



# Molalla City Council

Meeting located at: Molalla Adult Community Center  
315 Kennel Avenue Molalla, OR 97038

**January 9, 2013**

## **Regular Meeting Agenda**

**Work session:** 6:30 p.m. The Council will review and discuss agenda items for the business meeting.

**Business meeting:** The meeting will begin at 7 p.m. The Council has adopted Public Participation Rules. Copies of these rules and public comment cards are available at the entry desk. Public comment cards must be turned into to the City Recorder prior to the start of the Council meeting.

The City will endeavor to provide a qualified bilingual interpreter, at no cost, if requested at least 48 hours prior to the meeting. To obtain services call the City Recorder at (503) 829-6855.

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## ***1,007<sup>th</sup> Regular Meeting***

### **1. CALL TO ORDER**

- A. Flag Salute
- B. Roll Call

### **2. COMMUNICATIONS**

#### **Written**

- A. Library Board Minutes – Information Only
- B. Minutes: October 10, 2012; October 16, 2012; October 30, 2012 & November 6, 2012
- C. Bureau of Land Management – RE: Resource Management Planning Announcement

### **3. AWARDS & RECOGNITIONS**

### **4. PUBLIC HEARINGS**

**5. CONTINUING BUSINESS**

- A. Discussion between representatives regarding Resolution 2012-42 repealing fee from Business License collected on behalf of the Chamber. Council Direction

**6. NEW BUSINESS**

- A. Oaths of Office for Newly Elected Officials
- B. Council Appointment for Council President: 2 Year Term
- C. Library Board Guidelines and Procedure Amendments
- D. Secretary of State Audit Extension for FY 11/12
- E. IT Services RFP's
- F. City Manager Recruitment – Council Direction
- G. Adult Center's Future – Council Direction
- H. Warrant Register – Council Direction
- I. Economic Improvement District (EID)- Council Direction

**7. ORDINANCES**

**8. RESOLUTIONS**

- A. Resolution 2013-01: A Resolution Appointing a Budget Officer for FY 13/14
- B. Resolution 2013-02: A Resolution Certifying the November 6, 2013 Election Results
- C. Resolution 2012-42: A Resolution repealing fee from Business License collected on behalf of the Chamber (*Item tabled by Council for discussion at the January 9, 2013 meeting*)

**9. PROCLAMATIONS**

**10. REPORTS AND ANNOUNCEMENTS**

- A. City Manager Report - Memo Included in Packet
- B. Upcoming Council Agenda Items:
  - 1. Council Training and Workshop for budgeting: January 2, 2013
  - 2. Economic Improvement District
  - 3. PGE Franchise Agreement - UPDATE
  - 4. Telecommunication Franchise Ordinance
  - 5. City Grants Policy
  - 6. Council Goals – Revisit
  - 7. Urban Renewal – Minor Amendment between City of Molalla and Fire Dist. 73

**11. EXECUTIVE SESSION**

**12. ADJOURNMENT**

January 9, 2013 Council Agenda

**NOTE:** The following agenda items do not have supplemental information submitted.

- 5A
- 6A
- 6B
- 6F

Molalla Library Advisory Board

Meeting Date: 9-20-2012

Meeting brought to order by Sandy Nelson, Chairperson, at 6:30 P.M.

Members Present: Sandy Nelson, Mary Gilson, Angela Patton, Kelly Andrews

Staff Present: Glenda Triebwasser

The minutes from the August meeting were approved as read.

- Staff Report:  
(Ask Glenda for her notes, September 20, 2012, if you haven't read them.)
  - a) On the 17<sup>th</sup> of October, there may be a Town Hall meeting about the possibility of moving the library to the Adult Center which may close as of January 2013. Members of the community will be invited, but we hope as many people as possible will attend. The Library Advisory Board will be there. Glenda will let us know the exact time. The town hall meeting has been changed to November 28<sup>th</sup>.
  - b) Glenda shared the questionnaire which is distributed by the library concerning the crocheting/knitting class.
- Old Business:
  - a) By-Laws update: Sandy will re-do the by-laws including all changes. Then Glenda will send this document over to the City Council. Sandy proposed that we change the by-laws and submit them to the City Council; the proposal passed unanimously.
  - b) The Ford Foundation 2 will be starting up in January. They meet once a month Friday – Saturday. Let Sandy know if you are interested.
- New Business:
  - a) The Friends of the Library "Book of the Month" program is beginning: the first 100 kids to sign up will receive a book each month. The Friends hope to get more families into the library by doing this.
  - b) The Library Board reviewed the Internet Policy and voted to keep the policy as written. There have been no known abuses of the internet policy.

The meeting was adjourned at 7:45 P.M.

The next meeting is scheduled for October 18, 2012.

Submitted by Mary Gilson, Secretary.

## Library Board Meeting – Staff Report – September 20<sup>th</sup>, 2012

### **Library Activities –**

The first Author's Quarterly was presented Wednesday, September 19<sup>th</sup> from 6:00 to 8:00 pm in the library conference room. We showcased 3 local authors who will share insight into their books and about their craft.

Story time began on September 20<sup>th</sup> & 21<sup>st</sup> at 10:30 in the library conference room.

Young Adult Book Club is Saturday, September 29<sup>th</sup> at 4:00 pm. Selection the month is "Incarceron" by Catherine Fisher.

Monday, October 8<sup>th</sup> at 6:30 pm "Homeschooling in Oregon". Parents can learn about homeschooling. A panel will be discussing home-based education and answer questions about home schooling.

### **Old Business –**

Sunday, September 23<sup>rd</sup> will be our first Sunday that we will be open. The hours will be 12:00-5:00 pm.

Michelle attended the "2012 Focus on Children and Young Adults" conference September 16-19. It was a good conference and she brought back some great new ideas to try.

They were unable to settle the dog bite issue out of court so we will be going to trial on November 13-15, 2012.

### **New Business -**

Kiwanis has begun to donate books to the library each time they have a speaker. We received our first two books this week.

I received a letter from the Oregon Library Association letting public libraries know that the Public Library Division of OLA is embarking on the huge task of completely restructuring and rewriting of the Oregon Public Library Standards. This will not be an editing of the current document, but a complete disassembly and rebuild from the ground up. The reason for this is because it is apparent that the library world is changing so quickly that the current standards are not keeping up with the changes and may not be relevant in the same way they use to be.

Ellen Barnes has asked me to inquire if the board would be interested in the adult center building as a possible site for a new library. It appears that the adult center will be closing in the near future and they are looking at three options for using the building. The three options suggested were: 1) a community center, 2) a new city hall, or 3) a new library. She will be presenting this idea to the city council in next week's city council meeting. A town hall meeting is being tentatively planned for October 17<sup>th</sup> to get input from citizens on how they would like to see this facility utilized. They would like to see library board members attend this town hall meeting. Ellen was afraid that they would not have a good turnout. I suggested that they issue invitations to community leaders and other citizens that they think would be interested in the discussion.



Minutes of the Molalla City Council Regular Meeting  
Molalla Adult Center  
315 Kennel Avenue, Molalla Oregon 97038  
Wednesday, October 10, 2012 7:00PM

**CALL TO ORDER – Mayor Clarke**

FLAG SALUTE AND ROLL CALL.

**ATTENDANCE 1,004<sup>th</sup> REGULAR MEETING:** Mayor Mike Clarke, Present; Councilor Stephen Clark, Present; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Absent; Councilor Jim Needham, Present; Council President Debbie Rogge, Present.

**STAFF IN-ATTENDANCE:** City Manager, Ellen Barnes; City Recorder, Sadie Cramer; Finance Director, Heather Penni

**MINUTES**

**Approval of Minutes:** September 26, 2012 – Rogge made the motion to approve the minutes. Pottle seconded. Motion carried 5-1. Councilor Needham voted nay, stating the minutes are non-compliant.

**COMMUNICATIONS**

Minutes were provided to the council as information only of the August 16, 2012 Library Advisory Board Staff Report and Minutes and September 25, 2012 Transportation Advisory Board Minutes.

Idalis Flores a student of Molalla Highschool announced that the annual Homecoming Parade and festivities are quickly approaching and she invited everyone to attend.

**CONTINUING BUSINESS**

**REVIEW AND ACCEPT WARRANT REGISTER FOR SEPTEMBER, 2012**

During the January 4, 2012 City Council meeting staff recommended and Council approved implementing a process for Council to review and approve the City's warrant register each month.

**REVIEW AND ACCEPT FINANCIAL STATEMENTS FOR SEPTEMBER 2012**

This is a review of the City's FY2012-13 financial activity through August 2012 for each fund in the budget. Beginning fund balances are unaudited at this time. These amounts may change with year-end audit adjusting entries. Clark motioned to approve the presented financial statement. Rogge seconded. Motion carried 6-0.

