

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 30.01 COURT COSTS.

In all violations involving any ordinance of the City of Glendale wherein it is provided that the Municipal Court may assess a fine or impose a period of imprisonment, the Municipal Court shall have the further power to assess in each case in addition to any fine or imprisonment the sum of \$5 as court costs in the proceedings.

(Ord. 206, passed 3-7-1966)

§ 30.02 RECORDER'S COURT; JURIES.

(A) *Right to trial by jury and deposit for jury fee.* Every person charged with any offense defined and made punishable by the Glendale City Charter or any ordinance of the City of Glendale shall have the right to trial by jury upon giving notice to the City Recorder, in writing, together with the deposit of a \$36 jury fee at least 6 days, excluding Sundays and legal holidays, prior to the trial date set by the Recorder's Court.

(B) *Number of jurors.* The jury shall consist of 6 persons duly sworn to try the cause for which they are called; and the jurors shall be selected as hereinafter provided.

(C) *Qualifications for jurors.* That in order to act as a juror in the Recorder's Court of the City of Glendale, Oregon, a person must have the qualifications prescribed in O.R.S. Chapter 10, and in addition thereto, must be an inhabitant and a registered voter within the City of Glendale, at the time when he or she is summoned.

(D) *Preliminary jury list.* That on the first Monday of January in each year, the Recorder of the City of Glendale, Oregon, together with the Mayor of the city, shall meet and make a list containing the names of not less than 50 persons nor more than 100 persons who are the most competent of the permanent citizens of the city, by selecting names by lot from the voters registration list used at the last preceding city election. The list, so selected, shall be known as a preliminary jury list. The Recorder and the Mayor shall then delete from the preliminary jury list the names of those persons known not to be qualified by law to serve as jurors and the remaining names shall

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constitute the jury list. The names of those persons deleted from the preliminary jury list shall be placed on a separate list known as rejected prospective jurors, and opposite each name, the reason for removing the name shall be stated. The jury list shall contain the Christian name and the surname and the place of residence and occupation of each person named therein and shall be certified by the City Recorder and placed on file in his or her office within 10 days from the time it is prepared. If for any reason, the making of a city jury list is omitted and neglected on the first Monday in January of any year, it may be done on any day thereafter following, to serve until the close of the year. As soon as reasonable after the enactment of this section, the jury list shall be selected for the remainder of the current calendar year.

(E) *Jury box.* The Recorder shall keep in his or her office a sufficient box, carefully secured, which is known as the jury box. After he or she has filed the jury list in his or her office, the Recorder shall destroy all ballots remaining in the jury box and shall prepare and deposit in the box separate ballots, containing the name, place, or residence and occupation of each person embraced in the list and folded as nearly alike as practicable so that the name cannot be seen.

(F) *Drawing of jury.* When a jury is demanded in the Recorder's Court of the City of Glendale, Oregon, and the fee therefor is paid as herein above set forth, the Recorder must draw from the jury box, in the presence of the parties, 12 ballots, or any greater number if necessary, until the names of 12 persons who are deemed able to attend at the time and place required are obtained. The Recorder must make and sign a list of the 12 names thus drawn.

(G) *Jurors unable to serve.* If it appears to the Recorder that a person whose name is drawn is dead or resides outside the city, the ballot must be destroyed. If it appears to the Recorder or he or she has good reason to believe that a person whose name is drawn is temporarily absent from the city or is unwell or so engaged as to be unable to attend at the

time and place required without great inconvenience, the ballot must be laid aside without the name thereon being entered on the list drawn and returned to the jury box when the drawing is completed. A person whose name is drawn is deemed able to attend within the meaning of this and division (F) above, and his or her name is deemed to be entered on the list drawn except as provided in this division (G).

(H) *Peremptory challenges.* When the aforesaid drawing of 12 names is completed, the city and the defendant by their representatives must select a jury by each striking from the list 2 names alternately commencing with the defendant. The remaining 8 must be summoned as jurors in the cause.

(I) *Summons to jurors.* The names of the 8 jurors selected as provided in division (H) above must be inserted in the order to summon a jury and thereafter the Recorder shall transmit the order to the Chief of Police of the City of Glendale, who shall summon the 8 persons so drawn and listed to serve as jurors in the pending cause. The order shall require the jurors to appear before the Recorder forthwith, or at some future time to which the trial of the cause may be postponed. The Chief of Police or any other police officer of the city must serve the order by giving notice to each person selected of the time and place he or she is required to appear and for what purpose, and return the same according to the direction therein, with the names of the persons summoned, verified by his or her own certificate.

(J) *Trial jury.* Of the 8 persons drawn and summoned as herein above provided, 6 shall constitute the jury for the trial of the cause then pending before the Recorder's Court of the City of Glendale, Oregon. Neither party shall be entitled to a peremptory challenge as to any of the jurors but if any juror is found to be disqualified for cause, their place or places in the jury shall be filled by 1 or both of the 2 remaining jurors. If more than 2 additional jurors are needed because of disqualification for cause, the City Recorder shall draw from the jury box additional names and the jurors shall be forthwith summoned to serve as hereinbefore provided.

(K) *Conduct of trials.* Trials shall be conducted as trials in justice courts and the rules of evidence shall be the same as in state courts and shall include applicable statutes of the State of Oregon regarding the introduction or admission of evidence.

