

RESOLUTION NO. 1020

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK FIVE MEASURES REFERRING TO THE ELECTORATE PROPOSED REVISIONS TO THE HOME RULE CHARTER FOR THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND EXPLANATORY STATEMENTS FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTERS BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 19, 2009 ELECTION.

WHEREAS, the Canby City Council has heretofore approved certain revisions to its home rule Charter for the City of Canby following a public meeting on January 21, 2009; and

WHEREAS, pursuant to the provisions of the Canby City Charter, the approval of the revisions to the home rule Charter must be referred to the electorate of the City of Canby for an election; and

WHEREAS, ORS 250.035 requires a Notice of Measure be prepared by the City and submitted to the Clackamas County Elections Department by March 19, 2009 in order to appear on the ballot for the May 19, 2009 election; and

WHEREAS, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department for each of the five measures;

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

1. 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 May 19, 2009 election, five Notices of City Measure Elections. Each Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit five Summaries of the Measures to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Each summary is attached to this Resolution in proper form and adopted by the City.
3. The City Recorder, the City Administrator and the City Attorney are hereby

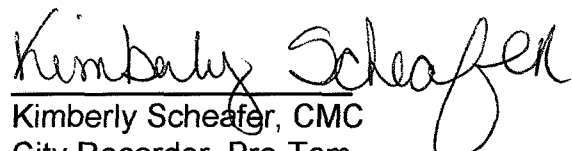
authorized to do all other necessary and proper acts to place the five ballot measures before the voters at the May 19, 2009 election.

This Resolution shall take effect on February 18, 2009.

ADOPTED this 18th day of February, 2009, by the Canby City Council.


Melody Thompson
Melody Thompson - Mayor

ATTEST:


Kimberly Scheafer
Kimberly Scheafer, CMC
City Recorder, Pro-Tem

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on *date of election* May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION *10 words*

AMENDS CHARTER NAME FROM ELECTRIC BOARD TO CANBY UTILITY BOARD.

QUESTION *20 words*

Shall the City of Canby adopt an amended home rule Charter?

SUMMARY *175 words*

The Canby City Charter is the governing document for the City of Canby. This measure would revise Chapter X, sections 2-8 of the current home rule City Charter, adopted in 1984. The City Council approved the revisions following a public meeting on January 21, 2009 and directed that they be submitted to the City voters for consideration at the May 19, 2009 election. The proposed revisions would change the name of the Canby Electric Board wherever it is referenced in the Charter to the Canby Utility Board. This change would bring it into compliance with the current legal name of the Canby Utility Board.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

Kimberly Scheafer
signature of authorized city official *not required to be notarized*

3-4-09
date signed *mm/dd/yy*

Kimberly Scheafer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE WOULD AMEND THE CITY CHARTER TO CHANGE THE NAME OF THE
CANBY ELECTRIC BOARD TO THE CANBY UTILITY BOARD**

Measure No. _____

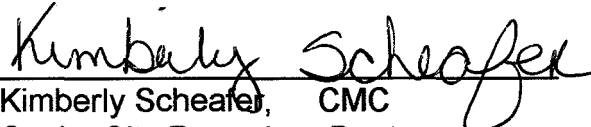
Word Total 233 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter X, sections 2-8 of the current home rule City Charter by changing the name of the Canby Electric Board where it is used in the Charter to the Canby Utility Board. The City Council approved the proposed revision following a public meeting on January 21, 2009. This change must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "Model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

Chapter X, section 2-8, sets forth the establishment of the Utility Departments for the City of Canby, including the establishment of the Canby Electric Board. When this department was originally established many years ago, the Electric Board was the recognized name for the department. That name has since been changed to Canby Utility. Therefore, this proposed amendment, if approved, would change all references to the Canby Electric Board in the current Charter and replace them with the Canby Utility Board in the revised Charter.

CITY OF CANBY


Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

3-4-09
Date

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on *date of election* May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION *10 words*

MEASURE AMENDING CHARTER REMOVING CITY TREASURER AND RECORDER AS OFFICERS.

QUESTION *20 words*

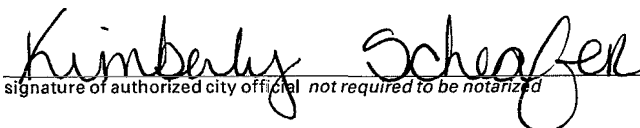
Shall the City of Canby adopt an amended home rule Charter?

