

TITLE III: ADMINISTRATION

Chapter

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CHAPTER 30: CITY COUNCIL

Section

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▪ 30.01 RULES FOR GOVERNMENT AND PROCEEDINGS OF COUNCIL.

The following rules are hereby adopted for the government and regulation of the proceedings of the City Council:

Rule 1. The Mayor or President of the Council, or in case of their absence, the Recorder, shall call the members to order at the hour designated for the meeting. Should there not be a quorum present, it shall be the duty of the city police immediately to inform the absent members, except those known to be unavoidably detained that their presence is required to enable the Council to proceed to business. Should they fail to appear on such notice, the members present shall adjourn to the next regular meeting of the Council.

Rule 2. A quorum being present, the Council shall proceed, in the absence of the Mayor and President of the Council, to appoint a President pro tem, after which the first business in order after the roll is called, shall be the reading of the record of the preceding meeting, by the Recorder, which, if not objected to, shall be considered as approved.

Rule 3. The presiding officer shall announce at each meeting of the Council the business in order agreeable to the rules, and no business shall be taken up or considered until the class to which it belongs shall be declared in order, unless the Council shall otherwise order by a majority vote; provided that communications from the Mayor may be read at any time.

Rule 4. The business of the Council shall be presented in the following manner:

- (A) Petitions, remonstrances and communications.
- (B) Claims against the city.
- (C) Reports from the commissioners.
- (D) Reports of officers.

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- (E) Reports and business on table.
- (F) Reading ordinances the first and second time.
- (G) Engrossed ordinances to be read the third time.
- (H) Miscellaneous business.

Rule 5. The presiding officer shall preserve order and decorum; may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by any two members, on which appeal no member shall speak more than once without leave of the Council.

Rule 6. Questions shall be distinctly put in this form: Aas many as are of the opinion that (as the questions may be), say 'aye'@ AAs many as are of the contrary opinion, say 'nay'@ If the presiding officer shall doubt or a division be called for, the ayes and nays shall be taken.

Rule 7. All questions relating to priority shall be decided without debate.

Rule 8. When two or more members happen to rise at once, the presiding officer shall name who is to speak first.

Rule 9. No member shall speak more than twice on the same subject without leave of the Council, nor more than once until every member choosing to speak shall have spoken.

Rule 10. When a question is under debate, no motion shall be made but to adjourn, to lay on the table, to postpone to a day certain, to refer or to amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are here stated. *Robert's Rules of Order* shall be considered and taken as authority in deciding any question arising on points of order not embraced in these rules.

Rule 11. A motion to adjourn when once put and voted on shall not again be in order until some other business shall have been taken up, and shall always be decided without debate.

Rule 12. When any member is about to speak in debate or deliver any matter to the Council, he shall rise from his seat and respectfully address the presiding officer and shall confine himself to the question in debate and avoid personalities.

Rule 13. Every member who shall be present when a question is put, shall vote for or against the same, unless the Council shall excuse him; but no member shall be permitted to vote on a question when the ayes and nays are called for, unless present when his name is called in its regular order.

Rule 14. A member of the Council acting as President pro tem may vote in all cases in which he might vote if not acting; provided, the President of the Council shall not have a vote when occupying the chair, except in case of a tie vote.

Rule 15. Whenever it shall be decided that the Council go into Committee of the Whole, the presiding officer shall leave the chair and appoint a chairperson of the Committee of the Whole, who shall report the proceedings of the Committee.

Rule 16. No motion shall be considered unless the same shall be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate.

Rule 17. When a question has once been decided, it shall be in order for any member who voted in the majority to move for a reconsideration thereof, but no motion for the reconsideration of a vote shall be made after the ordinance, resolution or act shall have gone out of the possession of the Council, and no motion for such reconsideration shall be made more than once; and provided, the motion to reconsider is made the same day of the passage of the matter in question.

Rule 18. Upon a division of the Council, the names of those who voted for and those who voted against a question shall be entered upon the minutes when any one member requires it; and in such case, it shall be the duty of the Recorder to enter on the minutes the name of the member so calling for a division, and in all authorizations to expend appropriations of the public money, the ayes and nays shall be called by the Recorder and recorded, and no authorization shall be deemed carried except by a majority of the Council present. And in case of an equal division, or tie votes, of the Council on such propositions, the Mayor shall have the casting vote.

Rule 19. All committees shall report the facts in relation to the matter or subject referred, with their opinion thereon, in writing, and no report shall be received as the report of a committee except the same be signed by a majority of the committee.

