

PROCLAMATION

BULLDOG SOCCER DAY – NOVEMBER 21, 2011

Whereas, the Woodburn High School Bulldogs have established a quarter-century-plus tradition of excellence in soccer; and

Whereas, the 2010 Bulldogs made history with Woodburn's first 5A Boys' State Soccer Championship;

Whereas, the 2011 Bulldogs have continued Woodburn's longtime tradition of success throughout the season, as the result of hard work, teamwork, and talent; and

Whereas, on November 19, 2011, at Hillsboro Stadium, the Bulldogs faced worthy opponents at the Boys' 5A State Championship and demonstrated character and perseverance in the face of determined opposition; and

Whereas, the Woodburn Bulldogs successfully defended their state championship and emerged from the game as the 5A State Champions for the second straight year; and

Whereas, a celebration of the Bulldogs' achievements will take place on November 21, 2011,

Now therefore, I, Kathy Figley, Mayor of the City of Woodburn, declare Monday, November 21, 2011, to be BULLDOG SOCCER DAY in the City of Woodburn. I encourage our community to applaud this history-making team and to thank these young men for showcasing our community at its best in front of a statewide audience. The Bulldogs have truly made us "Woodburn Proud".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Woodburn to be affixed this 21st day of November 2011.

Kathryn Figley, Mayor
City of Woodburn

**COUNCIL MEETING MINUTES
NOVEMBER 14, 2011**

0:00 **DATE** COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, NOVEMBER 14, 2011.

CONVENED The meeting convened at 7:00 p.m. with Mayor Figley presiding.

ROLL CALL

Mayor Figley	Present
Councilor Cox	Present
Councilor Lonergan	Present
Councilor McCallum	Present
Councilor Morris	Present
Councilor Pugh	Present
Councilor Schmidt	Absent

Staff Present: City Administrator Derickson, City Attorney Shields, Police Chief Russell, Public Works Director Brown, Police Captain Garrett, Police Captain Alexander, Finance Director Palacios, Human Resources Director Hereford, Officer Williams, Officer Stewart, Recorder Shearer.

0:00 **ANNOUNCEMENTS**

City Hall will be closed on November 24th and 25th for the Thanksgiving Holiday. The Aquatic Center and Library will be closed on November 24th but will be open normal business hours the rest of the holiday weekend.

0:01 **APPOINTMENTS**

Pugh/Lonergan... accept the Mayor's appointment of Brent Glogau to the Recreation and Parks Board. The motion passed unanimously.

0:01 **COMMUNITY/GOVERNMENT REPORTS**

- A. Woodburn Area Chamber of Commerce – Chamber President Jason Orton provided an update on Chamber activities & events.
- B. Woodburn School District – Superintendent David Bautista provided an update on School District events and activities.

0:06 **PROCLAMATION**

Honoring Leonard Black and the Lavell Black Trust Fund

0:10 **PRESENTATIONS**

- A. **Donation** – Presentation of a plaque in recognition of the gift made by the Leonard Black in Honor of Lavelle Black which establishes the Lavelle Black Trust Fund to support the Woodburn Police Canine Unit.
- B. **Murals** – Economic & Community Development Director Hendryx provided a presentation overview of the Woodburn Sign Code and how it applies to murals. He

COUNCIL MEETING MINUTES NOVEMBER 14, 2011

discussed the legal concerns regarding how the regulation of content is prohibited by the Oregon Constitution. He also discussed the various ways murals are handled in other cities and how they could be incorporated in Woodburn.

Councilor Cox expressed support for a mural program and suggested that the City Attorney research the potential for a program that would work within the constraints of the Oregon Constitution. He would like to ensure that any program put in place is likely to withstand legal challenges. Councilor McCallum also supports murals and recognizes the challenges of regulating and enforcing regulations for them. Councilor Morris suggested that the City establish recommended guidelines for content, without having any effective restrictions or controls. Mayor Figley reminded Council that retaining the current sign standards as currently enacted is an option, but stated that it was her understanding that there was support on Council to establish a means for murals that would not be currently permitted under the sign code.

Hector Hernandez, Jose Montes, Julio Solano, and Lenny Kleinman spoke in favor of murals and encourage changes to the sign code to facilitate creation of murals. Merrillie Berlin cautioned Council to proceed carefully to ensure community support, particularly in the Historic Downtown Neighborhood.

Council directed the City Attorney to prepare a legal opinion that they can use to guide further action on this topic.

1:34

CONSENT AGENDA

- A. Approve Woodburn City Council minutes of October 24, 2011,
- B. Accept Library Board minutes of October 12, 2011, and
- C. Recommend Approval of a Greater Privilege application for 7 Seas Restaurant and Bar to the OLCC.

McCallum/Lonergan.... adopt the consent agenda as presented. The motion passed unanimously.

