

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

COUNCIL MEETINGS

Sections:

- 2.04.010 Council meetings.
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2.4.10 Council meetings. A. Regular meetings of the council shall be held on the first and third Mondays of each month, except holidays. If the regular meeting of the council falls on a holiday, the meeting shall be held the next business day. Meetings shall commence at seven p.m. in the council chambers at city hall unless public notice is given of an alternate time or location. Adjournment of the meeting shall be nine p.m. unless a motion is adopted to continue.

B. The council may hold special or emergency meetings after providing public notice as required by state law. Special or emergency meetings may be called by the mayor, and shall be called by the mayor upon request of at least three councilors. Special and emergency meeting agendas shall be limited to the purposes for which the meeting is called.

C. Scheduled council meetings may be canceled or rescheduled by the mayor upon reasonable public notice thereof.

D. All meetings of the council, its commissions and committees shall be held and conducted in accordance with the Oregon Public Meetings Law. (Ord. 701 (part), 2001)

2.04.020 Quorum. A. A majority of the seven members of the council shall constitute a quorum required to meet and conduct business of the council.

B. In order to cause a quorum to exist, the mayor or council, without a quorum, may direct the police chief or designee to find and request or cause the attendance of an absent councilor. (Ord. 701 (part), 2001)

2.04.030 Voting. A. Unless otherwise required by the Charter or this chapter, the affirmative vote of a majority of council present shall prevail in the adoption of any proposal before the council.

B. Councilors may abstain from voting in the event of potential conflict of interest or, in the case of a quasi-judicial proceeding, bias or impartiality. The reason for an abstention shall be declared prior to the vote. Councilors are otherwise encouraged to vote on all questions before the council.

C. Voting shall be by voice vote. A roll call vote shall be evoked upon request of a councilor.

D. Council shall vote on any issue of substance, that is not specifically excluded by ordinance or rule, which may concern the direction of staff, encumbrance of funds, changes in policy, political positions on any matter, or any other matter that council may consider substantive. (Ord. 701 (part), 2001)

2.04.040 Conflicts of interest. A. For purposes of these rules, "potential conflict of interest" has the following meaning: "Any action, decision or recommendation by the councilor acting in a capacity as public official, the effect of which could be to the private pecuniary benefit or detriment of the person or person's relative, or a business with which the person or the person's relatives is associated". In addition, "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available. (See ORS 244.020 & 244.040)

B. In the event a councilor shall have a potential conflict of interest with respect to any matter before the council, or may be unable to participate impartially and without bias in a quasi-judicial matter, the councilor shall announce such potential conflict, impartiality or bias on the record prior to any consideration, deliberation or decision of the council on the matter, and may be excused from the council until consideration of the matter is complete. In any vote on such matter, an excused councilor shall not be considered present for purposes of a quorum.

C. In the event of an actual conflict of interest, the councilor shall not vote or participate in consideration of the issue. (Ord. 701 (part), 2001)

2.04.050 Councilor authority and delegation. A. Councilors shall have authority only to act as part of the council and shall not have individual authority to bind the city or direct the actions of city officers or employees.

B. Notwithstanding paragraph (A) above, the council may delegate specific duties or functions to a councilor(s) in which case such councilor(s) shall have such authority as has been expressly delegated by the council. (Ord. 701 (part), 2001)

2.04.060 Requests for staff assistance. Councilors shall refrain from directing the activities or workloads of city staff members. Individual requests from a councilor for staff assistance shall be presented to the mayor or city manager orally or in writing for approval. (Ord. 701 (part), 2001)

2.04.070 Compliance with council rules. A. Violations of this chapter by any councilor shall be brought to the attention of the mayor. Upon such notification, the mayor shall attempt to resolve the matter and prevent future violation by contact with the offending councilor. In the event such resolution or prevention fails, the mayor shall place the matter on the council agenda for consideration and action by the full council.

B. A councilor found by the council to have violated this chapter may be publicly reprimanded by the council, or may be disciplined as provided in Robert's Rules of Order, newly revised.  
(Ord. 701 (part), 2001)

2.04.080 Appointments. A. Appointments to city commissions and committees shall be made by the mayor with consent of the council. The mayor may enlist the assistance of other councilors, commissioners or staff members in the appointment process.

B. All vacancies in elective or appointive positions to be filled by the mayor or council shall be announced publicly and nominees for such appointments shall be solicited by providing reasonable notice to the public of the vacancy and the process by which it will be filled. The city manager shall maintain and disseminate forms by which interested persons may apply for appointment.

