

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY COUNCIL; CITY OFFICIALS

Section

City Council

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presence is required to enable the Council to proceed with business. Should they fail to appear at this notice, the members present shall adjourn to the next regularly scheduled Council meeting or to an earlier date (special Council meeting properly noticed and scheduled).
(Ord. 611, passed 7-25-2002)

Officials

- 30.15 City Manager

§ 30.03 COMMITTEES.

(A) The Mayor will appoint the members and chairpersons at the beginning of his or her term of office or as vacancies occur to the following standing committees:

CITY COUNCIL

§ 30.01 MEETING TIME AND PLACE.

(A) The City Council shall meet at least once per month according to the City Charter. The number of meetings above that required by the Charter will be set by the Council in its Council Procedure and Policy Handbook.

(B) All meetings will be held at City Hall unless the Council by majority vote decides to meet at a different place.

(Ord. 611, passed 7-25-2002)

Cross-reference:

Council Policies, Procedures and Guidelines,
see Chapter 32 of this code of ordinances

- (1) Finance;
- (2) Budget;
- (3) Public Affairs;
- (4) Parks;
- (5) Utilities; and
- (6) Law/Code Enforcement.

(B) Special committees shall be appointed by the presiding officer or City Manager unless otherwise directed by the City Council. These committees are intended to be temporary to attend to a specific item of business considered to be outside the scope of the standing committees.

§ 30.02 QUORUM.

If the roll call shows no quorum present at a Council meeting, they may or may not direct the City Recorder to immediately inform the absent members, except those known to be absent from the city or unavoidably detained (excused absence), that their

(C) These committees will make recommendations to the City Manager for implementation and to the full Council for changes in policy. The City Manager or his or her designee shall attend all committee meetings. Each committee chair will file a written report and present it verbally in the first Council meeting following the committee meeting

each month. The committee chair or his or her designee is responsible for providing the report to the City Recorder for distribution and communicating recommendations to the City Manager as needed. If a committee fails to report timely upon a matter referred to it, the matter may be brought before the Council by action of any Councilperson. (Ord. 611, passed 7-25-2002)

§ 30.04 ORDER OF BUSINESS.

(A) *Generally.* In the conduct of business of the Council, the following order of business shall be substantially followed:

- (1) Roll call;
- (2) Approval of the minutes of the previous meeting;
- (3) Reports of the standing committees;
- (4) Reports of the special committees;
- (5) Reports of the city officers (Attorney, Engineer, Planner and City Manager);
- (6) Public input;
- (7) Old business;
- (8) New business; and
- (9) Adjournment.

(B) *Executive session.*

(1) If executive session is required and known in advance it will be so noted in the agenda as distributed. An executive session may be added to the agenda if cleared by the City Manager through the City Attorney. The specific O.R.S. reference for executive session must be given before entering into the session.

(2) An executive session may also be called by a majority of the City Council if it complies with the law pertaining to executive session.

(C) *Question of priority.* All questions relating to the priority of business shall be decided by the

presiding officer.
(Ord. 611, passed 7-25-2002)

§ 30.05 RULES OF ORDER.

Except as provided in the Charter or in other city ordinances, Council meetings shall be governed by *Robert's Rules of Order, Newly Revised.* (Ord. 611, passed 7-25-2002)

OFFICIALS

§ 30.15 CITY MANAGER.

(A) *Creation of Office of City Manager.* There is hereby created the Office of City Manager who may act as the administrative head of the city government and may also act in the appointive capacity of City Recorder.

(B) *Appointment, removal and absence of City Manager.*

(1) A majority of the entire Council may appoint and may remove the City Manager. The appointment shall be without regard to political consideration and be based solely on the administrative qualifications. The City Manager shall be appointed for a definite or indefinite term and may be removed by the City Council at its pleasure. Within 6 months after a vacancy occurs in the position of City Manager, the City Council may, at its pleasure, fill a vacancy by appointment.

(2) When the City Manager is absent from the city or disabled from acting as City Manager, or when the Office of the City Manager becomes vacant, the City Council may appoint a City Manager pro tem, who has the powers and duties of the City Manager, except that the City Manager pro tem may appoint or remove personnel only with the approval of the City Council. No persons may be City Manager pro tem more than 6 consecutive months.

(C) *Residency requirement considerations.* The City Manager need not reside in the city or the State of Oregon when appointed; however, once appointed, it would be preferred, but not mandatory, for the City

Manager to reside within the boundaries of the city.

(D) *Surety bond requirements.* Upon accepting the appointment, the City Manager shall furnish the city with an amount and with a surety approved by the City Council. The city shall pay the bond premium.

(E) *Duties and responsibilities of City Manager.* The City Manager shall:

(1) Attend all Council meetings unless excused by the City Council;

(2) Locate, apply for and successfully obtain miscellaneous grant funding on an annual basis in conjunction with city goals;

(3) Keep City Council advised of the affairs and needs of the city;

(4) See that the provisions of all ordinances are administered to the satisfaction of the City Council;

(5) See that all terms of franchises, leases, contracts, permits and privileges granted by the city are fulfilled;

(6) Appoint, discipline and remove appointed personnel, except appointees of the City Council;

(7) Supervise and control the City Manager's appointees in their service to the city;

(8) Organize and reorganize the department structure of city government;

(9) Prepare and transmit to the City Council an annual city budget;

(10) Supervise city contracts;

(11) Supervise operation of all city-owned public utilities, property, programs and services; and

(12) Perform other duties as the City Council prescribes consistent with the provisions of the City Charter.

(F) *Relationships of City Manager with Council and other personnel.* The City Manager and other personnel whom the Council designates may sit with the Council, but may not vote on questions before it. The City Manager may take part in all City Council discussions. The City Manager may not control the City Council, the Municipal Judge in the Judge's judicial functions or, except as the City Council authorizes, appointive personnel of the city whom the City Manager does not appoint.

(G) *Written contract.* The city and the proposed City Manager will enter into a written contract which will specify the terms and conditions of the City Manager's employment with the city. (Ord. 609, passed 10-30-2001; Am. Ord. 623, passed 10-14-2004)

CHAPTER 31: CITY ORGANIZATIONS

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Library Board

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LIBRARY BOARD

§ 31.01 CITY LIBRARY ESTABLISHED.

The city library heretofore established is hereby re-established under the provisions of O.R.S. 357.400 to 357.640. It shall be known as the Willamina Public Library.
(Ord. 496, passed 9-25-1980)

§ 31.02 LIBRARY FINANCING.

The library shall be financed through the use of General Fund monies, revenues obtained from operation of the library, grants, gifts, donations and bequests received and designated to be used for

library purposes, and any tax levies that may be authorized by the electors.
(Ord. 496, passed 9-25-1980)

§ 31.03 LIBRARY BOARD ESTABLISHED.

(A) The Library Board previously established is hereby re-established.

(B) The Board shall consist of 5 members appointed by the Mayor and confirmed by the City Council.

(C) Members of the Board in office at the time this subchapter takes effect may continue in office for the terms for which they have been appointed.

(D) The term of office of each member subsequently appointed is 4 years.

(1) No person shall hold office for more than 2 full consecutive terms; and

(2) Any person may be appointed again to the Board after an interval of 1 year.