(L) *Verdicts.* Five of the 6 jurors sworn to try the cause must concur to render a verdict.

(M) *Refund of jury fee.* If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded.

(N) *Payment of jurors.* Those jurors notified and who appear at trial shall receive compensation from the City of Glendale in the amount of \$6 for each day of attendance upon the Recorder's Court.

(O) *Powers of the City Recorder.* The City Recorder shall have all inherent and statutory powers and duties of a Justice of the Peace within the jurisdictional limits of the City of Glendale. The Chief of Police shall assist the Recorder in the serving of subpoenas, notices of jury duty, and the other orders of the court necessary for the proper conduct thereof. The City Recorder may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish the juror by a fine of not more than \$100 or by imprisonment in the city jail for not more than 5 days, or both.

(P) *Costs and disbursements.* In all cases tried before a jury in the Recorder's Court, the City Recorder shall add the costs and disbursements to the fine, penalty, or sentence imposed, in a sum not less than \$5.

(Ord. 193, passed 4-2-1962)

§ 30.03 BONDS PROVIDED BY CITY OFFICIALS.

(A) The following officer shall furnish official bonds in the following amounts:

- (1) Treasurer - \$4,000;

- (2) Recorder - \$1,000; and

- (3) Chief of Police - \$1,000.

(B) The bond given by a city official shall be a bond in standard form with good and sufficient surety or a bond executed by a surety company authorized to do business in this state, conditioned upon the faithful accounting of all money received by the official in his or her official capacity and the faithful performance of all his or her official duties.

(C) The reasonable compensation payable to lawfully authorized surety companies as premiums on the official bonds of city officers shall be paid by the city out of the general fund.

(D) The bonds of the officials shall be approved as to form by the City Attorney.

(E) (1) The bond having been duly approved as herein provided shall be placed on file in the Recorder's office before the official shall assume his or her duties save and except the bond of the Recorder, which shall be placed in the care and custody of the Mayor, to be duly kept and retained by him or her.

(2) Failure to file an official bond as herein provided within 1 day from the first day of the term of office shall be deemed to render the office vacant. The vacancy shall be declared by the City Council and filled in the manner provided in the Charter for filling vacancies in office.

(Ord. 137, passed 3-3-1941)

§ 30.04 MINIMUM SIGNATURES FOR NOMINATING PETITION FOR ELECTED OFFICES.

The minimum number of signatures on a nominating petition for a city elective office shall equal the greater of 10 signatures of qualified electors or 1% of the votes cast in the electoral district for all

candidates for Governor at the last general election at which a candidate for Governor was elected to a full term.

(Ord. 04-2008, passed 7-14-2008)

**REGULATORY TAKINGS CLAIMS
PROCEDURE**

§ 30.15 PURPOSE.

The purpose of §§ 30.15 *et seq.* is to provide a procedure for submitting claims for regulatory takings under Ballot Measure 7, and applies to retroactive claims to the extent, but only to the extent, that the claims are or may be allowed under Oregon law.

(Ord. 01-2001, passed 11-30-2000)

§ 30.16 DEFINITIONS.

A PROPERTY. The entire lot or parcel owned by the owner, as described on the deed conveying the property.

ADOPTED. To put into effect operation by enactment.

APPLIED. The making operative any regulation.

CLAIM FOR COMPENSATION. A claim by the current owner for just compensation resulting from the enactment, adoption, or application of any regulation on or after the effective date of Measure 7.

CURRENT OWNER. The holder of fee title as reflected in the deed records of Douglas County at the time a regulation giving rise to a claim for compensation under Ballot Measure 7 is effective.

EFFECT OF REDUCING THE VALUE OF A PROPERTY. Any concrete reduction in the actual fair market value of the owner's property which is the direct result of enforcement, application, or adoption

of an enactment, but excluding any reduction in value resulting from depreciation, changes in economic conditions within the jurisdiction, failures by the current owner to gainfully use the property, reductions resulting from the existence of a historically or commonly recognized nuisance on the property, or any other actions not within the direct control of the jurisdiction.

EFFECTIVE DATE OF THE MEASURE.
December 7, 2000.

ENFORCED. The putting into effect of any regulation, including, but not limited to, the issuance of any document evidencing compliance with a regulation.

FAIR MARKET VALUE OF THE PROPERTY. The minimum amount in cash which could reasonably be expected by an informed seller acting without compulsion, from an informed buyer acting without compulsion, in an arms-length transaction at the time the claim of the current owner is created.

HISTORICALLY AND COMMONLY RECOGNIZED NUISANCE. Any state of facts which has been recognized legislatively or judicially as a nuisance prior to the effective date of the measure.

JURISDICTION. The City of Glendale.

JUST COMPENSATION. An amount equal to the reduction in the fair market value of the property before and after the adoption, initial enforcement of application of the regulation.

PERSON INTERESTED IN THE PROCEEDING. Any person who appears, orally or in writing, in any proceeding for the payment of a claim brought against the city pursuant to Measure 7.

REDUCTION IN VALUE. Difference in the fair market value of the property before and after application of the regulation, and shall include the net cost to the landowner of an affirmative obligation to

protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space historical, archaeological, or cultural resources, or low income housing.

REGULATION. Any law, rule, ordinance, resolution, goal, or other enforceable enactment of government.