1:35

COUNCIL BILL NO. 2881 – A RESOLUTION ESTABLISHING THE LAVELLE BLACK TRUST FUND AND APPROVING APPROPRIATIONS FOR THE FUND FOR FISCAL YEAR 2011-2012

Councilor McCallum introduced Council Bill 2881. Recorder Shearer read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2881 duly passed.

1:36

CITY ADMINISTRATOR'S REPORT

- New Human Resources Director Michael Hereford was introduced

1:38

MAYOR AND COUNCIL REPORTS

- No one wished to make a report

**COUNCIL MEETING MINUTES
NOVEMBER 14, 2011**

1.38 **EXECUTIVE SESSION**

Mayor Figley entertained a motion to adjourn into executive session under the authority of ORS 192.660(2)(i). **Cox/Morris...** adjourn to executive session under the statutory authority cited by the Mayor. The motion passed unanimously. For the record, City Administrator Derickson waived his right to an open hearing for his evaluation.

The Council adjourned to executive session at 8:45 pm and reconvened at 9:05 pm. Mayor Figley stated that no action was taken by the Council while in executive session.

1:39 **ADJOURNMENT**

McCallum/Pugh... meeting be adjourned. The motion passed unanimously. The meeting adjourned at 9:05 p.m.

APPROVED _____

KATHRYN FIGLEY, MAYOR

ATTEST _____

Christina M. Shearer, Recorder
City of Woodburn, Oregon

**Executive Session
COUNCIL MEETING MINUTES
November 14, 2011**

DATE. CONFERENCE ROOM, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, NOVEMBER 14, 2011.

CONVENED. The Council met in executive session at 8:45 p.m. with Mayor Figley presiding.

ROLL CALL.

Mayor	Figley	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Morris	Present
Councilor	Pugh	Present
Councilor	Schmidt	Absent

Staff Present: City Recorder Shearer, City Administrator (8:50 pm).

Media Present: None.

Mayor Figley reminded the Councilors, media and staff that information discussed in executive session is not to be discussed with the public.

The executive session was called to:

- To review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing pursuant to ORS 192.660(2)(i)
- For the record, during the open session of the City Council meeting, City Administrator Derickson waived his right to an open hearing.

ADJOURNMENT.

The executive session adjourned at 9:00 p.m.

APPROVED _____
KATHRYN FIGLEY, MAYOR

ATTEST _____
Christina M. Shearer, Recorder
City of Woodburn, Oregon

**COUNCIL WORKSHOP MEETING
MINUTES
November 14, 2011**

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, NOVEMBER 22, 2010.

CONVENED The meeting convened at 6:00 p.m. with Council President McCallum presiding.

ROLL CALL

Mayor	Figley	Present (arrived 6:05)
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Morris	Present
Councilor	Pugh	Present
Councilor	Schmidt	Absent

Staff Present: City Administrator Derickson, City Attorney Shields, Police Chief Russell, Public Works Director Brown, Economic & Community Development Director Hendryx, Finance Director Palacios, Human Resources Director Hereford, Recorder Shearer.

PRESENTATION

Administrator Derickson provided a presentation providing an overview of Council's adopted goals and staff actions & plans supporting those goals (included in the workshop packet). Council provided comments and direction periodically throughout the workshop. No action was taken by Council.

ADJOURNMENT

The workshop adjourned 6:55 pm.

APPROVED

KATHRYN FIGLEY, MAYOR

ATTEST

Christina Shearer, Recorder
City of Woodburn, Oregon

Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES JANUARY THRU DECEMBER 2011