(E) A Board position becomes vacant upon a member's:

(1) Death;

(2) Resignation from office;

(3) Term expiration; or

(4) Nonattendance of Board meetings without prior notice, for reasons other than illness or emergencies for more than 2 consecutive meetings, upon concurrence of the remainder of the Board that

a vacancy for these reasons shall exist.

(F) A vacancy on the Board, unless caused by the expiration of a term of office, shall be filled by appointment in the same manner as original appointments and shall be for the remainder of the unexpired term of office of the member who leaves the office vacant.

(Ord. 496, passed 9-25-1980; Am. Ord. 572, passed 12-8-1994)

§ 31.04 BOARD OFFICERS.

(A) The Library Board shall elect a Chairperson from among its members to serve at the pleasure of the Board.

(B) The librarian shall serve as Secretary of the Board and keep a record of its proceedings.

(C) The Board shall schedule meetings not less frequently than monthly, with the exception of the months of July and August.

(D) The Board may establish and alter rules and regulations for its government and procedure, but the rules and regulations shall be subject to the approval of the City Council.

(Ord. 496, passed 9-25-1980; Am. Ord. 572, passed 12-8-1994)

§ 31.05 DUTIES OF LIBRARY BOARD.

The Library Board shall:

(A) Keep informed about current trends in library services and administration;

(B) Study library growth and needs in Willamina and vicinity;

(C) Develop and recommend to the City Council long-range plans for library service and facilities, consistent with city priorities and with state, regional and national goals pertinent to libraries;

(D) Recommend to the City Council sites for library facilities;

(E) Participate in the planning for library facilities;

(F) Recommend to the City Council types of library service for the city and vicinity;

(G) Investigate sources of funding for library service and facilities;

(H) Recommend to the City Council policies for the acceptance and use of gifts for library purposes;

(I) Participate in the annual budgetary process of the city as that process pertains to the library;

(J) Recommend to the City Council policies conducive to efficient and effective operation of the library;

(K) Review and recommend to the City Council terms for contracts and working relationships with other public agencies regarding library service; and

(L) Submit reports as requested by the City Council.

(Ord. 496, passed 9-25-1980)

§ 31.06 ANNUAL REPORT.

The Library Board shall make an annual report to the State Library and to the City Council on a form supplied by the State Library.

(Ord. 496, passed 9-25-1980)

CITY PLANNING COMMISSION

§ 31.15 MEMBERSHIP.

(A) The Commission shall consist of 7 members who are not elected officials or employees of the city. Commission members shall receive no compensation, but may be reimbursed for expenses duly authorized in advance by the City Council.

(B) No more than 2 members of the Commission shall engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation, that engages principally in the buying, selling or

developing of real estate for profit.

(C) No more than 2 members shall be engaged in the same kind of occupation, business, trade or profession.

(D) The Planning Commission is a public body as defined by O.R.S. 192.410 and as such shall be subject to Public Records and Public Meetings law, being O.R.S. Ch. 192.
(Ord. 574, passed 8-31-1995)

§ 31.16 APPOINTMENT AND TERM.

Members of the Planning Commission shall be appointed by the City Council for a term of 4 years, beginning at the first regular Commission meeting of the calendar year immediately after appointment.
(Ord. 574, passed 8-31-1995)

§ 31.17 VACANCIES AND REMOVALS.

(A) Any vacancy in the Commission shall be filled by City Council appointment and shall be for the unexpired term of the predecessor in office.

(B) (1) A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty.

(2) A member who is absent from 3 consecutive meetings without an excuse as approved by the Planning Commission and/or Chairperson, is rebuttably presumed to be in nonperformance of duty, and the City Council shall declare the position vacant unless finding otherwise following the hearing.
(Ord. 574, passed 8-31-1995)

§ 31.18 OFFICERS.

(A) (1) At its first meeting of each calendar year, the Commission shall elect a Chairperson and Vice-Chairperson from among the members to serve 1-year terms. The Chairperson votes, in matters coming before the Commission, only to break a tie.

(2) The Commission shall elect a Secretary, who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings.

(B) Notwithstanding the above, the City Council retains the option of appointing and/or removing an officer of the Commission, if Council, by a majority vote at a regularly scheduled meeting, desires and deems it necessary to do so. The Council, as the appointing authority, is the final judge of the qualifications of Commission officers.
(Ord. 574, passed 8-31-1995)

§ 31.19 MEETINGS.

(A) A majority of the members of the Planning Commission shall constitute a quorum.

(B) The Commission shall meet at least once a month. Meetings of the Commission shall be conducted in accordance with public meeting law.

(C) Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records.

(D) The Chairperson, upon his or her motion may, or at the request of 3 members of the Commission shall, by giving notice to members of the Commission, call a previously unannounced special meeting of the Commission for a time not earlier than 24 hours after notice is given. Notice of a previously unannounced meeting other than to Commission members shall be given as provided by law.
(Ord. 574, passed 8-31-1995)

§ 31.20 POWERS AND DUTIES.

The Commission shall have the powers and duties which are now or may hereafter be assigned to it by charter, ordinances or resolutions of this city and general laws of this state.

(A) The Commission shall administer the subdivision and zoning ordinances of the city and may make recommendations and suggestions to the City Council and to other public authorities concerning land use issues.

(B) The Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the City Council.

(C) The Commission shall, in January of each year, make and file a report of all its transactions with the City Council.

(D) All recommendations and suggestions and reports made to the City Council by the Commission shall be in writing.
(Ord. 574, passed 8-31-1995)

§ 31.21 EXPENDITURES.

The Commission shall have no authority to make expenditures on behalf of the city or to obligate the city for payment of any sums of money except as herein provided, and then only after the City Council shall have first authorized the expenditure by appropriate action.
(Ord. 574, passed 8-31-1995)

§ 31.22 CONFLICT OF INTEREST.

(A) A member of the Planning Commission

shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:

(1) The member or the spouse, brother, sister, child, parent, father-in-law or mother-in-law of the member;

(2) Any business in which the member is then serving or has served within the previous 2 years; or

(3) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(B) Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
(Ord. 574, passed 8-31-1995)

CHAPTER 32: COUNCIL POLICIES, PROCEDURES AND GUIDELINES

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Editor's note:

The Council has drawn up the following policies as guidelines in dealing with day-to-day decisions. Any questions regarding the use or relevance of these procedures may be brought to the City Council for consideration. The City Council shall have the discretion to vary or modify at any time the application of any policy, which would result in practical difficulties.

Any

modification or updates will be by majority vote of the Council. Regardless of other modifications, this policy is to be reviewed on an as-needed basis by the City Council, with input from Department heads.

GUIDELINES FOR EMPLOYEE ACTION

§ 32.01 DUTIES OF MAYOR.

(A) *Mayor's function at Council meetings.*

- (1) Preside over deliberation of the Council;
- (2) Preserve order:
 - (a) Declaring unruly Council persons or audience persons "out of order;"
 - (b) Expulsion from the Council for unruly persons; and
 - (c) Adjourning the meeting.
- (3) Enforce Council rules according to *Robert's Rules of Order, Newly Revised*;
- (4) Determine the order of business under the rules;
- (5) Supervise the setting of the agenda for the meeting; and

(6) The Mayor shall vote only to break a tie.

(B) *Mayor's function outside Council meetings.*

- (1) The Mayor is the spokesperson for the city.
- (2) The Mayor is expected to appoint a representative or represent the city at local, county and state functions as necessary.
- (3) The Mayor is expected to enforce and adhere to the code of ethics for elected and supervisory officials.

