AGENDA

CANBY CITY COUNCIL MEETING
June 15, 2016
7:30 PM
Council Chambers
155 NW 2nd Avenue

Mayor Brian Hodson

Council President Tim Dale
Councilor Clint Coleman
Councilor Tracie Heidt
Councilor Traci Hensley
Councilor Greg Parker
Councilor Todd Rocha

CITY COUNCIL MEETING

1. CALL TO ORDER

A. Invocation
B. Pledge of Allegiance
C. Fill-the-Boot Day Proclamation — Pg. 1
D. Presentation by the Canby Rotary Club

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

A. Approval of Minutes of the June 1, 2016 City Council Regular Meeting
B. Appointments to the Parks and Recreation Advisory Board — Pg. 2

7. PUBLIC HEARINGS

A. State Revenue Sharing Funds — Pg. 6
B. 2016-2016 FY Budget as Approved by Budget Committee — Pg. 9

8. RESOLUTIONS & ORDINANCES

A. Res. 1237, Verifying City Has Met Requirements to Receive State-Shared Revenue Money — Pg. 7
B. Res. 1238, Declaring City's Election to Receive State Revenue for the 2016-2017 FY — Pg. 8

C. Res. 1234, Adopting Budget, Making Appropriations and Imposing and Categorizing Tax for the 2016-2017 FY Pg. 10
D. Res. 1239, Adopting Supplemental Budget for the 2015-2016 FY Pg. 15
E. Res. 1240, Documenting the City's Election to Maintain Compliance with the Old Procurement Standards in Relation to Procurements of Federal Awards and Electing to Utilize the 2 Year Grace Period for Implementation of the New Standards Pg. 19
F. Res. 1241, Referring to the Electorate a Proposed Renewal of a Five-Year Local Option Levy for the Canby Swim Center at the Rate of $0.49 per $1,000 of Assessed Value Beginning in FY 2017-2018 Pg. 21
G. Res. 1242, Referring to the Electors of the City of Canby, Clackamas County, Oregon the Question of a Proposed Removal of a Citywide Ban on Marijuana Businesses Within the City Pg. 27
H. Res. 1243, Referring to the Electors of the City of Canby, Clackamas County, Oregon, the Question of a Proposed Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer Within the City Pg. 33
I. Res. 1245, Extending Workers' Compensation Coverage to Volunteers of the City of Canby and Repealing Resolution 1215 Pg. 38
J. Ord. 1442, Proclaiming Annexation into the City of Canby 1.85 Acres and Amending the Zoning from County Rural Residential Farm Forest 5-Acre (RRFF-5) to City Low Density Residential (R-1) and Setting the Boundaries of the Property to be Included Within the City Limits **(2nd Reading)** Pg. 43
K. Ord. 1443, Proclaiming Annexation into the City of Canby 4.57 Acres and Amending the Zoning from County Rural Residential Farm Forest 5-Acre (RRFF-5) to City Medium Density Residential (R-1.5) for Tax Lots (301 & 302) and to City High Density Residential (R-2) for Tax Lot (300) and Setting the Boundaries of the Property to be Included Within the City Limits **(2nd Reading)** Pg. 47
L. Ord. 1444, Proclaiming Annexation into the City of Canby, 31.83 Acres and Amending the Zoning from County Rural Residential Farm Forest 5-Acre (RRFF-5) to City Low Density Residential (R-1) and Setting the Boundaries of the Property to be Included Within the City Limits **(2nd Reading)** Pg. 53
M. Ord. 1445, Authorizing Contract with Curran-McLeod, Inc. Consulting Engineers for Engineering Services to Complete the Mulino Road Sanitary Sewer Pumping Station and Pipelines Pg. 58

9. NEW BUSINESS

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.

Office of the Mayor

Proclamation

Canby Fire District #62 "Fill-the-Boot" Day

WHEREAS, Canby Fire District #62 has been working with the Muscular Dystrophy Association in their fight against neuromuscular disease; and

WHEREAS, "Fill-the-Boot" is an opportunity for Oregon firefighters to ask community members to drop donations into their fire boots to help local families served by MDA in the state. This year marks the 62nd anniversary of the partnership between firefighters and MDA in the fight against muscle wasting diseases; and

WHEREAS, Canby Fire District #62 has spent many hours collecting money on the streets for this campaign; and

WHEREAS, firefighters, locally and nationally, are the largest contributors to the MDA. Canby Firefighters collected $10,207.99 in 2015 to help in the fight against the 43 different types of neuromuscular diseases.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, July 23, 2016 as:

Canby Fire District #62
"Fill-the-Boot" Day for the City of Canby

Given unto my hand this 15th day of June 2016.

Brian Hodson
Mayor

Term to Expire 6/30/19

CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL

Date: 02-18-2016

Name: Rick Angelozzi

Occupation: Corrections

Home Address:

Employer: State of Oregon

Position: Superintendent

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? Parks and Recreation Advisory Board

What are your community interests (committees, organizations, special activities)? As a new resident (just 1 year), I am interested in serving in any capacity where a need exists.

Experience and educational background: Current member of the Corrections Policy Committee for the Board on Public Safety Standards and Training. Former member of Jefferson and Lake County Rotary. a I have a Master's in Business Administration, Bachelor of Arts and Associate of Arts.

Reason for your interest in this position: I want to serve the community in which i reside. I also believe Canby Parks and Recreation is part of why our city is such a great place to live.

List any other City or County positions on which you serve or have served: Elected to the Lake County School District 7 Board of Directors and served as Chair.

Information on any special membership requirements:

Referred by (if applicable):

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: ***City of Canby***
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013
Phone: 503.266.0733 Fax: 503.266.7961 Email: Scheaferk@ci.canby.or.us

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site. *1-4-13*

RECEIVED
FEB 18 2016
City of Canby - City Recorder

CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL

Date: MAY 16, 2016

Name: BARRY JOHNSON Occupation: RETIRED

Home Address:

Employer: Position:

Daytime Phone: Evening Phone: CELL

E-Mail Address:

For which position are you applying? PARKS + RECREATION ADVISORY BOARD

What are your community interests (committees, organizations, special activities)? I AM INTERESTED IN SEEING THIS COMMUNITY DEVELOP AN ORGANIZED PROGRAM(S) FOR THE YOUNG PEOPLE TODAY AND PROVIDE QUALITY FACILITIES.

Experience and educational background:

Reason for your interest in this position: I AM SADDENED BY HOW MUCH CANBY LAGS BEHIND OTHER NEIGHBORING COMMUNITIES IN FACILITIES AND PROGRAMS THEY HAVE TO OFFER ITS RESIDENTS

List any other City or County positions on which you serve or have served:

Information on any special membership requirements:

Referred by (if applicable):

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

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MAY 16 2016
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Barry Johnson

PROFILE

Through 34 years of experience at General Motors I have gained substantial knowledge in the coordination, training and implementation of effective warehouse operations including Quality Network initiatives. I look forward to utilizing the skills I have acquired in a new environment.

EXPERIENCE

Dominion Equipment Parts; Clackamas, OR
Parts Manager for West Region Distribution Center — 2009-2010
Responsible for shipping and receiving parts and materials. Developed location schemes to organize the parts department with emphasis on selective stocking and ergonomics.

Morooka USA; Clackamas, OR
Assistant to the Plant Manager — 2008 - 2009
Created build sheets for production to assist assembly of locally built Morooka Heavy Equipment. Organized and maintained required inventory levels. Worked with local suppliers to acquire parts.

USF Logistics; Beaverton, OR
Manager of Truck Crossdock Operation — 2008
Directed General Motors freight shipped in the Northwest.

General Motors Service Parts Operations; Beaverton, OR
Temporary Assignment — 2006
Recruited by the Regional Manager to coordinate efforts in achieving Phase Awards for Planned Maintenance at the SPO in Fontana, CA.

Operations Supervisor — 2004-2006
Functioned as administrative assistant to the Plant Manager. Also held titles of: Inventory Control Coordinator, Project Engineer, Maintenance Supervisor, Quality Network Trainer, Dealer Liaison and Planned Maintenance Coordinator.

Quality Network Coordinator — 2002-2006
Received certification and training in various Quality Network action strategies, including error proofing, problem solving, workplace organization and visual controls, project at a glance, lean simulation, etc. Worked jointly with a UAW counterpart to implement Quality Network Initiatives, such as building a supportive environment through working together, creating an organization-wide customer focus through continuously improving quality and creating a lean organization. Held monthly quality network conference calls with dealer representatives and GM Area Sales Managers.

Health and Safety Supervisor — 1997-2004
Jointly responsible for implementing corporate Health and Safety initiatives for the PDC and all local personnel. Continued coordination of warehouse projects and Maintenance supervision.

Office Supervisor — 1994-1997
Managed day-to-day operations of five office personnel. Was also responsible for the coordination of all warehouse projects and the supervision of the Maintenance Department.

Supervisor of Operations — 1991-1994
Managed UAW employees involved in all aspects of warehouse operations. Beaverton Service Parts Operations (SPO) was responsible for supplying all GM franchise dealers in the Northwest.

General Motors World Headquarters; Flint, MI
Industrial Engineer — 1981-1991
Conducted time studies in PDC's to determine efficiency of warehouse operations. Researched, developed and implemented new ideas to improve the methods and efficiency of warehousing operations.

Associate Layout Draftsman — 1979-1981
Created warehouse layouts for parts warehouses in Reno, NV and Philadelphia, PA.

Distribution Analyst — 1978-1979
Analyzed supply levels for an assigned group of part numbers at PDC's.

Order Interpreter — 1973-1978
Processed stock orders for assigned Regional Parts Distribution Centers (PDC's).

AWARDS AND ACHIEVEMENTS

Planned Maintenance "Phase III" Award, first distribution center in country to complete all three phases.

Quality Network "Best in Class" recipient, 2006.

"Safety Standards Award", SPO received every year for 15 years while under my supervision.

M E M O R A N D U M

DATE: June 15, 2016

TO: Honorable Mayor Hodson and City Council

FROM: Haley Fish, Finance Director

CC: Rick Robinson, City Administrator

RE: **A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE STATE-SHARED REVENUE MONEY.**

Issue: Annual verification that the City has met the requirements to receive revenues from intergovernmental taxes.

Background: ORS 221.760 Prerequisites for cities in counties over 100,000 population to receive revenues from cigarette, gas and liquor taxes. (1) The officer responsible for disbursing funds to cities shall disburse such funds in the case of a city located within a county having more than 100,000 inhabitants, according to the most recent federal decennial census, only if the officer reasonably is satisfied that the city meets the requirements or if the city provides four or more of the following municipal services; (a) Police protection, (b) Fire protection, (c) Street construction, maintenance and lighting, (d) Sanitary sewers, (e) Storm sewers, (f) Planning, zoning and subdivision control, or (g) One or more utility services.

Recommendation: That council adopts Resolution No. 1237 certifying that the city has met the requirements to receive state-shared revenue money.

Fiscal Impact: The city estimates amounts to be received are $19,100 for cigarette taxes, $237,900 for liquor taxes, and $940,000 for gas taxes.

Attached: Resolution No. 1237

RESOLUTION NO. 1237

A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE STATE-SHARED REVENUE MONEY.

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820, and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services and:

WHEREAS, City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760,

NOW, THEREFORE, BE IT RESOLVED, that the City of Canby, Clackamas County, Oregon hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Street construction, maintenance and lighting
3. Sanitary sewers
4. Storm sewers
5. Planning, zoning and subdivision control

This Resolution shall take effect on June 15, 2016.

ADOPTED this 15th day of June 2016 by the Canby City Council.

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

RESOLUTION NO. 1238

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2016-2017.

WHEREAS, a public hearing for the use of state revenue sharing funds was held before the Budget Committee on May 12, 2016 and before City Council on June 15, 2016; now therefore,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby as follows:

Section 1 Pursuant to ORS 221.770, the City of Canby hereby elects to receive state revenues for fiscal year 2016-2017.

This Resolution shall take effect on June 15, 2016.

ADOPTED this 15th day of June 2016 by the Canby City Council.