Rule 20. All regular committees and all special committees shall be appointed by the Mayor. In the appointment of a committee, the member first named shall act as chairperson thereof.

Rule 21. Every ordinance shall receive three readings previous to its being passed, but shall not be read more than twice at any one meeting, except by unanimous consent or when an emergency clause exists; and the Mayor shall announce before each reading whether it shall be first, second or third. Each ordinance, after it becomes a law, shall be enrolled by the Recorder in a book kept for that purpose.

Rule 22. No standing rule as provided by this section shall be rescinded or suspended, except by a majority vote of the members present, and the ayes and nays shall be recorded on any motion to suspend a rule.

Rule 23. Upon the final passage of every ordinance, the questions shall be taken by ayes and nays.

Rule 24. A member called to order shall immediately sit down, unless permitted to explain, and the Council, if appealed to shall decide on the case, but without debate. If there be no appeal, the decision of the presiding officer shall be submitted to.

Rule 25. The motion to lay on the table shall be decided without debate.
(Prior Code, ' 1-5-1) (Am. Ord. 11-D, passed 11-1-95)

• 30.02 MEETINGS.

(A) *Regular meetings.* The day and hour of the regular meetings of the City Council shall be the first Wednesday in each month at 7:00 p.m. (Ord. 2-D, passed 2-4-59)

(B) *Special meetings.* Special meetings may be called at any time by the Mayor or by three Council Members, by written notice delivered to each member then present within the city no earlier than three and no later than 48 hours prior to the time specified for the purpose of such special meeting. No other business shall be transacted at any special meeting than that named in said notice and appurtenant thereto.

(C) *Meetings open to the public.*

(1) All meetings of the Council shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by O.R.S. 192.610 to 192.690.

(2) No quorum of the Council shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by O.R.S. 192.610 to 192.690.

(3) The Council shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced.

(4) Nothing contained in O.R.S. 192.610 to 192.690 shall be construed to prevent the Council from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under O.R.S. 192.610 to 192.690 for the holding of such executive session. (78 Code, § 1-5-2) (Am. Ord. 11-D, passed 11-1-95)

• 30.03 LOCAL CONTRACT REVIEW BOARD.

The City Council is hereby designated as the Local Contract Review Board pursuant to O.R.S. 279.005.
(Ord. 03-02, passed 11-6-02)

CHAPTER 31: CITY OFFICERS AND EMPLOYEES

Editor=s Note: Ordinance 2010-02, passed June 2, 2010, repealed the personnel policies contained in this chapter with the adoption of a City of Condon Employee Handbook.

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CHAPTER 32: FINANCE

Section

Purchasing Procedure

- 32.01 Title
- 32.02 Definitions
- 32.03 Purchasing agents; powers and duties
- 32.04 Competitive bidding required
- 32.05 Disposal of surplus property
- 32.06 Street, sewer and water improvements

PURCHASING PROCEDURE

32.01 TITLE.

This chapter shall be known and may be cited as the APurchasing Ordinance of the City.@
(^78 Code, ' 1-7-1)

32.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word Ashall@ is always directory and not mandatory.

CITY COUNCIL. The Council of the City of Condon.

PURCHASING AGENT. The City Council, or any person appointed by the Council as their assistant to exercise the functions of purchasing agent in the manner prescribed by this Chapter.

SERVICE. Shall mean and include all telephone, gas, water, electric light and power service; insurance; leases for all ground, buildings, offices or other space required by the city; and the rental, repair or maintenance of equipment, machinery and other personal property.

SUPPLIES. Shall mean and include all supplies, materials and equipment.
(^78 Code, ' 1-7-2)

' 32.03 PURCHASING AGENTS; POWERS AND DUTIES.

The purchasing agents shall have the power and it shall be their duty:

(A) To purchase or contract for all supplies and contractual services needed by the city.

(B) (1) To make, without further authorization, all expenditures reasonably necessary for the orderly, uniform operation of the city as long as the same are within the budget allowances allotted for said operations for the fiscal year in which the expenditures are made.

(2) To make, without further authorization, but within budget provisions, such expenditures as are reasonably necessary for goods, wares, merchandise, services, or in payment of obligations ordinarily and reasonably needed or incurred by cities in the state of comparable size and engaging in like pursuits as Condon, together with authority to make all expenditures incidentally and reasonably needed in connection therewith.

(C) To sell or dispose of all personal property which has become obsolete and unusable.
(^78 Code, ' 1-7-3)

' 32.04 COMPETITIVE BIDDING REQUIRED.

