

RESOLUTION NO. 1075

A RESOLUTION CONSENTING TO CLACKAMAS COUNTY ADMINISTERING ITS DOG CONTROL AND LICENSING ORDINANCE WITHIN THE CITY AND REAFFIRMING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY RELATING TO ENFORCEMENT OF THAT ORDINANCE.

WHEREAS, the City of Canby wishes to have Clackamas County Dog Control administer its dog control and licensing ordinance, Title 5, Chapter 5.01 as recently amended on 10/01/10 within the City with the exception of section 5.01.050 which defines Dog at Large; and

WHEREAS, the City of Canby wishes to reaffirm an Intergovernmental agreement with Clackamas County entered into in October, 2001, a copy of which is attached hereto as Exhibit "A", for the purpose of adopting a more restrictive definition of Dog at Large to be enforced by Clackamas County Dog Control within the City of Canby pursuant to the consent authorized by this Resolution; and

WHEREAS, ORS 203.040 requires formal consent be given by the City of Canby for a county ordinance to apply within the City; now therefore

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

Section 1. Consent Granted.

The City hereby grants consent to Clackamas County to administer the county's dog control and licensing ordinance, Clackamas County Code Chapter 5.01 as amended on 10/01/10, within the City with the exception of section 5.01.050 which defines Dog at Large.

Section 2. IGA with Clackamas County Reaffirmed.

The City Administrator is hereby authorized to reaffirm the IGA, attached as Exhibit "A", by and between the City and Clackamas County, for the purpose of adopting a more restrictive definition of Dog at Large to be enforced within the City of Canby.

This Resolution shall take effect immediately upon passage.

Adopted this 20th day of October, 2010 by the Canby City Council.



Melody Thompson, Mayor

ATTEST:



Kimberly Scheafer, CMC
City Recorder

EXHIBIT "A"

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF CANBY AND CLACKAMAS COUNTY
FOR THE ENFORCEMENT OF DOG LICENSING AND CONTROL**

THIS AGREEMENT is made this 3rd day of October, 2001, by and between the City of Canby, Oregon, hereinafter referred to as "City," and Clackamas County, Oregon, hereinafter referred to as "County," pursuant to the provisions of the Intergovernmental Cooperation Act, ORS 190.003 – 190.250.

WHEREAS, the City in accordance with City of Canby Resolution No. 764, wishes to have Clackamas County Dog Control administer Clackamas County Code, Title 5, chapter 5.01 "Dog Licensing and Control," within the City, with the exception of section 5.01.050D of that code which defines "Dog at Large";

WHEREAS, the City wishes to exclusively apply Canby Municipal Code definition of "Running at Large" as found in Canby Municipal Code, chapter 6.12, section 6.12.010B in lieu of Clackamas County Code, chapter 5.01, section 5.01.050D "Dog at Large";

WHEREAS, the County agrees to provide all services as available and necessary to enforce dog licensing and control within the City of Canby as set forth in this agreement;

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

Section 1. The County agrees to provide services as available to enforce Clackamas County Code, Title 5, Chapter 5.01, Dog Licensing and Control, and Canby Municipal Code, chapter 6.12, section 6.12.010B within the City, including but not limited to investigation, citation and

hearing. In this regard the County shall set and collect fines, fees and payments in accordance with County Code and Dog Control department policy and shall retain all revenue generated.

Section 2. The City agrees to reimburse the County at the rate of \$60 per hour for any appearance made by the County at a hearing before a County Hearings Officer on a citation for violation of Canby Municipal Code, chapter 6.12, section 6.12.010B. The County may evaluate this appearance fee annually and may propose an increase and amendment in accordance with Section 5 of this agreement.

Section 3. Either party may elect notice of termination of this agreement by giving 60 days written notice to the other party.

Section 4. Services shall commence upon the execution of this agreement and shall continue until such time either party terminates the agreement.

Section 5. This agreement may be amended by joint agreement of the parties. To be effective, all amendments shall be in writing and signed by an authorized representative of each party.

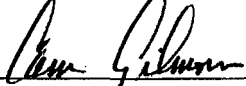
Section 6. Subject to the limits of the Oregon Tort Claims Act and Article II, Section 10 of the Oregon Constitution, the County agrees to defend, indemnify and save the City, its officers, agents and employees, harmless from and against any and all loss, damage, injury liability and claims caused by the negligence of County employees and resulting directly or indirectly from the performance of this agreement.

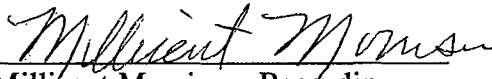
Section 7. Subject to the limits of the Oregon Tort Claims Act, the City agrees to defend, indemnify and save the County, its officers, agents and employees, harmless from and against

any and all loss, damage, injury liability and claims caused by the negligence of City employees and resulting directly or indirectly from the performance of this agreement.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized officers on the dates hereafter written.

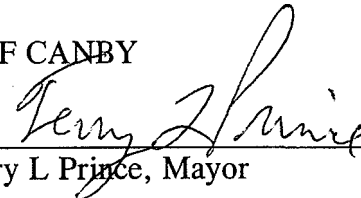
CLACKAMAS COUNTY

By: 
Cam Gilmour, Director
Department of Transportation
and Development

Attest: 
Millicent Morrison, Recording
Secretary

Date: November 14, 2001

CITY OF CANBY

By: 
Terry L Prince, Mayor

Date: October 3, 2001