**REVIEW AND DISCUSSION OF SDC RECONCILIATION AND PLAN FOR CORRECTION**

Minutes of the Molalla City Council Regular Meeting  
Molalla Adult Center  
315 Kennel Avenue, Molalla Oregon 97038  
Wednesday, October 10, 2012 7:00PM

At the February 8<sup>th</sup> council meeting, Council directed staff to engage Acuity Group for accounting review services. The focus of the review will be to attempt to reconcile accounting irregularities and investigate whether any misappropriation of City assets could have occurred. Acuity Group began their investigation of the City's records on March 12, 2012. Ms. Tiffany Couch from Acuity Group was on site reviewing city records from Monday March 12, 2012 through Friday March 16, 2012.

She presented a preliminary report to Council during the March 14, 2012 meeting whereby she indicated that she did not see acts of fraud or malfeasance, but said that she had concerns regarding the city's accounting and use of SDC funds. Ms. Couch identified approximately \$2.5 million in suspected misspent SDC funds. City staff and the City Attorney have been working with Ms. Couch to reconcile her findings with city records. The resulting staff report to Council follows for review and discussion.

Discussion between staff and council took place regarding the forensic audit, eligible projects and how the city will move forward in order to resolve the situation. Barnes asked for a motion of support from the Council in order to move forward on resolution. Clark made the motion of support to resolve the SDC issues. Rogge seconded. Motion carried 5-1. (Needham voted Nay)

#### **DISCUSSION AND MOTION TO AWARD CONTRACT FOR ASSET MANAGEMENT CONSULTING SERVICES**

To meet the GASB #34 requirement (criteria relating to the form and content of governmental financial statements) the city needs to complete and maintain a capital asset inventory. The city currently does not have such an inventory.

The city auditors cannot give us an unqualified audit without an inventory of our capital assets. Also, the capital asset inventory is needed to complete city capital improvement plans and to update the city's SDC methodologies. The cost for the asset management is \$37,000 that will be divided by all departments to help facilitate the CIP process.

Rogge made the motion to award the contract for to Asset Management not to exceed \$37,000. Clark seconded. Motion carried 6-0.

#### **REPORTS AND ANNOUNCEMENTS**

##### **CITY MANAGER REPORT**

CM Barnes informed that she has been busy working on planning items and also the following upcoming agenda items that will need to be addressed in the future:

- Report and Discussion of Noise Complaints
- Resolution Approving Contract for Asset Management Consulting Firm



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- Resolution Approving Contract for IT Services
- Annexation Ordinance
- Telecommunication Franchise Ordinance
- Ordinance Adopting PGE Franchise Renewal
- Stone Place Reimbursement Agreement
- Natural Hazard Mitigation Plan Updates
- Credit Card Use Policy
- GIS Mapping Tech/Planner Position
- City Grants Policy
- Council Goals – Revisit
- Accessibility of Vulnerable Populations to Safeway

Needham stated that the Town Hall to discuss the Molalla Adult Center has been moved to November 28, 2012 at 6:30pm at the Adult Center. He also mention the upcoming livability summit on 10/11/12 at Molalla Foothills Church; Molalla Apple Festival and that he attended the C4 Retreat.

Rogge stated she attended the Molalla Arts Commission annual retreat and training.

Mayor Clarke encouraged the Council and public to attend the current community events to help support youth and non-profit events in the area. There will also be a Veteran's Day Ceremony on November 9<sup>th</sup> with details to be announced in the Molalla Pioneer.

**ADJOURNMENT**

Clark made the motion to adjourn at 7:29pm. Rogge seconded. Motion carried 6-0.

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City Recorder, Sadie Cramer

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Mayor Mike Clarke

Molalla City Council – **Special/Executive Session**  
Molalla City Hall  
315 Kennel Avenue, Molalla Oregon 97038  
Wednesday, October 16, 2012 6:30PM

**ATTENDANCE:** Mayor Mike Clarke, Present; Councilor Stephen Clark, Present; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Absent; Councilor Jim Needham, Present (6:37pm); Council President Debbie Rogge, Present.

**STAFF IN-ATTENDANCE:** City Recorder, Sadie Cramer

Call to order, flag salute and roll call by Mayor Clarke. Mayor Clarke read the executive session disclosure for ORS 192.660 (2) (f) to consider information or records that are exempt from disclosure by law, including written advice from an attorney.

Rogge made the motion to enter into executive session at 6:35pm. Wolfe seconded. Motion carried 6-0.

Councilor Needham arrived to the meeting at 6:37pm.

Discussion regarding ORS 192.660 (2) (f) to consider information or records that are exempt from disclosure by law, including written advice from an attorney took place.

Clark moved to exit the executive session and adjourn the evenings meeting. Rogge seconded. Motion carried 7-0. Meeting adjourned at 7:13pm.

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City Recorder, Sadie Cramer

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Mayor Mike Clarke

Molalla City Council – **Special/Executive Session**  
Molalla City Hall  
315 Kennel Avenue, Molalla Oregon 97038  
Wednesday, October 30, 2012 6:30PM

**ATTENDANCE:** Mayor Mike Clarke, Present; Councilor Stephen Clark, Present; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Absent; Councilor Jim Needham, Present; Council President Debbie Rogge, Present.

**STAFF IN-ATTENDANCE:** City Manager, Ellen Barnes; City Recorder, Sadie Cramer; Chad Jacobs, City Attorney.

**PRESS IN-ATTENDANCE:** Molalla Pioneer, Bethany Monroe and Oregonian, Rachael Stark

Call to order, flag salute and roll call by Mayor Clarke.

Mayor Clarke read the executive session disclosure for ORS 192.660 (2) (f) to consider information or records that are exempt from disclosure by law, including written advice from an attorney and ORS 192.660 (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.

Clarke motioned to enter into executive session. Wolfe second. Motion carried 7-0. Discussion between staff and council took place. At 7:50 Rogge made the motion to adjourn out of executive session into special session. Clark seconded. Motion carried 7-0.

Clark made the motion to approve an amendment to City Manager, Ellen Barnes contract to separate from the City of Molalla in 30 days or less if an Interim City Manager is hired. Rogge seconded. Motion carried 6-1. Needham voted nay.

Clark made the motion to allow the Mayor or Council President to sign the amended agreement and Joint Statement Regarding Departure of City Manager Barnes dated October 30, 2012 once an interim is appointed or on Barnes last day noted as November 29, 2012. Rogge seconded. Motion carried 6-1. Needham voted Nay.

Clark made the motion to adjourn the regular session. Rogge seconded. Motion carried 7-0. Meeting adjourned at 7:53pm.

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City Recorder, Sadie Cramer

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Mayor Mike Clarke

**Molalla City Council – Special/Executive Session**

Molalla City Hall

315 Kennel Avenue, Molalla Oregon 97038

Wednesday, November 6, 2012 6:30PM

**ATTENDANCE:** Mayor Mike Clarke, Present; Councilor Stephen Clark, Absent; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Present; Councilor Jim Needham, Absent; Council President Debbie Rogge, Present.

**STAFF IN-ATTENDANCE:** City Recorder, Sadie Cramer, Chad Jacobs, City Attorney.

**MEDIA IN-ATTENDANCE:** Bethany Monroe, Molalla Pioneer

**EXECUTIVE SESSION**

Call to order, flag salute and roll call by Mayor Clarke. Mayor Clarke read the executive session disclosure for ORS 192.660 (2) (f) to consider information or records that are exempt from disclosure by law, including written advice from an attorney. Council entered executive session at 6:31pm. Rogge motioned to exit executive session and enter into special session at 7:13pm. Thompson seconded. Motion carried 7-0.

**SPECIAL SESSION**

**PUBLIC COMMENT ON THE EMPLOYMENT OF AN INTERIM CITY MANAGER**

Mayor Clark called for any public comment. No other comments were heard.

**ADOPT HIRING STANDARDS, CRITERIA AND POLICY DIRECTIVES**

The City Council is beginning their process to find an Interim City Manager. It is recommended by staff and legal that basic hiring standards, criteria and policy directives be adopted by the City Council in order to move forward to hiring an interim along with a proposed timeline. Mayor Clarke called for any public comment for this item. Hearing none, Rogge motioned to approve the items as presented. Wolfe seconded. Motion carried 5-0.

**POSSIBLE APPOINTMENT OF INTERIM**

Mayor Clark called for discussion of this item. Rogge stated she would like to reserve this option as a last resort should the interview timeline is not met.

Councilor Thompson asked that the topic of creating a Finance Committee be added under New Business at the next regular session. Rogge seconded. Item will be added to the next agenda.

Rogge made the motion to adjourn. Wolfe seconded. Motion carried 5-0. Meeting adjourned at 7:33pm.

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City Recorder, Sadie Cramer

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Mayor Mike Clarke



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salem District Office  
1717 Fabry Road S.E.  
Salem, Oregon 97306



In Reply Refer To:  
1610 (ORS000)

DEC 20 2012

City of Molalla  
PO Box 248  
Molalla, OR 97038

Dear City Manager:

The Bureau of Land Management (BLM) is currently engaged in Resource Management Planning (RMP) for Western Oregon. Recreation and visitor services will play a role throughout this planning effort. The BLM is reaching out to the public to gather information related to recreation area management and Wild and Scenic Rivers.