RESTRICTING THE USE OF REAL PROPERTY. Any limit placed on the use of real property, other than a limit based historically or commonly recognized nuisance laws or a restriction placed on the use of real property which is the result of a regulation implementing any requirement of federal law and is the minimum regulation needed to establish compliance with federal law.

RETROACTIVE CLAIM. Any claim for just compensation under Ballot Measure 7 based on the adoption, enforcement, or application of a regulation prior to the effective date of the measure. (Ord. 01-2001, passed 11-30-2000)

§ 30.17 REGULATORY TAKINGS.

(A) The current owner of private real property shall be paid just compensation if a regulation is passed or enforced by the city restricting the use of the current owner's private real property, and the restriction has the effect of reducing the fair market value of a property upon which the restriction is imposed.

(B) The current owner's claim for just compensation shall commence on the date the regulation was adopted, first enforced, or applied. No retroactive claim shall be made for just compensation based on any regulation adopted, first enforced, or applied prior to the effective date of the measure; provided, however, should any final decision be reached by an appellate court of this state that Measure 7 is retroactive, any person who qualifies for just compensation due to the retroactive application of Measure 7 may submit a claim as provided by

§§ 30.15 *et seq.* Just compensation for any retroactive claim shall be based on the difference between actual fair market value of the property with and without the regulation at the time the regulation was adopted, first enforced, or applied, but shall take into account any regulation in existence on the effective date at the time the regulation was adopted, first enforced, or applied.

(C) No regulatory taking shall be deemed to have occurred as the result of a minimum regulations to implement a requirement of federal law, at the result of any regulation adopting, enforcing, or applying a historically and commonly recognized nuisance law or a regulation prohibiting use of a property for the purpose of selling pornography, performing nude dancing, selling alcoholic beverages or other controlled substances, or operating a casino or gambling parlor. (Ord. 01-2001, passed 11-30-2000)

§ 30.18 CLAIMS PROCEDURE.

(A) The current owner of private real property with a claim for compensation shall file a claim for compensation with the City Manager no later than 90 days after the date a regulation is adopted, first enforced, or applied.

(B) The claim for compensation shall be made on a form provided by the city, and shall include the following:

(1) An objective, qualitatively neutral appraisal by a certified appraiser, which shall contain the following:

(a) The current fair market value of the current owner's real property, taking into account all possible uses of the property under the regulation for which the current owner is seeking just compensation;

(b) The current fair market value of the current owner's real property, taking into account the uses of the property under the state of facts which the current owner claims to have given rise to the claim for just compensation;

(c) In the event retroactive claims are allowed, as provided by § 30.17(B), then the appraisal shall also include:

1. The fair market value of the current owner's real property at the time the regulation for which the current owner is seeking just compensation was first adopted, enforced, or applied, taking into account all possible uses of the property at the time of adoption, enforcement, or application of the regulation; and

2. The fair market value of the current owner's real property at the time the regulation for which the current owner is seeking just compensation was first adopted, enforced, or applied, taking into account the uses of the property at the time of adoption, enforcement, or application of the regulation.

(d) A certification by the appraiser, under penalty of perjury, that the appraisal is objective and qualitatively neutral.

(2) Certified copies of all deeds and other instruments reflecting any interest owned or held by any person to and in the real property for which the current owner's claim is filed, from and after the effective date of the regulation;

(3) Any and all documents, including but not limited to zoning compliance letters, notices of non-compliance, and resolutions declaring the property a nuisance, from and after the effective date of the regulation in the possession of the current owner, or which the current owner can reasonably obtain, indicating the real property for which the current owner's claim is filed is subject to the adoption, enforcement, or application of the regulation for which just compensation is sought;

(4) Any and all documents, including but not limited to, architect's plans, appraisals, letters of inquiry, real estate agency agreements, which demonstrate the current owner sought, desired, or intended to, or was approached with a proposal to develop or use the real property for which the current owner's claim is filed in any manner other than provided for by the regulation;

(5) A copy of the archived regulation for which the current owner's claim for just compensation is sought;

(6) Complete documentation of all existing improvements on the property, including but not limited to the date the improvement was constructed, cost of the improvement, and real property taxes assessed against the property;

(7) Any other facts the current owner believes are material to the claim for just compensation;

(8) An affidavit by the current owner, under penalty of perjury, attesting to the factual correctness of all material submitted in support of the current owner's claim for just compensation; and

(9) An application fee. Application fees shall be set by resolution of the Council.

(C) No application shall be deemed complete until all materials required by this section have been submitted by the current owner.

(Ord. 01-2001, passed 11-30-2000)

§ 30.19 NOTICE OF COMPLETION; CLAIM EVALUATION.

(A) A notice of completion of claim shall be sent to the current owner at the time the City Manager determines that the current owner's application is complete.

(B) After the current owner's application is deemed complete, the application shall be submitted to a claims examiner, who shall review and evaluate the application, and shall make a recommendation to grant the claim, in whole or in part, to deny the claim, or to refer the claim for hearing before the City Council. If the claim is referred to the City Council, a hearing shall be set, where the current owner shall appear and present his or her case for just compensation. The City Council may order a hearing on any claim for which the claims examiner has recommended the granting or denying of a claim. Upon recommendation, or after the hearing, the City Council may grant the claim, in whole or in part, or deny the claim as the case may be.