(C) *Mayor's committee authority.*

- (1) The Mayor appoints committees and committee chairs on all committees.
- (2) The standing committees of the city, per the City Charter, are:
 - (a) Finance;
 - (b) Budget;
 - (c) Public Affairs;
 - (d) Parks;
 - (e) Utilities; and
 - (f) Law/Code Enforcement.

(3) All committees are advisory and make recommendations to the full Council.

- (a) Committee duties include following up on items Council has approved.
- (b) Each committee may set its meeting day and time but must notify the City Recorder, who will make sure that all public meeting laws are adhered to.
(Ord. passed 9-29-2005)

§ 32.02 COUNCIL AUTHORITY.

(A) The current schedule of regular Council meetings is the second and last Thursday of each month. The current start time is 7:00 p.m. with a meeting target curfew of 9:30 p.m.

(B) All meetings will be taped and have minutes written by the City Recorder, or if absent, 1 of his or her designees. The Mayor or 3 Council members may call work sessions and special Council meetings.

(C) Time, day and place must be properly noticed according to public meeting law (24 hours' advance notice). The sitting Council may change the above as long as the minimum requirements of the Charter are adhered to.

(D) The City Charter sets the order of business; however, the order may be changed at a meeting to expedite overall proceedings with the approval of the person in charge.

(E) On a daily basis, problems that arise should be discussed by department heads with the Mayor and/or committee chairperson.
(Ord. passed 9-29-2005)

§ 32.03 DUTIES OF CITY COUNCIL.

(A) Each elected or appointed Council person is expected to adhere to the following criteria:

(1) Debate is to be conducted in a civilized manner without malice towards the audience, the Mayor or other Councilors;

(2) All Councilors are encouraged to participate in civic and county affairs;

(3) Each Councilor is to be properly prepared for Council meetings in order to make good decisions for the city;

(4) When a Councilor wishes to place a proposal before the City Council, he or she has the right and duty to place that item on the agenda;

(5) Each Councilor has sworn to support the laws of the United States and the State of Oregon, also to faithfully perform the duties of Councilor of the City of Willamina to the best of his or her ability; and

(6) Advanced notification to either the Mayor or the City Recorder in the event he or she cannot attend a scheduled Council meeting or work session.

(B) The Council shall prescribe the compensation to be received by the Mayor, City Council and other officers. If a union contract exists, the Mayor or his or her designee negotiates the wages of employees, but the union contract must be ratified by the City Council.
(Ord. passed 9-29-2005)

§ 32.04 CRITERIA FOR HIRING CITY RECORDER.

The Charter of the City of Willamina provides for the hiring of a City Recorder at the option of the City Council.

(A) This position is an exempt, non-union position with the city.

(B) The duties of this employee shall be consistent with the City Charter, City Council, city ordinances, the courts, the laws of the State of Oregon and the laws of the United States of America, and shall include but not be limited to:

(1) Performs the duties and responsibilities as the City Recorder for the city, maintains an investment program for city funds and prepares the budget;

(2) Is responsible for all payments of bonded debt, accounts payable, payroll, liabilities, retirement accounts, accounts receivable, grant administration and the input of all of those records into the financial system, suitable for an independent audit;

(3) Authors the Management Discussion and Analysis for the end of each fiscal year, outlining an overview of the financial statements, major changes and budgetary highlights;

(4) Prepares an asset inventory for all capital equipment;

(5) Provides financial reports on a

monthly basis, keeping the Mayor and City Council aware of all city business;

(6) Maintains on up-to-date basis on all records of the city, i.e., ordinances, resolutions and Council minutes;

(7) Establishes and directs a central accounting system, maintains a system of control to ensure expenditures do not exceed budgeted amounts and reports any discrepancies;

(8) Supervises all billing and collection matters for the city while maintaining the policies and a program for utility collections;

(9) Supervises the business office functions and oversees the operations with the assistance of the office personnel;

(10) Serves as the clerk at the City Council meetings and assists the Mayor and City Council as needed;

(11) Purchases building maintenance supplies, office supplies and equipment; and

(12) Serves on the negotiating committee for the administrative team during labor negotiations.

(C) The duties listed shall not be construed as a detailed description encompassing all job requirements.
(Ord. passed 9-29-2005)

§ 32.05 MISCELLANEOUS.

(A) *Job applications.* In the event a position is filled and the new employee terminates within a 6-month period, an application on file from the original opening may be used to fill the position.

(B) *Taking applications.* Applications will be taken for positions even if there are no openings at the time of applying. These will be kept on file for a 1-year period. In the event a position becomes available in the job description applicable, the applicant will be contacted and asked if he or she is interested in activating the application. This will be in addition to using the usual channels.

(C) *Employment decisions.* Department heads may make recommendations for hiring, disciplining or firing to the City Council, who will make the final decision. The full Council including the Mayor will be involved in the annual performance review. All actions require the majority vote of the City Council and consideration of appropriate ordinances, the City Charter and the personnel service contract in place.

(D) *Employment verifications.* Various agencies write or telephone from time to time to verify dates of employment, wages earned and the like for past or present employees. The City Recorder is designated to accept such inquiries in writing. No additional information is to be given other than to verify facts that the inquiring agency already has.

(E) *Payroll.* Payday is the last working day of the month. A draw may be taken, not to exceed 1/2 of monthly take-home pay. The Mayor is paid monthly along with regular employees. Council members are paid quarterly, based on the number of meetings attended for the past quarter. Stipends for Mayor and City Councilors are to be reviewed annually by the City Council. All city staff with the exception of part-time, exempted supervisory staff, and contracted staff is subject to the specifics of the labor contract in place.
(Ord. passed 9-29-2005)

MUNICIPAL COURT PROCEDURES

§ 32.15 WRITTEN RULES OF PROCEDURES.

(A) The Court operates under separate written rules which include procedures for:

- (1) Attorneys;
- (2) Trials;
- (3) Jurors;
- (4) Postponements/appearances;
- (5) Multiple citations;
- (6) Courtroom ethics;

- (7) Terms of court;
- (8) Jurisdiction;
- (9) Sentencing authority;
- (10) Assessment;
- (11) Custody release;
- (12) Defendant's and victim's rights; and
- (13) Inherent power of courts.

(B) These procedures shall be reviewed and updated by the Municipal Judge and reviewed and updated by the Council on a timely basis.
(Ord. passed 9-29-2005)

§ 32.16 MUNICIPAL COURT SESSIONS.

Regular sessions of the Court are held on the third Tuesdays at 5:30 p.m. each month. Special sessions of the Court will be called as needed to expedite arraignments, meet emergencies or accommodate vacations or holidays.
(Ord. passed 9-29-2005)

§ 32.17 MUNICIPAL COURT FEE COLLECTION.

Every effort will be made by the Municipal Judge to collect fines, cost and levied assessments. Standard procedure is for payment agreements to be made if necessary and warrants for contempt of court issued for nonpayment.
(Ord. passed 9-29-2005)

FINANCIAL POLICIES

§ 32.30 PETTY CASH.

Petty cash expenditures are limited to items that cannot be paid on account and must be paid immediately when no check signatures are available for check signing. Anything over the \$50 limit must be processed according to the normal account payable

procedures.
(Ord. passed 9-29-2005)

§ 32.31 PURCHASE POLICY.