Recreation demands and expectations related to public lands managed by the BLM in Western Oregon have dramatically changed since the BLM's current RMP was completed in 1995. Public use and enjoyment of BLM-administered lands have been affected by intense competition among increasing numbers of people for a finite amount of resources. Recreation visitation and use are expected to increase, especially in areas near growing communities.

The public continues to demand a diverse range of recreational opportunities in a variety of natural resource settings. Feedback from the public would help the BLM evaluate current recreational experiences and public demand for recreation.

In general, the BLM is interested in hearing about what types of recreational activities and associated benefits you value related to BLM-administered lands in Western Oregon.

- What activities and/or amenities are important to you within areas where outdoor recreation opportunities currently exist (developed campgrounds, day-use areas, trail systems, etc.) on BLM-administered lands?
- How should BLM recreation area/sites, river corridors and both motorized and non-motorized trail systems, especially those near communities, be managed? Please provide your suggestions on how BLM can offer a variety of recreation opportunities and how these opportunities should be maintained and improved so that natural and cultural resources are protected and user conflicts are reduced.

- What information should the BLM consider in making suitability determinations on 54 river segments that have been determined eligible for potential inclusion into the National Wild and Scenic Rivers System?

Web-based interactive sites have been created to engage the recreation community and to assist the BLM in answering planning related questions that were raised during the public scoping. These public websites will be active for a 70-day period (December 11th through February 18th), and can be accessed at the following links:

<http://www.blm.gov/or/plans/rmpswesternoregon/recomments.php> and  
<http://www.blm.gov/or/plans/rmpswesternoregon/rivercomments.php>

In addition to web based outreach tools, the BLM will be holding district specific open houses across Western Oregon to engage the public and receive input specific to the recreation components being analyzed as part of this planning effort. The dates and locations for these open houses are currently being identified and will be posted at the following link:

<http://www.blm.gov/or/plans/rmpswesternoregon/index.php>

The BLM encourages you to get involved and help plan for the future as we look at defining the role that recreation plays on BLM-administered lands throughout Western Oregon. If you have any questions please, contact Zach Jarrett, recreation representative for the Resource Management Planning team at: [zjarrett@blm.gov](mailto:zjarrett@blm.gov) or (503) 931-6184.

Sincerely,



Kim M. Titus  
District Manager, Salem



## STAFF REPORT

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Mark J. Gervasi, City Manager

**FROM:** Glenda Triebwasser, Library Director  
Library Board Members: Sandy Nelson, Angela Patton, Mary Gilson, Kelly Andrews, Rebecca Jones, Jim Needham

**DATE:** January 9<sup>th</sup>, 2013

**SUBJECT:** PROPOSED REVISIONS TO THE MOLALLA PUBLIC LIBRARY  
ADVISORY BOARD BYLAWS

### ISSUES BEFORE THE COUNCIL:

1. Article II: Change City Administrator to Library Director to be responsible for administration of the Library, with the Library Director reporting to the City Administrator.
2. Article III: **Membership:** Retain the number of Board members at seven, however change the makeup of the board to equate to the patron population in our service area; ie. "Two members of the Library Board shall be residents of the City. Four Board members shall be residents of the area served by the library, but not residents of the city.

**Length of Membership:** Change B to read: "No person may hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the Board upon receipt of an application to fill a vacancy." The previous requirement was to sit out for one year before being eligible to serve on the Board again.

**Officers:** Change to read "All officers will be Board members and be elected by the Board."

**Duties of Board Members:** Change A to read: Uphold the right of all citizens to full access of information by providing open access to Library resources and service in accordance with the Library Bill of Rights."

**Delete B**, which required submission of an annual report to the City Council. This was formerly delivered with the proposed budget review, however, at this time the minutes of each meeting are provided to Council members. This monthly reporting is in lieu of the annual report.

**F.:** Change encouraging to encourage.

3. Article VII: **Meetings:** Section 2A to read “An annual meeting will be held each year during February.”
  - Section 2B delete this section as it is addressed in Article I Section 2.
  - Section 3A delete “of” in “by of the President.”
4. Article VIII: By law Amendment Section C to read “Proposed amendments will be voted on at the next Board meeting with a minimum of seven days after submission.  
Section D, correct spelling of “final”.

#### **RECOMMENDATION:**

*Staff recommendation is to adopted the proposed changes to the Molalla Public Library Advisory Board Bylaws.*

#### **OUTCOMES OF DECISION:**

If the changes to the bylaws are adopted they will replace the current bylaws. Not adopting the changes then the bylaws will remain the same.

**FINANCIAL IMPLICATIONS:** None.

**DISCUSSION:** Sandy Nelson, Board president will be present to answer questions that the council may have about the revisions.

The bylaws need to be review every five years as stated in **Article VIII – Bylaw Amendment Section A.**

Revisions were discussed at monthly board meetings and the changes were voted on and adopted by the Board at the November 15<sup>th</sup> board meeting.

**PUBLIC INVOLVEMENT:** The library board meetings are open to the public and public comment is always welcomed.



# Proposed Revisions to the Molalla Public Library Advisory Board Bylaws.

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October 18th, 2012

## Article I   **Authorization**

The Molalla Library Board (Board) will exercise the powers, duties and functions delegated by Chapter 2.08 of the Molalla Municipal Code.

## Article II   **Administration**

The Library Director is responsible for administration of the Molalla Public Library. The Library Director shall report to the City Administrator. The library will operate under city administrative procedures including the following:

1. Personnel, including recruitment, selection, classification and pay for library personnel.
2. Supervisions, evaluation, discipline and discharge of library personnel, in accordance with City's personnel rules. (Ord. 1985-5 sec 2 (part); Ord. 1971-1 sec 5)
3. Receipt, disbursement and accounting for monies. (MMC 2.08.030)
4. Maintenance of library records, cost accounting records and other financial documents.
5. Budget Administration
6. Operations and maintenance.

## Article III   **Membership**

As provided by Molalla Municipal Code 2.08.010 the Board has seven members, appointed by the Mayor and confirmed by the City Council. One Board member is a member of the City Council. Two members of the Library Board shall be residents of the City. Four Board members shall be residents of the area served by the library, but not residents of the City.

### **Section 2: Length of Membership**

- A. Board members are appointed for a term of four years (MMC 1.08.010) (D)
- B. No person may hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the Board upon receipt of an application to fill a vacancy.

### Section 3: **Compensation**

- A. No Board member may have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor receive any compensation for services on the Board.
- B. Board members may be reimbursed for expenses incurred in the performance of their duties.

## Article III   **Board of Directors**

### Section 1: **Officers**

- A. Officers of the Board are:
  - 1. President
  - 2. Vice President
  - 3. **Secretary**
  - 4. Such other officers as the Board may determine
- B. All officers will be Board members and be elected by the Board. The Library Director will serve as Board secretary and keep Board records.
- C. Board members may not use their position to the detriment of the Board, City or for their own benefit. Violation subjects the member to removal from office.

### Section 2: **Duties of Board Members**

The Library Board is advisory to the City Council and has no administrative authority. Its duties include:

- A. Uphold the right of all citizens to full access of information by providing open access to library resources and services in accordance with the Library Bill of Rights.
- B. Assist in the Development of short and long-term plans for library service and facilities, consistent with city priorities and with state, regional and national goals pertinent to libraries.
- C. Keep constantly aware of public library standards, trends, regulations and legislation.
- D. Investigate and assist in obtaining sources of funding for library services.
- E. Encourage widespread public knowledge and support of the Library in Molalla and the service area of the Library.
- F. Participate in meetings and activities within the Molalla service area that promote the Library.
- G. Represent the interest of the library users by recommending types of library services needed.
- H. Perform other duties as authorized by the city council.

## Article IV    **Duties of the Board Officers**

### A. President

1. Preside at all Board meetings
2. Execute decisions of the Board and City Council
3. Oversee Board duties
4. Recommend removal of Board members to the City Council
5. Call special Board meetings
6. Appoint Board committee chairs

### B. Vice President

1. Assume duties of the President during incapacitation of, or at the request of, the President
2. Assists the President with Board activities

### C. Secretary

1. Keep and maintain Board minutes and records, including the Bylaws and amendments
2. Retain all committee records and reports
3. Give notice of each Board meeting known either by telephone or in writing to each Board member at least three days before the meeting
4. Conduct the general correspondence of the Board
5. In the absence of the President and Vice President, call and preside at Board meetings
6. Make arrangements for Board meeting rooms
7. Distribute Board meeting minutes at the next scheduled Board meeting

D. In addition to these duties, each officer will perform other duties as assigned by the Board.

## Article V    **Replacement of Board Members**

### Section 1: **President**

- A. Vacancies occurring within the position of President because of resignation or any other reason will be filled by a majority vote of the remaining Board members.