(C) The current owner has the burden of proof to demonstrate just compensation is due. In any claim for compensation submitted pursuant to §§ 30.15 *et seq.*, there shall be a rebuttable presumption that any development occurring after the effective date of the regulation which forms the basis for the current owner's claim was development to the highest and best use of the property, unless the current owner can demonstrate he or she sought relief from the application, enforcement, or effect of the regulation prior to the date development was commenced.

(D) Any claim shall be granted, in whole or in part, or denied within 90 days of the date the application is deemed complete.
(Ord. 01-2001, passed 11-30-2000)

§ 30.20 APPEAL.

Appeal of any claim by the current owner denying just compensation shall be by writ of review.
(Ord. 01-2001, passed 11-30-2000)

§ 30.21 RELEASE OF RESTRICTION.

(A) In lieu of seeking just compensation under this section, the current owner may apply for a release from the regulation. The action by the current owner shall be deemed an election of remedies, precluding any further request for just compensation. The city may, in its discretion, release the regulation in lieu of paying just compensation, by proceeding to rezone the property pursuant to the city's land development ordinance.

(B) An application for a release of a zoning regulation shall be treated as an application for a conditional use permit in the zone in which the property is located. Any conditional use permit granted or rezoning occurring by virtue of this section shall be immediately revoked upon a final decision of an appellate court that Measure 7 is invalid and any improvement constructed upon the property shall be immediately removed at the then current owner's expense, and the property restored to the condition existing prior to the date construction commenced. The city or any interested party, including adjoining land owners, may compel the removal by injunction or other appropriate action, and the costs of the removal be a lien upon the property, which shall have priority over all other liens.

(C) No application pursuant to this section shall be deemed complete until the current owner has complied with all requirements of the city's land development ordinance, including the filing of any notices of intent to appeal, in addition to providing the application materials required under § 30.18. No proceeding to rezone the property instituted by the city shall be deemed complete until the close of the Planning Commission hearing on rezoning.
(Ord. 01-2001, passed 11-30-2000)

§ 30.22 ATTORNEY'S FEES.

In any action to contest the denial of a claim under §§ 30.15 *et seq.*, the prevailing party shall be entitled to attorney's fees and costs, at trial and upon appeal.

(Ord. 01-2001, passed 11-30-2000)

CHAPTER 31: CITY COUNCIL RULES AND PROCEDURES

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AUTHORITY

§ 31.01 AUTHORITY; GENERALLY.

These rules are adopted pursuant to Section 14 of the City of Glendale Charter, which requires that the Council adopt rules governing its meetings and procedures by general ordinance. (Ord. 10-2000, passed 3-15-2000)

§ 31.02 PURPOSE.

The rules set forth in this chapter are adopted for the purpose of providing guidance for Council action, providing fair and open deliberation on all questions

before the Council, expediting Council business and ensuring good relationships between the Council and the city staff.

(Ord. 10-2000, passed 3-15-2000)

§ 31.03 ADOPTION AND AMENDMENT OF RULES.

These rules may be amended or new rules adopted by ordinance. Any proposed changes shall be distributed to the Councilors in advance and considered under other business on the regular Council agenda.

(Ord. 10-2000, passed 3-15-2000)

§ 31.04 PRESIDING OFFICER; DESIGNATED.

The Mayor, or in the absence of the Mayor, the Council President, shall be the presiding officer at all meetings. The Council President shall be elected at the first meeting following the seating of any new duly elected members. In the case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a Chairperson by majority vote.

(Ord. 10-2000, passed 3-15-2000)

§ 31.05 PRESIDING OFFICER; POWERS AND DUTIES.

The presiding officer shall conduct all meetings, preserve order, enforce the rules of the Council, and determine the order and length of discussion on any matter before the Council, subject to these rules. The presiding officer may move, second, debate, and vote and shall not be deprived of any of the rights and privileges of a Councilor.

(Ord. 10-2000, passed 3-15-2000)

§ 31.06 SIGNING OF DOCUMENTS.

The Mayor shall sign all ordinances, resolutions, contracts, and other documents, except where authority to sign certain contracts and other documents has been delegated to the City Manager, and all documents shall be attested to by the City Clerk.

(Ord. 10-2000, passed 3-15-2000)

MEETINGS

§ 31.20 REGULAR MEETINGS.

Regular meetings shall be held on the second Monday of each month at 7:00 p.m. at the Special People's Depot, 178 Glendale Town Road, Glendale, Oregon. Regular meetings may be held at a different time and place by giving appropriate notice at least 24 hours in advance. One regular meeting shall be held each month.

(Ord. 10-2000, passed 3-15-2000)

§ 31.21 SPECIAL MEETINGS.

Special meetings may be called by the Mayor or 2 other Councilors, and appropriate notice shall be given to the remaining Councilors, the City Manager, City Attorney, and the public. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except that for which the meeting is called.

(Ord. 10-2000, passed 3-15-2000)

§ 31.22 EXECUTIVE SESSION.

All meetings shall be held in compliance with O.R.S. 192.610 to 192.690 (Public Meeting Law). The Council may hold closed meetings (executive sessions) pursuant to O.R.S. 192.660. A motion or notice calling for an executive session shall identify the specific statutory authorization. Media representatives will be allowed to attend executive sessions, but the Council may require that certain information shall not be disclosed. Final action on any matter discussed in executive session must be taken at an open meeting.
(Ord. 10-2000, passed 3-15-2000)

§ 31.23 CONFIDENTIALITY.