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

****I certify that a public hearing before the Budget Committee was held on May 12, 2016 and a public hearing before the City Council was held on June 15, 2016, giving citizens an opportunity to comment on use of State Revenue Sharing.**

_____
Kimberly Scheafer, MMC
City Recorder

M E M O R A N D U M

DATE: June 15, 2016

TO: Honorable Mayor Hodson and City Council

FROM: Haley Fish, Finance Director

CC: Rick Robinson, City Administrator

RE: A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES FOR THE 2016-2017 FISCAL YEAR.

Issue: Oregon budget law requires adoption of an annual budget by June 30 of each year. ORS 294.453 requires the City to hold a public hearing, and ORS 294.458 requires the City to submit tax certification documents to the County Assessor by July 15th.

ORS 294.456 allows the governing body to amend the budget estimates as long as property tax revenue or rates to be certified is not increased and expenditures in a fund are not increased more than $5,000 or 10% whichever is greater.

ORS 294.456 3 (a) A) One amount for each organizational unit or program of each fund that is the total of all amounts for personnel services, materials and services and capital outlay attributable to the organizational unit or program; and
(B) Separate amounts in each fund for operating expenses for personnel services, materials and services and capital outlay that cannot be allocated to a particular organizational unit or program and for debt service, special payments, interfund revenue transfers and operating contingencies.
Previously the City has appropriated at the more conservative level of object/category and therefore to compile with the local budget law appropriation requirements, as noted above, and maintain the more conservative management object category monitoring we have adjusted the format of this resolution.

Background: The City of Canby passed a Tax Base of $1,250,000 on November 6, 1990. The City passed a local option levy of $0.49 per $1000.00 of assessed property value on November 08, 2011 to fund Swim Center operations. The City levies the taxes provided for in the adopted budget at the permanent rate of 3.4886 per $1000. These taxes are hereby levied upon all taxable property within the district as of 1:00 a.m. July 1, 2016. The allocation and categorization are subject to the limits of section 11, Article X1 of the Oregon Constitution.

Recommendation: We recommend City Council adopt Resolution No. 1234

Attached: Resolution No. 1234

RESOLUTION NO. 1234

A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAX FOR THE 2016-2017 FISCAL YEAR

WHEREAS, a public hearing for the 2016-2017 City Budget as approved by the Budget Committee was duly and regularly advertised and held on June 15, 2016; and

WHEREAS, the City Council of Canby proposes to levy the taxes provided for in the adopted budget at the permanent rate of 3.4886 per $1,000 and a local option levy of 0.49 per $1,000 of assessed property value and that these taxes be levied upon all taxable property within the district as of July 1, 2016; and

WHEREAS, the following allocation and categorization subject to the limits of section 11, Article XI of the Oregon Constitution make up the above aggregate levy; now therefore:

RESOLUTION ADOPTING THE BUDGET

BE IT RESOLVED that the City Council of the City of Canby hereby adopts the budget for fiscal year 2016-17 in the total of $38,001,334. This budget is now on file at City Hall, 182 N. Holly St., Canby, Oregon.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2016, and for the purposes shown below are hereby appropriated:

	Management Object Category	Appropriation in accordance with local budget law
GENERAL FUND		
Administration		$1,076,477
Personnel Services	$553,641	
Materials & Services	522,836	
Court		389,678
Personnel Services	310,992	
Materials & Services	78,686	
Planning		217,633
Personnel Services	138,129	
Materials & Services	79,504	
Parks		852,696
Personnel Services	390,207	
Materials & Services	142,489	
Capital Outlay	320,000	
Building		33,257

Personnel Services	32,467	
Materials & Services	790	
GENERAL FUND (continued)		
Police		5,179,030
Personnel Services	4,182,123	
Materials & Services	970,907	
Capital Outlay	26,000	
Cemetery		79,631
Personnel Services	13,230	
Materials & Services	66,401	
Finance		456,653
Personnel Services	334,622	
Materials & Services	122,031	
Economic Development		540,366
Personnel Services	444,568	
Materials & Services	95,798	
Not Allocated to Organizational Unit:		
Personnel Services		75,000
Materials & Services		211,868
Capital Outlay		45,558
Debt Service		37,802
Transfers		74,161
Contingency		916,474
Total		**$10,186,284**
LIBRARY FUND		
Library		$895,588
Personnel Services	$649,754	
Materials & Services	245,834	
Not Allocated to Organizational Unit:		
Transfers		1,334,549
Contingency		114,885
Total		**$2,345,022**
STREET FUND		
Street		$3,294,128
Personnel Services	$639,646	
Materials & Services	383,840	
Capital Outlay	2,270,642	
Not Allocated to Organizational Unit:		
Transfers		114,081
Contingency		1,146,980
Total		**$4,555,189**

SDC FUND		
Not Allocated to Organizational Unit:		
Transfers		948,339
Contingency		3,636,995
Total		**$4,585,334**
FLEET SERVICES FUND		
Fleet Services		$735,058
Personnel Services	$246,995	
Materials & Services	488,063	
Not Allocated to Organizational Unit:		
Contingency		73,676
Total		**$808,734**
CEMETERY PERPETUAL CARE FUND		
Not Allocated to Organizational Unit:		
Contingency		$909,716
Total		**$909,716**
FACILITIES FUND		
Facilities		$297,639
Personnel Services	$106,639	
Materials & Services	175,500	
Capital Outlay	15,500	
Not Allocated to Organizational Unit:		
Contingency		68,172
Total		**$365,811**
FORFEITURE FUND		
Police		$35,289
Materials & Services	$35,289	
Total		**$35,289**
TECH SERVICES FUND		
Tech Services		$337,262
Personnel Services	$82,907	
Materials & Services	212,555	
Capital Outlay	41,800	
Not Allocated to Organizational Unit:		
Contingency		58,066
Total		**$395,328**

TRANSIT FUND		
Transit		$1,677,471
Personnel Services	$308,864	
Materials & Services	1,315,607	
Capital Outlay	53,000	
Not Allocated to Organizational Unit:		
Transfers		164,387
Contingency		1,246,574
Total		**$3,088,432**
SWIM CENTER LEVY FUND		
Swim Center		$730,958
Personnel Services	$547,163	
Materials & Services	144,295	
Capital Outlay	39,500	
Not Allocated to Organizational Unit:		
Transfers		81,383
Contingency		429,237
Total		**$1,241,578**
SEWER FUND		
Wastewater Treatment		$3,320,516
Personnel Services	$622,444	
Materials & Services	543,072	
Capital Outlay	2,155,000	
Collections		2,189,924
Personnel Services	$317,259	
Materials & Services	97,665	
Capital Outlay	1,775,000	
Stormwater		1,277,961
Personnel Services	$297,376	
Materials & Services	60,585	
Capital Outlay	920,000	
Not Allocated to Organizational Unit:		
Personnel Services		51,573
Materials & Services		164,360
Capital Outlay		690,747
Debt Service		597,950
Transfers		751,553
Contingency		215,433
Total		**$9,260,017**
Total APPROPRIATIONS, All Funds		**$37,776,734**
Total Unappropriated and Reserve Amounts, All Funds		224,600
TOTAL ADOPTED BUDGET		**$38,001,334**

RESOLUTION IMPOSING THE TAX

BE IT RESOLVED that the following ad valorem property taxes are hereby imposed for the tax year 2016-2017 upon the assessed value of all taxable property within the district:

(1) At the rate of $3.4886 per $1,000 of assessed value for permanent rate tax;
(2) At the rate of $0.4900 per $1,000 of assessed value for local option tax; and
(3) In the amount of $ 0 for debt service for general obligation bonds;

RESOLUTION CATEGORIZING THE TAX

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of article XI section 11b as:

	General Government Limitation	**Excluded from Limitation**
Permanent Rate Tax ……....	$ 3.4886/$1,000	
Local Option Tax…….……....	$ 0.4900/$1,000	
General Obligation Debt Service Fund…….……..		$ 0

The above resolution statements were approved and declared adopted on this 15th day of June 2016.

Brian Hodson, Mayor

Kimberly Scheafer, MMC
City Recorder

MEMORANDUM

DATE: JUNE 7, 2016

TO: HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL

FROM: HALEY FISH, FINANCE DIRECTOR

THROUGH: RICK ROBINSON, CITY ADMINISTRATOR

RE: SUPPLEMENTAL BUDGET RESOLUTION NO. 1239

ISSUE: Adoption of a Supplemental Budget and appropriating unanticipated funds for the 2015-2016 fiscal year.

SYNOPSIS: A supplemental budget is required when unanticipated revenues are received and the City wants to be able to spend or transfer them in the current fiscal year. The other changes in the supplemental budget are changes in appropriations from one budget category to another within the same fund. Such changes can be accomplished by a resolution transfer, but they can also be included in a supplemental budget. Proposed changes do not increase expenses of any fund by 10% or more therefore no public hearing is required by local budget law.

General Fund

Administration

Personnel Services were impacted by an unanticipated contract salary increase and a variance between the estimation and actual employee benefits.

Court

Experienced an increased need for interpreter services.

Parks

Personnel Services is being increased to fund temporary help to absorb some seasonal workload demands. This is projected to be offset in a decrease in realized materials and services as the actual fleet charge for service was lower than estimated.

Building

Personnel Services were impacted by a vacation payout. We offset this with excess building permit revenue realized.

General Fund (continued)

Police

Personnel Services (overtime) projections exceeded our estimate. This is projected to be offset by a decrease in realized materials and services as the actual fleet charge for service was lower than estimated.

Cemetery

Personnel services is projected to to excced budget due to an unexpected 5% increase for employees who were determined to be working out of class which are proposed to be offset by lower than expected realization of Materials and Services refunds. Additionally, the Materials and Services line item for name bars is projected to exceed budget due to increased sales of mausoleum name bars. This is proposed to be offset by a corresponding increase in revenue.

Economic Development

Personnel Services will exceed budget due to an unbudgeted benefit election. Materials and Services are expected to exceed budget due to the new Independence Day program, which is proposed to be partially offset by corresponding event revenue the balance is proposed be offest by excess cash carryover.

Unallocated

The Personnel Services category is expected to exceed budget due to projected retirement payouts. This is proposed to be offset in part by a corresponding increase in interdepartmental charges consistent with our allocation plan, with the balance proposed to be offset by excess cash carryover.

Library Fund

Due to timing of when grants funds were received vs expended and cost for books were ordered vs received and expense incurred an increase in materials and services and corresponding cash carryover is proposed. In addition, due to an administration change in cash receipting which enhances controls and transparency we are now recording pass through revenue and corresponding expense received on behalf of the Friends of the Library, this has a 0 net financial impact on Library operations.

Street Fund, Fleet Fund, Transit Fund, Swim Fund, Tech Services Fund, & Facilities Fund

Personnel Services is expected to exceed budget due to variances between estimated budget and projected actual which is proposed to be offset by either excess cash carryover or a transfer from Materials and Services.

Sewer Fund

Stormwater

Unanticipated Materials and Services maintenance expense is proposed to be offset by excess cash carryover.

Unallocated

Personnel Services is expected to exceed budget due to variances between estimated budget and projected actual is p proposed to be offset by excess cash carryover.

RECOMMENDATION: Staff recommends that Council adopt Resolution No. 1239

ATTACHED: Resolution No. 1239

RESOLUTION NO. 1239
A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET
FOR THE 2015-2016 FISCAL YEAR

WHEREAS, the City of Canby budget for the 2015-2016 fiscal year was adopted by the City Council at a regular meeting thereof on Wednesday, June 17, 2015; and

WHEREAS, the City of Canby has since received unanticipated revenues and a supplemental budget is required in order to expend those revenues; and

WHEREAS, in order to increase transfers from one fund to another fund a supplemental budget is required; and

WHEREAS, in order not to overspend appropriations in any category of expenditures, it is necessary to transfer appropriations within several funds from certain expenditure categories to other expenditure categories.

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The following Supplemental Budget for the City of Canby for the 2015-2016 fiscal year is hereby adopted.