SUMMARY *175 words*

The Canby City Charter is the governing document for the City of Canby. This measure would revise Chapter III, section 5 and Chapter V, sections 3 and 4 of the current home rule City Charter, adopted in 1984. The City Council approved the revisions following a public meeting on January 21, 2009 and directed that they be submitted to the City voters for consideration at the May 19, 2009 election. The proposed revisions would remove the City Recorder and City Treasurer as officers of the City. Those positions would become management level positions. The three remaining officers of the City would be the City Administrator, the City Attorney and the Municipal Judge.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.


signature of authorized city official *not required to be notarized*

3-4-09
date signed *mm/dd/yy*

Kimberly Schaefer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE WOULD AMEND THE CITY CHARTER REMOVING THE CITY
TREASURER AND CITY RECORDER AS OFFICERS**

Measure No. _____


Word Total 284 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter III, section 5 and Chapter V, sections 3 and 4 of the current home rule City Charter by removing the City Recorder and City Treasurer as officers of the City. Those positions would become management level positions. The City Council approved the proposed revisions following a public meeting on January 21, 2009. These changes must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

In Chapter III and Chapter V of the current charter, the positions of City Treasurer and City Recorder are listed as officers of the City. As such, they are under the management of the City Council. The City Council feels these positions should be under the management of the City Administrator who normally oversees their work on a daily basis and is therefore, in a better position to evaluate and manage their work. In the revised charter, these positions would be management level director positions similar to existing director positions, such as public works director and human resources director. The LOC Model Charter does not list the Recorder and Treasurer as officers. This change, if approved, would bring the City's charter more in line with the LOC Model Charter.

CITY OF CANBY


Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

3-4-09
Date

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION 10 words

AMENDS CHARTER REVISING LIMIT FOR CONTRACTS APPROVED BY ORDINANCE.

QUESTION 20 words

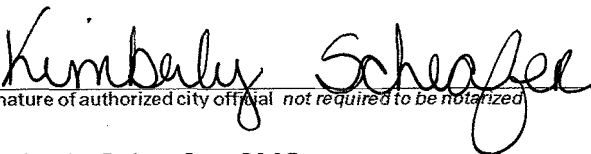
Shall the City of Canby adopt an amended home rule Charter?

SUMMARY 175 words

The Canby City Charter is the governing document for the City of Canby. This measure would revise Chapter XI, section 4 of the current home rule City Charter, adopted in 1984. The City Council approved the revised provision following a public meeting on January 21, 2009 and directed that it be submitted to the City voters for consideration at the May 19, 2009 election. The proposed revision would amend the current language to require approval of contracts by Ordinance where the expenditure is greater than \$50,000.00. The current limitation requiring approval by Ordinance is for contracts greater than \$15,000.00 in value.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.


signature of authorized city official *not required to be notarized*

3-4-09
date signed mm/dd/yy

Kimberly Scheafer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

MEASURE WOULD AMEND THE CITY CHARTER REVISING THE LIMIT FOR
CONTRACTS APPROVED BY ORDINANCE

Measure No. _____

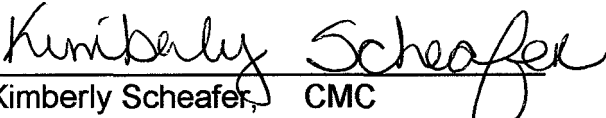
Word Total 281 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter XI, section 4 of the current home rule City Charter by amending the current language from requiring ordinance approval by council for contracts in excess of \$15,000.00 to requiring ordinance approval by council for contracts in excess of \$50,000.00. The City Council approved the proposed revision following a public meeting on January 21, 2009. The change must be submitted to City voters for approval.

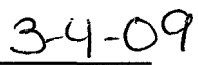
The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "Model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

In Chapter XI, section 4 of the current charter, it provides that expenditures of sums not budgeted, or expenditures of budgeted funds in excess of \$15,000.00 shall be authorized by an Ordinance. The City Council, by a majority vote, must approve all ordinances involving the single purchase or contract in excess of \$15,000.00. It takes two separate Council meetings, at least a week apart, to approve an ordinance. The City Council is proposing to amend the Charter to raise the single purchase or contract amount for already budgeted funds from \$15,000.00 to \$50,000.00 before an ordinance is required for approval. This amendment, if approved, would allow the City staff to purchase already budgeted items up to \$50,000.00 without having to get approval by ordinance.

CITY OF CANBY



Kimberly Scheafer, CMC
Canby City Recorder - Pro tem



Date

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION 10 words

AMENDS CHARTER REMOVING TERM LIMITS FOR CANBY UTILITY BOARD MEMBERS.

QUESTION 20 words

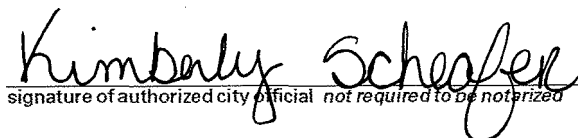
Shall the City of Canby adopt an amended home rule Charter?