(A) It is the general policy that purchasing of items that may be available and comparatively priced from several services be purchased locally, with business spread as equally as possible between competing businesses.

(B) Any item costing more than \$1,000 should have 3 competitive bids unless it is not practical to comply.

(C) Any item costing \$5,000 or more should require an RFP (request for proposal) be filed, an evaluation of all qualified bids, a recommendation be made to Council and a decision be made.
(Ord. passed 9-29-2005)

§ 32.32 PURCHASE LIMITS.

(A) Department heads may authorize purchases for budget line items up to \$500 as needed. Notification should be made to the City Recorder who will assure cash availability to cover the purchases.

(B) Purchases above \$500 up to \$1,000 require purchase orders which must be signed by a department head and the City Councilor who is the chair of the committee which oversees that particular department head.

(C) All purchases over \$1,000 are to be approved by the City Council.

(D) In the case of an emergency, department heads may purchase items without the approval of a Councilor or the City Council; however, these emergency expenditures must also be approved by the City Recorder who will also sign the purchase order, and the City Council will be notified of the emergency purchase as soon as practicable.

(E) No purchases will be made solely upon a request by a member of Council.

(F) For purchases of appropriated items

between \$2,500 and \$9,999, competing bids (at least 3) will be sought, an evaluation of bids made based on consistent criteria and a recommendation be made to the City Council for a decision. The City Council will then select the successful bidder.

(G) Any appropriated item to be purchased exceeding \$10,000 requires that the employee seeking the purchase file a request for proposal. Qualified bids shall be gathered within a specified time period and be forwarded to the City Council, who will make the final decision.
(Ord. passed 9-29-2005)

§ 32.33 EQUIPMENT PURCHASES/CAPITAL IMPROVEMENT.

(A) All appropriated equipment purchased and appropriated capital improvements in excess of \$5,000 will be capitalized for financial purchases effective with the fiscal year. All appropriated items above \$500 will be inventoried for insurance purposes.

(B) To be classified as an equipment purchase/capital improvement, the purchase must have useful life in excess of 1 year and valued in excess of \$500.

(C) The same rules apply to this category of purchase as mentioned in the general policy.

(D) *Inappropriate expenses.* By law, the city may not expend monies that are not properly appropriated in the adopted budget or subsequent budget modifications.
(Ord. passed 9-29-2005)

§ 32.34 OTHER SPENDING POLICIES.

(A) *Banking policy.* The opening of new bank accounts for the city requires the approval of the City Council. Signatures on the account shall be the Mayor, the Council President or the City Recorder. A second employee who is bonded will also be available in the event of an emergency. Each check must be signed by 2 of the above signatories. All bank accounts will be reconciled on a monthly basis.

(B) *Visa policy.* Visa cards issued on behalf of the city will be limited to expenses while traveling on

city business, and emergency purchases by the City Recorder that cannot be purchased on account or paid by check. Individual cards will be issued to the aforementioned employees/officers of the city who are properly bonded. A Visa card may be issued to the Mayor and City Council when on city business with the consent of the Council.

(C) *Interest rate.* The current statutory rate of interest shall be used for items in the lien docket, if applicable ordinances do not state a specific rate to be used.

(D) *Short term investment.* The City Recorder is authorized by resolution to make timely investments of city funds to the Oregon State Treasury Local Government Investment Pool. A report of the status of investments shall be provided to the Council monthly.
(Ord. passed 9-29-2005)

OFFICE PROCEDURES

§ 32.45 OFFICE HOURS.

(A) Business hours for City Hall are from 8:00 a.m. to 5:00 p.m. Monday through Friday for the public's convenience. Lunch hours shall be staggered in order to keep the office open.

(B) Personal business and personal phone calls are to be kept to a minimum in all departments of the city during business hours. In no instance are any person's phone calls to be charged to the city phones. Any excessive personal use will be brought to the City Council's attention for action.

(C) Staff home address, phone numbers or any personal information regarding employees or Council members are not given out unless instructions are received from the individual employee/Council member to do otherwise. City Hall's mailing address is generally given to other agencies.

(D) Inquiries are often received as to owner information on various properties in the city. Generally, this is by people looking for a rental house and finds one that looks vacant. In this instance, because of the public relations factor, owner information may be given out if available, unless

instructed otherwise by the property owner.

(E) Other inquiries are sometimes made for addresses of residents for unknown reasons. By virtue of City Hall having this information available and also serving as an auxiliary Chamber of Commerce information center, the general rule is this information may be given out. However, there may be instances when the receptionist may feel totally uncomfortable with the reason for the inquiry. In this instance, a judgment call has to be made. If this situation arises, the best course is usually to consult the Mayor and the City Recorder to help make the decision.

(F) Security procedures:

(1) The following shall be kept in a locked fireproof storage place, with access given only to those persons whose daily work involves these items. Access is to be requested through the City Recorder:

- (a) Deeds;
- (b) Cash receipts;
- (c) Keys;
- (d) Minutes of meetings;
- (e) Titles;
- (f) Bond information;
- (g) Personnel records; and
- (h) Any one-of-a-kind or historically relevant items.

(2) Administrative staff needs to devise a computer backup system on tapes or disks, with off-site storage on a daily basis.
(Ord. passed 9-29-2005)

MISCELLANEOUS DEPARTMENT GUIDELINES

§ 32.55 LIBRARY BOARD.

(A) In addition to Council committees, the library has, by ordinance, a Board of Directors, whose procedures and duties are detailed in Chapter 31 of this code of ordinances. Any changes in members of this Board are to be reported to the Council as soon as the changes occur.

(B) Every attempt will be made, as much as possible with volunteer workers, to keep the library open as many hours and on days most convenient and preferred by the patrons.
(Ord. passed 9-29-2005)

§ 32.56 EQUIPMENT; USE OF CITY-OWNED EQUIPMENT.

The general rule is there is no loaning out or rental of city equipment except on a trade basis with other governmental agencies. Any exceptions to this procedure shall come before Council for a decision except in case of emergency.
(Ord. passed 9-29-2005)

§ 32.57 POLICE DEPARTMENT PROCEDURES.

(A) Law enforcement services are currently contracted with Yamhill County Sheriff's Department. The current allocation is for 1-1/2 and the Resource Officer shared with the local school district. The contract is negotiated annually. Termination of the contract by either party requires a 6-month notice and compliance with state law regarding hiring of displaced officers.

(B) All contracts with the Sheriff's Department regarding contracted services shall be through the county offices in McMinnville and the Mayor, subject to approval by the City Council.
(Ord. passed 9-29-2005)

§ 32.58 CONTRACT SERVICE.

(A) (1) *Legal.* All contact with the City Attorney shall be requested through the City Recorder and Mayor.

(2) *Engineer/planning/inspection.* All contact with the City Engineer, City Planner or

Inspector shall be requested through the City Recorder and Mayor.

replace any former policies in place.
(Ord. passed 9-29-2005)

(B) The policies and procedure herein listed

CHAPTER 33: FEES

Section

General Fees

- 33.01 Court proceedings; schedule of fees
- 33.02 Lien searches on real property
- 33.03 Jury fees

System Development Charge

- 33.15 Purpose
- 33.16 Scope
- 33.17 Definitions
- 33.18 System development charge established
- 33.19 Methodology
- 33.20 Authorized expenditures
- 33.21 Expenditure restrictions
- 33.22 Improvement plan
- 33.23 Collection of charge
- 33.24 Delinquent charges; hearings
- 33.25 Installment payment
- 33.26 Exemptions, reductions and waivers
- 33.27 Credits
- 33.28 Segregation and use of revenue
- 33.29 Appeal procedure
- 33.30 Prohibited connection

Cross-reference:

Business license fees, see § 110.04

GENERAL FEES

§ 33.01 COURT PROCEEDINGS; SCHEDULE OF FEES.