2015-2016 SUPPLEMENTAL BUDGET SUMMARY

Fund/Department	Resources		Requirements	
GENERAL FUND				
Administration		$ -	Personnel Services	$ 10,000
Court		-	Materials & Services	2,000
Parks		-	Personnel Services	12,000
Building	Permits	1,200	Personnel Services	1,200
Police		-	Personnel Services	15,000
Cemetery		-	Personnel Services	500
Cemetery	Name Bars	1,000	Materials & Services	1,500
Economic Development		-	Personnel Services	11,200
Economic Development	Independence Day	8,000	Materials & Services	13,000
Unallocated	Ret/Sep Reserve	19,746	Personnel Services	55,000
Unallocated	Cash Carryover	91,454		-
	Total Resources	$ 121,400	**Total Requirements**	$ 121,400
LIBRARY FUND	FOL Pass Thru	$ 7,500	Materials & Services	$ 10,000
	Cash Carryover	2,500		
	Total Resources	$ 10,000	**Total Requirements**	$ 10,000
STREET FUND	Cash Carryover	$ 2,500	Personnel Services	$ 2,500
	Total Resources	$ 2,500	**Total Requirements**	$ 2,500
FLEET FUND		$ -	Personnel Services	$ 1,000

			-	Materials & Services	$	(1,000)
	Total Resources	$	-	**Total Requirements**	$	-
TRANSIT FUND	Cash Carryover	$	4,500	Personnel Services	$	4,500
	Total Resources	$	4,500	**Total Requirements**	$	4,500
SWIM CENTER LEVY FUND		$	-	Personnel Services	$	10,000
			-	Contingency	$	(10,000)
	Total Resources	$	-	**Total Requirements**	$	-
TECH SERVICES FUND	Cash Carryover	$	500	Personnel Services	$	500
	Total Resources	$	500	**Total Requirements**	$	500
FACILITIES FUND	Cash Carryover	$	1,500	Personnel Services	$	1,500
	Total Resources	$	1,500	**Total Requirements**	$	1,500
SEWER FUND						
Stormwater		$	-	Materials & Services	$	25,000
Unallocated	Cash Carryover		25,100	Personnel Services		100
	Total Resources	$	25,100	**Total Requirements**	$	25,100

This resolution shall take effect on June 15, 2016.

ADOPTED by the Canby City Council at a regular meeting thereof on June 15, 2016.

Brian Hodson, Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

RESOLUTION NO. 1240

A RESOLUTION DOCUMENTING THE CITY'S ELECTION TO MAINTAIN COMPLIANCE WITH THE OLD PROCUREMENT STANDARDS IN RELATION TO PROCUREMENTS OF FEDERAL AWARDS AND ELECTING TO UTILIZE THE 2 YEAR GRACE PERIOD FOR IMPLEMENTATION OF THE NEW STANDARDS

WHEREAS, the City of Canby has maintained compliance with the old procurement standards set forth in the previously applicable A-133 Circular and A-87 cost circular and all applicable special provisions of specific grant awards; and

WHEREAS, On December 26, 2013, final guidance on 2 CFR Chapter I, Chapter II, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards was issued in 78 Federal Register 78598. This guidance, known as the "Super Circular" was drafted and adopted to streamline and simplify a variety of Office of Management and Budget (OMB) Circulars; and

WHEREAS, Originally scheduled to apply to non-Federal grantee audits beginning on or after December 26, 2014, further written guidance from the OMB with regard to implementation has granted a grace period for implementation of the procurement aspects of the Super Circular for two full fiscal years. In accordance with this guidance, the grace period applicable to the City of Canby ends on June 30, 2017. The same guidance granting the grace period for implementation also requires that "the non-Federal entity must document whether it is in compliance with the old or new standard, and must meet the documented standard."

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby as follows:

Section 1 Pursuant to OMB, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards the City of Canby hereby documents our compliance with old standards in relation to procurements of Federal Awards and elects to utilize the 2 year grace period for implementation of the new standards as allowed by the Super Circular.

This Resolution shall take effect on June 15, 2016.

ADOPTED this 15th day of June 2016 by the Canby City Council.

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

RESOLUTION NO. 1241

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE SUBMITTING TO THE ELECTORATE FOR THE NOVEMBER 8, 2016 ELECTION, A PROPOSED RENEWAL OF A FIVE-YEAR, LOCAL OPTION LEVY FOR THE CANBY SWIM CENTER AT THE RATE OF $0.49 PER $1000 ASSESSED VALUE BEGINNING IN FISCAL YEAR 2017-2018

WHEREAS, the Canby City Council has determined that there is a need to acquire funds to continue to fund the current level of service and provide pool maintenance at the Canby Swim Center for the next five years; and

WHEREAS, ORS 280.040, et. seq., authorizes the City to submit a measure to the City voters which, if approved, would allow the City to collect a local option tax levy for operational purposes;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. An election is hereby called for the purpose of submitting to the qualified voters of the City the question of authorizing renewal of a five-year local option levy in the amount of $0.49 per $1000 assessed value per year, commencing in fiscal year 2017-2018.
2. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 8, 2016 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
3. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the effect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.
4. The City Recorder, the City Administrator, and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 8, 2016 election.

This Resolution shall take effect upon adoption.

ADOPTED this 15th day of June 2016, by the Canby City Council.

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

Notice of Measure Election

City

SEL 802

rev 01/16 ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

Notice

Date of Notice	Name of City or Cities	Date of Election
6/15/16	City of Canby	11/8/2016

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

RENEWAL OF FIVE-YEAR LOCAL OPTION LEVY FOR SWIM CENTER OPERATIONS.

Question 20 words which plainly phrases the chief purpose of the measure.

SHALL THE CITY IMPOSE $0.49 PER $1,000.00 OF ASSESSED PROPERTY VALUE FOR FIVE YEARS, 2018-2022, FUNDING SWIM CENTER OPERATIONS? THIS MEASURE RENEWS CURRENT LOCAL OPTION TAXES.

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

This measure asks Canby voters to approve a renewal of a five-year local option tax levy for the Canby Swim Center. The current five-year local option tax levy for the Canby Swim center expires next year, and this measure asks Canby voters to continue for another five years at the same rate currently being paid. The property tax revenue would be used to fund current swim center services and provide for future pool maintenance. This levy is based on a fixed rate of $0.49 per $1,000.00 of assessed property value. The levy would be imposed for five years, beginning in fiscal year 2017-2018. Estimated total amount of money to be raised by this tax is $3,654,071.00 with the estimated amount raised each year as follows:

2017-2018 $688,261.00
2018-2019 $708,909.00
2019-2020 $730,176.00
2020-2021 $752,081.00
2021-2022 $774,644.00

The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:
→ any measure referred by the city governing body; **or**
→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? ☒ Yes ☐ No

Authorized City Official Not required to be notarized.

Name	Title
Kimberly Scheafer, MMC	City Recorder
Mailing Address	**Contact Phone**
PO Box 930, Canby, OR 97013	503.266.0733

By signing this document:
→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature | **Date Signed**

Measure Explanatory Statement for County Voters' Pamphlet

Important! Please read all instructions before completing this form. This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

Filing Information

Election: ☐ Primary 20_____ ☑ General 20 16 ☐ Special_____ Measure #____-_____

Ballot Title Caption

RENEWAL OF FIVE-YEAR LOCAL OPTION LEVY FOR SWIM CENTER OPERATIONS

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Joseph Lindsay, City Attorney

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):

City of Canby

CONTACT INFORMATION

Phone: Cell:_____ Work: (503) 266-0754 Home:_____

E-Mail: lindsayj@ci.canby.or.us

SIGNATURE

_____ _____

Signature of person responsible for content of 'Explanatory Statement' Date

MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

For Office Use only:

County:_____

Signed? Yes No

'Measure Explanatory Statement' attached?

Yes No

Intake Staff Initials:

Word Count (500 max):

Digital copy? Yes No

Review Staff Initials:

Measure Explanatory Statement for County Voters' Pamphlet Instructions

Filing Explanatory Statement – per OAR 165-022-0040

1. The governing body for any local government which has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect.
2. For an initiative or referendum by petition, an impartial, simple and understandable statement explaining the measure and its effect shall be submitted by the governing body of the local government only if the local government has an ordinance requiring the submission of such a statement.
3. 'Measure Explanatory Statement' shall be limited to 500 words/numbers maximum.
4. The County Clerk shall reject any 'Referred Measure' submitted without an 'Explanatory Statement'.

General Instructions

1. An original, faxed, e-mail attachment or copy of a typewritten and signed 'Measure Explanatory Statement for County Voters' Pamphlet' must be filed with the County Elections office no later than 5 pm on the 'Notice of Measure' filing deadline. Postmarks do not count. **Any filings received or are unsigned after 5 pm on the deadline will be rejected.**
2. Submit the 'Measure Explanatory Statement' complete on a standard 8 ½" x 11" white paper containing the 'Measure Explanatory Statement' and attach to the signed form. 'Measure Explanatory Statement' is to be submitted typewritten.
3. **The word count must not exceed 500 words/numbers. If the explanation exceeds 500 words/numbers it will be edited by the County Elections office.**
4. The 'Measure Explanatory Statement' shall include the name and signature of the person responsible for the content of the statement and the name of the governing body that person is authorized to represent.
5. Pursuant to ORS 251.415 the County Clerk shall reject any statement which:
    a. Contains any obscene, profane or defamatory language;
    b. Incites or advocates hatred, abuse or violence toward any person or group; or
    c. Contains any language which may not legally be circulated through the mail.
6. The County Clerk will not correct spelling, grammar or punctuation errors. 'Measure Explanatory Statement' will not be returned for proofreading after it has been filed.
7. **In addition** to filing the 'Measure Explanatory Statement for County Voters' Pamphlet', **it is recommended that the responsible party for the 'Measure Explanatory Statement' e-mail the electronic text (Word) to the County Elections office. The electronic text must mirror the submitted print version exactly.**

Contact Information

→ **Clackamas County Elections**, 1710 Red Soils Ct, Ste 100, Oregon City OR 97045-4300
phone 503-655-8510 fax 503-655-8461 e-mail elections@co.clackamas.or.us

→ **Multnomah County Elections**, 1040 SE Morrison St, Portland OR 97214-2417
phone 503-988-3720 fax 503-988-3719 e-mail elections@multco.us

→ **Washington County Elections**, 3700 SW Murray Blvd, Ste 101, Beaverton OR 97005-2365
phone 503-846-5800 fax 503-846-5810 e-mail elections@co.washington.or.us

→ **Yamhill County Elections**, 414 NE Evans St, McMinnville, OR 97218-4607
phone 503-434-7518 fax 503-434-7520 e-mail elections@co.yamhill.or.us

EXPLANATORY STATEMENT FOR THE VOTERS PAMPHLET

MEASURE RENEWING A FIVE-YEAR LOCAL OPTION LEVY FOR THE CANBY SWIM CENTER

Measure No. _____ Word Total 298 (500 max)

Since 1970, the Canby Swim Center has provided swimming lessons for all ages, water exercise and therapy classes, lap swimming, water safety training, parent-child classes, the Canby Gators swim club and the Penguin Club (a junior swim team during the summer). The Canby Swim Center also partners with Canby Schools to provide a place for practice and competitions. It is also available for private rentals and events.

Currently, funding for the maintenance and operation of the Canby Swim Center is provided by three sources including fees, concession sales, and the five-year Swim Center Levy last approved by voters in 2011. According to the forecasted Swim Center budget for 2018, the fees and concession sales will only provide approximately 21% of the total operating revenue leaving the remaining 79% to be funded by the local option levy. Renewal of this levy would allow the swim center to continue to maintain the present level of service and provide scheduled, necessary maintenance for the Swim Center for next five years. Absent the passage of this levy there is no identified source of additional funding to keep the Swim Center operating.

The Canby Swim Center is currently staffed with a full-time, certified Facility Operator, a full-time, certified Program Manager, and a full-time Program Coordinator, as well as part-time certified lifeguards and swim instructors.

This renewal is a continuation of the same rate currently paid throughout the last five years under the current swim levy. This levy is based on a fixed rate of $0.49 per $1000 of assessed property value. The estimated total amount of money to be raised by this tax levy is approximately $3,654,071.00 over the five year period. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor.

RESOLUTION NO. 1242

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE SUBMITTING TO THE ELECTORATE FOR THE NOVEMBER 8, 2016 ELECTION, A PROPOSED REMOVAL OF A CITYWIDE BAN ON MARIJUANA BUSINESSES WITHIN CANBY.