(A) *Findings.*

(1) *Operational, budget and financial data.* The formal competitive bidding process costs between \$2,000 and \$7,000 to conduct and adds significant additional time delays, and the City Council finds that applying the formal process to public improvement contracts that do not exceed \$75,000 is not cost effective and can discourage smaller companies from submitting formal bids, reducing competition;

(2) *Public benefits.* Exempting contracts that do not exceed \$75,000 will save public funds and enable greater competition;

(3) *Value engineering; specialized expertise required; technical expertise; funding sources.* These considerations are irrelevant to this particular class exemption;

(4) *Public safety.* Exempting contracts that do not exceed \$75,000 will enable the city to more quickly correct minor safety hazards;

(5) *Market conditions.* Increases in construction, materials, and service costs require an increase in the threshold for competitive bidding; and

(6) Any exemptions from competitive bidding requirements allowed under the following rules will not encourage favoritism in the awarding of public contracts, nor substantially diminish competition for public contracts because such exemptions still require alternative contracting procedures which ensure:

- (a) Reasonable competition;
- (b) The best contract price for the public; and
- (c) A cost-effective process for contractors;

(7) The awarding of public contracts pursuant to any such exemptions will result in substantial cost savings to the public contracting agency because the City Council will avoid costs associated with unnecessary documentation and procedures where it is unmerited by the relatively low cost of the project; and

(8) Such exemptions have been adopted by the State of Oregon Department of Administrative Services (DAS), and the City Council, pursuant to its authority, relies on the DAS analysis and findings.

(B) Adoption of Rules of Operation.

(1) In lieu of the Attorney General=s Model Rules, the city hereby prescribes the Rules of Operation for the City of Condon=s Public Contract Review Board set forth on Exhibit A attached to Ordinance 04-04, and incorporated herein by this reference as though set out in full hereat.

(2) All future exemptions and new rules, except for public improvement contract exemptions, shall be adopted after a public hearing of the Public Contract Review Board. The subject matter of the exemption or new rules and hearing information, including date, time, and place of the hearing, shall be published in a newspaper of general circulation not less than three nor more than 15 days prior to the date of the public hearing. Additionally, a notice of the hearing shall be posted on the main entry door of the building where the meeting will be held, not later than three days prior to the date of the meeting. Public improvement contract exception procedures, including notice and public hearing requirements, shall be in accordance with O.R.S. 279.015(3).

(3) Except as otherwise prescribed by O.R.S. 279.057(9), pursuant to O.R.S. 279.051, procedures for the screening and selection of persons to perform personal services shall be determined by the Public Contract Review Board each time the city requires such services, in order to meet the city=s particular contracting needs.

(4) (a) Pursuant to O.R.S. 279.057(9), whenever the city is selecting engineers, architects, or land surveyors for a project funded by a grant or loan from the state or moneys from the State Highway Fund under O.R.S. 366.525 or 366.800, and:

1. The total amount of any grants, loans or monies from the State Highway Fund and from the state for the project exceeds 35% of the value of the project, and
2. The value of the projects exceeds \$400,000,

(b) Then the applicable provisions of the Attorney General=s Model Rules, Chapter 137, Division 35 of the Oregon Administrative Rules will govern the process.
(^78 Code, ' 1-7-4) (Am. Ord. 04-04, passed 2-4-04)

Cross-reference:

Bids, see also Charter, ' 62

' 32.05 DISPOSAL OF SURPLUS PROPERTY.

The purchasing agent shall have the authority to dispose of surplus personal property by any means he determines to be in the best interest of the city. Such methods may include, but are not limited to, sale, trade, transfer, auction or destruction.
(^78 Code, ' 1-7-5)

' 32.06 STREET, SEWER AND WATER IMPROVEMENTS.

(A) *Lien assessed.* Every property owner=s charge for water and sewer service provided by the city shall become a lien against the real property so served; if the same remains unpaid for more than 60 days after the city requests payment by certified letter. Also every charge assessed for sidewalks, curbs, streets, local improvement districts, reimbursement districts or other assessments made by the city as provided in the city=s general fee resolution shall become a lien when the assessed charges remain unpaid for more than 60 days after the city requests payment by certified letter.

(B) *Assessment procedures.* The City Administrator/Recorder shall notify the owner of the real property of the lien, shall record the lien with the Gilliam County Clerk and shall keep a file of the date of billing for service or assessment, the date notice of the lien was placed in the mail, the amount of the claim, the address of the property assessed and the name and address of the owner of record with copies of all lien correspondence.