CHARGE DESCRIPTION	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	43	13	0	6	2	3	4	8	3	1	3
ANIMAL CRUELTY	2	0	0	0	0	1	0	1	0	0	0
ANIMAL ORDINANCES	17	1	0	0	0	4	4	1	2	2	3
ARSON	7	0	0	0	0	0	0	4	3	0	0
ASSAULT SIMPLE	100	19	8	11	6	10	8	10	15	5	8
BURGLARY - BUSINESS	4	0	0	0	0	0	1	0	0	1	2
BURGLARY - OTHER STRUCTURE	5	0	0	0	0	4	0	0	0	0	1
BURGLARY - RESIDENCE	24	4	1	1	6	3	1	1	1	0	6
CHILD NEGLECT	12	1	1	4	1	0	0	2	2	1	0
CITY ORDINANCE	1	0	1	0	0	0	0	0	0	0	0
CRIME DAMAGE-NO VANDALISM OR ARSON	15	0	1	1	1	1	1	2	3	1	4
CRIMINAL MISTREATMENT	5	0	0	1	0	0	0	0	0	4	0
CURFEW	5	0	0	4	0	0	0	0	0	0	1
CUSTODY - DETOX	7	1	0	1	1	0	1	2	1	0	0
CUSTODY - MENTAL	48	3	4	8	3	7	6	4	4	4	5
CUSTODY - PROTECTIVE	3	0	0	1	0	0	0	0	2	0	0
DISORDERLY CONDUCT	46	3	7	5	10	7	1	3	2	5	3
DRIVING UNDER INFLUENCE	103	5	3	12	13	15	9	11	12	8	15
DRUG LAW VIOLATIONS	125	3	8	41	20	12	9	8	6	13	5
DWS/REVOKED - FELONY	1	1	0	0	0	0	0	0	0	0	0
DWS/REVOKED-MISDEMEANOR	28	2	2	2	2	2	3	4	2	5	4
ELUDE	2	0	0	0	1	0	1	0	0	0	0
EMBEZZLEMENT	3	1	0	0	0	1	1	0	0	0	0
ESCAPE FROM YOUR CUSTODY	1	0	0	0	0	1	0	0	0	0	0
FAIL TO DISPLAY OPERATORS LICENSE	21	4	2	2	2	5	3	0	0	1	2
FAILURE TO REGISTER AS SEX OFFENDER	2	0	1	0	0	0	0	0	1	0	0
FORCIBLE RAPE	1	0	0	0	0	0	0	0	0	0	1
FORGERY/COUNTERFEITING	26	3	0	0	9	2	4	1	4	1	2
FRAUD - BY DECEPTION/FALSE PRETENSES	3	0	1	0	0	1	0	0	0	1	0
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	7	0	1	1	0	0	2	0	1	2	0
FRAUD - IMPERSONATION	4	0	0	0	0	0	0	0	4	0	0
FUGITIVE ARREST FOR ANOTHER AGENCY	189	20	19	16	30	27	19	9	16	16	17
FURNISHING	16	2	0	4	0	0	6	0	1	0	3
GARBAGE LITTERING	3	0	0	0	0	1	0	1	1	0	0
HIT AND RUN FELONY	4	0	0	0	0	0	1	2	1	0	0
HIT AND RUN-MISDEMEANOR	16	2	0	1	1	1	1	0	2	5	3
IDENTITY THEFT	14	0	1	0	4	1	3	0	1	3	1
INTIMIDATION /OTHER CRIMINAL THREAT	36	11	1	6	7	2	2	0	3	1	3
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	4	2	0	0	0	0	2	0	0	0	0
MINOR IN POSSESSION	44	11	3	3	6	9	4	2	1	0	5
MOTOR VEHICLE THEFT	5	0	0	1	1	0	1	0	0	0	2
OTHER	72	6	6	7	10	11	9	11	4	5	3
RECKLESS DRIVING	12	0	0	1	1	1	1	1	3	1	3
RESTRAINING ORDER VIOLATION	5	0	1	1	0	1	1	0	0	0	1
ROBBERY - BUSINESS	4	0	0	0	2	0	0	1	0	0	1
ROBBERY - OTHER	1	1	0	0	0	0	0	0	0	0	0
RUNAWAY	17	1	0	4	0	8	0	2	1	1	0
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	7	2	0	0	0	0	0	0	1	3	1
SEX CRIME - FORCIBLE SODOMY	1	1	0	0	0	0	0	0	0	0	0
SEX CRIME - MOLEST (PHYSICAL)	16	8	0	0	1	0	1	0	1	2	3
SEX CRIME - NON FORCE SODOMY	2	0	0	0	1	0	0	0	0	1	0
SEX CRIME - NON-FORCE RAPE	2	0	0	0	1	0	0	0	1	0	0
SEX CRIME - OTHER	2	1	0	0	0	0	0	0	0	0	1

Woodburn Police Department

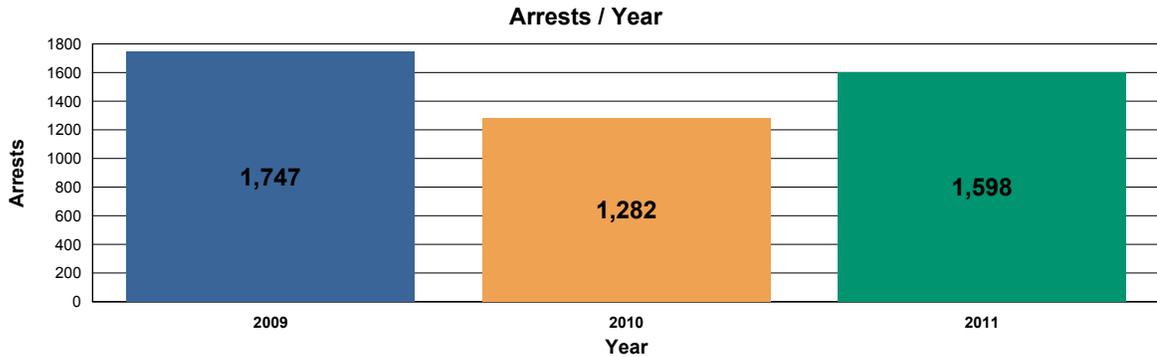
MONTHLY ARRESTS BY OFFENSES JANUARY THRU DECEMBER 2011