WHEREAS, House Bill 3400 provides that a city council may adopt an ordinance prohibiting the establishment of marijuana businesses within the city limits; and

WHEREAS, the City of Canby City Council adopted Ordinance 1427 on November 4, 2015, which declared a ban of marijuana businesses in the City of Canby; and

WHEREAS, HB 3400 requires the citywide ban on marijuana businesses to be referred to the electors of the City for Canby for approval or denial at the November 8, 2016 statewide general election.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. An election is hereby called for the purpose of submitting to the qualified voters of the City the question of allowing the establishment of marijuana businesses within the City.
2. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 8, 2016 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
3. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the effect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.
4. The City Recorder, the City Administrator, and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 8, 2016 election.

This Resolution shall take effect upon adoption.

ADOPTED this 15th day of June 2016, by the Canby City Council.

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

Notice of Measure Election

City

SEL 802

rev 01/16 ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

Notice

Date of Notice	Name of City or Cities	Date of Election
6/15/16	City of Canby	11/8/2016

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

REMOVING A CITYWIDE BAN ON MARIJUANA BUSINESSES IN CANBY

Question 20 words which plainly phrases the chief purpose of the measure.

SHALL THE CITY OF CANBY ALLOW THE ESTABLISHMENT OF MARIJUANA BUSINESSES WITHIN THE CITY?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

Oregon State law now allows operation of state-licensed marijuana businesses: producers, processors, wholesalers, dispensaries, and retailers for both medical and recreational uses of marijuana. If properly licensed in this state, the Oregon Liquor Control Commission authorizes marijuana businesses for recreational use while the Oregon Health Authority still regulates marijuana businesses that are solely for medical uses.

In accordance with HB 3400, Oregon State law now permits a City Council to adopt an ordinance prohibiting the establishment of marijuana businesses within the city limits, which must then be referred to the electors of the City for approval. On November 4, 2015, Canby City Council adopted Ordinance No. 1427, declaring a ban on marijuana businesses (both recreational and medical). By law, Ordinance No. 1427 is now being referred to the electors of the City of Canby for approval or denial at the November 8, 2016 statewide General Election. This is a vote to either remove the ban on marijuana businesses and allow such businesses within the city limits, or to continue the ban.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:
→ any measure referred by the city governing body; **or**
→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? ☒ Yes ☐ No

Authorized City Official Not required to be notarized.

Name	Title
Kimberly Scheafer, MMC	City Recorder
Mailing Address	**Contact Phone**
PO Box 930, Canby, OR 97013	503.266.0733

By signing this document:
→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature | **Date Signed**

Measure Explanatory Statement for County Voters' Pamphlet

Important! Please read all instructions before completing this form. This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

Filing Information

Election: ☐ Primary 20_____ ☑ General 20 16 ☐ Special_____ Measure #____-_____

Ballot Title Caption

REMOVING A CITYWIDE BAN ON MARIJUANA BUSINESSES IN CANBY

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Joseph Lindsay, City Attorney

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):

City of Canby

CONTACT INFORMATION

Phone: Cell:_____ Work: (503) 266-0754 Home:_____

E-Mail: lindsayj@ci.canby.or.us

SIGNATURE

_____ _____

Signature of person responsible for content of 'Explanatory Statement' Date

MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

For Office Use only:

○ County:_____

Signed? ○ Yes ○ No

'Measure Explanatory Statement' attached?

○ Yes ○ No

Intake Staff Initials:

Word Count (500 max):

Digital copy? ○ Yes ○ No

Review Staff Initials:

Measure Explanatory Statement for County Voters' Pamphlet Instructions

Filing Explanatory Statement – per OAR 165-022-0040

1. The governing body for any local government which has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect.
2. For an initiative or referendum by petition, an impartial, simple and understandable statement explaining the measure and its effect shall be submitted by the governing body of the local government only if the local government has an ordinance requiring the submission of such a statement.
3. 'Measure Explanatory Statement' shall be limited to 500 words/numbers maximum.
4. The County Clerk shall reject any 'Referred Measure' submitted without an 'Explanatory Statement'.

General Instructions

1. An original, faxed, e-mail attachment or copy of a typewritten and signed 'Measure Explanatory Statement for County Voters' Pamphlet' must be filed with the County Elections office no later than 5 pm on the 'Notice of Measure' filing deadline. Postmarks do not count. **Any filings received or are unsigned after 5 pm on the deadline will be rejected.**
2. Submit the 'Measure Explanatory Statement' complete on a standard 8 ½" x 11" white paper containing the 'Measure Explanatory Statement' and attach to the signed form. 'Measure Explanatory Statement' is to be submitted typewritten.
3. **The word count must not exceed 500 words/numbers. If the explanation exceeds 500 words/numbers it will be edited by the County Elections office.**
4. The 'Measure Explanatory Statement' shall include the name and signature of the person responsible for the content of the statement and the name of the governing body that person is authorized to represent.
5. Pursuant to ORS 251.415 the County Clerk shall reject any statement which:
   a. Contains any obscene, profane or defamatory language;
   b. Incites or advocates hatred, abuse or violence toward any person or group; or
   c. Contains any language which may not legally be circulated through the mail.
6. The County Clerk will not correct spelling, grammar or punctuation errors. 'Measure Explanatory Statement' will not be returned for proofreading after it has been filed.
7. **In addition** to filing the 'Measure Explanatory Statement for County Voters' Pamphlet', **it is recommended that the responsible party for the 'Measure Explanatory Statement' e-mail the electronic text (Word) to the County Elections office. The electronic text must mirror the submitted print version exactly.**

Contact Information

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phone 503-988-3720 fax 503-988-3719 e-mail elections@multco.us

→ **Washington County Elections**, 3700 SW Murray Blvd, Ste 101, Beaverton OR 97005-2365
phone 503-846-5800 fax 503-846-5810 e-mail elections@co.washington.or.us

→ **Yamhill County Elections**, 414 NE Evans St, McMinnville, OR 97218-4607
phone 503-434-7518 fax 503-434-7520 e-mail elections@co.yamhill.or.us

EXPLANATORY STATEMENT FOR THE VOTERS PAMPHLET

MEASURE REMOVING A CITYWIDE BAN ON MARIJUANA BUSINESSES IN CANBY

Measure No. _____ Word Total 345 (500 max)

Oregon State law now allows operation of state-licensed marijuana businesses: producers, processors, wholesalers, dispensaries, and retailers for both medical and recreational uses of marijuana. If properly licensed in this state, the Oregon Liquor Control Commission authorizes marijuana businesses for recreational use while the Oregon Health Authority still regulates marijuana businesses that are solely for medical uses.

In accordance with House Bill 3400, Oregon State law now permits a city council to adopt an ordinance prohibiting the establishment of marijuana businesses within the city limits, which must then be referred to the electors of the City for approval. On November 4, 2015, the Canby City Council adopted Ordinance No. 1427, declaring a ban on marijuana businesses (both recreational and medical). By law, Ordinance No. 1427 is now being referred to the electors of the City of Canby for approval or denial at the November 8, 2016 statewide general election.

The current ban does not affect any individual's rights regarding the legal possession of marijuana within Canby or any individual's rights regarding their ability to legally grow marijuana plants within the legal limits set by Measure 91 and subsequent, related laws.

This referral allows the electorate to either allow marijuana businesses in the City of Canby or to continue to have a ban on such businesses within the city limits.

A "yes" vote would allow marijuana businesses to operate in the City of Canby. It would remove the ban established by the Canby City Council in Ordinance 1427. A "yes" vote says yes to marijuana businesses. If marijuana businesses are allowed to operate in Canby, and the three percent city tax on the retail sale of marijuana items is also approved by voters, then that additional tax revenue will go to the City's general fund.

A "no" vote would continue the ban on the establishment of any marijuana businesses in the City of Canby. A "no" vote says no to marijuana businesses. If marijuana businesses are banned in Canby, then the City cannot collect any tax revenue from retail sales of marijuana items sold in the city.

RESOLUTION NO. 1243

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE SUBMITTING TO THE ELECTORATE FOR THE NOVEMBER 8, 2016 ELECTION, A PROPOSED THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY.

WHEREAS, House Bill 3400 provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

WHEREAS, the City of Canby City Council adopted Ordinance 1428, which imposes a tax of three percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. An election is hereby called for the purpose of submitting to the qualified voters of the City the question of authorizing a three percent tax on the sale of marijuana items by a marijuana retailer within the City.
2. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 8, 2016 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
3. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the effect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.
4. The City Recorder, the City Administrator, and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 8, 2016 election.

This Resolution shall take effect upon adoption.

ADOPTED this 15th day of June 2016, by the Canby City Council.

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

Notice of Measure Election

City

SEL 802

rev 01/16 ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

Notice

Date of Notice	Name of City or Cities	Date of Election
6/15/16	City of Canby	11/8/2016

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

IMPOSES CITY TAX ON MARIJUANA RETAILER'S SALE OF MARIJUANA ITEMS

Question 20 words which plainly phrases the chief purpose of the measure.

SHALL THE CITY OF CANBY IMPOSE A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

Oregon State law permits a City Council to adopt an ordinance imposing up to a three percent tax on the sale of marijuana items within the city by a marijuana retailer. The tax is only on the sale of marijuana items from a marijuana retailer to a consumer for their recreational use. Medical marijuana is not subject to this tax.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the City of Canby by a marijuana retailer. However, this tax would only be collected if the ban on marijuana businesses in Canby is removed.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:
→ any measure referred by the city governing body; **or**
→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? ☒ Yes ☐ No

Authorized City Official Not required to be notarized.

Name	Title
Kimberly Scheafer, MMC	City Recorder
Mailing Address	**Contact Phone**
PO Box 930, Canby, OR 97013	503.266.0733

By signing this document:
→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature | **Date Signed**

Measure Explanatory Statement for County Voters' Pamphlet

Important! Please read all instructions before completing this form. This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

Filing Information

Election: ☐ Primary 20____ ☑ General 20 16 ☐ Special_____ Measure #____-_____

Ballot Title Caption

IMPOSES CITY TAX ON MARIJUANA RETAILER'S SALE OF MARIJUANA ITEMS

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Joseph Lindsay, City Attorney

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):

City of Canby

CONTACT INFORMATION

Phone: Cell:_____ Work: (503) 266-0754 Home:_____

E-Mail: lindsayj@ci.canby.or.us

SIGNATURE

_____ _____

Signature of person responsible for content of 'Explanatory Statement' Date

MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

For Office Use only:

○ County:_____

Signed? ○ Yes ○ No

'Measure Explanatory Statement' attached?

○ Yes ○ No

Intake Staff Initials:

Word Count (500 max):

Digital copy? ○ Yes ○ No

Review Staff Initials:

EXPLANATORY STATEMENT FOR THE VOTERS PAMPHLET

MEASURE IMPOSING CITY TAX ON MARIJUANA RETAILER'S SALE OF MARIJUANA ITEMS

Measure No. _____ Word Total 172 (500 max)

SUMMARY: Oregon State law permits a City Council to adopt an ordinance imposing up to a three percent tax on the sale of marijuana items within the city by a marijuana retailer. The tax is only on the sale of marijuana items from a marijuana retailer to a consumer for their recreational use. Medical marijuana is not subject to this tax.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the City of Canby by a marijuana retailer. However, this tax would only go into effect if the voters allow marijuana businesses to operate in the City of Canby.

A "yes" vote would establish a three percent tax on the retail sale of marijuana items in the City. It would only be collected if marijuana retailers were allowed to do business in Canby. This tax would not apply to the sale of medical marijuana in Canby.

A "no" vote would not impose any city tax on the retail sale of marijuana items in Canby.

MEMORANDUM

To: Mayor Hodson and Canby City Council

From: Amanda Zeiber, Assistant City Administrator/HR Director

Date: June 15, 2016

Re: Resolution No. 1245

Background Summary

The City of Canby provides workers compensation coverage to volunteers, elected City officials and City boards and commissions. Coverage is provided through a resolution, which is reviewed annually to capture any changes from current or prior year(s) or as a result of new legislation or mandated changes. The City's insurance provider, City County Insurance Services, requires the City to have a current volunteer resolution on file. The City of Canby volunteer resolution was previously updated in June 2015. There are no changes in coverage from the prior year, however the volunteer resolution now specifically lists which types of non-public safety volunteers will be covered.