(A) Councilors will keep all written materials and verbal information provided them on matters of confidentiality under law in complete confidence to insure that the city's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager, the City Attorney.

(B) If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

(C) If a Councilor does not refrain from disclosing the information as required by the Council rules, the Council shall convene and discuss the matter in an executive session.
(Ord. 10-2000, passed 3-15-2000)

§ 31.24 QUORUM.

Four members of the Council constitute a quorum for the conduct of business, but a smaller number may meet to compel the attendance of absent members.
(Ord. 10-2000, passed 3-15-2000)

§ 31.25 AGENDA.

(A) Documents to be submitted to the Council shall be delivered to the City Manager no later than 12:00 p.m. on the third working day preceding a regular meeting and no later than 24 hours prior to a special meeting. Copies of the agenda materials shall be distributed to each Councilor, the City Manager, City Attorney, and others as designated by the Council or City Manager at least 48 hours prior to any regular meeting.

(B) Copies of the printed agenda page will be made available to the public at the meeting.
(Ord. 10-2000, passed 3-15-2000)

§ 31.26 STAFF ATTENDANCE AT MEETINGS.

Unless excused by the Council, the City Manager shall attend all regular and special meetings. The City Clerk and public works lead position shall attend all regular meetings and those special meetings where their attendance is required, unless excused by the City Manager. In the event a staff member is unable to attend a particular meeting, an alternate may be required.
(Ord. 10-2000, passed 3-15-2000)

§ 31.27 MINUTES.

All meetings shall be tape-recorded, and the tapes of all open meetings shall be made available for public examination in the office of the City Clerk. The Recorder shall prepare written minutes of all open

regular and special meetings which shall be approved by the Council and made available for public inspection. Written minutes shall include the names of all Councilors present, all motions, resolutions, orders, ordinances, and measures proposed and their disposition, the results of all votes, with the vote of each Councilor by name unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed.

(Ord. 10-2000, passed 3-15-2000)

§ 31.28 ORDER OF BUSINESS.

(A) All regular meetings shall have the following order of business:

- (1) Call to order;
- (2) Proclamations, commendations, special reports, and award;
- (3) Consent agenda;
- (4) Audience participation (for items on the agenda);
- (5) Public hearings;
- (6) Other business;
- (7) Information items;
- (8) Public comment for other than agenda items;
- (9) Adjournment of regular session; and
- (10) Executive sessions, as necessary.

(B) The order of business may be changed by the presiding officer or majority vote of the remaining Councilors.

(Ord. 10-2000, passed 3-15-2000)

§ 31.29 DISCUSSION OF BUSINESS.

(A) The right to discuss the business before the Council is reserved exclusively for Councilors, the Manager and the City Attorney, with the following exceptions:

- (1) Public hearings;
- (2) Employee complaints; and
- (3) Audience participation agenda.

(B) The presiding officer may recognize any staff member or member of the audience for discussion of any matter before the Council.

(Ord. 10-2000, passed 3-15-2000)

§ 31.30 MOTION PROCEDURE.

When a motion is moved and seconded, it shall be stated by the presiding officer for debate. A motion once made may not be withdrawn by the mover without the consent of the Councilor seconding it and the approval of the Council. The presiding officer may rule an improper motion out of order or, if the question involves 2 or more propositions, divide it into 2 separate questions. No Councilor shall be allowed to speak more than once on a particular question until every other Councilor has had an opportunity to do so.

(Ord. 10-2000, passed 3-15-2000)

§ 31.31 MOTION TO POSTPONE OR TABLE.

A motion to postpone may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and, if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.

(Ord. 10-2000, passed 3-15-2000)

§ 31.32 MOTION TO RECESS OR ADJOURN.

The presiding officer may adjourn the regular meeting without a motion after all business has been concluded and the City Council has no further comments. A City Council session may be recessed after a motion has been made and passed giving the reason for the recess and the time and place the City Council will reconvene.

(Ord. 10-2000, passed 3-15-2000)

§ 31.33 POINT OF ORDER.

Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any Councilor to appeal the decision to all Council members present.

(Ord. 10-2000, passed 3-15-2000)

§ 31.34 PROCEDURE IN ABSENCE OF RULES.

In the absence of a rule to govern a point or procedure, reference shall be made to accepted practice in parliamentary bodies. Disputes involving procedural matters shall be settled by reference to *Robert's Rules of Order, Revised*.

(Ord. 10-2000, passed 3-15-2000)

§ 31.35 EFFECT AND SUSPENSION OF RULES.

The rules in this chapter are procedural only, and the failure to strictly observe them shall not invalidate any action taken. Any rule contained in this chapter may be temporarily suspended at any meeting by majority vote of all Council members present.

(Ord. 10-2000, passed 3-15-2000)

§ 31.36 ATTENDANCE OF COUNCIL MEMBERS.

Members are expected to attend all meetings. In the event a member is absent from a meeting, the Council shall determine whether the member's absence will be excused. No member may leave during a meeting without the consent of the presiding officer.

(Ord. 10-2000, passed 3-15-2000)

§ 31.37 SEATING ARRANGEMENTS.