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	2	0	0	0	0	0	0	0	0	2	0
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	1	0	0	0	0	0	0	0	0	0	1
STALKER	1	0	0	0	0	0	0	0	1	0	0
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	2	0	1	0	0	1	0	0	0	0	0
THEFT - BICYCLE	2	0	0	0	0	1	0	0	0	1	0
THEFT - BUILDING	11	1	1	0	7	0	0	0	0	0	2
THEFT - FROM MOTOR VEHICLE	2	0	0	0	0	1	1	0	0	0	0
THEFT - OTHER	25	4	2	4	3	0	3	1	2	5	1
THEFT - PICKPOCKET	2	0	0	0	1	1	0	0	0	0	0
THEFT - SHOPLIFT	124	8	6	13	6	12	20	17	20	10	12
TRAFFIC VIOLATIONS	128	1	4	14	19	27	23	6	23	2	9
TRESPASS	39	5	0	6	4	8	1	8	2	3	2
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	2	0	0	0	0	1	1	0	0	0	0
VANDALISM	50	2	1	0	19	8	4	8	2	4	2
WARRANT ARREST FOR OUR AGENCY	41	2	4	1	2	3	5	4	8	7	5
WEAPON - CARRY CONCEALED	7	1	3	1	2	0	0	0	0	0	0
WEAPON - EX FELON IN POSSESSION	2	0	0	0	0	2	0	0	0	0	0
WEAPON - OTHER	1	0	0	0	0	1	0	0	0	0	0
WEAPON - POSSESS ILLEGAL	13	0	1	1	2	4	3	0	0	1	1

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
2011 Total	1,598	156	95	185	207	211	171	135	163	128	147

2010 Total	1,282	142	127	127	120	138	135	115	122	136	120
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2009 Total	1,747	136	199	169	170	168	192	173	176	203	161
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Woodburn Police Department

MONTHLY CRIMINAL OFFENSES JANUARY THRU DECEMBER 2011

CHARGE DESCRIPTION	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
AGGRAVATED ASSAULT	32	6	3	3	2	4	5	5	0	2	2
ANIMAL CRUELTY	2	0	0	0	0	1	0	1	0	0	0
ANIMAL ORDINANCES	21	1	2	0	1	3	6	1	2	2	3
ARSON	11	1	1	2	0	0	1	3	2	0	1
ASSAULT SIMPLE	97	7	8	12	7	12	12	10	17	5	7
ATTEMPTED MURDER	2	1	0	0	0	0	0	0	1	0	0
BURGLARY - BUSINESS	19	2	2	0	1	2	2	4	0	3	3
BURGLARY - OTHER STRUCTURE	14	0	1	0	1	2	2	1	0	3	4
BURGLARY - RESIDENCE	64	7	6	6	8	6	5	10	6	5	5
CHILD NEGLECT	8	1	1	1	0	0	1	2	1	1	0
CITY ORDINANCE	5	0	1	1	0	0	2	0	0	1	0
COMPUTER CRIME	2	0	0	0	1	0	0	1	0	0	0
CRIME DAMAGE-NO VANDALISM OR ARSON	84	8	11	5	6	9	10	10	7	6	12
CRIMINAL MISTREATMENT	6	0	0	2	0	2	0	0	0	2	0
CURFEW	3	0	0	2	0	0	0	0	0	0	1
CUSTODY - DETOX	7	1	0	1	1	0	1	2	1	0	0
CUSTODY - MENTAL	47	3	4	8	3	7	5	4	4	5	4
CUSTODY - PROTECTIVE	1	0	0	0	0	0	0	0	1	0	0
DISORDERLY CONDUCT	35	1	4	6	7	6	1	2	1	4	3
DRINKING IN PUBLIC	1	0	0	0	1	0	0	0	0	0	0
DRIVING UNDER INFLUENCE	100	5	3	12	12	13	10	10	12	8	15
DRUG LAW VIOLATIONS	81	4	9	8	14	13	6	8	6	8	5
DWS/REVOKED - FELONY	1	1	0	0	0	0	0	0	0	0	0
DWS/REVOKED-MISDEMEANOR	30	2	2	2	2	3	3	4	2	5	5
ELUDE	3	0	0	0	1	1	1	0	0	0	0
EMBEZZLEMENT	2	1	0	0	0	0	0	0	0	1	0
ESCAPE FROM YOUR CUSTODY	1	0	0	0	0	1	0	0	0	0	0
FAIL TO DISPLAY OPERATORS LICENSE	21	4	2	2	2	5	3	0	0	1	2
FAILURE TO REGISTER AS SEX OFFENDER	2	0	1	0	0	0	0	0	1	0	0
FORCIBLE RAPE	1	0	0	0	0	0	0	0	0	0	1
FORGERY/COUNTERFEITING	33	4	2	0	6	3	4	3	3	4	4
FRAUD - ACCOUNT CLOSED CHECK	2	0	0	0	1	0	0	0	0	1	0
FRAUD - BY DECEPTION/FALSE PRETENSES	7	0	2	0	1	2	0	1	0	0	1
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	19	4	0	2	2	3	0	1	1	2	4
FRAUD - IMPERSONATION	1	0	0	0	0	0	0	0	0	1	0
FRAUD - NO ACCOUNT - CHECK	1	0	0	0	0	0	0	0	0	1	0
FRAUD - OF SERVICES/FALSE PRETENSES	4	1	0	0	1	0	0	1	0	1	0
FRAUD - WIRE	2	0	0	0	0	0	0	1	1	0	0
FUGITIVE ARREST FOR ANOTHER AGENCY	181	17	17	15	28	27	20	9	16	15	17
FURNISHING	12	2	0	2	0	0	6	0	0	0	2
GARBAGE LITTERING	3	0	0	0	0	1	0	1	1	0	0
HIT AND RUN FELONY	7	0	0	0	0	1	1	2	1	1	1
HIT AND RUN-MISDEMEANOR	95	11	4	5	7	9	19	8	12	13	7
IDENTITY THEFT	37	2	1	7	8	4	2	2	5	2	4
INTIMIDATION /OTHER CRIMINAL THREAT	28	1	2	3	4	5	2	2	3	2	4
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	6	2	0	0	0	0	4	0	0	0	0
MINOR IN POSSESSION	28	4	3	3	4	5	3	2	1	0	3
MISCELLANEOUS	66	8	5	5	6	6	7	5	9	5	10
MOTOR VEHICLE THEFT	29	4	4	6	5	2	3	2	0	2	1
OTHER	65	6	8	6	5	12	7	9	4	5	3
PROPERTY - FOUND LOST MISLAID	19	1	2	1	2	6	3	2	0	1	1
PROPERTY RECOVER FOR OTHER AGENCY	2	0	1	0	0	1	0	0	0	0	0
RECKLESS DRIVING	12	0	0	1	1	1	1	1	3	1	3
RESTRAINING ORDER VIOLATION	5	1	0	0	0	1	1	0	0	0	2
ROBBERY - BUSINESS	3	0	0	0	1	0	0	1	0	0	1
ROBBERY - OTHER	6	1	4	1	0	0	0	0	0	0	0
ROBBERY - RESIDENCE	1	1	0	0	0	0	0	0	0	0	0