(A) (1) The Clerk of the Municipal Court shall collect, in advance of providing the required services and in addition to any other fine or penalty, the following fees:

(a) For preparation of a transcript of record on appeal to the County Circuit Court, \$20;

(b) For scheduling a jury trial, the fee required by § 33.03.

(2) On the order of the Municipal Judge, the aforementioned fees may be waived or modified when such action is required due to indigency and/or in the interests of justice.

(B) In all cases where a defendant has been convicted of a violation of any city ordinance or state traffic offense presented in the Municipal Court, the Municipal Judge may add costs to the fine, penalty or sentence imposed upon conviction which shall be established and adjusted by resolution of the City Council.

(Ord. 523, passed 4-14-1983; Am. Ord. 561, passed 11-12-1992; Am. Ord. 588, passed 5-29-1997; Am. Res. 96-97-13, passed 5-29-1997)

§ 33.02 LIEN SEARCHES ON REAL PROPERTY.

(A) The sum of \$20 is hereby fixed and specified as the amount to be charged from and after the date of this section for the services of the City Recorder in checking the city lien records to determine if there are any city liens against real property in the city.

(B) The fees shall be charged for each separate parcel of real property for which a lien search is

requested.
(Ord. 486, passed 3-27-1980)

§ 33.03 JURY FEES.

The jury fees as determined by the city are hereby adopted as if set out in full herein. Copies are available through city offices.
(Ord. 401, passed - -; Am. Ord. 522, passed 4-14-1983; Am. Ord. 561, passed 11-12-1992)

SYSTEM DEVELOPMENT CHARGE

§ 33.15 PURPOSE.

The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater, drainage, streets, flood control, and parks and recreation upon those developments that create the need for or increase the demands on capital improvements.
(Ord. 567, passed 10-27-1994)

§ 33.16 SCOPE.

The system development charge imposed by this subchapter is separate from and in addition to any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.
(Ord. 567, passed 10-27-1994)

§ 33.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAPITAL IMPROVEMENTS. Facilities or assets used for:

- (1) Water supply, treatment and distribution;
- (2) Wastewater collection, transmission, treatment and disposal;

- (3) Drainage and flood control;
- (4) Transportation; or
- (5) Parks and recreation.

CITY ADMINISTRATOR. City Recorder, in the case where the city does not have a City Administrator on staff.

DEVELOPMENT. A building or mining operation making a physical change in the use or appearance of a structure or land, dividing land into 2 or more parcels (including partitions and subdivisions), and creating or termination of a right of access.

IMPROVEMENT FEE. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to this subchapter.

LAND AREA. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way, or easement subject to a servitude for a public street or scenic or preservation purpose.

OWNER. The owner or owners of record title or the purchaser or purchasers under a recorded sales agreement and other persons having an interest of record in the described real property.

PARCEL OF LAND. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision or other development ordinance.

QUALIFIED PUBLIC IMPROVEMENT. A capital improvement that is:

- (1) Required as a condition of residential development approval;
- (2) Identified in the improvement plan adopted pursuant to this subchapter; and
- (3) Not located on or contiguous to a parcel of land that is the subject of the residential

development approval.

REIMBURSEMENT FEE. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to § 33.18.

SYSTEM DEVELOPMENT CHARGE. A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. **SYSTEM DEVELOPMENT CHARGE** includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. **SYSTEM DEVELOPMENT CHARGE** does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

(Ord. 567, passed 10-27-1994)

§ 33.18 SYSTEM DEVELOPMENT CHARGE ESTABLISHED.

(A) System development charges shall be established and may be revised by resolution of the Council.

(B) Unless otherwise exempted by the provisions of the ordinance, or other local or state law, a system development charge is imposed upon all persons who develop parcels of land that connect to or which will otherwise use or create a need for the sewer facilities, storm sewers, water facilities, streets or parks and open spaces of the city.

(Ord. 567, passed 10-27-1994)

§ 33.19 METHODOLOGY.

(A) The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the Council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

(B) The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

(C) The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the Council.

(Ord. 567, passed 10-27-1994)

§ 33.20 AUTHORIZED EXPENDITURES.

(A) *Reimbursement fees.* Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(B) *Improvement fees.*

(1) Improvement fees shall be spent only on improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness; and

(2) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the improvement plan adopted by the city pursuant to this subchapter.

(C) *Costs of compliance.* Notwithstanding divisions (B)(1) and (2) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this subchapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

(Ord. 567, passed 10-27-1994)

§ 33.21 EXPENDITURE RESTRICTIONS.

(A) System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(B) System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.
(Ord. 567, passed 10-27-1994)

§ 33.22 IMPROVEMENT PLAN.

The Council shall adopt a plan by resolution that:

(A) Lists the capital improvements that may be funded with improvement fee revenues;

(B) Lists the estimated cost and time of construction of each improvement; and

(C) Describes the process for modifying the plan.
(Ord. 567, passed 10-27-1994)

§ 33.23 COLLECTION OF CHARGE.

(A) The system development charge is payable upon issuance of:

(1) A building permit;

(2) A permit to connect to the water system; or

(3) A permit to connect to the sewer system.

(B) If development is commenced or connection is made to the water or sewer systems without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

(C) The City Administrator, or his or her

designee, shall collect the applicable system development charge when a permit that allows the building or development of a parcel is issued, or when a connection to the water or sewer system of the city is made.

(D) The City Administrator, or his or her designee, shall not issue the permit or allow the connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to § 33.25, or unless an exemption is granted pursuant to § 33.26.
(Ord. 567, passed 10-27-1994)

§ 33.24 DELINQUENT CHARGES; HEARINGS.

(A) When, for any reason, the system development charge has not been paid, the City Administrator shall report to the Council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the person responsible for the payment of the fee.

(B) The City Council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each owner or person responsible for payment of the fee, with a copy of the City Administrator's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice and by posting notice on the parcel at least 10 days before the date set for the hearing.

(C) At the hearing, the Council may accept, reject or modify the determination of the City Administrator as set forth in the report.

(D) The City Recorder shall report to the City Administrator the amount of the system development charge, the date on which the payment is due, the name of the owner, and the description of the parcel.
(Ord. 567, passed 10-27-1994)

§ 33.25 INSTALLMENT PAYMENT.

(A) When a system development charge of \$25 or more is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in at least 10 semi-annual installments, to include interest on the unpaid balance, in accordance with O.R.S. 223.208.

(B) The City Recorder shall provide application forms for installment payments which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

(C) An applicant for installment payment shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.

(D) The City Recorder shall report to the City Administrator the amount of the system development charge, the dates on which the payments are due, the name of the owner and the description of the parcel.

(E) The City Administrator shall docket the lien in the lien docket. From that time, the city shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by resolution of the Council. The lien shall be enforceable in the manner provided in O.R.S. Chapter 223.