Members shall occupy seats in the Council chamber assigned to them by the Mayor. New Councilors will occupy the seats of the individuals they replaced unless instructed otherwise.

(Ord. 10-2000, passed 3-15-2000)

§ 31.38 RIGHT TO SPEAK.

Members shall have the right to speak on any matter properly before the Council and shall not be interrupted unless called to order by the presiding officer or unless a point of order or personal privilege is raised by another member.

(Ord. 10-2000, passed 3-15-2000)

§ 31.39 DISSENTS AND PROTESTS.

Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons therefore entered in the minutes in summary form.

(Ord. 10-2000, passed 3-15-2000)

§ 31.40 DECORUM.

During Council meetings, Council members shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings. Councilors shall confine their remarks to the question under debate and avoid all personalities and indecorous language.

(Ord. 10-2000, passed 3-15-2000)

§ 31.41 QUESTION OF PERSONAL PRIVILEGE.

A Councilor may interrupt another Councilor and address the Council on a question of personal privilege in cases where the member's integrity, character, or motives are questioned, if the presiding officer recognizes the privilege.

(Ord. 10-2000, passed 3-15-2000)

§ 31.42 GOVERNMENT STANDARDS AND PRACTICES.

(A) Councilors shall review and observe the requirements of the Government Standards and Practices Law (O.R.S. 224.010 to 244.390) dealing with the use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest, and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:

(1) Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;

(2) Making decisions involving business associates, customers, clients, and competitors;

(3) Violating Council rules;

(4) Appointing relatives, clients, or employees to boards and commissions;

(5) Requesting preferential treatment for themselves, relatives, associates, clients, coworkers, or friends;

(6) Seeking employment of relatives with the city;

(7) Actions benefitting special interest groups at the expense of the city as a whole;

(8) Attending meetings or participating in decisions of city boards and commissions where there is a possibility of appeal of the matter to the Council; and

(9) Expressing an opinion which is contrary to the official position of the Council without so stating.

(B) In general, Councilors shall conduct themselves so as to bring credit upon the government of the city by respecting the rule of law, ensuring nondiscriminatory delivery of public services, keeping informed concerning the matters coming before the Council, and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

(Ord. 10-2000, passed 3-15-2000)

§ 31.43 VOTING REQUIREMENTS.

(A) *Requirement.* The concurrence of a majority of all the Council members present is required to determine any matter before the Council. Each Councilor must vote on all questions before the Council. Each Councilor must vote on all questions before the Council unless the member has a conflict of interest which would disqualify the member from

voting. If a member abstains, the reasons for the abstention shall be entered in the record. Unless a Councilor abstains, the member's silence when the vote is taken shall be considered an affirmative vote.

(B) *Statement of the question.* Immediately prior to the vote, the presiding officer shall restate the question. Following the vote, the presiding officer shall announce whether the question carried or was defeated. The presiding officer may also publicly state the effect of a vote for the benefit of the audience.

(C) *Roll call vote.* At the request of any Councilor, any question shall be voted on by roll call.

(D) *Tie vote.* In the case of a tie vote on any proposal, the proposal shall be considered lost.

(E) *Changing vote.* A Councilor may change his or her vote only if the action is taken immediately following the last vote cast and prior to the time that the results of the vote is announced. A Councilor shall not be allowed to withdraw an abstention.

(F) *Motion to reconsider.* A motion to reconsider any action may be made only at the same meeting where the action was taken, by a Councilor on the prevailing side of the question. Any Councilor may make a motion on the same question at any subsequent meeting.

(G) *Record of votes.* Unless the vote is unanimous, the ayes and nays of each Councilor shall be entered in the minutes.
(Ord. 10-2000, passed 3-15-2000)

ORDINANCES AND RESOLUTIONS

§ 31.55 PREPARATION AND INTRODUCTION.

All ordinances and resolutions shall be prepared under the supervision of the City Attorney and shall be approved as to form by the City Attorney.

Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney, or any department head. Each proposed ordinance or resolution shall be accompanied by a written summary of the action proposed in a form approved by the City Attorney.
(Ord. 10-2000, passed 3-15-2000)

§ 31.56 DISTRIBUTION OF COPIES.

Whenever possible, copies of a proposed ordinance or resolution shall be made available for public inspection 1 week prior to the first meeting where they are to be considered. The City Clerk shall make sufficient copies for distribution with the agenda packets and for posting for public inspection at the time the ordinance or resolution is considered.
(Ord. 10-2000, passed 3-15-2000)

§ 31.57 READING AT COUNCIL MEETINGS.

(A) Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only.

(B) Before being considered for adoption, an ordinance shall be read in full at 2 separate Council meetings, except that an ordinance may be adopted at a single meeting by unanimous vote of all Council members present after being read once in full and once by title.

(C) Both of the readings may be by title only if no Councilor objects or if copies are provided each Councilor and 3 copies are available for public inspection 1 week before the first reading and notice is given as provided in Chapter VII of the City Charter.
(Ord. 10-2000, passed 3-15-2000)

§ 31.58 EFFECTIVE DATE.

(A) Ordinances shall be effective on the thirtieth day following the date of adoption, unless the ordinance provides that it will become effective at a later time.