Woodburn Police Department

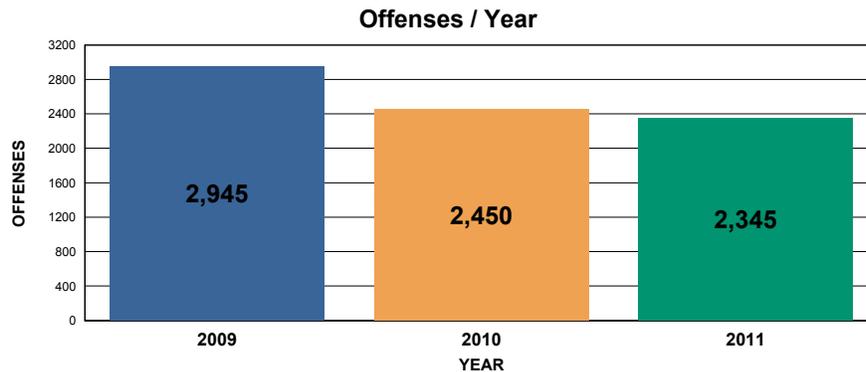
MONTHLY CRIMINAL OFFENSES JANUARY THRU DECEMBER 2011

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
RUNAWAY	58	2	6	9	2	11	4	5	5	9	5
SEX CRIME - FORCIBLE SODOMY	4	1	1	0	0	0	1	0	1	0	0
SEX CRIME - MOLEST (PHYSICAL)	22	4	1	1	0	2	7	2	2	2	1
SEX CRIME - NON FORCE SODOMY	1	0	0	0	0	0	0	0	1	0	0
SEX CRIME - NON-FORCE RAPE	4	0	0	1	1	0	1	0	1	0	0
SEX CRIME - OBSCENE PHONE CALL	3	0	1	1	0	1	0	0	0	0	0
SEX CRIME - OTHER	2	0	0	0	0	0	0	0	0	1	1
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	1	0	0	0	1	0	0	0	0	0	0
STALKER	1	0	0	0	0	0	0	0	1	0	0
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	4	0	0	0	0	1	0	3	0	0	0
SUICIDE	3	0	0	0	0	0	0	1	0	1	1
THEFT - BICYCLE	15	0	1	1	1	1	2	1	4	3	1
THEFT - BUILDING	21	2	3	1	4	2	1	3	1	1	3
THEFT - COIN OP MACHINE	1	0	0	0	0	1	0	0	0	0	0
THEFT - FROM MOTOR VEHICLE	60	11	7	4	7	5	8	8	2	3	5
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	13	3	3	1	1	0	0	2	3	0	0
THEFT - OTHER	119	5	10	11	9	13	8	13	14	16	20
THEFT - PICKPOCKET	1	0	0	0	1	0	0	0	0	0	0
THEFT - PURSE SNATCH	4	0	0	1	0	0	0	1	0	0	2
THEFT - SHOPLIFT	125	5	7	10	12	14	18	14	20	11	14
TRAFFIC ORDINANCES	1	0	0	0	0	0	0	0	1	0	0
TRAFFIC VIOLATIONS	132	1	5	12	21	21	27	9	24	2	10
TRESPASS	46	3	2	8	6	8	3	7	5	3	1
VANDALISM	259	34	14	28	30	27	33	28	11	20	34
VEHICLE RECOVERD FOR OTHER AGENCY	5	1	0	0	0	1	2	0	0	1	0
WARRANT ARREST FOR OUR AGENCY	39	2	4	1	1	3	4	4	8	7	5
WEAPON - CARRY CONCEALED	6	1	2	1	2	0	0	0	0	0	0
WEAPON - EX FELON IN POSSESSION	2	0	0	0	0	2	0	0	0	0	0
WEAPON - OTHER	1	0	0	0	0	1	0	0	0	0	0
WEAPON - POSSESS ILLEGAL	14	1	1	2	2	4	2	0	0	1	1
WILLFUL MURDER	1	0	0	0	0	1	0	0	0	0	0