### Section 2: **Vice President and Committee Chairpersons**

- A. Vacancies in the position of Vice President or Committee Chair because of resignation or other reason will be filled by the President, subject to approval of the Board.
- B. President may remove any appointee that has failed to perform the duties of their office, subject to the approval of the Board.
- C. Officers failing to perform their duties also may be removed from office by a vote of

at least four Board members

## **Article VI    **Nomination and Election of Officers****

All officers are elected at the annual meeting of the Board held each February

### **Section 1: Nominations**

- A. Nominations may be made at the Board meeting after the report of the Nominating Committee
- B. Candidates must accept their nomination. Absent nominees may accept in writing provided to the Secretary

### **Section 2: Elections**

- A. Secretary organizes and executes elections
- B. Secretary's report
- C. Secretary will announce the newly elected officers

### **Section 3: Tenure of Office**

- A. No member of the Board may serve more than two consecutive one-year terms in the same office.
- B. Term of office will begin at the Annual meeting of the outgoing and incoming Boards.

## **Article VII    **Meetings****

### **Section 1: Board Meetings**

- A. Meet as scheduled or as requested by the President
- B. Secretary notifies Board members at least three days in advance of each meeting
- C. Meetings are open to the public in accordance to Oregon Public Meeting Laws
- D. City Administrator will be invited to all Board meetings by the Secretary
- E. A quorum consists of a majority of the Board
- F. Board members may not vote on their own discipline or matters in which they have a financial interest as defined by state law

### **Section 2: Annual Meeting of the Board**

- A. An annual meeting will be held each year during February
- B. Purpose of the annual meeting
  - 1. An annual report will be made by each retiring Board member
  - 2. After oral presentation to the Board, the written report will be given to the new Board Members
  - 3. The meeting will provide information and assistance to the new Board members
  - 4. The retiring President presides at the meeting until all business of the previous year is completed. Upon completion of this business, the meeting is turned



over to the new President

### Section 3: **Special Meetings**

- A. Special meetings may be called by the President, or, in his or her absence, the Vice President, or upon written request of two Board members
- B. The Secretary will notify Board members at least three days in advance of each meeting

## Article VIII **Bylaw Amendment**

- A. The Board will review these bylaws at least every five years.
- B. Proposed amendments will be provided to each Board and City Council member
- C. Proposed amendments will be voted on at the next Board meeting with a minimum of seven days after submission.
- D. The City Council has final approval authority over bylaw amendments (MMC 2.08.040)

## Article IX **Committees**

### Section 1: **Committees**

- A. The Board may establish one or more standing or ad hoc committees to serve at the will of the Board
- B. Each such committee has advisory authority as delegated by the Board.

## Article X **Miscellaneous**

- A. Robert's Rules of Order, latest revised edition, govern the parliamentary procedure of the Board
- B. The Board will comply with the Oregon Public Meetings Law and the Oregon Public Records Law.



## **STAFF REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Mark J. Gervasi, City Manager  
**FROM:** Heather Penni, Finance Director  
**DATE:** 09 January 2013  
**SUBJECT:** FY 2011/2012 AUDIT EXTENTION

---

### **ISSUES BEFORE THE COUNCIL:**

*Through our audit firm, Oster Professional Group, the City of Molalla has applied for a 90-day extension for the filing of our 2011/2012 audit with the Secretary of State. The new due date for completed audit submission will be March 31, 2013*

### **RECOMMENDATION:**

*This is for information, the extension has been applied for and accepted.*

### **OUTCOMES OF DECISION: (Optional)**

*The extension will allow the City of Molalla to include the Fixed Asset results in this audit and bring the City into full compliance with GASB 34.*

*The fixed asset study is slated to begin Monday January 14, 2013 and is expected to take 60 days.*

### **FINANCIAL IMPLICATIONS:**

*None*

### **DISCUSSION: (Optional)**

### **PUBLIC INVOLVEMENT: (Optional)**

Attachments: A. Copy of the extension request form

**SECRETARY OF STATE**  
**Division of Audits**  
**EXTENSION REQUEST**

Request for extension of time to file audit report provided by ORS 297.465.

1. Municipal Corporation: City of Molalla
2. Address: 117 N. Molalla Ave Molalla OR 97038  
(Street or Post Office Box) (City) (State) (Zip)
3. Audit Period: July 1, 2011 to June 30, 2012

**ORS 297.465**

The accountant shall furnish the audit report to the municipal corporation within six months after the close of the calendar or fiscal year under audit, except that the Secretary of State, for good cause shown, may grant to the accountant a reasonable extension of time.

**Expected Delivery Date:**

- a. I hereby request an extension of time to March 31, 2013 to deliver the audit report of the  
above named municipal corporation. (Date)

**Cause:**

- b. The cause(s) of the delay is as follows:

The city has contracted with a company to do a valuation of capital assets that is not expected to be completed until February 2013.

4. Accountant: [Signature] 12-21-12 Oster Professional Group, CPA's  
(Signature) (Date) (Firm)

George W. Wilber 77 W Adams Burns, OR 97720  
(Name and Title) (Address)

If this request is disapproved by any of the following officials, the reasons for disapproval must be indicated on the reverse side of this form.

5. Municipal Corporation:

This request is

- ☒ Approved  
☐ Disapproved

[Signature] 26 Dec 12  
(Signature) (Date)  
Mark Gerasi, Interim City Manager  
(Name and Title)

6. School District Superintendent:

This request is ☐ Approved  
☐ Disapproved

\_\_\_\_\_  
(Signature) (Date)  
\_\_\_\_\_  
(Name and Title)

7. Secretary of State Division of Audits:

This request is ☐ Approved  
☐ Disapproved

Reason for Disapproval:

\_\_\_\_\_  
(Signature) (Date)  
\_\_\_\_\_  
(Name and Title)





## STAFF REPORT

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Mark J. Gervasi, City Manager

**FROM:** Sadie Cramer – City Recorder  
Heather Penni – Finance Director  
Joyce Stahly – Utility billing

**DATE:** January 9, 2013

**SUBJECT:** NETWORK AND COMPUTER SUPPORT SERVICES  
FOR ALL CITY DEPARTMENTS

---

### ISSUES BEFORE THE COUNCIL:

The City has failing individual computer systems and a lack of compatibility in software with its work stations. In the late summer of 2012 the City of Molalla called for a request for proposals (RFP) for the purposes of obtaining technical support services for the City's computer system.

### RECOMMENDATION:

- Consider city staff's recommendation to accept Molalla Communications (MCC – respondent) proposal and to have the Interim City Manager enter into contract negotiations with Molalla Communications for network and computer support services. Final approval of the selected respondent's proposal (RFP) is subject to the action of the City of Molalla City Council.

### EXECUTIVE SUMMARY:

- Legal Review to occur when a contract is prepared by city's Legal Counsel.
- Facts – The City of Molalla has a population of 8,108 people. The City's computer systems of approximately 40 personal computers, most of which are part of a local area network (LAN) with two dedicated servers. The City is comprised of 5 departments, including Police, Public Works, Finance/billing, Community Development and Administration Departments and all have access to the LAN. Public Works has 3 remote sites with limited access to the network.
- The City received 4 proposals from the following Network and Computer Support Service Providers:
  1. Molalla Communications, Molalla, Oregon

STAFF REPORT: NETWORK AND COMPUTER SUPPORT SERVICES FOR ALL  
CITY DEPARTMENTS

January 9, 2013

Page 2 of 2

**EXECUTIVE SUMMARY- continued**

2. Convergence, Milwaukie, Oregon
3. Richardson Group, Portland, Oregon
4. Kintechnology, Canby Oregon

- Applicable policy or law: 1. Molalla Municipal Code Chapter 3.05 and Oregon Revised Statutes (ORS Chapter 279)

**OUTCOMES OF DECISION:**

If Council moves forward in selecting a firm to provide Network and Computer Support Services to the City, the City will have modernized its network and computer support systems. If the Council does not move forward, the City will continue to operate with a system that barely meets its network and computer support service needs.

**FINANCIAL IMPLICATIONS:**

Amount: \$2,916/mo. Budgeted. The rest of the expenses per month would come out of operations and maintenance until the new budget year starts in July of 2013.

Appropriated: Yes

Fund Source(s): 101-102-520-3300

Attachments

- A. Molalla Communications RFP submittal- Network and Computer Support Services to City of Molalla
- B. REQUESTS FOR PROPOSALS announcement: Network and Computer Support Services –City of Molalla, Oregon

# REQUEST FOR PROPOSALS: **Network and Computer Support Services**

City of Molalla, Oregon



*September 7, 2012*

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## **Scope of Work**

The City of Molalla, Oregon is seeking proposals from qualified firms to provide network and computer support services for all city departments. In general, services will include acquisition and installation of hardware and software, maintenance and repair of equipment and desktop and network support and monitoring. Specifically, the City seeks the following equipment and services:

1. Mail server with enterprise level mail system, with archiving, group calendaring, minimum specifications include:
  - Dual Intel Exon Processors, 32 Gig ECC RAM, minimum 4 terabyte enterprise storage in RAID configuration, OS and storage reside on separate high speed RAID spindles, redundant power supplies.
2. Windows 2008 Sever Domain controller, Network Storage, minimum specifications include:
  - Dual Intel Xeon Processors, 32 Gig ECC RAM, minimum 4 terabyte enterprise storage in RAID configuration, OS and storage reside on separate high speed RAID spindles, redundant power supplies.
3. Firewall w/gateway AV, distributed desktop AV, Content Filtering, VPN & enterprise AP Controller.
4. 7 desktop computers with Microsoft Windows 7 Professional OS, MS Office and single LCD Monitor (minimum 22 inch) – Minimum computer specifications: Intel Core i7 Processor, 4 GB 1333 MHz RAM, 250 GB 7200 RPM hard drive, Distinct Video Card and Enterprise Out of Band Management.
5. Server antivirus software.
6. Network management including updates on desktop and server OS and virus software updates.
7. 24/7/365 server and network monitoring.
8. On-call desktop support.
9. Enterprise wireless access at both City Hall and the Molalla Adult Center.