(C) *Foreclosure.* The city shall have, in addition to all other remedies provided at laws and equity, the power to foreclose municipal liens as provided in O.R.S. Chapter 223, and shall follow the procedures for enforcement of said liens as provided herein.

(D) *Interest rate.* All liens shall bear interest thereof at the legal rate provided by law of 9%, and the same shall commence 60 days from the date the city requests payment as stated in ' 32.06(A).

(E) *Administrative costs.* In addition to any other charges, the owner of the real property upon which a lien is imposed shall, by a fee set forth in the city's General Fee Resolution, pay for recording and administrative costs.

(F) *Recovery of attorney fees.* In the event of a foreclosure of any lien imposed thereby, the city shall be entitled to recover its reasonable attorney fees incurred therein.

(Ord. 2010-01, passed 6-2-10)

CHAPTER 33: COMMISSIONS

Section

Planning Commission

- 33.01 Membership
- 33.02 Terms
- 33.03 Organization; officers
- 33.04 Meetings
- 33.05 Powers of commission
- 33.06 Expenditures
- 33.07 Removal from commission

PLANNING COMMISSION

‘ 33.01 MEMBERSHIP.

The Planning Commission of the city shall consist of five members appointed by the Mayor with the consent of the City Council. The five members are to be residents of the city. Members shall serve without compensation.

(^78 Code, ‘ 2-1-1) (Am. Ord. 06-02, passed 12-14-06)

‘ 33.02 TERMS.

At the first meeting of the Planning Commission, the five appointed members shall choose their terms of office by lot, such terms being staggered to cover a four-year period. Immediately thereafter, the members shall notify the Mayor and City Council in writing of such allotment. Their successors shall hold office for four years. Any vacancy shall be filled by the Mayor for the unexpired portion of the term.

(^78 Code, ‘ 2-1-1) (Am. Ord. 06-02, passed 12-14-06)

‘ 33.03 ORGANIZATION; OFFICERS.

(A) The Planning Commission, at its first meeting, shall elect a Chairperson and Vice-chairperson, who shall be members appointed by the Mayor with the consent of City Council and who shall hold office during the pleasure of the Commission.

(B) The Mayor with the consent of the City Council shall select a Secretary who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings. A copy of the minutes of each Planning Commission meeting shall be delivered to the City Administrator for filing and said minutes The Commission shall, provide the City Council all commission activities and actions. (^78 Code, ‘ 2-1-3) (Am. Ord. 06-02, passed 12-14-06)

‘ 33.04 MEETINGS.

Three members of the Planning Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with laws of the state and with the city Charter and code. It shall meet as necessary, at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the President or by three members by written notice served upon each member of the Commission then present within the city at least 24 hours before the time specified for the proposed meeting. (^78 Code, ‘ 2-1-4) (Am. Ord. 11-D, passed 11-1-95; Am. Ord. 06-02, passed 12-14-06)

‘ 33.05 POWERS OF COMMISSION.

(A) The Planning Commission may make recommendations and suggestions to the City Council, other public officials and individuals concerning any matter relating to community planning and development. The Commission shall also have all the powers which are granted by ordinances of this City of by general laws of the State of Oregon. The Council and administrative officers shall procure the recommendations of the Commission, where required by such state laws and city code on such matters as land subdivision, street alteration, property acquisition, zoning and locations, and design of improvements.

(B) All recommendations made to the Council by the Commission shall be in writing. (^78 Code, ‘ 2-1-5) (Am. Ord. 06-02, passed 12-14-06)

Cross-reference:

Duties as to historic district, see ‘ 152.129

Hearings on variances and appeals conducted by, see ‘ 152.110

▪ **33.06 EXPENDITURES.**

The Planning Commission shall have no authority to make any expenditures on behalf of the city, nor to obligate the city for the payment of any sum of money, except as herein provided, and then only after the City Council shall have first authorized such expenditures by appropriate ordinance (or resolution) which ordinance (or resolution) shall provide the administrative method by which such funds shall be drawn and expended.

(78 Code, ' 2-1-6) (Am. Ord. 06-02, passed 12-14-06)

▪ **33.07 REMOVAL FROM COMMISSION.**

Any member of the planning commission may be removed by the City Council, after hearing, for misconduct or non-performance of duty. A member who is absent from three consecutive meetings, is presumed to be in no-performance of duty; and the City Council shall declare the position vacant, unless they find otherwise. Removal of any member of the Planning Commission shall be only upon a majority vote of the entire council of the city.

(Ord. 06-02, passed 12-14-06)