Recommendation

Staff recommends that the Council approve Resolution 1245, authorizing workers compensation coverage for City volunteers, elected officials and boards and commissions.

Attached

Resolution No. 1245

RESOLUTION NO. 1245

A RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF CANBY AND REPEALING RESOLUTION 1215.

WHEREAS, the Canby City Council elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed on the Volunteer Election Form, noted on CIS payroll schedule, and verified at audit.

1. **Public Safety Volunteers.** ☐**Applicable** ☒**Non-applicable**

An assumed monthly wage of $800 per volunteer will be used for public safety volunteers in the following volunteer positions:

☒ Police reserve

2. **Volunteer boards, commissions, and councils for the performance of administrative duties.** ☒**Applicable** ☐**Non-applicable**

An aggregate assumed annual wage of $2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are (list each body):

a. Bike and Pedestrian Committee
b. City Council & Mayor
c. Library Board
d. Parks and Recreation Advisory Board
e. Planning Commission
f. Public Transit Advisory Committee
g. Traffic Safety Commission

3. **Manual labor by elected officials.** ☐**Applicable** ☒**Non-applicable**

An assumed monthly wage of $800 per month will be used for public officials for the performance of non-administrative duties other than those covered in paragraph 2 above. Covered duties include:

a. Participation in City of Canby parades/events

4. **Non-public safety volunteers.** ☒**Applicable** ☐**Non-applicable**

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed.

☒ General administrative/clerical
☒ Library
☒ Parks / Public Works

5. **Public Events** ☒**Applicable** ☐**Non-applicable**

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation:

a. Canby Independence Day Celebration
b. Canby Street Dance

6. **Community Service Volunteers/Inmates** ☒**Applicable** ☐**Non-applicable**

Pursuant to ORS 656.041, workers' compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by the City of Canby Municipal Court. Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. **Other Volunteers**

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided, that the City of Canby:

a. Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage
b. CIS approves the coverage and date of coverage
c. CIS provides written confirmation of coverage

City of Canby agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canby to provide for workers' compensation insurance coverage as indicated above. This resolution will be reviewed annually.

This resolution shall take effect July 1, 2016.

ADOPTED this 15th day of June 2016, by the Canby City Council.

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

MEMORANDUM

To: Mayor Hodson and Canby City Council

From: Amanda Zeiber, Assistant City Administrator/HR Director

Date: June 15, 2016

Re: Resolution No. 1245

Background Summary

The City of Canby provides workers compensation coverage to volunteers, elected City officials and City boards and commissions. Coverage is provided through a resolution, which is reviewed annually to capture any changes from current or prior year(s) or as a result of new legislation or mandated changes. The City's insurance provider, City County Insurance Services, requires the City to have a current volunteer resolution on file. The City of Canby volunteer resolution was previously updated in June 2015. There are no changes in coverage from the prior year, however the volunteer resolution now specifically lists which types of non-public safety volunteers will be covered.

Recommendation

Staff recommends that the Council approve Resolution 1245, authorizing workers compensation coverage for City volunteers, elected officials and boards and commissions.

Attached

Resolution No. 1245

ORDINANCE NO. 1442

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 2.0 ACRES INCLUDING 1.85 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 1100 AND 1101 OF SECTION 27C, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-27C AND .15 ACRES (6600 SQUARE FEET) OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on June 1, 2016, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation/Zone Change 16-01 which called for the annexation of 2.0 acres into the City of Canby. Applicant and owners of the annexed property are Ryan T. and Kerrie A. Oliver of tax lot 1100 and Lloyd and Jo Ann Walch of tax lot 1101 Section 27C, T3S R1E WM (Assessor Map 3-1E-27C) and one-half of the adjacent right-of-way located on the east side of N. Redwood Street. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property in the City and set the boundaries of the new property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential for tax lots 1100 and 1101 which conforms with the Canby Comprehensive Plan, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant/owners listed above to change the zoning of two parcels and one-half the adjacent right-of-way totaling 2.00 acres from Rural Residential Farm Forest 5-Acre (RRFF-5) to City Low Density Residential (R-1); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 9, 2016 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change at a public hearing on May 9, 2016 and at the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the applications. The written Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on June 1, 2016; and

2nd Reading

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on June 1, 2016.

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

Section 1. It is hereby proclaimed by the Council of Canby that 2.0 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 2. The annexed land shall be rezoned from the County Rural Residential Farm Forest 5-Acre (RRFF-5) to City Low Density Residential (R-1) as called for in Canby's Comprehensive Plan and the Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

SUBMITTED to the Council and read the first time at a regular meeting thereof on June 1, 2016 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on June 15, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

_____
Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on June 15, 2016 by the following vote:

YEAS_____ NAYS_____

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

EXHIBIT

A

COMPASS Land Surveyors

#7675
RYAN OLIVER
PROPOSED ANNEXATION TO THE CITY OF CANBY

"EXHIBIT A"

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING A PORTION OF LOT 99, "CANBY GARDENS", A SUBDIVISION PLAT OF RECORD, PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

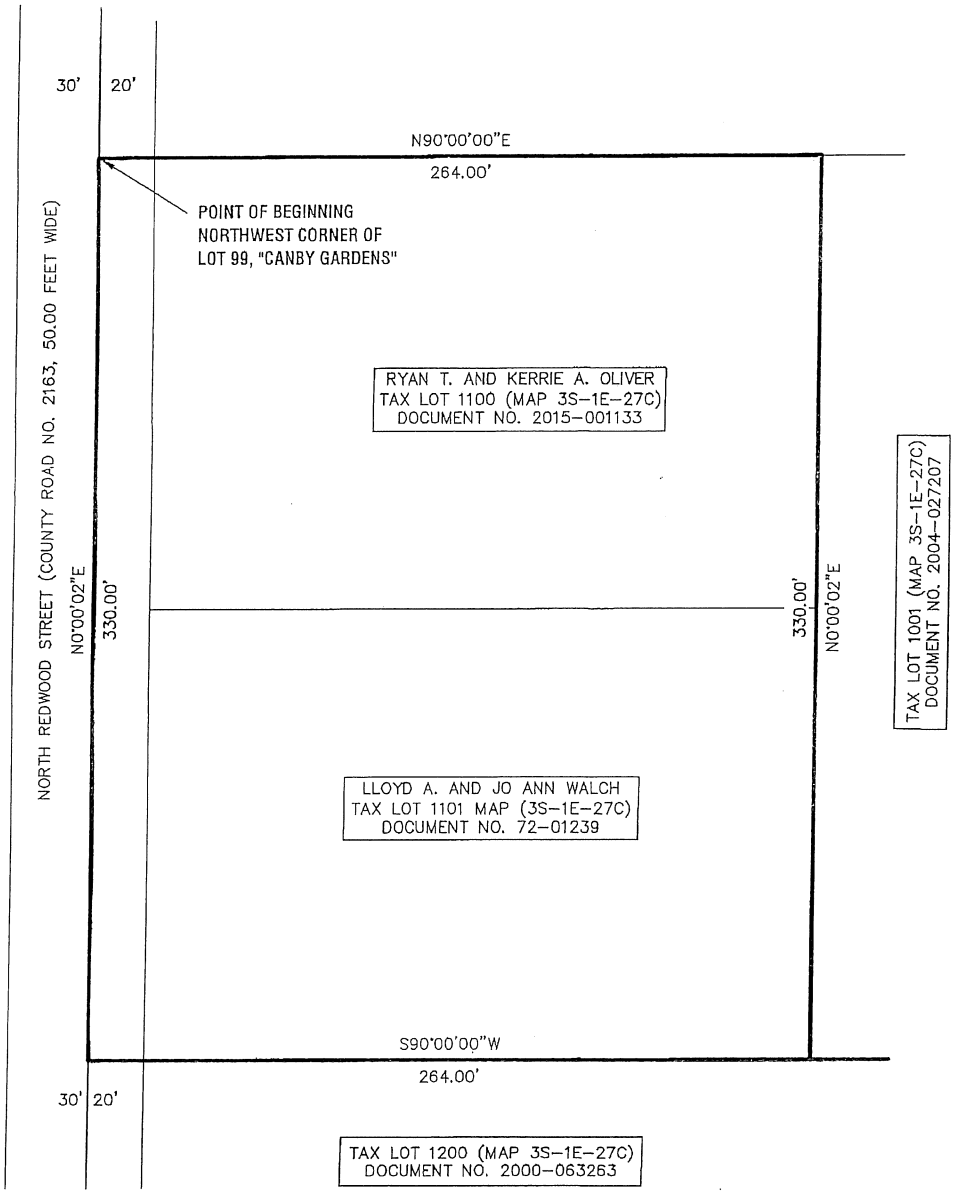
BEGINNING AT THE NORTHWEST CORNER OF LOT 99, "CANBY GARDENS", PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS, SAID POINT BEING ON CENTERLINE OF NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE); THENCE N.90°00'00"E., 264.00 FEET; THENCE S.00°00'02"W., 330.00 FEET TO THE SOUTH LINE OF LOT 99, "CANBY GARDENS"; THENCE ALONG THE SOUTH LINE OF LOT 99, S.90°00'00"W., 264.00 FEET TO THE CENTERLINE OF NORTH REDWOOD STREET, BEING THE WEST LINE OF LOT 99; THENCE ALONG SAID CENTERLINE, N.00°00'02"E., 330.00 FEET TO THE POINT OF BEGINNING, CONTAINING 87120 SQUARE FEET (2.00± ACRES) MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

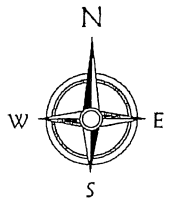
OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016

4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com



PROPOSED ANNEXATION
87,120 SQUARE FEET ±
2.00 ACRES ±



Scale: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016

EXHIBIT "B"

7675EXH2.dwg

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

PROPOSED ANNEXATION TO THE CITY OF CANBY, OREGON FOR RYAN OLIVER, LOCATED IN THE SW $\frac{1}{4}$ OF SECTION 27, T.3S., R.1E., WM

ORDINANCE NO. 1443

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 4.71 ACRES INCLUDING 4.57 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301, AND 302 OF SECTION 34B, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-34B AND .14 ACRES (6270 SQUARE FEET) OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR TAX LOTS (301 & 302) AND TO CITY HIGH DENSITY RESIDENTIAL (R-2) FOR TAX LOT (300) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on June 1, 2016, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation/Zone Change 16-02 which called for the annexation of 4.71 acres into the City of Canby. Applicant (Allen Manuel) and owners of the annexed property ManDan, LLC consisting of member Allen Manual and member Glennette Danforth, tax lots 300, 301, and 302 Section 34B, T3S R1E WM (Assessor Map 3-1E-34B) along with one-half of the adjacent right-of-way located on the east side of N. Redwood Street. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property in the City and set the boundaries of the new property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1.5 Medium Density Residential for tax lots 301 and 302 and R-2 High Density Residential for tax lot 300 conforming with the Canby Comprehensive Plan, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant/owners listed above to change the zoning of three parcels and one-half the adjacent right-of-way totaling 4.71 acres from Rural Residential Farm Forest 5-Acre (RRFF-5) to City Medium Low Density Residential (R-1.5) and High Density Residential R-2; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 9, 2016 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change at a public hearing on May 9, 2016 and at the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the applications. The written Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

2nd Reading

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on June 1, 2016; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on June 1, 2016.

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

Section 1. It is hereby proclaimed by the Council of Canby that 4.71 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 2. The annexed land shall be rezoned from the County Rural Residential Farm Forest 5-Acre (RRFF-5) to City Medium Density Residential (R-1.5) and High Density Residential (R-2) as called for in Canby's Comprehensive Plan and the Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

SUBMITTED to the Council and read the first time at a regular meeting thereof on June 1, 2016 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on June 15, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

_____

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on June 15, 2016 by the following vote:

YEAS_____ NAYS_____

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

EXHIBIT

A

Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008 Office: (503)201-3116

April 25, 2016
MANDAN LLC
Project: 0160

Redwood Street Right of Way Description
Map 31E34B
Clackamas County, Oregon

A portion of Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 31, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon, being more particularly described as follows:

Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147
RENEWS: 6/30/17

EXHIBIT

A

Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008 Office: (503)201-3116

April 25, 2016
MANDAN LLC
Project: 0160

Total Property Description
Tax Lots 300, 301, 302 Map 31E34B
Clackamas County, Oregon

Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 31, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon.