10. Servers hosted remotely at facility with both UPS and automated generator emergency power, connected to city facilities listed below and backed up off site with automated backup solution at facility with both UPS and automated generator emergency power.

- Molalla City Hall (117 N Molalla Avenue)
- Molalla Police Department (117 N Molalla Avenue)
- Molalla Waste Water Treatment Plant (12424 Toliver Rd)
- Molalla Water Treatment Plant (32899 S Molalla Forest Rd)
- Molalla Public Works Shops (920 Toliver Rd)
- Molalla Adult Community Center (315 Kennel Ave)
- Molalla Aquatic Center (432 Frances Street)
- Molalla Public Library????

The successful contractor will be expected to establish and maintain the City's information technology systems and recommend affordable improvements as needed.

### **Proposal Contents**

Proposals must contain the following:

1. Name, address, phone number, e-mail address and website of firm
2. Brief history of the firm
3. Names and statement of qualifications of service providers
4. Hourly rate for all services (including minimum charge for service calls)
5. Estimated response time to request for service
6. A minimum of five references from current clients, including contact name and phone number

### **Proposal Submission**

Proposals must be submitted to: City Manager, Ellen Barnes, P.O. Box 248, Molalla, OR 97038, before 5 p.m. PDT, September 7, 2012. Electronic proposals will be accepted before the deadline at [barnes@molalla.net](mailto:barnes@molalla.net).

### **General Proposal/Contract Limitations**

Limitation and award: This RFP does not commit the City of Molalla to award a contract, nor to pay any costs incurred in the preparation of a proposal. The City reserves the right to waive minor irregularities, accept or reject any or all proposals received as a result of this RFP, negotiate with qualified proposers, or cancel all or part of this RFP.

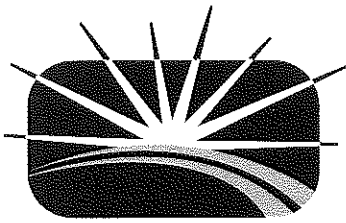
Requests for Additional Information. The City may request additional information from respondents at any time prior to final approval of a selected response. The City reserves the right to select one, or more, or none of the respondents. Final approval of the selected respondent is subject to the action of the City of Molalla City Council.

Contract Negotiations: The City of Molalla reserves the right to negotiate all elements which comprise the apparent successful proposal to ensure that the best possible consideration is afforded to all concerned. City representatives and the selected finalist will review in detail, all

aspects of the requirements and the proposal. During the review of the most favorable, apparent successful proposal, the Proposer may offer and the City may accept revisions to the proposal.

Validity period: Proposals submitted to the City in response to this RFP must contain a statement that the offer is valid for 90 days.

Equal employment/ non-discrimination clause: Neither the City of Molalla nor its contractors will discriminate against a person, employee, or applicant based on race, color, religion, sex, national origin, marital status, familial status, gender identity, sexual orientation, disability that can be reasonably accommodated, or any other status protected by law. The City of Molalla fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities.



## Molalla Communications

211 Robbins St. • P.O. Box 360 • Molalla, OR. 97038  
503-829-1100 • Fax: 503-829-7781 • [www.molalla.com](http://www.molalla.com)

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### RFP – Network and Computer Support Services, City of Molalla, Oregon

1. Provider:

Molalla Communications  
211 Robbins, Molalla, OR 97038  
503-829-1100  
[membersupport@molalla.com](mailto:membersupport@molalla.com)  
[www.molalla.com](http://www.molalla.com)

2. Molalla Communications is a cooperative providing voice and data communication service, training, sales, consulting and support. Molalla Communications was established in 1913. Molalla Communications has 25 employees; each trained in supporting customers specific needs. Listed below are three employees skill sets most likely utilized to support this RFP product and service, however, additional employee skill sets are available when needed. MCC has various skilled staff to assist the COM with its IT needs. This would include a Network Manager, Systems Administrator, Network Administrator, multiple Installation and Repair Technicians, Computer Repair Technicians, Help Desk Technicians and Customer Service Representatives. Sales support would include the Network Manager, Consumer Services Manager, Systems Administrator and various service staff. MCC is able to provide the appropriate depth of staff and skills to accommodate the needs of the COM and respond to all requests in a timely manner utilizing the appropriate skill level for the task.

Having a local presence ensures a quick response time, generally less than an hour, and eliminates a trip charge and/or travel time charge.

3. MCC Employee One:

Numerous IT related certifications and has served as a subject matter expert for COMPTIA  
Six years as an Electronic Communications and Navigation Systems Technician

Three years as a System Administrator

Nine years as the Internet System Manager

Six years Operations Manager

MCC Employee Two:

Linux/UNIX (20+ years)

Microsoft Server Products (20+ years)

TCP/IP Networking (20+ years)

SQL (15+ years)

Zimbra Collaboration Suite Administration (7+ years)

Proficient in following programming languages (C# 10 years, Java 12 years, C/C++ 20 years, Shell Scripting, Perl, PHP)

MCC Employee Three:

Information Systems - Associate Degree

Oregon Institute of Technology - Management Information Systems bachelor's degree

5 years managing, maintaining, upgrading, and supporting both hardware and software systems for the following:

- Windows desktop operating systems including XP, Vista, and Windows 7
- Windows Server 2003 and Windows Server 2008 systems
  - Windows Domain, DHCP, DNS, group policy, network access and storage, permissions management
- Exchange 2003, 2007, and 2010 including ActiveSync for mobile clients including iOS and Android
- Managing, maintaining, and supporting Microsoft Office 2003, 2007, and 2010
- Microsoft SharePoint 2010 and SharePoint services
- Altec Doclink electronic document system
- System wide Window Server system backups using Retrospect and Acronis backup software
- CHR OMNIA Customer Relationship Management
- Window network antimalware management system using Symantec and Sophos
- Calix, Occam, Adtran, and Metaswitch
- Televantage internal phone system
- Migrating MRSD exchange environment from Exchange 2003 to Exchange 2010 including Barracuda archiving component
- LAN network for Molalla River Academy
- Network Security Camera System installation and support
- Footprints system issue tracking
- Network printer installation and support
- Wired and Wireless LAN installation, management, and support

4. MCC technicians are available Monday thru Friday from 8 am – 5 pm at the standard hourly rate (minimum charge, 30 minutes, no travel or trip time), based on level of technician required for support of the specific issue, with no additional charges for travel. After-hours and weekend on-site support will be billed at one and a half times the normal hourly rate. Base Remote and onsite support as needed, up to 4 hours monthly, is included at no additional cost.

<b><u>Technician Level</u></b>	<b><u>Types of Services Performed</u></b>	<b><u>Hourly Rate</u></b>
Base	Desktop and Peripheral Support (Remote and Onsite), End User Support, Site Wiring	\$100.00
Advanced	Server Support, Basic Networking and Security, Scripting and Programming.	\$150.00
Management	Management Consulting/Planning, Advanced Network and Security	\$250.00

5. Response time is generally less than one hour, Monday – Friday 8 am – 5 pm



6. Current Client Reference List

- a. Molalla River School District 503-829-2359 Tony Mann
  - i. Wayne Kostur –previous superintendent 503-829-4600
- b. Brentwood Corporation 503-759-7215 Bill Reynolds
- c. Sunstone Circuits LLC 503-759-2188 Paul Waterman
- d. Fountain Valley Dental 503-759-3333 Al Borrromeo/Kathy Harvey
- e. Interfor Pacific 503-759-3591 Larry McBride