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
2011 Total	2,345	202	184	223	253	298	280	232	228	200	245

2010 Total	2,450	321	223	282	219	283	253	197	231	238	203
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2009 Total	2,945	276	297	289	309	283	262	313	299	298	319
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Agenda Item

November 28, 2011

TO: Honorable Mayor and City Council through City Administrator
THRU: Scott Russell, Chief of Police
FROM: Jason R. Alexander, Captain
SUBJECT: **Liquor License Off-Premises Sales, Change of Ownership, Change Trade Name**

RECOMMENDATION:

The Woodburn City Council recommend that the OLCC approve the Change of Ownership, and Change of Trade Name for an Off-Premises Liquor Sales License for Tienda Mexicana El Compa Cheque

BACKGROUND:

Applicant: Ezequiel Escobedo
174 NE 66th Ave
Hillsboro, Oregon 97124
503-523-7939 (HM)
503-981-7361(WK)

Business: Su Casa Imports Inc.
Current 1032 N Pacific Hwy
Woodburn, OR 97071
503-981-7361

Business: Tienda Mexicana El Compa Cheque
Purposed 1032 N Pacific Hwy
Woodburn, OR 97071
503-981-7361

Owners: Same as Applicant (Above)

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License Type: **Change of Ownership** and **Change of Trade Name** for an **Off-Premises Liquor License**, which permits beer, wine, and cider sales for off-premises consumption only.

On November 15, 2011, the Woodburn Police Department received an application, requesting approval for a Change of Ownership, Change of Trade Name and to apply for an Off-Premises liquor license.

Currently the business is Su Casa Imports, which holds an Off-Premises liquor license. The business was sold to the applicant and he is requesting a change of ownership, change of trade name and an Off-Premises liquor license.

Tienda Mexicana El Compa Cheque will be open Monday thru Friday 8:00 am to 9:00 pm and on Saturday and Sunday from 7:00 am to 10:00 Pm. This business is a small grocery store and bakery. There will be no recorded music, DJ music, karaoke, or video lottery games. The Police Department has received no communication from the public or surrounding businesses in support of or against the new outlet.

DISCUSSION:

The Police Department has completed a background investigation, in connection with the OLCC, on the applicant and found nothing of a questionable nature, which would preclude the issuance of this license, or granting the Change of Ownership and Trade Name.

FINANCIAL IMPACT:

None



Agenda Item

November 28, 2011

TO: Honorable Mayor and City Council
FROM: Scott Derickson, City Administrator
SUBJECT: **Intergovernmental Agreement Related to Collecting School Construction Taxes**

RECOMMENDATION:

It is recommended the City Council adopt the attached resolution authorizing the City Administrator to renew an intergovernmental agreement, for a period of two years, with the Woodburn School District related to collecting School Construction Taxes.

BACKGROUND:

In October of 2007, the City Council approved an intergovernmental agreement related to the collection of School Construction Excise Taxes with the Woodburn School District pursuant to Senate Bill 1036.

SB 1036 was adopted by the 2007 legislature and went into effect on September 27, 2007. SB 1036 authorizes school districts to impose a tax of \$1.00 per square foot on residential construction and \$.50 per square foot on non-residential construction, and dedicates the resulting revenue to capital construction and improvements. Taxes collected for non-residential construction are limited to \$25,000 per building permit or per structure, whichever is less.

There are some exemptions provided for under the law. Construction projects such as public improvements, "affordable" housing that meets HUD guidelines, hospitals, churches, and certain agricultural buildings, are exempt from this tax. The tax can be implemented after a school district adopts resolutions to establish a facilities plan and to impose the tax.