(Ord. 567, passed 10-27-1994)

§ 33.26 EXEMPTIONS, REDUCTIONS AND WAIVERS.

(A) Structures and uses established and existing on or before July 1, 1991 are exempt from system development charges imposed by this subchapter, except water and sewer charge, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this division shall pay the water or sewer charges pursuant to the terms of this subchapter upon the receipt of a permit to connect to the water or sewer system.

(B) Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development

charge.

(C) An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility is exempt from all portions of the system development charge.

(Ord. 567, passed 10-27-1994)

§ 33.27 CREDITS.

(A) A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or before July 1, 1991. The credit so computed shall not exceed the calculated system development charge. No refund shall be made on account of the credit.

(B) A credit shall be given for the cost of a qualified public improvement which is located partially on and partially off the parcel that is the subject of the residential development approval. The credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the property. The credit provided for by this division shall be only for the improvement fee charges for the type of improvement being constructed and shall not exceed the improvement fee, even if the cost of the capital improvement exceeds the applicable improvement fee.

(C) Credit shall not be transferable from one development to another, except in compliance with standards adopted by the City Council.

(D) Credit shall not be transferable from one type of capital improvement to another.

(Ord. 567, passed 10-27-1994)

§ 33.28 SEGREGATION AND USE OF REVENUE.

(A) All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in § 33.20.

(B) The City Administrator shall provide the City Council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account. (Ord. 567, passed 10-27-1994)

§ 33.29 APPEAL PROCEDURE.

(A) A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision of the expenditure to the City Council by filing a written request with the City Administrator describing with particularity the decision and the expenditure from which the person appeals. An appeal of an expenditure must be filed within 2 years of the date of the alleged improper expenditure.

(B) Appeals of any other decision required or permitted to be made by the City Administrator under this subchapter must be filed within 10 days of the date of the decision.

(C) After providing notice to the appellant, the Council shall determine whether the City Administrator's decision or the expenditure is in accordance with this subchapter and the provisions of O.R.S. 223.297 to 223.314 and may affirm, modify or

overrule the decision. If the Council determines that there has been an improper expenditure of system development charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within 1 year to the credit of the account or fund from which it was spent. (Ord. 567, passed 10-27-1994)

§ 33.30 PROHIBITED CONNECTION.

(A) No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid, or the installment payment method has been applied for and approved.

(B) (1) Any person found to be violating any provision of this subchapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for, upon conviction thereof before the Municipal Judge, shall be fined in an amount not to exceed \$200 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation. (Ord. 567, passed 10-27-1994)

CHAPTER 34: CITY POLICIES

Section

General Policies

- 34.01 Nomination procedures for nonpartisan city offices
- 34.02 Economic Improvement District
- 34.03 Public contract procedures; adopted

Public Improvements

- 34.15 Initiation of proceedings; report
- 34.16 Council action on report
- 34.17 Resolution and notice of hearing
- 34.18 Manner of doing work
- 34.19 Hearing
- 34.20 Call for bids
- 34.21 Assessment ordinance
- 34.22 Method of assessment; alternative methods of financing
- 34.23 Remedies
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- 34.25 Lien records, foreclosure proceedings
- 34.26 Errors in assessment calculations
- 34.27 Deficit assessment
- 34.28 Rebates
- 34.29 Abandonment of proceedings
- 34.30 Curative provisions
- 34.31 Reassessment

Real Estate Compensation

- 34.45 Real estate compensation
- 34.46 Process for review of claims

GENERAL POLICIES

§ 34.01 NOMINATION PROCEDURES FOR NONPARTISAN CITY OFFICES.

(A) A qualified elector who has resided in the city during the 12 months immediately preceding an election may apply for a place on the ballot by following the general procedure set forth in O.R.S. 249.002 through 249.048, and 249.061 through 249.076.

(B) The nominating petition shall be returned to the City Elections Officer with the names and signatures of at least 10 qualified registered voters residing inside the city limits.

(C) No elector shall sign more than 1 petition

for each office to be filled at the election (for example, the elector may sign 1 petition for each of the 3 Council posts, but only 1 for the Mayor's post). If he or she does so, his or her signature shall be valid only on the first sufficient petition filed for the office. (Ord. 565, passed 1-27-1994)

Cross-reference:

Similar provisions, see Charter § 26

§ 34.02 ECONOMIC IMPROVEMENT DISTRICT.

(A) The City Council for the city makes and enters the following findings of fact based upon the oral and written testimony received at the public hearing:

(1) Written notices to the affected property owners were mailed 30 days prior to the scheduled public hearing;

(2) The area within the proposed district is zoned commercial or industrial;

(3) No residential real property or any portion of a structure used for residential purposes is assessed;

(4) Written objections to the proposed district that was received at the public hearing were less than 33% of the total assessments to be levied; and

(5) The rate to be assessed each benefited and assessed property is in proportion to the benefit it may derive from the district.

(B) The City Council hereby approves and continues the Willamina Economic Improvement District for the purpose of promoting within this district economic improvements by:

(1) The planning and management of development or improvement activities;

(2) Landscaping or other maintenance of public areas;

(3) Promotion of commercial activity of public areas;

(4) Activities in support of business recruitment and development;

(5) Improvements in parking systems or parking enforcement; and

(6) Any other economic improvement activity for which an assessment may be made on property specially benefited thereby.

(C) The properties included in the Economic Improvement District shall be in effect for 5 consecutive years commencing January 1, 2001 and ending on December 31, 2005.

(D) (1) Fully benefited commercial properties on Main Street shall be assessed 1/4 of 1.0% of their assessed valuation.

(2) Commercial properties on side Streets B, C, D, E, F, Oaken Hills Drive, Lamson, Baker, Barber, Polk and James shall be assessed 1/8 of 1.0% of assessed valuation.

(3) Commercial properties that are in industrial use shall be assessed 1/8 of 1.0% of assessed valuation.

(4) Commercial properties that also include residential property will be prorated.

(5) In no instance shall any residential real property be assessed.

(6) This division (D) provides for a limit of EID taxation to be at a maximum of \$500 and a minimum of \$50 per property owner. (Am. Ord. 626, passed 6-30-2005)

(E) Each year by July 15, the City Recorder shall secure the assessed value of each property to be assessed and shall forward a listing of each property and the prescribed rate to be levied to the County Assessor of the county in which the property is located, who shall cause the prescribed rate to be levied.

(F) (1) The City Recorder shall disburse funds to the Economic Improvement District as they are received for the duration of the District to accomplish the purposes set forth in division (B) above. No funds shall be distributed if the Economic

Improvement District ceases to exist or the purposes set forth in the bylaws of the organization are amended so as to be in conflict with the enabling legislation contained in O.R.S. Chapter 223 or in division (B) of this section.

(2) Funds shall be allocated and expended by the Economic Improvement District in accordance with the following conditions:

(a) Any and all changes in officers, bylaws or other governing procedures will be submitted to the city as soon as these changes take place;

(b) A report of the activities and programs undertaken and accomplished by the Economic Improvement District shall be filed with the City Recorder as of June 30 of each year of operation;

(c) A financial report will be submitted by the treasurer of the Economic Improvement District to the City Recorder detailing all receipts and expenditures of funds provided by Economic Improvement District assessments. This report will be done as of June 30 of each year the District is in operation; and

(d) All receipts, expenditures, invoices and other supporting documents concerning the Economic Improvement District finances shall be made available to the City Recorder in conjunction with the annual city audit.