- i. Mail server with enterprise level mail system, with archiving, group calendaring, minimum specifications include:
  - a. Dual Intel Xeon Processors, 32 Gig ECC Ram, minimum 4 terabyte enterprise storage in RAID configuration, OS and storage reside on separate high speed RAID spindles, redundant power supplies
- ii. Windows 2008 Server Domain controller, Network Storage, minimum specifications include:
  - a. Dual Intel Xeon Processors, 32 Gig ECC Ram, minimum 4 terabyte enterprise storage in RAID configuration, OS and storage reside on separate high speed RAID spindles, redundant power supplies
- iii. Firewall w/gateway AV, distributed desktop AV, Content Filtering, VPN & enterprise AP Controller
- iv. 14 Desktop computers with Microsoft Windows 7 Professional OS, MS Office and single LCD Monitor (minimum 22 inch) – Minimum computer specs: Intel Core i7 Processor, 4 GB 1333 MHz RAM, 250 GB 7200 RPM Hard Drive, Distinct Video Card and Enterprise Out of Band Management
- v. Server Antivirus software
- vi. Network Management, Including updates on desktop and server OS and Virus Software updates
- vii. 24/7/365 Server and Network Monitoring
- viii. Enterprise Wireless access at both City Office and Adult Center
- ix. Servers hosted remotely at facility with both UPS and automated generator emergency power, connected via GigE to City facilities listed below (except 31677 S Shady Dell Rd and 32899 S Molalla Forest Rd, which will be connected at a minimum of 8 Mbps) and backed up offsite with automated backup solution at facility with both UPS and automated generator emergency power.
  - a. 117 N Molalla (City HQ)
  - b. 117 N Molalla (Police)
  - c. 12424 Toliver Rd (Molalla Waste Water Treatment Plant)
  - d. 32899 S Molalla Forest Rd (Molalla Water Treatment Plant)
  - e. 920 Toliver Rd (Molalla Public Works Shop)
  - f. 432 Frances Street (Molalla Aquatic Center)
  - g. 315 Kennel Ave (Molalla Adult Community Center)
  - h. 31677 S Shady Dell Rd (not listed in City RFP)
    - 1. 100 Mbps connection to Internet for all locations (except 31677 S Shady Dell Rd and 32899 S Molalla Forest Rd, which will be connected at a minimum of 8 Mbps) (not listed in City RFP)

7. For all services listed above (Computers, servers, software licenses, WAN connectivity, Internet connectivity, remote / onsite support, etc) the monthly cost is \$3372 with no upfront cost on a four year term agreement.







## **STAFF REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Mark J. Gervasi, City Manager  
**DATE:** January 9, 2013  
**SUBJECT:** Molalla Adult Center

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### **ISSUES BEFORE THE COUNCIL:**

*Can the city sustain funding to operate the Molalla Adult Center.*

### **RECOMMENDATION:**

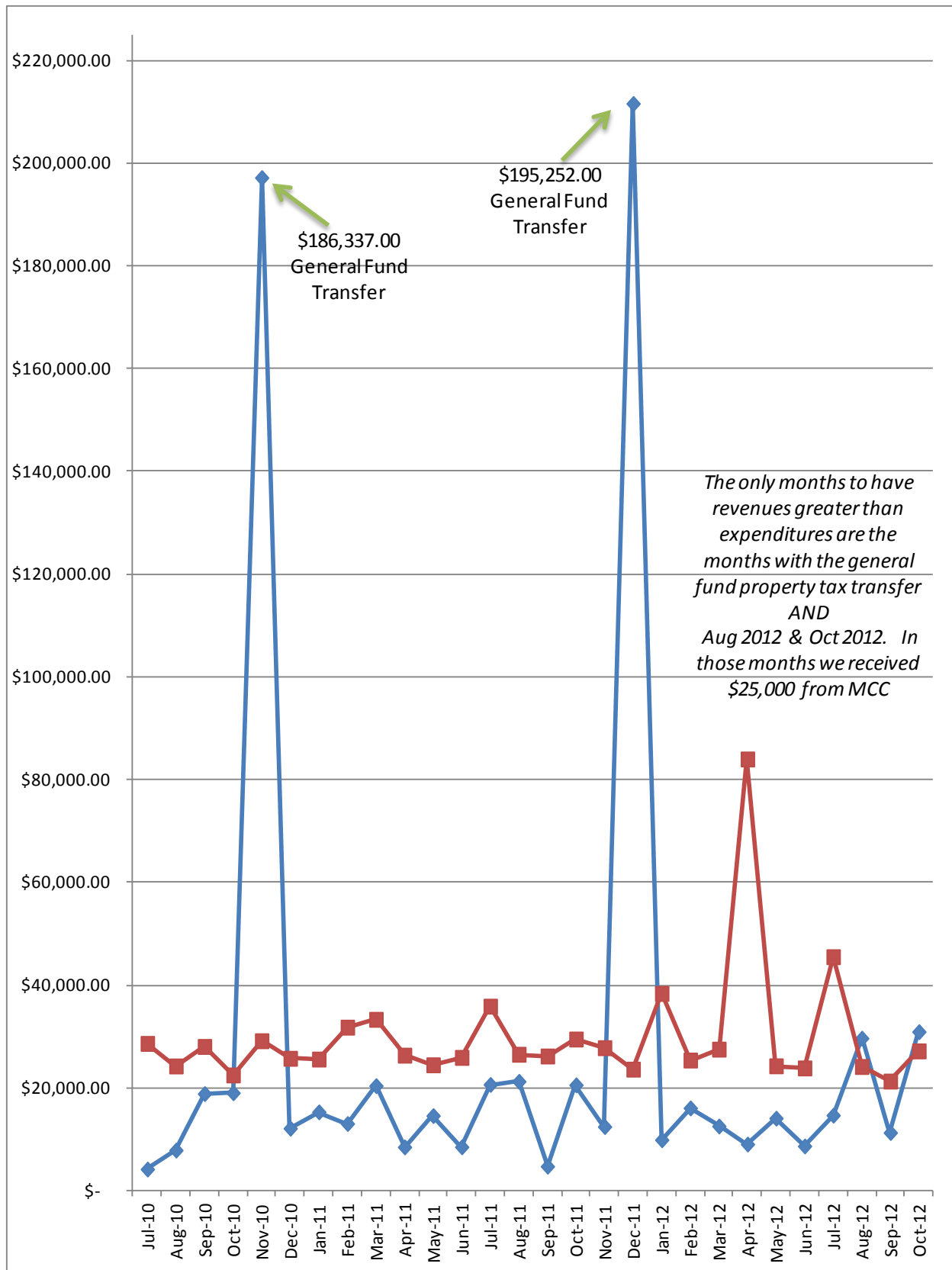
*Discuss details and options with staff and decided how to proceed based on those reports.*

### **EXECUTIVE SUMMARY:**

- The topic of the operation of the Molalla Adult Center has been discussed several times since January 2012.
- Town Hall meetings took place on August 8, 2012 and November 28, 2012 at which time citizens expressed their concerns regarding the Adult Center.

**OUTCOMES OF DECISION:** *Detailed discussion to take place at the council meeting.*

**FINANCIAL IMPLICATIONS:** *Detailed discussion to take place at the council meeting. Graph is included in the packet and will be reviewed by Council and Staff.*





## **STAFF REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Mark J. Gervasi, City Manager  
**FROM:** Heather Penni, Finance Director  
  
**DATE:** 09 January 2013  
  
**SUBJECT:** WARRANT REGISTER

---

### **ISSUES BEFORE THE COUNCIL:**

*Does the City Council still want the accounts payable warrant register as presented for calendar year 2012 with the same parameters.*

### **RECOMMENDATION:**

*Staff recommendation would be a preparation of a full warrant register to be included in the month end data that is reviewed by the City Manager and a monthly warrant register of all checks exceeding \$10,000 be submitted to City Council as part of the financial packet for review.*

- Discuss and provide direction



## **STAFF REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Mark J. Gervasi, City Manager  
**FROM:** Sadie Cramer, City Recorder and Heather Penni, Finance Director

**DATE:** January 9, 2013

**SUBJECT:** Economic Improvement District (EID)

---

### **ISSUES BEFORE THE COUNCIL:**

*Proceed with the EID for 2013 based on the 2005 database or repeal the EID.*

### **RECOMMENDATION:**

*Legal's recommendation after their review is to repeal the EID and begin the process of forming a new EID to limit city liability. Discuss details with staff and decided based on those reports.*

### **EXECUTIVE SUMMARY:**

- Legal Review took place between December 26<sup>th</sup> to December 31<sup>st</sup>
  - Reviewed by Chad Jacobs (Attorney)

**OUTCOMES OF DECISION:** *Detailed discussion to take place at the council meeting.*

**FINANCIAL IMPLICATIONS:** *Detailed discussion to take place at the council meeting.*

City of Molalla

ORDINANCE NO. 2010-11

AN ORDINANCE RENEWING AN ECONOMIC IMPROVEMENT DISTRICT, MAKING ASSESSMENTS, AUTHORIZING THE COLLECTION OF SAID ASSESSMENTS, ASSESSING THE COSTS THEREOF AGAINST THE IDENTIFIED AND BENEFITED REAL PROPERTY, AND DIRECTING AN ENTRY OF SUCH ASSESSMENT IN THE DOCKET OF CITY LIENS.

WHEREAS, pursuant to Ordinance No. 2004-06, the City Council conducted public hearings on Aug. 11 and Sept. 22, 2010 to receive public testimony concerning the renewal of an economic improvement district, and in accordance with said Ordinance, the City prepared and mailed to affected property owners a Notice of Public Hearing for each of the two public hearings, together with information pertaining to the areas to be assessed, the rates to be charged, and the proposed budget; and

WHEREAS, at the public hearings held on Aug. 11 and Sept. 22, 2010 written and oral testimony from proponents and opponents of the proposed economic improvement district was received; and

WHEREAS, in accordance with Ordinance No. 2004-06, the Council caused written objections to the economic improvement district received by the City at the second public hearing to be noted and recorded; and

WHEREAS, because the combined objections equal less than 33% of the total amount of assessments to be levied within the economic improvement district, the Council elects to proceed with the renewal of the economic improvement district.