(B) An emergency ordinance which includes a provision that the ordinance is necessary for the immediate preservation of the public peace, property, health, safety, or morals may provide that it will become effective upon adoption.

(C) Resolutions shall be effective upon adoption.
(Ord. 10-2000, passed 3-15-2000)

§ 31.59 POSTING.

All ordinances shall be posted for 10 days after the date of adoption in conspicuous places in City Hall and the library.

(Ord. 10-2000, passed 3-15-2000)

COMMUNICATION WITH COUNCIL**§ 31.70 ORAL COMMUNICATIONS.**

Comments from persons other than the Council, City Manager, or City Attorney will be entertained only during the part of the agenda where public comments are permitted or at the discretion of the presiding officer. The person addressing the Council shall first ask to be recognized and then give his or her name and address for the record. Persons addressing the Council shall also complete an information card for the record and return it to the City Clerk. All remarks shall be directed to the whole Council and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous. In the event a member of the audience

refuses to abide by the presiding officer's order, that person may be denied further opportunity to address the Council and may be removed upon order of the presiding officer. The order in which audience comments are received is left to the discretion of the presiding officer, subject to these rules. The presiding officer may request that a spokesperson be selected for a group of persons wishing to speak.
(Ord. 10-2000, passed 3-15-2000)

§ 31.71 WRITTEN COMMUNICATIONS.

Written communications addressed to the Council shall be forwarded to the Council by submission to the City Manager prior to the meeting to be placed with the agenda materials or by submission to the presiding officer during the meeting. The presiding officer shall announce the submission of any written communication and reference shall be entered in the minutes.

(Ord. 10-2000, passed 3-15-2000)

§ 31.72 PUBLIC HEARINGS.

(A) Public hearings include all items on the agenda on which the public has the right to be heard by law. The order of presentation of testimony at public hearings is as follows:

- (1) Staff report;
- (2) Correspondence;
- (3) Applicant's presentation;
- (4) Other testimony in favor of the application;
- (5) Opponent's testimony;
- (6) Neutral testimony;
- (7) Additional staff comments;

(8) Questions and answers and general comments (at the discretion of the presiding officer); and

(9) Applicant's final remarks.

(B) Following the presentation of testimony, the presiding officer shall close the hearing and ask for discussion among the Councilors. No further testimony or evidence will be accepted without approval of the presiding officer. All hearings shall be conducted in a fair and open manner. Councilors shall particularly observe the requirements of hearings on land use matters dealing with ex parte contacts. (Ord. 10-2000, passed 3-15-2000)

§ 31.73 COUNCIL-STAFF RELATIONS.

Councilors shall respect the separation between policy-making and administration by:

(A) Not attempting to influence or coerce the City Manager concerning personnel or purchasing, as outlined in Section 24 (10) of the City Charter;

(B) Addressing all inquiries and requests for information from staff to the City Manager and allowing sufficient time for response. At the discretion of the Manager, inquiries may be forwarded to the full Council for consideration;

(C) Limiting individual contacts with city officers and employees so as not to influence staff decisions or recommendations, undermine the authority of supervisors, or prevent the full Council from having the benefit of any information received;

(D) Honoring the confidentiality of discussions with the City Attorney; and

(E) Attempting to work together with the staff as a team in a spirit of mutual confidence and support. (Ord. 10-2000, passed 3-15-2000)

§ 31.74 COMPLAINTS.

Complaints concerning city policies shall be addressed to and heard by the Council. Complaints concerning actions of city boards and commissions shall be referred to the particular body for comment. All complaints with respect to the management of the city or the actions of any city employee shall be referred to the City Manager for action. The Manager may be requested to provide the Council a written report of the resolution of the complaint. In all instances, deemed appropriate by the Council, the Council may investigate or cause to be investigated through a formal hearing or otherwise the administration of any department. (Ord. 10-2000, passed 3-15-2000)

CHAPTER 32: CITY ORGANIZATIONS

Section

Local Contract Review Board

- 32.01 Establishment
- 32.02 Quorum
- 32.03 Rulemaking procedures

Planning Commission

- 32.15 Establishment

LOCAL CONTRACT REVIEW BOARD

§ 32.01 ESTABLISHMENT.

Pursuant to O.R.S. 279.055, there is hereby established a Local Contract Review Board to act in all matters of public contracting for the City of Glendale, which shall be composed of the members of the City Council.
(Ord. 338-99, passed 6-14-1999)

§ 32.02 QUORUM.

A majority of the sitting members of the Local Contract Review Board shall constitute a quorum to do business.
(Ord. 338-99, passed 6-14-1999)

§ 32.03 RULEMAKING PROCEDURES.

The rulemaking procedure for the City of Glendale Local Contract Review Board shall be as follows:

(A) Notice of intent to adopt or amend rules shall be published at least once in a newspaper of general circulation within the City of Glendale's boundaries not more than 3 weeks prior to scheduled adoption and shall be posted in the administrative offices of the city at least 1 week prior to scheduled adoption;

(B) The proposed rules shall be available for inspection by any interested person at the administrative offices of the city at least 1 week prior to adoption; and

(C) Rules shall be adopted in a public meeting in which there has been an opportunity for public comment.
(Ord. 338-99, passed 6-14-1999)

PLANNING COMMISSION

§ 32.15 ESTABLISHMENT.