C. An appointee to a committee or commission may be removed by the city council, after a hearing, for misconduct or nonperformance of duty. The appointee who is the subject of the hearing shall be notified in writing by registered mail to last known address at least ten days prior to the initial hearing date. A member who is absent from three consecutive meetings without notifying the committee chair or the city manager is presumed to be in nonperformance of duty and the city council shall declare the position vacant unless it finds otherwise following the hearing. (Ord. 701 (part), 2001)

2.04.090 Ordinances and resolutions. A. Ordinances and resolutions adopted by the council shall be signed by the mayor and attested by the city manager or city recorder prior to the next regular council meeting. Ordinances shall reflect dates of introduction, readings and passage.

B. Councilors may request of the mayor that an ordinance or resolution be prepared and placed on the council agenda by the city manager. If such request is denied by the mayor, the councilor may prepare such ordinance or resolution for introduction as new business at a regularly scheduled city council meeting.

C. Each ordinance shall be read twice at two different meetings unless the council determines by unanimous vote of all councilors and the mayor present at the meeting, to enact the ordinance immediately based upon emergency conditions. In such situations, after the first reading the ordinance shall be read again and placed on final passage at the same meeting. An ordinance shall be read by title only unless a majority of the council present votes to have the first reading of the ordinance read in its entirety.

D. Copies of ordinances and resolutions included on a council agenda shall be made available to the public for inspection at city hall upon agenda distribution.

E. All positions or endorsements on, or of local or statewide ballot measures shall be by resolution. (Ord 876, 2018; Ord. 701 (part), 2001)

2.04.100 Council agenda. A. An agenda for each council meeting shall be prepared by the mayor and city manager. Councilors may request of the mayor that specific items be placed on an agenda or may raise matters for council consideration as new business. Matters introduced as new business, which are not itemized as agenda items shall, unless emergency conditions exist, and upon majority vote of the council, be deferred to the next regular or special meeting as an agenda item or addressed at time of introduction under the "emergency" conditions previously noted.

B. The council agenda shall include the flag salute, roll call, approval of prior minutes, communications from the public on nonagenda items, new business, old business, staff reports and other agenda categories as directed by the mayor or council. The order of consideration of agenda items shall be as determined by the mayor.

C. Each agenda shall include the time, date and place of the meeting and a brief description of the ordinances, resolutions or other matters to be considered. (Ord. 701 (part), 2001)

2.04.110 Committees. A. The mayor or council may establish by resolution ad hoc or standing committees to perform specified research, or investigatory and advisory functions on behalf of the council.

B. Appointments to such committees shall be as provided in Section 2.04.080 of this chapter. Any authority granted to such committees shall be clearly delineated within the text of the resolution creating the committee as approved by council. (Ord. 701 (part), 2001)

2.04.120 Vacancies in elective office. A. Vacancies in the position of mayor or councilor shall be declared by the council in accordance with the Charter and only for reasons specified in the Charter. The council shall be the sole judge of the qualifications of its members.

B. Declaration of a vacancy shall occur at the council meeting following any of the occurrences for which a vacancy may be declared.

C. Prior to determining a vacancy, the council may conduct a hearing to receive evidence of the existence of a reason to declare such vacancy. The incumbent shall be entitled to appear and rebut such evidence.

D. Any vacancy shall be declared by resolution of the council, which shall include findings of fact, and conclusions of law in support thereof.  
E. Appointments to fill a vacancy in the position of mayor or a council position shall be made by the council in accordance with Section 2.04.080(B). (Ord. 701 (part), 2001)

2.04.130 Council officers. A. At its first regular meeting of each odd-numbered year, the council shall by majority vote select a council president who shall preside over council meetings and exercise other mayoral responsibilities in absence or incapacity of the mayor. In the absence or incapacity of both the mayor and council president, the council may select an acting council president who shall have the above duties during such absence or incapacity.

B. A council president or acting council president may be removed by a vote of two-thirds of the entire council. (Ord. 701 (part), 2001)

2.4.140 Minutes. A. Minutes of each meeting shall be prepared by the city recorder, and shall include at least the following information:

1. All members of the council present;
2. All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
3. The results of all votes, and the vote of each councilor; and
4. The substance of any discussion on any matter.

B. Minutes of executive sessions shall be limited consistent with ORS 192.660.

C. The written minutes shall be available to the public for inspection at city hall upon agenda distribution and shall be maintained as a permanent record of the actions of the council by the city recorder. (Ord. 701 (part), 2001)

2.04.150 Reconsideration. A. When a matter has been adopted or defeated, any councilor voting on the prevailing side may move for reconsideration of the matter.