NOW THEREFORE, the City of Molalla Ordains as Follows:

Section 1: Findings of Fact.

The City makes and enters the following findings of fact based upon the oral and written testimony received on August 11, 2010 and September 22, 2010:

- a) Written notice to the affected property owners was mailed thirty (30) days prior to the scheduled public hearings.
- b) The area within the proposed district is zoned for commercial and industrial use.
- c) No residential real property or any portion of a structure used for residential purposes is assessed under this Ordinance.
- d) Written objections to the proposed district that were received at the public hearings equal less than 33 percent of the total assessments to be levied.
- e) The rate to be assessed each benefited property is proportionate to the benefit it may derive from the district.
- f) The assessments authorized under this Ordinance will not exceed one percent of the real market value of all the real property located in the district.

Section 2. Creation of District.

The Council of the City of Molalla hereby approves the continuation of the “Molalla Economic Improvement District” established under Ordinance 2004-06 for the purpose of promoting within the district economic improvements by planning or management of development or improvement activities; revitalization and preservation activities; creation, landscaping, and maintenance of public areas; promotion of commercial activity or public events; activities in support of commercial and industrial recruitment, retention, expansion and development; and additional economic development related activities. The Molalla Economic Improvement District shall continue to operate under and be subject to the terms and provisions of Ordinance 2004-06 as if fully set forth herein.

Section 3. Duration.

The Molalla Economic Improvement District authorized by this Ordinance 2010-11 shall be in effect for five (5) consecutive years commencing January 1, 2011 and continuing and being renewed in the successive four (4) years.

Section 4. Assessment Rate.

A. The properties shall be assessed annually as follows:

District	Description	Min. Sq. Footage	Max. Sq. Footage	Annual Assessment
<b>District 1 – Central Commercial</b>				
1.1	Central Commercial - Small	0	4,999	\$100
1.2	Central Commercial - Large	5,000	999,999	\$350
<b>District 2 – General Commercial</b>				
2.1	General Commercial - Small	0	49,999	\$100
2.2	General Commercial – Large	50,000	199,999	\$500
<b>District 3 – Industrial</b>				
3.1	Industrial - Small	0	34,999	\$100
3.2	Industrial - Medium	35,000	299,999	\$500
3.3	Industrial - Large	300,000	999,999	\$750
<b>District 3 – Shopping Center</b>				
4.1	Shopping Center	200,000	999,999	\$1,500

B. A property owner who pays the annual assessment in full by January 30<sup>th</sup> of each year the Economic Improvement District is in effect shall receive a 10% discount.

Section 5. Total Assessment.

The total assessment each year of the five (5) year term is \$75,000.

Section 6. Reference Material and Docket of City Liens.

Attached hereto and incorporated herein by this reference is a map of the Molalla Economic Improvement District and a "List of Property Owners to be Assessed in the Molalla Economic Improvement District." The City Manager or designee is directed to enter the "List of Property Owners to be Assessed in the Molalla Economic Improvement District" in the Docket of City Liens.

Section 7. Collection of Funds.

The City Manager or designee is hereby directed to give notice that the above assessments are hereby declared to be due and payable within thirty (30) days from the mailing of notice of assessment, and in the event an assessment is not so paid, the same shall thereupon become delinquent and bear interest at the rate of nine percent (9%) per annum and thereafter the Council will proceed in the manner prescribed by the Charter of the City of Molalla for the collection of delinquent assessments.

Section 8. Disbursement of Funds.

The City Finance Director shall disburse funds to Team for Economic Action in Molalla (TEAM) quarterly commencing March 15, 2011 to accomplish the purpose set forth in Section 2. No funds shall be distributed if TEAM ceases to exist or the purposes set forth in its Bylaws, or if the Bylaws are amended so as to be in conflict with the enabling legislation contained in ORS Chapter 223 or in Section 2 herein.

Section 9. Expenditure of Funds.

Funds shall be allocated and expended by TEAM in accordance with the following condition: the filing with the City Finance Director materials showing compliance with Section 2 before any funds are released. A report will be prepared annually and provided to the City Manager by November 1<sup>st</sup> of each year that the Molalla Economic Improvement District is in effect. The annual report will include a current budget including an annual financial statement, scope of work, and a list of accomplishments of TEAM.

Section 10. Classification -Assessment & Fees -Notice.

The assessments authorized by this ordinance are not subject to the limits of Article XI, Section 11(b) of the Oregon Constitution.

Within fifteen (15) days of final adoption of this Ordinance, the City Recorder shall cause to be published in a newspaper of general circulation within the City a notice of adoption of this Ordinance classifying the property assessments as incurred charges and not subject to the limits

of Article XI, Section 11(b) of the Oregon Constitution referred to in this section. The notice shall:

- a) Appear in the general news section of the newspaper, not in the classified advertisements.
- b) Measure at least three (3) square inches.
- c) Be printed in a type size at least equal to 8-point type; and
- d) State that the City has adopted this Ordinance classifying the property assessment as a charge that is not subject to the limits of Article XI, Section 11(b) of the Oregon Constitution, that the reader may contact the designated City official, the City Recorder, to obtain a copy of the Ordinance, that judicial review of the classification may be sought within sixty (60) days of the date of the Ordinance was adopted, and if no such review is sought , no subsequent challenges to the classification are permitted.

READ by title only for the first time and approved by the City Council, City of Molalla, Oregon, at its meeting, on the 13th day of October, 2010.

REA for the second time by title only and adopted by the City Council, City of Molalla, Oregon, its meeting on the 27th day of October, 2010.

Approved:

\_\_\_\_\_  
Mike Clarke, Mayor

ATTEST this \_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Sadie Cramer, City Recorder





## **STAFF REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Mark J. Gervasi, City Manager  
**FROM:** City Recorder, Sadie Cramer

**DATE:** January 9, 2013

**SUBJECT:** A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
INTERIM CITY MANAGER MARK GERVASI TO ACT AS BUDGET  
OFFICER FOR FISCAL YEAR 2013-2014

---

**ISSUES BEFORE THE COUNCIL:** Municipal Budgeting requires the appointment of a Budget Officer to prepare and present the budget for the City of Molalla.

**STAFF RECOMMENDATION:** *Approve attached Resolution.*

**EXECUTIVE SUMMARY:** This is an annual “house-keeping” item to comply with municipal budgeting laws. This item must be completed before the FY 2013-2014 budget can be prepared.

**FINANCIAL IMPLICATIONS:** N/A

**RESOLUTION 2013 - 01**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF INTERIM  
CITY MANAGER MARK GERVASI TO ACT AS BUDGET OFFICER  
FOR FISCAL YEAR 2013-2014**

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 2013-2014 budget; and

THEREFORE, it is hereby resolved by the City Council of the City of Molalla to appoint Interim City Manager, Mark Gervasi as Budget Officer for fiscal year 2013-2014.

DULY APPOINTED, by the City Council and the City of Molalla on this 9th day of January 2013.

---

Mayor Debbie Rogge

ATTEST this 9th day of January 2013:

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Sadie Cramer, City Recorder



## **STAFF REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Mark J. Gervasi, City Manager  
**FROM:** City Recorder, Sadie Cramer

**DATE:** January 9, 2013

**SUBJECT:** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MOLALLA, OREGON, CERTIFYING ELECTION RESULTS FOR  
THE NOVEMBER 6, 2012 GENERAL ELECTION**

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**ISSUES BEFORE THE COUNCIL:** Section 2 of the Charter requires the certified elections results be provided to the Council at the first Council meeting and after the results are certified by the county clerk.

**STAFF RECOMMENDATION:** *Approve attached Resolution.*

**EXECUTIVE SUMMARY:** This is an annual “house-keeping” item to comply with the City of Molalla Charter requirement as stated in 2.02.190 (E) attached.

**FINANCIAL IMPLICATIONS:** N/A

**RESOLUTION 2013-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MOLALLA, OREGON, CERTIFYING ELECTION RESULTS FOR THE  
NOVEMBER 6, 2012 GENERAL ELECTION**

WHEREAS, Section 2 of the Charter requires the certified elections results be provided to the Council at the first Council meeting and after the results are certified by the county clerk; and

WHEREAS, that the election results from the November 6, 2012 General Election have been certified by the Office of the Clackamas County Clerk Sherry Hall; and

THEREFORE, it is hereby resolved by the City Council of the City of Molalla, Clackamas County, Oregon that:

**Section 1:** The certified election results, attached hereto as Exhibit A and incorporated herein, are hereby made a part of the record of the proceedings of the City Council.

**Section 2:** This resolution is effective immediately upon adoption.

Introduced and adopted by the City Council of the City of Molalla, Oregon on January 9, 2013.