The Mayor and City Council do hereby ordain that a City Planning Commission be established, following the legal guidelines outlined in O.R.S. Chapter 227.
(Ord. 219, passed 11-14-1973)

CHAPTER 33: EMERGENCY MANAGEMENT

Section

33.01	Title	
33.02	Purpose	
33.03	Definition of emergency	
33.04	Emergency Management Core Team	
33.05	Declaration of an emergency	
33.06	Regulation and control of persons and property	danger of suffering an event that may cause injury or death to persons, or damage to or destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety or welfare. Such an event shall include, but not be limited to, the following:
33.99	Penalty	(A) A civil disturbance, riot or crisis influx of migrants unmanageable by the city; (B) Eco-terrorism and/or sabotage; (C) A disaster such as flood, windstorm, snow event, earthquake, volcanic eruption or related activity, drought, fire, explosion, spills or releases of hazardous materials, epidemic or pandemic; (D) The declaration of a war-caused national emergency; (E) Any major disruption of community services such as transportation, power supply, water service, sanitation, or communications; (F) A health hazard, whether natural or manmade. (Ord. 07-2006, passed 7-10-2006)

§ 33.01 TITLE.

This chapter shall be known as the "Emergency Management Ordinance" and may be cited as such and will be referred to as "this chapter."
(Ord. 07-2006, passed 7-10-2006)

§ 33.02 PURPOSE.

The purpose of this chapter is to provide a plan to minimize injury to persons and property, to preserve the established civil authority in the event that a state of emergency exists within the city. This chapter is also intended to operate in conjunction with the city's Emergency Management Plan. The city's Emergency Management Plan shall be adopted by resolution of the City Council and may be amended from time to time by subsequent Council resolution.
(Ord. 07-2006, passed 7-10-2006)

§ 33.03 DEFINITION OF EMERGENCY.

The state of emergency exists whenever the city or any area in the city is suffering or is in imminent

§ 33.04 EMERGENCY MANAGEMENT CORE TEAM.

The Emergency Management Core Team shall be responsible for the implementation of the Emergency Management Plan. The team shall consist of the Mayor, the members of the City Council, as well as designated representatives, including their back-ups,

of the Rural Fire District, Ambulance Service and School District.

(Ord. 07-2006, passed 7-10-2006)

§ 33.05 DECLARATION OF EMERGENCY.

(A) When the Core Team determines that a state of emergency exists, the Mayor shall make a declaration to that effect and request a special meeting of the City Council in order to ratify the declaration of emergency. The special meeting of the Council shall occur as soon as possible after the declaration of emergency and such notice as is appropriate to the circumstances shall be given for the meeting. If for any reason the Mayor is unavailable to perform the duties of office under this chapter during a state of emergency, the duties shall be performed by a member of the City Council appointed by the Council to act in the Mayor's place. The powers of this successor shall be limited to those granted under this chapter, and the duration of the succession shall be until such time as the Mayor is able or available to perform the duties of office.

(B) The state of emergency declared under this section shall be continuous and shall remain in effect until further notice is given by the Mayor or his or her appointed successor.

(C) The declaration of emergency shall designate the geographic boundaries of the area which warrants the exercise of emergency controls.

(D) The declaration of emergency shall state any special regulations imposed as a result of the state of emergency and the Council may authorize additional specific emergency powers not provided in this chapter for the duration of the emergency.

(E) The declaration of emergency may;

(1) Authorize extraordinary measures for the mobilization of city resources.

(2) Authorize expedited purchasing and contracting, including bypassing hearings and the competitive bid process.

(3) Authorize requests for state and federal disaster funding.

(4) Encourage a county and/or state proclamation of emergency.

(Ord. 07-2006, passed 7-10-2006)

§ 33.06 REGULATION AND CONTROL OF PERSONS AND PROPERTY.

(A) During the existence of a declared state of emergency within the city, the Core Team is empowered to order the following measures in the interests of public health, safety or welfare:

(1) Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;

(2) Regulate or prohibit egress and ingress to and from an emergency area; limit or prohibit the movement of any person or persons within such area; order the moving or removal of any property within the area and the evacuation of any person or persons from the area to the extent that the Core Team finds human lives or property are endangered; and authorize or direct the entry into or upon private property to prevent or minimize danger to lives or property.

(3) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area;

(4) Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the area designated as an

emergency area for such distance as may be deemed necessary under the circumstances;

(5) Prohibit the sale of alcoholic beverages or the consumption thereof in public places; prohibit or restrict the sale of gasoline or other flammable liquids; and prohibit the sale, carrying or possession of any weapons or explosives of any kind on public streets, public places or any outdoor place;

(6) Order mandatory evacuations of persons. An evacuation authorized by this subsection shall be ordered only when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency; and

(7) Order such other measures as are imminently necessary for the protection of life or property, or for the recovery from emergency.

(B) All orders issued under this section shall have the full force and effect of law during the declared state of emergency. All existing laws, ordinances, rules and regulations inconsistent with this chapter shall be inoperative during this period of time and to the extent that such inconsistencies exist.

(Ord. 07-2006, passed 7-10-2006)

§ 33.99 PENALTY.

Any person who violates any provision of this chapter and any order adopted or enacted under authority of this chapter shall be punished as provided in § 10.99.

(Ord. 07-2006, passed 7-10-2006)