B. Notice of the intention to move for reconsideration of an ordinance or resolution must be given orally by the councilor who intends to make the motion prior to adjournment on the same day on which the vote was taken. Notice of the intention to move for reconsideration of other matters should be made to the presiding officer prior to or at the next meeting.

C. Motions to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion. (Ord. 701 (part), 2001)

2.4.160 Personnel. A. The city manager has the full authority to act on personnel matters in accordance with the City Charter and existing policies and procedures. However, except as provided otherwise by written employment agreement, any termination by the city manager of a city officer/department head, as defined by the City Charter, shall be subject to the following procedure:

1. In the event a officer/department head is discharged, asked to resign, or suspended without pay, the officer/department head may request review of the city manager's decision. Such request shall be made in writing, and shall state the facts, the basis of the request for review, city rules or policies violated by the action, and relief requested. The request shall be delivered to the mayor, with a copy

to the city manager, within five days of the action to be reviewed.

2. Upon request of the officer/department head or the city manager, the mayor shall appoint by random a personnel review committee (PRC) consisting of three councilors and the city attorney, which shall meet within ten days of filing of the request. Such meeting may be an executive session subject to the provisions of ORS 192.660(2)(b). As part of such meeting, the PRC may conduct a hearing and take testimony necessary to conclude its review.

3. The PRC shall, within five days of the meeting, determine whether the city manager action was, in the judgment of the PRC, in compliance with existing policies and law, and make a written recommendation to the city manager. At the same time a copy of the PRC recommendation shall be forwarded to the members of the council who shall maintain the confidentiality of the recommendation. The decision of the city manager, after review of the PRC recommendation, shall be final. (Ord. 759, 2004; Ord. 701 (part), 2001)

2.04.170 Proclamations. A. All proclamations approved by the mayor shall be read before the council at a regularly scheduled council meeting.

B. Any proclamation read before the council by the mayor shall not require a vote of the council.

C. No proclamation may encumber the city financially or conflict with any existing ordinance, resolution, state law, federal law, regulation or administrative rule. (Ord. 701 (part), 2001)

2.04.180 Miscellaneous. A. Any procedural matter not covered by the Charter or by a rule adopted by the council shall be determined by Robert's Rules of Order, newly revised. The council may by a positive vote of five members (including the mayor) authorize the suspension of any rule adopted by the council. (Ord. 701 (part), 2001)

2.04.190 Emergency. The newly drafted ordinance codified in this chapter represents a culminated effort of citizen input, council deliberations and staff research which is imperative to the orderly decision-making and leadership of the city council. Therefore, the ordinance codified in this chapter shall be enacted by the "emergency" provisions stipulated in the previously adopted council rules and shall become effective upon approval of the city council on February 5, 2001. (Ord. 701 (part), 2001)

Chapter 2.08

ELECTIONS

Sections:

2.08.010 Nominations for elective office.

2.08.020 Elections officer.

2.08.030 Other election matters.

2.08.010 Nominations for elective office. Nominations for city elective offices shall be as provided in ORS 249.016 to ORS 249.205 as those statutes apply to nominations for nonpartisan office. (Ord. 758, §1, 2004)

2.08.020 Elections officer. For purposes of all matters relating to elections, the city recorder shall be the chief city elections officer. (Ord. 758, §2, 2004)

2.08.030 Other election matters. Pursuant to Scappoose Charter Section 19, all elections matters not provided for in the Charter or the Scappoose Municipal Code shall be governed by applicable state law. (Ord. 758, §3, 2004)



Chapter 2.12

CITY ATTORNEY

Sections:

2.12.011 Engagement of City Attorney.

2.12.011 Engagement of City Attorney. A. The office of City Attorney is hereby established. The City Attorney shall be selected by, and responsible to, the City Council, and shall perform legal services as assigned by the Council or the City Manager.

B. The responsibilities and manner of compensation of the City Attorney shall be established pursuant to a legal services agreement approved by the City Council pursuant to applicable public contracting regulations.

