMITTEES:

A. Metro Subcommittee

C-4 members who are within the Metro jurisdiction or serve on the Joint Policy Advisory Committee on Transportation (JPACT) or the Metro Policy Advisory Committee (MPAC) shall be a subcommittee of C-4 named "C-4 Metro Subcommittee." This subcommittee shall be a consensus forming body for issues being addressed at JPACT and MPAC and other Metro related issues, and will forward as needed recommendations to the larger C-4 body. This subcommittee will be led by two co-chairs consisting of (1) one Clackamas County commissioner and (1) one Clackamas city member. Both co-chairs will serve as voting members on either JPACT or MPAC. This subcommittee will also be able to facilitate limited decisions through special caucus, specifically a caucus of city members to discuss the selection of the city co-chair and the selection of the MPAC Other Cities of Clackamas County seat per Metro MPAC Bylaws and, if approved by Clackamas County's largest city per Metro JPACT bylaws, the selection of the JPACT Cities of Clackamas County seat, with each seat having a primary representative and an alternate.

~~C-4 members who are within the Metro jurisdiction shall be a subcommittee of C-4 named Metro subcommittee. This subcommittee shall at a minimum be the body which nominates and elects cities' representatives to: Joint Policy Advisory Committee on Transportation (JPACT); Metro Policy Advisory Committee (MPAC) and associated technical committees: Transportation Policy Advisory Committee (TPAC); and Metro Technical Advisory Committee (MTAC) respectively. These nominations and elections~~

~~shall occur in November of each even numbered year in accordance with Metro Charter requirements.~~

B. Rural Cities Subcommittee

C-4 members who are outside of the Metro jurisdiction shall be a subcommittee of C-4 named Rural Cities subcommittee. This subcommittee shall at a minimum develop positions relative to transportation issues and related funding for presentations to the ODOT Region 1 Area Commission on Transportation (RIACT). The Rural Cities subcommittee shall also consider coordination with the County, State, and other jurisdictions as appropriate, on land use, planning, or other issues that may uniquely affect these cities located outside of the Metro boundaries.

C. Clackamas Transit Providers Subcommittee

~~C-4 members who represent areas utilizing transit services shall form a subcommittee named Clackamas Transit Providers Subcommittee. Each transit district within the boundaries of Clackamas County will be represented by at least one (1) C-4 city member and a representative from the respective transit district. The Clackamas Transit Providers Subcommittee will meet as needed to coordinate on county-wide transit related issues and will provide recommendations to C-4 for official positions.~~

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D. Management Advisory Subcommittee

The administrator of each city, district, authority and county shall serve as a Management Advisory Subcommittee. This subcommittee will provide overview and advice to C-4 and support the work of the Technical Subcommittees. The subcommittee shall also have the responsibility, as directed by C-4, of constituting any ad hoc subcommittees or other groups established for information and advice on specific issues. The Management Advisory Subcommittee shall meet as needed.

~~D~~E. Technical Advisory Subcommittees

C-4 shall be informed and advised by the following standing Technical Advisory Committees, as well as other ad hoc subcommittees established and chartered at the direction of the co-chairs for information and advice on specific issues, plans or projects of interest to C-4.

1. Clackamas Transportation Advisory Committee (CTAC)

The membership of CTAC shall consist of staff representatives of all agencies on the policy body and is to review transportation plans, projects, and funding issues, and make recommendations to C-4. CTAC shall operate under the same procedures as the policy body, and will meet as needed to be determined by committee members. Member cities will have only one vote when votes are required.

2. Land Use Advisory Subcommittee

The membership of this subcommittee shall consist of the planning directors or the staff persons with lead planning responsibility for all agencies on the policy body. The subcommittee is to focus on land use issues and transportation issues

that may have an impact on land use. The subcommittee shall operate under the same procedures as the policy body, and will meet as needed to be determined by subcommittee members or when scheduled by the chairman or by a vote of the subcommittee.

7. DEFINITIONS

Urban cities are those incorporated cities located, either fully or partially, within Clackamas County and also located within Metro's Urban Growth Boundary.

Rural Cities are those incorporated cities located within Clackamas County and also located outside Metro's Urban Growth Boundary.

The Hamlets and Villages are designated communities recognized by Clackamas County as participating in the Hamlets and Villages Program.

Housing as a topic of discussion is not specifically found in the primary functions of the bylaws, but is understood by C-4 to fall within land use and transportation issues.

Community Planning Organizations (CPOs) are officially recognized by the County and statutorily defined public bodies that consist of citizen volunteers who represent their neighborhoods on issues of importance to local communities and make decisions and recommendations to the County.

8. AMENDMENTS

These by-laws may be amended from time to time by a majority of the members of C-4, provided that all voting members of C-4 and all fire districts, water districts/authorities and sanitary sewer districts/authorities have been sent copies of the proposed amendments thirty (30) days prior to the meeting where action on the rules is scheduled.

Adopted on September 26, 2001
Amended on March 3, 2005
Amended on February 5, 2009
Amended on January 7, 2010
Amended on November 3, 2011
Amended on April 4, 2013
Amended on December 5, 2013
Amended on January 5, 2017
Amended on October 5, 2017