(G) An advisory committee for the Economic Improvement District shall continue, consisting of 5 individuals who are either owners of property or managers of businesses located within the Economic Improvement District. The committee members shall serve a 1-year term.

(1) The City Council shall receive nominations for members of the advisory committee and shall give due consideration to the nominees presented to the Council by local business organizations.

(2) The advisory committee shall have the responsibility to allocate expenditures of monies for economic improvement activities within the scope of this section.

(Ord. 600, passed - -2000)

**§ 34.03 PUBLIC CONTRACT PROCEDURES;
ADOPTED.**

The public contract procedures for the city are hereby adopted by reference as if set out in full herein. Copies are available through city offices. (Ord. 414, passed - -; Am. Ord. 612, passed - -2002)

PUBLIC IMPROVEMENTS

**§ 34.15 INITIATION OF PROCEEDINGS;
REPORT.**

(A) Whenever the Council deems it necessary, upon its own motion or upon the petition of the owners of 1/2 of the property to benefit specially from the improvement, to make any street, sewer, sidewalk, drain or other public improvement to be paid for in whole or in part by special assessment according to benefits, then the Council shall by motion direct an appropriate city employee or agent to make a survey and written report for the project and file the same with the City Recorder.

(B) Unless the Council directs otherwise, the report shall contain the following matters:

(1) A map or plat showing the general nature, location and extent of the proposed improvement and the land to be assessed for the payment of any part of the cost thereof;

(2) Plans, specifications and estimates of the work to be done; provided, however, that when the proposed project is to be carried out in cooperation with any other governmental agency, the report may adopt the plans, specifications and estimates of the agency;

(3) An estimate of the probable cost of the improvement, including any legal, administrative and engineering costs attributable thereto;

(4) An estimate of the unit cost of the improvement to the specially benefited properties;

(5) A recommendation as to the method of assessment to be used to arrive at a fair apportionment of the whole or any portion of the cost

of the improvement to the properties specially benefited;

(6) The description and assessed value of each lot, parcel of land or portion thereof to be specially benefited by the improvement with the names of the record owners thereof and, when readily available, the names of the contract purchasers thereof; and

(7) A statement of outstanding assessments against property to be assessed. (Ord. 458, passed 8-31-1978)

§ 34.16 COUNCIL ACTION ON REPORT.

After the report has been filed with the City Recorder, the Council may by motion approve the report; modify the report and approve it as modified; require additional or different information for the improvement; or it may abandon the improvement. (Ord. 458, passed 8-31-1978)

**§ 34.17 RESOLUTION AND NOTICE OF
HEARING.**

(A) After the Council has approved the report as submitted or modified, the Council shall by resolution declare its intention to make the improvement, provide the manner and method of carrying out the improvement, and direct the Recorder to give notice of the improvement, by 2 publications 1 week apart in a newspaper of general circulation within the city, and by mailing copies of the notice by registered or certified mail to the owners of property to be assessed for the costs of the improvement.

(B) The notice shall contain the following:

(1) That a written report on the improvement is on file in the office of the Recorder and is subject to public examination;

(2) That the Council will hold a public hearing on the proposed improvement on a specified date, which shall not be earlier than 10 days following the first publication of notice, at which objections and remonstrances to the improvement will be heard by the Council; and that if prior to the

hearing there shall be presented to the Recorder valid written remonstrances, on forms provided by the city, of the owners of 2/3 of the property to be specially affected by the improvement, then the improvement will be abandoned for at least 6 months; and

(3) A description of the property to be specially benefited by the improvement, the owners of the property and the estimate of the unit cost of the improvement to the property to be specially benefited, and the total cost of the improvement to be paid for by special assessments to benefited properties.
(Ord. 458, passed 8-31-1978)

§ 34.18 MANNER OF DOING WORK.

The Council may provide in the improvement resolution that the construction work may be done in whole or in part by the city, by a contract, by any other governmental agency or by any combination thereof.
(Ord. 458, passed 8-31-1978)

§ 34.19 HEARING.

At the time of the public hearing on the proposed improvement, if the written remonstrances represent less than the amount of property required to defeat the proposed improvement, then, on the basis of the hearing of written remonstrances and oral objections, if any, the Council may by motion, at the time of the hearing or within 60 days thereafter, order the improvement to be carried out in accordance with the resolution; or the Council may, on its own motion, abandon the improvement.
(Ord. 458, passed 8-31-1978)

§ 34.20 CALL FOR BIDS.

The Council may, in its discretion, direct the City Recorder to advertise for bids for construction of all or any part of the improvement project on the basis of the Council-approved report and before the passage of the resolution, or after the passage of the resolution and before the public hearing on the proposed improvement, or at any time after the public hearing; provided, however, that no contract shall be let until after the public hearing has been held to hear

remonstrances and oral objections to the proposed improvement. In the event that any part of the improvement work is to be done under contract bids, the procedures contained in O.R.S. Chs. 279a through 279c or an ordinance adopted pursuant thereto shall apply.
(Ord. 458, passed 8-31-1978)

§ 34.21 ASSESSMENT ORDINANCE.

(A) If the Council determines that the local improvement shall be made, when the estimated cost thereof is ascertained on the basis of the contract award or city departmental cost, or after the work is done and the cost thereof has been actually determined, the Council shall determine whether the property benefited shall bear all or a portion of the cost. The Recorder or other person designated by the Council shall prepare the proposed assessment to the respective lots within the assessment district and file it in the appropriate city office.

(B) Notice of the proposed assessment shall be mailed or personally delivered to the owner of each lot proposed to be assessed, which notice shall state the amounts of assessment proposed on that property and shall fix a date by which time objections shall be filed with the Recorder.

(C) Any objection shall state the grounds thereof. The Council shall consider the objections and may adopt, correct, modify or revise the proposed assessments and shall determine the amount of assessment to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, and shall by ordinance spread the assessments.
(Ord. 458, passed 8-31-1978)

§ 34.22 METHOD OF ASSESSMENT; ALTERNATIVE METHODS OF FINANCING.

(A) The Council, in adopting a method of assessment of the costs of the improvement, may:

(1) Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived;

(2) Use any method of apportioning the sum to be assessed as is just and reasonable between

the properties determined to be specially benefited;
and

(3) Authorize payment by the city of all or any part of the cost of the improvement when, in the opinion of the Council, the topographical or physical conditions, unusual or excessive public travel, or other character of the work involved warrants only a partial payment or no payment by the benefited property of the costs of the improvement.

(B) Nothing contained in this subchapter shall preclude the Council from using any other available means of financing improvements, including federal or state grants-in-aid, sewer charges or fees, revenue bonds, general obligation bonds or any other legal means of finance. In the event that these other means of financing improvements are used, the Council may, in its discretion, levy special assessments according to the benefits derived to cover any remaining part of the costs of the improvement. (Ord. 458, passed 8-31-1978)

§ 34.23 REMEDIES.

(A) Subject to the curative provisions of § 34.30 and the rights of the city to reassess as provided in this chapter, proceedings for writs of review and suits in equity may be filed no later than 60 days after the passage by the Council of the ordinance spreading the assessment; provided that the property owner has filed a written objection to the proposed assessment as provided in this chapter.