SB1036 also allows construction taxes imposed by a school district may be collected by another local government agency. An agreement between a district and that agency is required before taxes can be collected in this

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manner. SB 1036 authorizes the collecting agency to retain up to one percent of the taxes collected to offset its administrative costs. The District views the tax as a financing tool of which it must take advantage, as part of its larger efforts to finance capital construction.

DISCUSSION:

SB 1036 does not require the City to collect this tax, and there are reasons why the City might defer, however after several years of experience, the City has developed an accounting system and process that collects and forwards the revenues collected to the Woodburn School District. The City is already organized to collect fees and can easily extend the intergovernmental agreement. It is also important to note the current system provides savings in both time and efficiency for the builder. If the District collects the tax, the builder must make multiple trips and payments. If the City collects, the builder can address all payments at one time and in the same place. For these reasons, it is recommended the City extend our agreement.

The attached intergovernmental agreement defines the responsibilities of each party. The agreement also provides:

- The City will continue to provide the forms and staff time to implement School Construction Tax collection;
- The City will continue to grant exemptions as provided by law;
- The City will continue to maintain the revenue that is collected, in an interest-bearing account separate from City funds, and convey it to the District on a quarterly basis or more frequently upon request; and
- The City will continue, on a quarterly basis at the same time as revenues are transferred, report to the District on building permit activity for the previous quarter, including the aggregate square footage of residential and non-residential construction, exemptions given, and amounts transferred.
- The Woodburn School District will continue to provide written information regarding the tax that can be used to educate builders;

- The Woodburn School District will continue to determine the validity of any exemptions granted by the City, and pursue collections for those exemptions it deems invalid; and
- The Woodburn School District will indemnify the City for any actions arising from the City's performance under the agreement.

With respect to compensation, SB 1036 allows the City to retain up to one percent of the value of school taxes collected to reimburse its administrative costs. However, in 2007, the City Council agreed to waive administrative fees in exchange for the School District providing its gymnasiums free of charge to the City's youth basketball league, and will provide an annual contribution of \$1,000 to the Aquatic Center. It is recommended that the same arrangement remain in place for the duration of the new intergovernmental agreement.

FINANCIAL IMPACT:

Because the School Construction Excise Tax is largely generated as a result of new construction, it is difficult to know what the overall financial impact to the School District will be given the 2008 housing crash and subsequent recession. The benefit to the City will be our continued arrangement with the School District and the \$1,000 annual donation made to the Aquatic Center.

COUNCIL BILL NO. 2882

RESOLUTION NO. 2006

A RESOLUTION ENTERING INTO AN AGREEMENT WITH WOODBURN SCHOOL DISTRICT 103 FOR THE PURPOSE OF COLLECTING A CONSTRUCTION EXCISE TAX AS PROVIDED BY STATE LAW AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN SAID AGREEMENT.

WHEREAS, 2007 legislation authorized school districts, as defined in ORS 330.005, to impose a Construction Excise Tax to fund capital improvements to school facilities; and

WHEREAS, the District imposed a Construction Excise Tax within the District and entered into an intergovernmental agreement with the City to collect the tax; and

WHEREAS, the intergovernmental agreement expires on December 31, 2011; and

WHEREAS, it is in the interest of both the City and the District to renew the intergovernmental agreement for an additional two year period; **NOW, THEREFORE,**

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. That the City of Woodburn enter into an Agreement with Woodburn School District 103 for the collection of construction excise taxes as provided by state law.

Section 2. That a copy of said Agreement is affixed to this Resolution as Attachment "A" and is by this reference incorporated herein.

Section 3. That the City Administrator is hereby authorized to sign said Agreement on behalf of the City.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council

Submitted to the Mayor

Approved by the Mayor

Filed in the Office of the Recorder

ATTEST: _____
Christina Shearer, City Recorder
City of Woodburn, Oregon

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement is effective on the date of the last signature below, and is by and between the City of Woodburn (“the City”), an Oregon municipal corporation, and the Woodburn School District 103 (“the District”), a school district organized under the laws of the State of Oregon.

WHEREAS, 2007 legislation authorized school districts, as defined in ORS 330.005, to impose a Construction Excise Tax to fund capital improvements to school facilities; and

WHEREAS, the District imposed a Construction Excise Tax within the District and entered into an intergovernmental agreement with the City to collect the tax; and

WHEREAS, the intergovernmental agreement expires on December 31, 2011; and

WHEREAS, it is in the interest of both the City and the District to renew the intergovernmental agreement for an additional two year period; and

NOW, THEREFORE, the parties hereto agree as follows:

SECTION 1 – INFORMATION AND FORMS

The City shall provide all of the forms necessary to collect the Construction Excise Tax. The District will create and provide: information, forms, and assistance explaining the Construction Excise Tax; information and forms for exemptions; and any other forms or information necessary for implementation of the Construction Excise Tax.

SECTION 2 – STAFFING

The City shall provide sufficient staff to calculate and collect the Construction Excise Tax along with the collection of other permit fees. The District shall provide sufficient staff to implement the Construction Excise Tax program. Each party continues to remain responsible for the supervision of its own staff.