SUMMARY 175 words

The Canby City Charter is the governing document for the City of Canby. This measure would revise Chapter X, section 4(a) of the current home rule City Charter, adopted in 1984. The City Council approved the revised provision following a public meeting on January 21, 2009 and directed that it be submitted to the City voters for consideration at the May 19, 2009 election. The proposed revision would eliminate the following language from the charter: "No (Canby Utility) Board member may serve more than two successive terms". This change would allow current Utility Board members to continue to serve as long as they are reappointed by the City Council, rather than requiring them to step down after two successive terms.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.


signature of authorized city official *not required to be notarized*

3-4-09
date signed mm/dd/yy

Kimberly Scheafer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE WOULD AMEND THE CITY CHARTER REMOVING TERM LIMITS FOR
CANBY UTILITY BOARD MEMBERS**

Measure No. _____

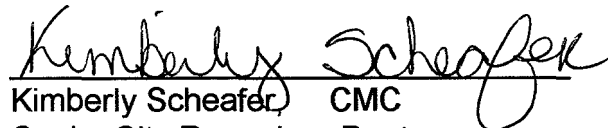
Word Total 235 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter X, section 4(a) of the current home rule City Charter by removing language from the Charter that imposes term limits on CUB Board members. The City Council approved the proposed revision following a public meeting on January 21, 2009. The change must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "Model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

Canby Utility Board members are appointed by the City Council. In Chapter X, section 4(a) of the current charter discussing organization and membership of the Canby Utility Board the following language appears: "No Board member may serve more than two successive terms." Each term is for a three years period. Removal of this restriction, if approved by the voters, would allow current Utility Board members to continue to serve as long as they are reappointed by the City Council, rather than requiring them to step down after two successive terms, or six years.

CITY OF CANBY



Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

3-4-09
Date

Notice of City Measure Election

SEL 802

rev 1-08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION 10 words

MEASURE AMENDING CHARTER TO UPDATE PROVISIONS REQUIRED BY OREGON LAW.

QUESTION 20 words

Shall the City of Canby adopt an amended home rule Charter?

SUMMARY 175 words

The Canby City Charter is the governing document for the City of Canby. This measure would revise the current home rule City Charter, adopted in 1984, with revisions that bring it into compliance with current Oregon law. The City Council approved the revisions following a public meeting on January 21, 2009 and directed that they be submitted to the City voters for consideration at the May 19, 2009 election. The new Charter is consistent with recent changes in the Oregon Constitution, Oregon laws and court decisions. The charter provisions that would be changed are Chapter VI, sections 1-8, Chapter IX, sections 1 and 4, Chapter XI sections 1 and 2. Please review the Explanatory Statement in the Voter's Pamphlet for the exact changes listed in this measure.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

Kimberly Schaefer
signature of authorized city official *not required to be notarized*

3-4-09
date signed mm/dd/yy

Kimberly Schaefer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

MEASURE ADOPTING HOME RULE CHARTER FOR THE CITY OF CANBY

Measure No. _____

Word Total 265 (500 max)

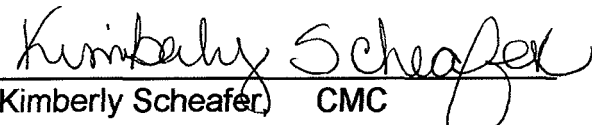
The Canby City Charter is the governing document for the City. This measure, if adopted, would revise the current City Charter by updating certain provisions with new provisions to bring it into conformance with recently changed Oregon laws. The City Council approved the proposed revisions following a public meeting on January 21, 2009. These changes must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

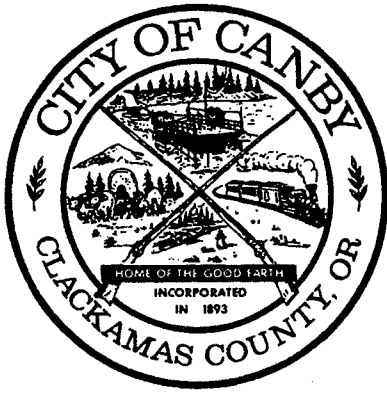
Chapter VI, sections 1-8 of the current Charter would be revised by adopting recent changes in Oregon's Election Law. Chapter IX, sections 1 would be revised by adopting current Oregon laws regarding condemnation of private property for public purposes. Chapter IX, section 4 would be revised to adopt current Oregon law and Canby Municipal code regarding public contracting for public projects. Chapter XI, section 1 would be revised to require Canby's floating indebtedness to conform to current Oregon law setting debt limitations; and Chapter XI, section 2 would be revised to require Canby to conform to the current State of Oregon's tort liability limitations.

The current Charter and the proposed Charter with revisions are available to view in their entirety on the City's web page located www.ci.canby.or.us.

CITY OF CANBY


Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

3-4-09
Date



City of Canby

General Administration Office

March 11, 2009

Nancy Benthin
Assistant Manager
Clackamas County Elections
1710 Red Soils Ct., Suite 100
Oregon City, OR 97045

RE: Measure 3-335
Ballot Title: AMENDS CHARTER NAME FROM
ELECTRIC BOARD TO CANBY UTILITY BOARD

Dear Nancy:

It has come to our attention that Measure 3-335 is a duplicate measure that the City of Canby previously put on the May 17, 1983 ballot and was subsequently passed by the voters. Unfortunately our charter was never codified with the updated language over the years.

Therefore, we wish to withdraw Measure 3-335 from the ballot for the May 19, 2009 election. Please feel free to contact me if you have any questions.

Sincerely,

Kim Scheafer, CMC
Executive Assistant/
City Recorder Pro-Tem

Cc: John Kelley, City Attorney