(B) A property owner who has filed a written objection with the City Recorder, as required by this chapter, shall have the right to apply for a writ of review based on the grounds that the Council, in the exercise of judicial functions, has exercised the functions erroneously or arbitrarily, or has exceeded its jurisdiction, to the injury of some substantial right of the owner, if the facts supporting this ground have been specifically set forth in the written objection as required in this chapter.

(C) A property owner who has filed a written objection with the City Recorder, as required by this chapter, may commence a suit for equitable relief based on a total lack of jurisdiction on the part of the city; and if notice of the improvement has not been sent to the owner, and if the owner did not have actual knowledge of the proposed improvement prior to the hearing, then the owner may file written objections alleging lack of jurisdiction with the City Recorder within 30 days after receiving notice or knowledge of the improvement.

(D) No provision of this section shall be construed so as to lengthen any period of redemption, or so as to affect the running of any statute of limitation or equitable defense, including laches. Any proceeding on a writ of review or suit in equity shall be abated if proceedings are commenced and diligently pursued by the City Council to remedy or cure the alleged errors or defects. (Ord. 458, passed 8-31-1978)

§ 34.24 NOTICE OF ASSESSMENT.

(A) Within 10 days after the ordinance levying assessment has been passed, the City Recorder shall send by registered or certified mail a notice of assessment to the owner of the assessed property, and shall publish notice of the assessment twice in a newspaper of general circulation in the city, the first publication of which shall be made not later than 10 days after the date of the assessment ordinance.

(B) (1) The notice of assessment shall recite the date of the assessment ordinance and shall state that, upon the failure of the owner of the property assessed to make application to pay the assessment in installments within 10 days from the date of the first publication of notice, or upon the failure of the owner to pay the assessment in full within 30 days from the date of the assessment ordinance, then interest will commence to run on the assessment and that the property assessed will be subject to foreclosure.

(2) The notice shall further set forth a description of the property assessed, the name of the owner of the property and the amount of each assessment. (Ord. 458, passed 8-31-1978)

§ 34.25 LIEN RECORDS, FORECLOSURE PROCEEDINGS.

(A) After passage of the assessment ordinance by the Council, the City Recorder shall enter in the docket of city liens a statement of the amounts assessed upon each particular lot, parcel of land or portion thereof, together with a description of the improvement, the names of the owners and the date of the assessment ordinance.

(B) The property owner may, at the property owner's option, elect to pay the assessment over a period of 10 years. Payments shall be made in annual payments beginning 1 year from the date of the project's completion. Payments shall be made on both principal and interest, with the principal balance bearing interest at an appropriate rate of interest to be determined by the resolution of the City Council. An outstanding balance of both principal and interest shall constitute a lien upon the property. Upon the failure of the property owner to make any payment within 10 days of the date that the payment is due, then the city shall, at the city's sole option, have the right to declare the total amount of principal and interest immediately due and to proceed with foreclosure of the lien as provided for in this subchapter.

(C) Interest shall be charged at an appropriate rate to be determined by the resolution of the City Council until paid on all amounts not paid within 30 days from the date of the assessment ordinance if the property owner has not made an election to pay the assessment over a period of 10 years. After expiration of 30 days from the date of the assessment ordinance, the city may proceed to foreclose or enforce collection of the assessment items.

(D) All assessment liens of the city shall be superior and prior to all other liens or encumbrances on property insofar as the laws of the state permit. Foreclosure or enforced collection of assessment liens shall be made in the manner provided by the general law of the state; provided, however, that the city may, at its option, enter a bid for the property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under the laws of the state to redeem the property.

(Ord. 458, passed 8-31-1978; Am. Ord. 554, passed 7-11-1991)

§ 34.26 ERRORS IN ASSESSMENT CALCULATIONS.

Claimed errors in the calculation of assessments shall be called to the attention of the City Recorder, who shall determine whether there has been an error in fact. If the Recorder finds that there has been an error in fact, he or she shall recommend to the Council an amendment to the assessment ordinance to correct the error; and upon enactment of the amendment, the City Recorder shall make the necessary correction in the docket of city liens and send a correct notice of assessment by registered or certified mail.

(Ord. 458, passed 8-31-1978)

§ 34.27 DEFICIT ASSESSMENT.

In the event that an assessment is made before the total cost of the improvement is ascertained, and if it is found that the amount of the assessment is insufficient to defray the expenses of the improvement, the Council may by motion declare the deficit and prepare a proposed deficit assessment. The Council shall set a time for a hearing of objections to the deficit assessment and shall direct the City Recorder to give notice according to the provisions in § 34.17. After the hearing, the Council shall make a just and equitable deficit assessment by ordinance, which shall be entered in the docket of city liens as provided by this subchapter; and notices of the deficit assessment shall be published and mailed, and the collection of the assessment shall be made, in accordance with §§ 34.24 and 34.25.

(Ord. 458, passed 8-31-1978)

§ 34.28 REBATES.

If, upon the completion of the improvement project, it is found that the assessment previously levied upon any property is more than sufficient to pay the costs of the improvements, and when so declared, the excess amounts must be entered on the lien docket as a credit upon the appropriate assessment. In the event that any assessment has been paid, the person who paid the same, or his or her legal representative, shall be entitled to the repayment of the rebate credit or the portion thereof which exceeds the amount unpaid on the original assessment.

(Ord. 458, passed 8-31-1978)

§ 34.29 ABANDONMENT OF PROCEEDINGS.

The Council shall have full power and authority to abandon and rescind proceedings for improvements made under this chapter at any time prior to the final completion of the improvements; and if liens have been assessed upon any property under the procedure, they shall be canceled, and any payments made on the assessments shall be refunded to the person paying the same, his or her assigns or legal representatives.

(Ord. 458, passed 8-31-1978)

§ 34.30 CURATIVE PROVISIONS.

No improvement assessment shall be rendered invalid by reason of a failure of the report to contain all of the information required by § 34.15; or by reason of a failure to have all of the information required to be in the improvement resolution, the assessment ordinance, the lien docket or notices required to be published and mailed; nor by the failure to list the name of or mail notice to the owner of any property as required by this subchapter; or by reason of any other error, mistake, delay, omission, irregularity or other act, jurisdictional or otherwise, in any of the proceedings or steps herein specified, unless it appears that the assessment is unfair or unjust in its effect upon the person complaining; and the Council shall have the power and authority to remedy and correct all matters by suitable action and proceedings.

(Ord. 458, passed 8-31-1978)

§ 34.31 REASSESSMENT.

Whenever any assessment, deficit or reassessment for any improvement which has been made by the city has been or shall be set aside, annulled, declared or rendered void, or its enforcement restrained by any court of this state or any federal court having jurisdiction thereof, or when the Council is in doubt as to the validity of the assessment, deficit assessment or reassessment or any part thereof, then the Council may make a reassessment in the manner provided by the laws of the state.

(Ord. 458, passed 8-31-1978)

REAL ESTATE COMPENSATION

§ 34.45 REAL ESTATE COMPENSATION.

The real property compensation ordinance, intended to implement provisions added to O.R.S. Chapter 197 by Ballot Measure 37, is hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 624, passed 4-14-2005)

§ 34.46 PROCESS FOR REVIEW OF CLAIMS.

The provisions for creating a process for review of applications for compensation under Article 1, Section 18 of the Constitution of Oregon (Ballot Measure 7) are hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 599, passed 12-5-2000)