SECTION 3 – COLLECTION DATES AND TERM

The City agrees to continue to assess and collect the Construction Excise Tax on behalf of the District. This Agreement is effective upon signature of the parties and expires on December 31, 2013

SECTION 4 – EXEMPTIONS

If a person or entity asserts that it is exempt from the Construction Excise Tax and files a District Construction Excise Tax Exemption Form at the time the Construction Excise Tax would otherwise be due, the City shall grant the exemption. It shall be the District's responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the Construction Excise Tax, as well as any other remedy the District may have under law, if the person or entity was not entitled to the exemption.

SECTION 5 – REMITTANCE

The City shall deposit all monies collected for the District in an interest-bearing account, and shall remit the collected Construction Excise Tax to the District. Remittance shall be quarterly, or more frequently upon special request by the District. Construction Excise Tax remittance and a Construction Excise Tax Report shall be sent to the District at 965 N. Boones Ferry Road, Woodburn, OR 97071.

SECTION 6 – CONSTRUCTION EXCISE TAX REPORT

Along with the Construction Excise Tax remittance, the City shall prepare and submit to the District a report of the Construction Excise Taxes and building permits issued for the previous quarter's construction activities. The report shall include: the number of building permits issued that quarter; the aggregate square footage of residential construction; the aggregate square footage of non-residential construction; the number of building permits for which Construction Excise Tax exemptions were given; and aggregate square footage of construction for the exempted construction; and the aggregate amount of Construction Excise Tax paid.

SECTION 7 – FAILURE TO PAY CONSTRUCTION EXCISE TAX

Construction taxes shall be paid by the person or entity undertaking construction at the time that the permit authorizing the construction is issued. Upon a person's or entity's refusal to or failure to pay the Construction Excise Tax when due, the City will not issue the permit. In no event shall the City be liable for failure to collect Construction Excise Tax when due.

SECTION 8 – RECORDS

The City shall make all records related to building permit activity, Construction Excise Tax collections, and the exemptions available to the District, or its designated auditors, as necessary for the District to audit Construction Excise Tax collections.

SECTION 9 – CONSIDERATION

The City and the District understand that state law authorizes the City to retain up to

one percent (1%) of the School Construction Excise Tax collected to recoup its administrative expenses in collecting the tax. For the period of this Agreement, the City waives its right to collect this fee. As consideration for the above-described services, the District will make available to the City for its recreation programs and to the Public, with the exception of Washington Elementary School, all outdoor recreation spaces on each campus. Such space shall include playing fields, basketball courts, and other play areas and surfaces and shall be made available at no cost, when school is not in session and during the same hours as when the City parks are open. The District shall standardize all locks use to secure these grounds, and provide the City with the master key to those locks. The City shall, with the exception of Washington Elementary School, be responsible for securing School grounds each evening at the same time as the City parks are secured. The District also agrees to make available at no cost for youth basketball league play all indoor basketball courts in the various school facilities, and to make available at its cost other indoor and classroom space as may be needed or desirable for the City to conduct indoor recreational and education programs. Costs charged to the City shall include only the District's direct cost for custodial services and supplies necessary to accommodate such use. The City shall reserve indoor space in a form acceptable to the District at least two weeks in advance of use. The District also agrees to make an annual contribution of \$1,000 to the Woodburn Memorial Aquatic Center, related to staffing, maintenance, and improvements needed to support the Woodburn High School men's and women's Swim and Water Polo teams. Said contributions shall be made on or before July 15, 2012 and 2013.

SECTION 10 – GENERAL PROVISIONS

This Agreement is binding on and inures to the benefit of the parties and their successors, and assigns. Except with the other party's prior written consent, a party may not assign any rights or delegate any duties under this Agreement. This Agreement may be amended only by an instrument in writing executed by all the parties. The headings used in this Agreement are solely for convenience of reference, are not part of this Agreement, and are not to be considered in construing or interpreting this Agreement. This Agreement sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to such subject matter. A provision of this Agreement may be waived only by a written instrument executed by the party waiving compliance. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision. From time to time, each of the parties shall execute, acknowledge, and deliver any instruments or documents necessary to carry out the purposes of this Agreement. Time is of the essence for each and every provision of this Agreement. Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties to this Agreement, any right or remedy of any nature whatsoever. Each party shall bear its own expenses in connection with this Agreement and the transactions contemplated by this Agreement.

SECTION 11 – DEFENSE AND INDEMNIFICATION

The District agrees to defend, indemnify and hold harmless the City and its officers, agents and employees, against all claims and actions, and all damages and expenses related thereto, arising from the City’s performance of this agreement, except for those caused by the sole negligence of the City or its officers and employees.

IN WITNESS WHEREOF, the City and the District have executed this Agreement the day and year written.

CITY OF WOODBURN:

WOODBURN SCHOOL DISTRICT 103

By: _____
Scott Derickson

By: _____

Title: City Administrator

Title: _____

Date: _____

Date: _____