EXCEPT the North 16.50 feet of said Lot 93.

ALSO EXCEPTING THE FOLLOWING:
Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.

Contains 4.57 acres.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147
RENEWS: 6/30/17

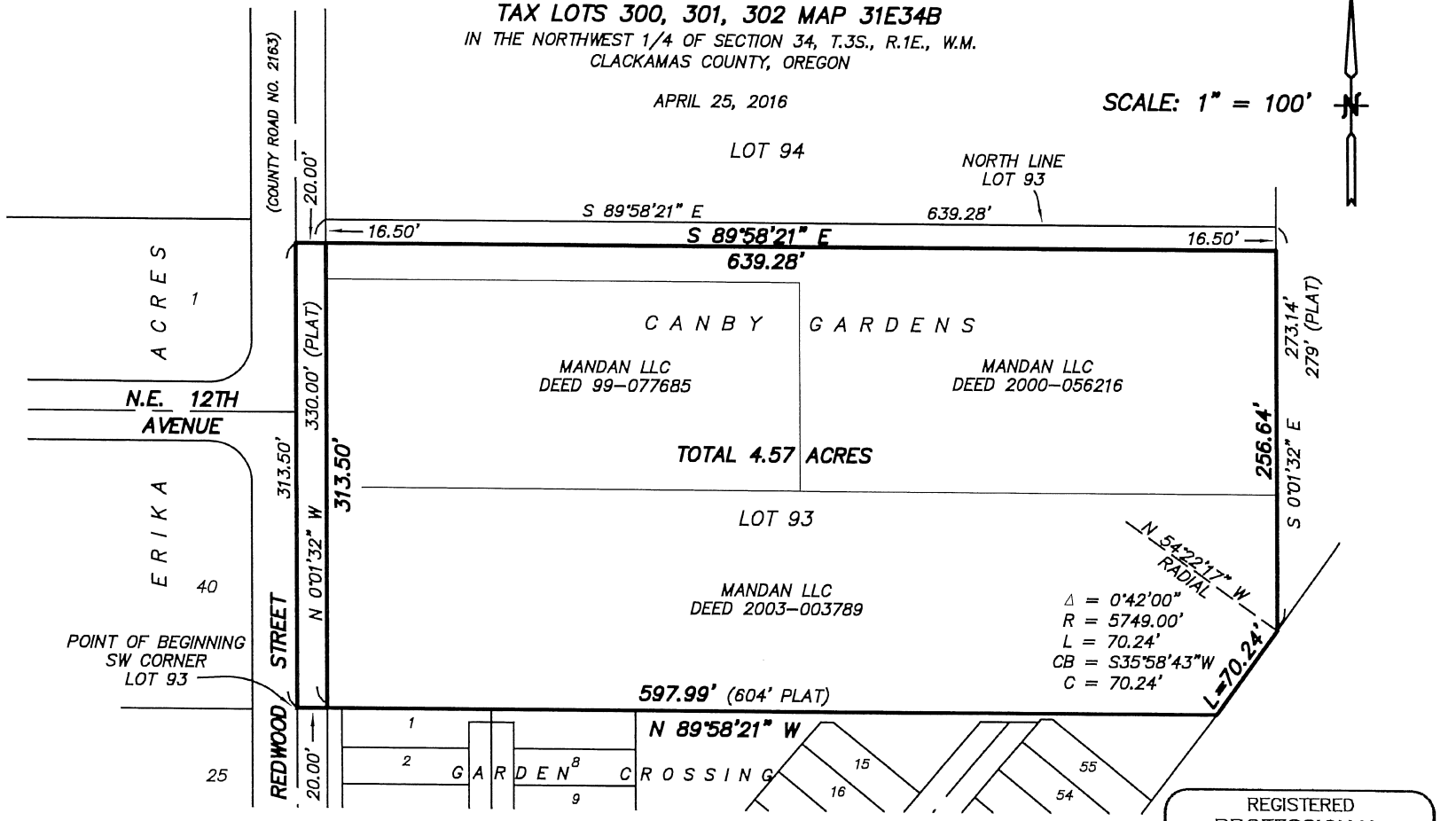
EXHIBIT 'B'

MANDAN LLC
TAX LOTS 300, 301, 302 MAP 31E34B

IN THE NORTHWEST 1/4 OF SECTION 34, T.3S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON

APRIL 25, 2016

SCALE: 1" = 100'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

RENEWS: 6/30/17

GRIFFIN LAND SURVEYING INC.
6107 SW MURRAY BLVD. #409
BEAVERTON, OR. 97008
(503) 201-3116

ORDINANCE NO. 1444

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 31.83 ACRES INCLUDING 31.38 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301, 500, 1200, 1300, 1301, AND 1302, OF SECTION 27C, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-27C) AND TAX LOTS 700 AND 701 OF SECTION 34B, T3S, RIE WM (ASSESSOR TAX MAP 3-1E-34B) AND .45 ACRES OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on June 1, 2016, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation/Zone Change 16-03 which called for the annexation of 31.83 acres into the City of Canby. Applicant (Ethan Manuel) and owners of the annexed property are: Ethan A. and Stephanie L. Manuel, tax lots 300, 301, 500 (3S-1E-27C) and 700 (3S-1E-34B); Steven K. Stewart, Pamela Anne King, Rebecca S. Gray Tax Lot 701 (3S-1E-34B); Jim Boyle, Hugh R. Boyle, John D. Boyle, Karen D. Boyle, Kristeen A. Boyle, Kathleen M. Boyle, Tax Lot 1200 (3S-1E-27C), Jerry and Londa Corcoran Tax Lot 1300 (3S-1E-27C), Damon K. and Cynthia L. Liles Tax Lot 1301 (3S-1E-27C), Eric W. and Josephine B. Recht Tax Lot 1302 (3S-1E-27C), and one-half of the adjacent right-of-way located on the east side of N. Redwood Street. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property in the City and set the boundaries of the new property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential which conforms with the Canby Comprehensive Plan, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant/owners listed above to change the zoning of nine parcels and one-half the adjacent right-of-way totaling 31.83 acres from Rural Residential Farm Forest 5-Acre (RRFF-5) to City Low Density Residential (R-1); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 9, 2016 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change at a public hearing on May 9, 2016 and at the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the applications. The written Findings, Conclusions and Order was approved by the

2nd Reading

Planning Commission and forwarded to the Council with its recommendation; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on June 1, 2016; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on June 1, 2016.

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

Section 1. It is hereby proclaimed by the Council of Canby that 31.83 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 2. The annexed land shall be rezoned from the County Rural Residential Farm Forest 5-Acre (RRFF-5) to City Low Density Residential (R-1) as called for in Canby's Comprehensive Plan and the Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

SUBMITTED to the Council and read the first time at a regular meeting thereof on June 1, 2016 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on June 15, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

_____

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on June 15, 2016 by the following vote:

YEAS_____ NAYS_____

_____
Brian Hodson
Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

COMPASS
Land Surveyors

EXHIBIT
A

#7675
ETHAN MANUEL
PROPOSED ANNEXATION TO THE CITY OF CANBY

"EXHIBIT A"

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27 AND THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 96, "CANBY GARDENS", A SUBDIVISION PLAT OF RECORD, PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS;, SAID POINT BEING ON THE CENTERLINE OF NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE), ALSO BEING THE WEST LINE OF LOTS 96, 97 AND 98, OF "CANBY GARDENS"; THENCE ALONG SAID CENTERLINE, N.00°00'02"E., 990.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 98; THENCE ALONG THE NORTH LINE OF SAID LOT 98 AND THE EASTERLY EXTENSION THEREOF, BEING THE NORTH LINE OF LOT 101 OF "CANBY GARDENS", N.90°00'00"E., 1308.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 101, SAID CORNER BEING ON THE WEST LINE OF "WILLOW CREEK ESTATES 2", A SUBDIVISION PLAT OF RECORD, PLAT NO. 3050, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG SAID WEST LINE, BEING THE EAST LINE OF AFORESAID LOT 101, S.00°47'00"E., 294.81 FEET TO THE NORTH CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2010-022504, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID TRACT, S.57°19'38"E., 338.12 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD (100.00 FEET WIDE); THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE SOUTHEASTERLY LINE OF SAID DOCUMENT NO. 2010-022504, S.32°37'29"W., 100.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE MOST EASTERLY LINE OF PARCEL 1, OF PARTITION PLAT NO. 2013-009, S.32°37'29"W., 509.41 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 2013-009; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 2 THE FOLLOWING TWO COURSES; N.89°57'13"W., 609.06 FEET; THENCE N.89°59'36"W., 659.46 FEET TO THE POINT OF BEGINNING, CONTAINING 1386719 SQUARE FEET (31.83± ACRES), MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016

4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com

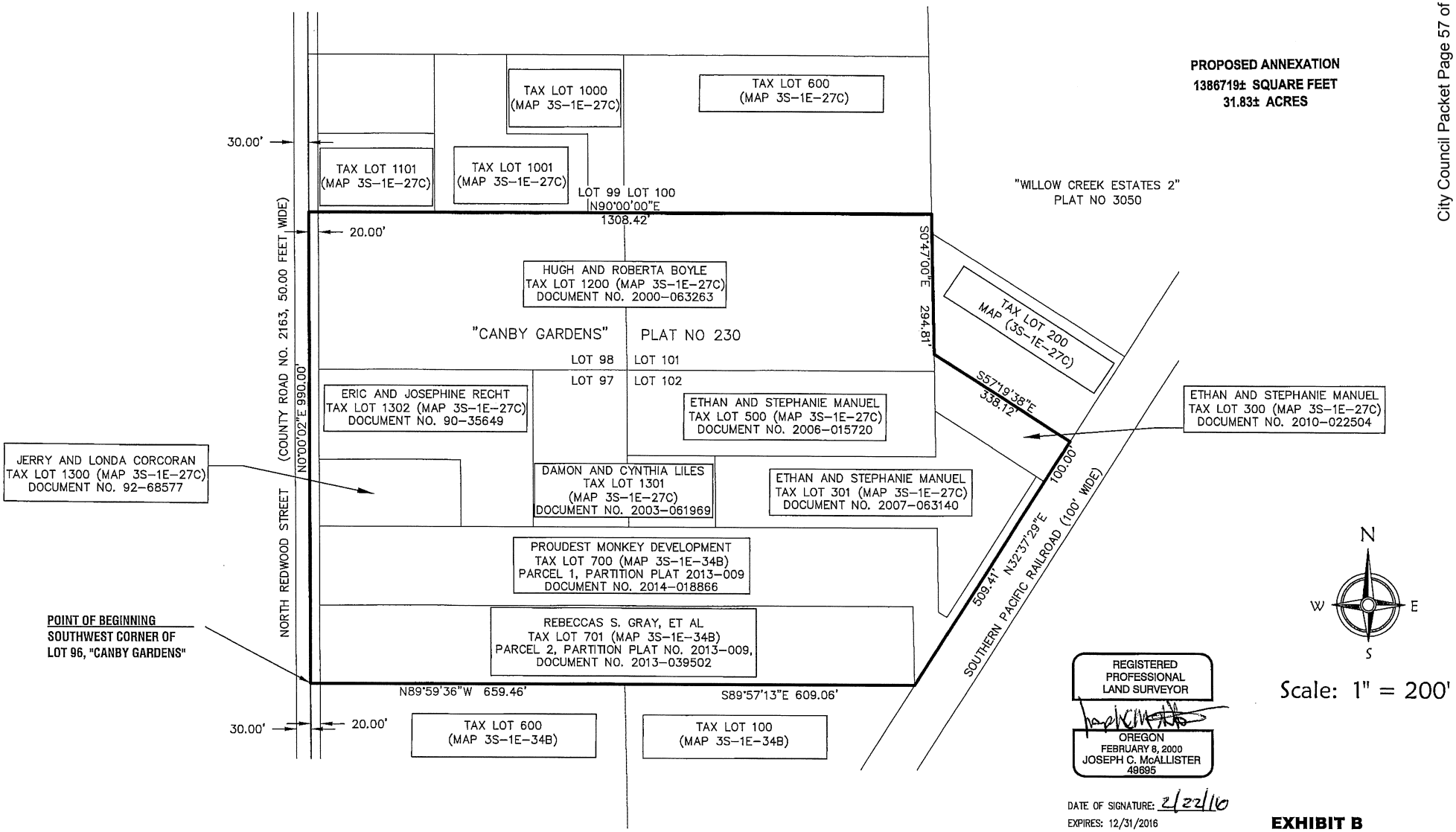


EXHIBIT B

DRAWN JCM	DESIGN	CHECK MAR
SCALE: 1" = 200'	DATE: FEBRUARY 19, 2016	
7675 EXHIBIT 1		

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

ETHAN MANUEL
1612 N. REDWOOD STREET
CANBY, OREGON

PROPOSED ANNEXATION TO THE CITY OF CANBY, OREGON
LOCATED IN THE SW ¼ OF SECTION 27 AND TH NW ¼ OF SECTION 34, T3S., R.1 E., WM