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Mayor Debbie Rogge

ATTEST this 9th day of January 2013:

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Sadie Cramer, City Recorder

**Molalla Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 2 ADMINISTRATION AND PERSONNEL](#)[Chapter 2.02 CITY ELECTIONS—INITIATIVES AND REFERENDUMS](#)[Article IV. Initiative and Referendum](#)[\[ remove highlighting \]](#)**2.02.190 Election notice and results.**

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- A. Notice of elections on measures submitted to City electors on regular or special election dates must be given in accordance with state law.
- B. Measures referred by the Council will be designated on the ballot: “Referred to the Voters by the City Council.”
- C. Measures proposed by referendum petition will be designated on the ballot: “Referred by Petition.”
- D. Measures proposed by initiative petition will be designated on the ballot: “Proposed by Initiative Petition.”
- E. The Recorder must provide certification of the election results to the Council at the first Council meeting after the results are certified by the county clerk.
- F. A measure adopted by the electors takes effect 30 days after the election, unless the measure expressly provides a later effective date. (Ord. 2008-05)



# CLACKAMAS COUNTY

Office of County Clerk

SHERRY HALL  
CLERK

2051 KAEN ROAD, 2<sup>ND</sup> FLOOR  
OREGON CITY, OR 97045  
503.650.5686  
FAX 503.650.5687

## VIA USPS

City of Molalla  
Attn: Sadie Cramer, City Recorder  
PO Box 248  
Molalla, OR 97038

Dear Ms. Cramer:

Attached please find the elections abstract for the November, 2012 General Election.

Dated: November 21, 2012

SHERRY HALL  
COUNTY CLERK

By: Steve Kindred

Steve Kindred  
Elections Manager

Board Of Property Tax Appeals  
2051 Kaen Road, 2<sup>nd</sup> Floor  
Oregon City, OR 97045  
503.655.8662  
FAX 503.650.5687

Elections Division  
1710 Red Soils Court, Suite 100  
Oregon City, OR 97045  
503.655.8510  
FAX 503.655.8461

Recording Division  
2051 Kaen Road, 2<sup>nd</sup> Floor  
Oregon City, OR 97045  
503.655.8551  
FAX 503.650.5688

Records Management Division  
270 Beavercreek Road, Suite 200  
Oregon City, OR 97045  
503.655.8323  
FAX 503.655.8195

# Canvass Report — Total Voters — Official Clackamas County, Oregon — General Election — November 06, 2012

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Total Number of Voters: 191,126 of 229,236 = 83.38%

11/20/2012 10:40 AM  
 Precincts Reporting 118 of 118 = 100.00%

## City of Molalla, Councilor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Dennis Wise	Shane Potter	Jimmy Thompson	Glen Boreth	Chris Cook	Jason Griswold	Write-Ins	Totals
111	0	6	2,834	2,898	3,742	77.45%	1,043	573	1,025	930	784	1,405	82	5,842
<b>Totals:</b>	<b>0</b>	<b>6</b>	<b>2,834</b>	<b>2,898</b>	<b>3,742</b>		<b>1,043</b>	<b>573</b>	<b>1,025</b>	<b>930</b>	<b>784</b>	<b>1,405</b>	<b>82</b>	<b>5,842</b>

CERTIFIED COPY OF THE ORIGINAL  
 CHERRY HALL, COUNTY CLERK

*Sherry Hall*

# Canvass Report — Total Voters — Official Clackamas County, Oregon — General Election — November 06, 2012

Total Number of Voters: 191,126 of 229,236 = 83.38%

## City of Molalla, Mayor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Jim Needham	Debbie Rogge	Write-Ins	Totals
111	0	3	374	2,898	3,742	77.45%	1,188	1,300	33	2,521
<b>Totals:</b>	<b>0</b>	<b>3</b>	<b>374</b>	<b>2,898</b>	<b>3,742</b>		<b>1,188</b>	<b>1,300</b>	<b>33</b>	<b>2,521</b>

CERTIFIED COPY OF THE ORIGINAL  
 SHERRY HALL, COUNTY CLERK  
 BY: *Sherry Hall*





## **STAFF REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Mark J. Gervasi, City Manager  
**FROM:** Heather Penni, Finance Director

**DATE:** January 9, 2013

**SUBJECT:** Resolution Repealing 2005-11: Setting the \$20.00 Fee from  
Business License

### **ISSUES BEFORE THE COUNCIL:**

Current standard for business license fiscal management: Annual Fee \$70.00, City retains \$50.00 and \$20.00 goes to the chamber. Prior to the resolution, the general fund contributed \$10,000 per year to the Chamber Administration. In 2005-2006 the Chamber partnered with the City on grant writing and events. At that time, due to services done by the Chamber on the City's behalf it was appropriate for a fiscal contribution.

Historically, the idea was to give the Chamber a percentage of the business licenses collected that maintain a City of Molalla store front location and a percentage to the planning department for the licenses issued to contractor. As the resolution is written it requires the full percentage to go to the chamber. The partnership between the two organizations no longer exists at a level to quantify a compensatory contribution given the current state of the city finances and ROI. The City of Molalla pro-rates the business license fee and the percentage allocated to the Chamber of Commerce as follows:

Full Year	\$70.00 Fee	=	\$50.00 City - \$20.00 Chamber
Issued after 04/01	\$52.50 Fee	=	\$37.50 City - \$15.00 Chamber
Issued after 07/01	\$35.00 Fee	=	\$25.00 City - \$10.00 Chamber
Issued after 10/01	\$17.50 Fee	=	\$12.50 City - \$ 5.00 Chamber

As a result of this resolution the City has contributed the following:

2009 \$7,290.00  
2010 \$8,521.00  
2011 \$6,440.00  
2012 \$7,615.00  
**Total: \$29,866.00**

**Item tabled on December 12, 2012 to be discussed at the January 9, 2013 meeting.**

### **RECOMMENDATION:**

- Discuss and provide direction

**A RESOLUTION REPEALING THE SET BUSINESS LICENSE FEE PORTION  
ALLOTTED BY COUNCIL ON APRIL 27, 2005**

**WHEREAS:** On April 27, 2005 the Council approved Resolution 2005-11 to establish a fee in the amount of \$20.00 per business license on a pro-rated quarterly basis be contributed to the Molalla Area Chamber of Commerce; and

**WHEREAS:** The city's administrator and council at that time had the expectation that the Chamber would assist with joint community grants, marketing, and tourism promotion and facilitate assistance with economic growth.

**WHEREAS:** As the Molalla Area Chamber of Commerce is an independent non-profit; and

**WHEREAS:** The Molalla Area Chamber of Commerce is not a City Department and due to the city's current financial condition; and

**WHEREAS:** Having the city Administer and enforce the resolution is negatively impacting the general fund in excess of \$6,000 minimally annually; and

**WHEREAS:** The fees and processing are posing an undue burden on City of Molalla and city staff.

**NOW, THEREFORE,** the City of Molalla ordains as follows: Resolution 2005-11 a resolution of the City Council of the City of Molalla setting the amount of the business license fee passed on April 27, 2005 be repealed.

Adopted on this \_\_\_\_ day of \_\_\_\_\_, 2013.

Approved:

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Mayor Debbie Rogge

ATTEST this \_\_\_\_ day of \_\_\_\_\_ 2013.

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Sadie Cramer, City Recorder



## MEMORANDUM

To: Mayor and Council  
From: Mark Gervasi, Interim City Manager  
Date: January 2, 2013

Subject: City projects in progress

Below please find several projects I am working on with the help of city staff.

1. Annexation ordinance – to update the city's code and codify. To be considered by the City's Planning Commission first and then by the City Council. I hope to start this process in February of 2013.
2. Working with Fire Chief Vince Stafford regarding proposed improvements to Fire District #73's facility which have been called out in the Urban Renewal Plan. The proposed improvements will require amendments to the UR Plan which the City Council will have to approve. More on this later.
3. Working with city staff in reviewing RFP's the city received regarding Network and Computer Support Services. I will present a recommendation to the City Council for its approval regarding which vendor to award the bid to who can best provide the Network and Computer Support Services the city needs. This item to be on the January 9<sup>th</sup> city council agenda.
4. Deputy Mayor Rogge and I met with a Martha Fritzie with the Clackamas County Planning Department to discuss future population projections. Mrs. Fritzie said there is some more work and data she'll need to collect from city before she will formalize our population projections and take them to the Clackamas County Commission for their ultimate adoption as the city's population numbers. More on this later.
5. I met with Annette Mattson with PGE regarding our franchise agreement with them. We both believe we can have this new agreement ready for City Council review and possible approval by the February 13<sup>th</sup> City Council meeting.

## **FROM CLAY GLASGOW – CLACKAMAS COUNTY PLANNING**

### **Planning activities week of December 17, 2012:**

- 8 telephone calls, various questions
- 3 counter contacts, one inquiring about possible land division others about zoning
- Signed off one building permit – adding antennae to existing cell tower
- Processed Partition file MP 2012-3; two parcel land division on Stowers Road, R-1 zone
- Processed Land Use Review, file LUR 2012-1; auto sales/storage lot on Highway 211 at Hezzie

### **CONTINUED: Land Use Planning activities week of December 24, 2012:**

- 5 telephone calls, various questions
- 1 counter contact
- holiday shortened week.....