ORDINANCE NO. 1445

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES TO COMPLETE THE MULINO ROAD SANITARY SEWER PUMPING STATION AND PIPELINES

WHEREAS, the CITY OF CANBY has heretofore advertised and received proposals for Municipal Engineering Services, completed oral interviews and selected CURRAN-McLEOD, INC. for the City's Engineer of Record; and

WHEREAS, CURRAN-McLEOD, INC. has provided the Master Planning, preliminary engineering and cost estimates for engineering and construction of the Mulino Road Sanitary Sewer Pumping Station and associated pipelines; and

WHEREAS, the CITY OF CANBY anticipates the need to complete construction of the Mulino Road Sanitary Sewer Pumping Station within the 2016-17 Fiscal Year; Now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Administrator is hereby authorized and directed to make, execute, and declare in the name of the CITY OF CANBY and on its behalf, an appropriate contract with CURRAN-MCLEOD, INC for engineering services in an amount not to exceed $118,000. A copy of a contract with CURRAN-McLEOD, INC., is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 15, 2016; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, July 6, 2016, after the hour of 7:30 PM at the Council Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

_____

Kimberly Scheafer, MMC
City Recorder

2nd Reading

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 6th day of July 2016, by the following vote:

YEAS_____ NAYS_____

_____
Brian Hodson, Mayor

ATTEST:

_____
Kimberly Scheafer, MMC
City Recorder

CITY OF CANBY
2016 MULINO ROAD PUMPING STATION IMPROVEMENTS
AGREEMENT FOR ENGINEERING SERVICES

This Agreement is made this _____ day of _____, 2016, by and between the **CITY OF CANBY**, Oregon, hereafter referred to as the OWNER, and **CURRAN-McLEOD, INC. Consulting Engineers,** Portland, Oregon, hereafter referred to as the ENGINEER.

The OWNER intends to construct the Mulino Road Wastewater Pumping Station for which the ENGINEER agrees to perform the various professional engineering services for the design and construction of said improvements.

WITNESSETH

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A - ENGINEERING SERVICES

The ENGINEER shall furnish engineering services to accomplish the work identified above and as more specifically identified in the correspondence dated March 11, 2016, attached as Exhibit A:

1. The ENGINEER will attend conferences with the OWNER, representatives of the State, or other interested parties as may be required for completion of the work previously described.

2. After the OWNER directs the ENGINEER to proceed, the ENGINEER will perform the necessary alignment determination, accomplish the detailed design of the projects, prepare construction Drawings, Specifications and Contract Documents, and prepare a final cost estimate based on the final design. It is also understood that if additional subsurface explorations (such as borings, soil tests, rock soundings and the like) are required, the ENGINEER will furnish coordination of said explorations without additional charge, but the costs incident to such explorations shall be paid for by the OWNER as set out in Section D hereof.

   Statements of probable construction costs and detailed cost estimates prepared by the ENGINEER represent his best judgment as a design professional familiar with the Construction Industry. It is recognized, however, that neither the ENGINEER nor the OWNER has any control over the cost of labor, materials or equipment, over the Contractor's method of determining bid prices, or over competitive bidding or market conditions. Accordingly the ENGINEER cannot and does not guarantee that bids will not vary from any statement of probable construction cost or other cost estimate prepared by the ENGINEER.

3. The Contract Documents furnished by the ENGINEER under Section A-2 shall include the State of Oregon Prevailing Wage Rates or the Federal Davis Bacon Prevailing Wage Rates as applicable, and OWNER, funding agency, and state requirements as appropriate.

4. Prior to the advertisement for bids, the ENGINEER will provide for each Construction Contract, not to exceed 10 copies of detailed Drawings, Specifications, and Contract Documents for use by the OWNER, and for appropriate Federal, State, and local agencies from whom approval of the project must be obtained. The cost of such drawings, Specifications, and Contract Documents shall be included in the basic compensation paid to the ENGINEER. The OWNER pays the cost of permits and review fees as provided in Section F-2 of this Agreement.

5. The drawings prepared by the ENGINEER under the provisions of Section A-2 above shall be in sufficient detail to permit the actual location of the proposed improvements on the ground. The ENGINEER shall prepare and furnish to the OWNER without any additional compensation, three copies of a map(s) showing the general location of needed construction easements and permanent easements and the land to be acquired. Property surveys, property plats, property descriptions, abstracting and negotiations for land rights shall be provided by the OWNER, unless the OWNER requests, and the ENGINEER agrees to provide those services. In the event the ENGINEER is requested to provide such services, the ENGINEER shall be additionally compensated as set out in Section D hereof, unless this task is identified and included in the proposed scope of work herein.

6. The ENGINEER will furnish additional copies of the Drawings, Specifications and Contract Documents as required by prospective bidders, materials suppliers, and other interested parties, but may charge them for the reasonable cost of such copies. Upon award of each contract, the ENGINEER will furnish to the OWNER three sets of the Drawings, Specifications and Contract Documents for execution. The cost of these sets shall be included in the basic compensation paid to the ENGINEER. Drawings and Specifications as instruments of service are and shall remain the property of the ENGINEER whether the project for which they are made is executed or not. They are not to be used by the OWNER on other projects or extensions to this project except by agreement in writing and with appropriate compensation to the ENGINEER.

7. The ENGINEER will require prospective contractors to file an approved Pre-qualification Form with the Oregon Department of Transportation and will require a Bid Bond not to exceed 10% in the Bidding Documents to secure the Bid.

8. The ENGINEER will attend the bid opening and tabulate the bid proposals, make an analysis of the bids, make recommendations for awarding contracts for construction.

9. The ENGINEER will assist in the Preconstruction Conference, and will review and approve, for conformance with the design concept, any necessary shop and working drawings furnished by Contractors.

10. The ENGINEER will interpret the drawings and specifications to protect the OWNER against defects and deficiencies in construction on the part of the Contractor. The ENGINEER will not, however, guarantee the performance of any Contractor. Planning and design of the project and construction engineering services shall be accomplished with due diligence and in conformance with accepted industry standards of the practice of professional engineering.

11. The ENGINEER will provide general engineering review of the work of the contractors as construction progresses to assure conformance with the design concept.

12. The ENGINEER will establish baselines and grades for locating the work together with a suitable number of bench marks adjacent to the work as shown in the Contract Documents.

13. The ENGINEER, as representative of the OWNER during the construction phase, shall advise and consult with the OWNER and all of the OWNER'S instructions to the Contractor shall be issued through the ENGINEER. The ENGINEER shall have the authority to act on behalf of the OWNER to the extent provided in this Agreement.

14. Unless otherwise requested by the OWNER in writing, the ENGINEER will not provide Resident Construction Inspection. The ENGINEER'S undertaking construction inspection hereunder shall not relieve the Contractor of Contractor's obligation to perform the work in conformity with the Drawings and Specifications and in a workmanlike manner; shall not make the ENGINEER an insurer of the Contractor's performance; and shall not impose upon the ENGINEER any obligation to see that the work is performed in a safe manner.

15. The ENGINEER will review the Contractor's applications for progress and final payment and, when approved, submit same to the OWNER for payment.

16. The ENGINEER will prepare and review necessary contract Change Orders on a timely basis for consideration of approval by the OWNER.

17. The ENGINEER and a representative of the OWNER will make an inspection of the project or project element to determine the status of completion. The ENGINEER may issue a Certificate of Substantial Completion consistent with the General Conditions of the Construction Contract Documents.

18. The ENGINEER will provide the OWNER with one set of record drawings on electronic media and three sets of prints at no additional cost to the OWNER. Such drawings will be based upon construction records provided by the Contractor during construction, as specifically required in the Construction Contract, and reviewed by the ENGINEER, and from the ENGINEER'S construction data.

19. If State statutes require notices and advertisements of final payment, the ENGINEER shall assist in their preparation.

20. The ENGINEER will be available for site visits to furnish engineering services and consultations necessary to correct unforeseen project operation difficulties for a period of one year after the date of the Certificate of Substantial Completion of the facility. The ENGINEER will assist the OWNER in performing a review of the project during the 11th month after the date of initiation of the 12 month warranty period.

SECTION B - COMPENSATION FOR ENGINEERING SERVICES

1. The OWNER shall compensate the ENGINEER for services in accordance with the following schedule:

Preliminary Engineering:

- Fourteen Thousand and No/100 Dollars ($14,000)

Design Phase Engineering:

- Sixty Four Thousand and No/100 Dollars ($64,000)

Construction Phase Engineering:

- Forty Thousand and No/100 Dollars ($40,000)

2. The compensation for the above Engineering Services shall be as follows:

a. Preliminary and Design Phase Services shall include items A-1 through A-5.

b. Billings shall be submitted monthly by the ENGINEER for Preliminary and Design Phase Services during the previous month. Payments shall be made for these billings within 30 days. Billings shall be based on percent of completion for Preliminary and Design Phase Services. The ENGINEER will provide a status report with the billing as requested.

c. Construction Engineering Services and Construction Inspection shall include items A-6 through A-20 and shall be billed by the ENGINEER on an hourly basis. The total shall not exceed the budget figures under Article B.1 above without the express written authorization of the OWNER.

d. Where hourly rates are used, they shall be in accordance with the Standard Hourly Rate Schedule, attached herewith and referenced Exhibit B.

e. In the event of multiple construction contracts, the ENGINEER may negotiate revised figures under Article B.1.

3. The budget figures shown above shall not be exceeded except by express written authorization of the OWNER.

4. Billings for Engineering Services shall be submitted in a format consistent with the payment provisions and format of the Agreement.

SECTION C - RESIDENT CONSTRUCTION INSPECTION

If the OWNER requests the ENGINEER to provide Resident Construction Inspection, the ENGINEER will, prior to the Preconstruction Conference, submit a resume of the Resident Inspector's qualifications, anticipated duties and responsibilities for approval by the OWNER. The OWNER agrees to pay the ENGINEER for such services in accordance with the "Inspector" rate schedule set out in Exhibit B. The ENGINEER will render to OWNER for such services performed hereunder during such period, the same to be due and payable by the OWNER to the ENGINEER on or before the 10th day of the following period. A separate agreement shall be negotiated for Resident Construction Inspections Services setting out estimated hours required and maximum estimated fees and charges.

SECTION D - ADDITIONAL ENGINEERING SERVICES

In addition to the foregoing being performed, the following services may be provided UPON WRITTEN AUTHORIZATION OF THE OWNER.

1. Financial feasibility or other special studies.

2. Record boundary surveys or other similar surveys, excepting surveys required to locate the construction project, or as identified in the scope of work.

3. Laboratory tests, borings, specialized geological, soil, hydraulic, or other studies recommended by the ENGINEER.

4. Record property surveys, detailed descriptions of sites, maps, drawings, or estimates related thereto; assistance in negotiating for land and easement rights.

5. Necessary data and filing maps for storm water discharge permits, water rights, adjudication, and litigation.

6. Redesigns not initiated by the ENGINEER after final Plans and Specifications have been approved by the OWNER, except redesigns to reduce the project cost to within the funds available.

7. Appearances before courts or boards on matters of litigation or hearings related to the project and providing services as an expert witness in connection with any public hearing, arbitration proceeding, or the proceedings of a court of record.

8. Preparation of Environmental Assessments or Environmental Impact Statement (E.I.S.).

9. Performance of detailed staking necessary for construction of the project in excess of the control staking set forth in Section A-12.

10. Preparing documents for alternate bids requested by the OWNER.

11. Providing consultation concerning replacement of any work damaged by fire or other cause during construction, and furnishing professional services of the type set forth as previously mentioned in this Agreement as may be required in connection with the replacement of such work.

12. Providing professional services made necessary by the default of the Contractor in the Construction Contract.

13. Providing construction engineering and inspection services after the construction contract time has been exceeded.

Unless identified as included in the proposed scope of work herein, payment for the services specified in this Section D shall be as agreed in writing prior to commencement of the work. The ENGINEER will render to OWNER for such services an itemized bill, once each month, for compensation for services performed hereunder during such period, the same to be due and payable by OWNER to the ENGINEER within 30 days.

SECTION E - OWNER'S RESPONSIBILITIES

1. The OWNER shall provide full information regarding his requirements for the project.

2. The OWNER shall designate, when necessary, a representative authorized to act in his behalf with respect to the project. The OWNER or his representative shall examine documents submitted by the ENGINEER and shall render decisions pertaining thereto promptly, to avoid unreasonable delay in the progress of the ENGINEER'S work.

3. The OWNER shall furnish all pertinent existing mechanical, chemical or other laboratory tests, inspections and reports as required by law or the Contract Documents, and which may impact the design.

4. The OWNER shall furnish such legal, accounting and insurance counseling services as may be necessary for the project, and such auditing services as he may require to ascertain how or for what purposes the CONTRACTOR has used the moneys paid to him under the Construction Contract.

5. If the OWNER observes or otherwise becomes aware of any fault or defect in the project or non-conformance with the Contract Documents, he shall give prompt oral notice with written confirmation thereof to the ENGINEER.

6. The OWNER shall furnish information required of him as expeditiously as necessary for the orderly progress of the work.

SECTION F - SPECIAL PROVISIONS

The following is agreed to by both parties:

1. That the OWNER reserves the right to request replacement of any Resident Inspector(s) furnished by the ENGINEER or to furnish the Resident Inspector(s) from the OWNER'S own forces, subject to the approval of the ENGINEER regarding the qualifications of the Resident Inspector(s). If the OWNER furnishes the Resident Inspector(s), the OWNER agrees that the Resident Inspector(s) will be under the direction and supervision of the ENGINEER.

2. That the OWNER shall pay for advertisement for bids, building or other permits, licenses, technical review fees, etc., as may be required by local, State or Federal authorities, and shall secure the necessary land easements and rights-of-way.

3. The ENGINEER will endeavor to assure compliance of his work with applicable State and Federal requirements.

4. That insofar as the work under this Agreement may require, the OWNER shall furnish the ENGINEER all existing maps, field survey data, grades and lines of streets, pavements, and boundaries, rights-of-way, and other surveys presently available, which will be returned upon project completion. ENGINEER will provide the OWNER a copy of survey notes establishing bench marks and location of improvements.

5. That if the engineering work covered in this Agreement has not been completed on or after the expiration of a Twelve (12) month period from the date of execution of this Agreement, the OWNER or ENGINEER may, at the option of either, on written notice, request a renegotiation of Sections B, C, and D (providing for the compensation to be paid the ENGINEER for services rendered) to allow for changes in the cost of services. Such new schedule of compensation is to apply only to work performed by the ENGINEER after delivery date of such written notice.

6. That this Agreement is to be binding on the heirs, successors and assigns of the parties hereto and is not to be assigned by either party without first obtaining the written consent of the other. At least fifteen (15) days shall be allowed for such consent.

7. Attorney's fees: In the event a suit, arbitration or other legal action is required by either the OWNER or the ENGINEER to enforce any provision of this Agreement, the prevailing parties shall be entitled to all reasonable costs and reasonable attorney's fees upon litigation or upon appeal.

8. Termination

a. This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

b. The Agreement may be terminated in whole or in part in writing by the OWNER for its convenience, provided that the ENGINEER is given (1) not less than ten (10) calendar days' written notice, (delivered by certified mail, return receipt requested) of intent to terminate, and (2) opportunity for consultation with the terminating party prior to termination.

c. If termination for default is effected by the OWNER an equitable adjustment in the price provided for in the Agreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the ENGINEER at the time of termination may be adjusted to cover any additional costs to the OWNER because of the ENGINEER'S default. If termination for default is effected by the ENGINEER, or if termination for convenience is effected by the OWNER, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the termination, in addition to termination settlement costs reasonably incurred by the ENGINEER relating to commitments which had become firm prior to the termination.

d. Upon receipt of a termination action under paragraphs a. or b. above, the ENGINEER shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the OWNER reproducible data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by the ENGINEER in performing this Agreement whether completed or in process.

e. Upon termination under paragraphs a. or b. above, the OWNER may take over the work and may award another party a contract to complete the work under this Agreement.

f. If, after termination for failure of the ENGINEER to fulfill contractual obligations, it is determined that the ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the OWNER. In such event, adjustment of the Agreement price shall be made as provided in paragraph c. of this clause.

9. The ENGINEER agrees to hold harmless and indemnify the OWNER against all claims, damages, losses and costs, including costs of defense, arising out of the negligent performances of engineering services under this Agreement. OWNER may make claim under applicable law against ENGINEER or ENGINEER'S insurance carriers for any loss, damage or cost arising out of ENGINEER'S negligent performance of services under this Agreement.

10. The ENGINEER agrees to acquire and maintain for the duration of this Agreement, Professional Liability Insurance in the nominal amount of $1,000,000 per occurrence and $2,000,000 aggregate.

11. The ENGINEER further agrees to obtain and maintain, at the ENGINEER'S expense, such insurance as will protect the ENGINEER from claims under the Worker's Compensation Act and such comprehensive general liability insurance as will protect the OWNER and the ENGINEER from all claims for bodily injury, death, or property damage which may arise from the performance by the ENGINEER or by the ENGINEER'S employees or agents.

12. The ENGINEER will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The ENGINEER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin, such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

13. ENGINEER covenants that he presently has no interest and shall not acquire interest, direct or indirect, which would conflict in any manner or degree with the performance of his services under this Agreement. Any interest on the part of the ENGINEER or his employees must be disclosed to the OWNER.

14. INDEPENDENT CONTRACTOR. It is agreed that ENGINEER is providing the services hereunder as an independent contractor and not as an employee of OWNER.

    OWNER shall have no right to control the manner of the performance of the services, but may place restrictions on ENGINEER relating to use of OWNERS premises. As an independent contractor, ENGINEER shall not be eligible to receive benefits otherwise provided to employees of the OWNER.

15. The records and documents with respect to all matters covered by the Agreement shall be subject at all times to inspection, review or audit by the OWNER, County, Federal or State officials so authorized by law during the performance of this contract. Required records shall be retained for a period of three (3) years after termination of this Agreement

16. No member or delegate to the Congress of the United States and no Resident Commissioner or City Official shall be admitted to any share or part of this Agreement or to any benefit that may arise hereunder.

17. This CONTRACT shall be construed according to the laws of the State of Oregon. Any litigation between the OWNER and the ENGINEER or out of work performed under this CONTRACT shall occur, if in the state courts, in the Clackamas County Court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the District of Oregon.

18. This Agreement, including Exhibits A and B, represents the entire integrated agreement between the OWNER and the ENGINEER and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the OWNER and ENGINEER.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

OWNER: **CITY OF CANBY**	ENGINEER: **CURRAN-McLEOD, INC.**
SIGNATURE:	SIGNATURE:
NAME:	NAME: CURT McLEOD
TITLE:	TITLE: PRINCIPAL
DATE:	DATE: 3-11-16

EXHIBIT A

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS
6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

March 11, 2016

Mr. Mark Gunter
Public Works Director
City of Canby
182 North Holly Street
Canby, OR 97013

RE: CITY OF CANBY
MULINO ROAD PUMPING STATION SCOPE

Dear Mark:

We appreciate meeting with you this week to review the Mulino Wastewater Pumping Station project. In an earlier correspondence we prepared options and cost estimates. After our meeting with you, there are a few adjustments to make before finalizing the work scope.

In general, we will modify the station design to enclose all improvements within a building that provides both security and better aesthetics. We can design the improvement to fit the surroundings, and eliminate the fencing.

We have also modified the cost estimates to account for the cost of a building, interacting with Clackamas County for the work on 13th Avenue, and coordinating with the railroad for long-term lease cost of a utility crossing under the tracks.

As discussed earlier, the Master Plan has identified the location for the station at the intersection of SE 13th Avenue and Mulino Road. This elevation can provide gravity service to all of the remaining area east of Fir Street along the Molalla River, and can easily provide service if the UGB is expanded further south and east beyond 13th Avenue or Mulino Road.

This SDC funded project will include the pumping station and force main along the Weygandt property, to discharge into the Sequoia Parkway line north of the bridge. The project will also include construction of a gravity sewer on SE 13th Avenue that is not SDC eligible. Power supplies will be installed parallel to the force main, and are SDC eligible to the extent they serve the pumping station, and potentially reimbursable through a second ADF if the utility systems also provide service to the industrial land north of the railroad.

City of Canby

Mulino Wastewater Pumping Station
Preliminary Construction Cost Estimate:

March 2016

No.	Description	Quantity	Unit	Unit Price	Total
Wastewater Pump Station					
1	Mobilization Bond & Insurance	All	LS	$13,000	$13,000
2	Temporary Traffic Control	All	LS	1,500	1,500
3	Erosion & Sediment Control	All	LS	2,000	2,000
4	Common Ex & CDF/Select Backfill	25	CY	60	1,500
5	Building and Site Improvements	All	LS	80,000	80,000
6	Pumping Station Equipment	All	LS	140,000	140,000
7	Site Electrical	All	LS	10,000	10,000
				Subtotal	**$248,000**
Force Main North of the Railroad					
1	Mobilization Bond & Insurance	All	LS	$5,000	$5,000
2	Erosion & Sediment Control	All	LS	3,000	3,000
3	6" Force Main w/ Native Backfill	2,300	LF	35	80,500
				Subtotal	**$88,500**
Gravity Main					
1	Mobilization Bond & Insurance	All	LS	$7,500	$7,500
2	Temporary Traffic Control	All	LS	4,000	4,000
3	Erosion & Sediment Control	All	LS	3,000	3,000
4	8" Gravity Sewer w/ Select Backfill	1,350	LF	80	108,000
5	Sanitary Manhole, 8-12' deep	6	Each	5,000	24,000
6	Asphalt Sawcut & AC Trench Repair	50	LF	40	2,000
7	Railroad Casing Pipe, 18"	80	LF	150	12,000
				Subtotal	**$160,500**
Private Utilities: Power					
1	Mobilization Bond & Insurance	All	LS	$5,000	$5,000
2	Common Trench w/ Native Backfill	2,300	LF	20	46,000
3	Vault Excavation & Backfill	5	EA	800	4,000
4	Canby Utility Power Costs	All	LS	50,000	50,000
				Subtotal	**$105,000**
				Construction Contingencies (15%)	90,000
				Estimated Construction Cost	**$692,000**
				Engineering Services	118,000
				Railroad Lease Fee	10,000
				Advertising, BOLI Fees, Special Inspections	5,000
				TOTAL PROJECT COST	**$825,000**

City of Canby
Mulino Wastewater Pumping Station
Engineering Cost Estimate:
March 2016

Preliminary Engineering:

Research & Coordination		$4,000
Easement Prep & Acquisition		4,000
Finance District Reports & Hearings		4,000
Railroad Permitting		2,000
	Subtotal	**$14,000**

Design Engineering:

Design Surveys		$12,000
Base Maps, Topo Drawings		2,000
Alignment Design & Details		10,000
Pump Station Design & Details		20,000
Graphics & Final Design Drawings		18,000
Contract Documents / Specifications		2,000
	Subtotal	**$64,000**

Construction Engineering:

Advertising & Bid Procedure		$ 3,000
Construction Surveys		5,000
Contract Administration (24 wks)		14,000
Inspection (16 wks)		16,000
As-Built & Project Closeout		2,000
	Subtotal	**$40,000**
	TOTAL	**$118,000**