C. The Council may select an Assistant City Attorney to prosecute municipal court cases, and other legal counsel as needed, pursuant to legal services agreements. (Ord. 805, 2009)

Chapter 2.16  
OFFICERS' BONDS

Sections:

2.16.010 City council to approve bonding.

2.16.020 City to pay bond premiums.

2.16.010 City council to approve bonding. City officers and employees shall be bonded in a manner and in such amounts, for particular officers and employees, as approved by the city council. (Ord. 594 §1, 1993)

2.16.020 City to pay bond premiums. The premium of any bond or bonds shall be paid by the city. (Ord. 594 §2, 1993)

Chapter 2.20  
MUNICIPAL COURT

Sections:

- 2.20.010 Right of trial by jury.
- 2.20.020 Jury list.
- 2.20.030 Making of jury list delayed--First Monday of following month.
- 2.20.040 Municipal judge--Authority to make jury list.
- 2.20.050 Discarding of names from jury list.
- 2.20.060 Contents of jury list--Certification by judge.
- 2.20.070 Jury box.
- 2.20.080 Selection of jury.
- 2.20.090 Jurors unable to attend trial.
- 2.20.100 Striking of names from jury list.
- 2.20.110 Unanimous verdict required.
- 2.20.120 Jurors' compensation.
- 2.20.130 Disregarding of jury summons--Penalty.

2.20.010 Right of trial by jury. Any person accused of any offense defined and made punishable as a misdemeanor as defined by ORS 161.545 shall have the right of trial by jury in the municipal court. The jury shall consist of six persons, select as provided in this chapter. (Ord. 597 §1(part), 1993; Ord. 226 §1, 1960)

2.20.020 Jury list. Immediately upon the effective date of the ordinance codified in this section and on the first Monday in December of each year, commencing in the year 1976, a jury list shall be made from the persons in the city competent under the laws of the state to serve as jurors in a circuit court, who shall serve as jurors in the municipal court until a new list is selected. The jury list shall be made and selected by lot in the same manner in which juries are selected for the circuit court, and such list shall contain the names of sixty of such qualified persons. (Ord. 368 §1, 1976; Ord. 226 §2, 1960)

2.20.030 Making of jury list delayed--First Monday of following month. If for any reason the making of a jury list is omitted and neglected on the first Monday of any December, it may be done on the first Monday of any month following, to serve until the close of the year, and until another list is made. (Ord. 226 §3, 1960)

2.20.040 Municipal judge--Authority to make jury list. The municipal judge is authorized to select and make the jury list. If the municipal judge so desires, he may call to his aid two freeholders of the city, qualified to serve as jurors therein, and such freeholders together with the judge, may make such list. (Ord. 226 §4, 1960)

2.20.050 Discarding of names from jury list. In preparing the jury list, names drawn of persons known or believed to be disqualified as jurors, or who are exempt from jury duty under the provisions of the laws of the state, or who are believed to be unavailable, shall be discarded. (Ord. 226 §5, 1960)

2.20.060 Contents of jury list--Certification by judge. The jury list shall contain the first and surname, the place of residence, and occupation of each person named therein and shall be certified by the municipal judge at the time the list is prepared. (Ord. 226 §6, 1960)

2.20.070 Jury box. The municipal judge or, under his direction, his clerk, shall keep a secured jury box. After the jury list has been made, the municipal judge shall prepare and deposit in such box separate ballots or slips containing the name, place of residence, and occupation of each person on the jury list. (Ord. 226 §7, 1960)

2.20.080 Selection of jury. A. When a jury is demanded in the municipal court, the jury shall be drawn and selected from the jury list.

B. When a jury is selected, the municipal judge or, under his direction, his clerk shall draw from the jury box twelve ballots, or any greater number if necessary, until the names of twelve persons who are deemed able to attend at the time and place required are obtained. (Ord. 597 §1(part), 1993; Ord. 226 §§8, 9, 1960)

2.20.090 Jurors unable to attend trial. When it appears to the municipal judge that the person whose name is drawn is dead or resides out of the city, the ballot shall be destroyed. If it appears to the municipal judge, or he has good reason to believe that a person whose name is drawn is temporarily absent from the city, or is ill, or is so engaged as to be unable to attend at the time of the trial without great inconvenience, the ballot shall be laid aside, the name not placed on the jury list for the trial for which the jury is being selected, but such ballot shall be returned to the jury box after the drawing is completed. (Ord. 226 §10, 1960)

2.20.100 Striking of names from jury list. When the drawing is completed, from the twelve names drawn, the defendant and the city will select the jury by each striking from the list three names, alternately, commencing with the defendant. The six names remaining shall be summoned as jurors in the case. In case either party does not exercise all his peremptory challenges, the jury may be summoned from among the names remaining. When six names are drawn from the jury box as alternates, each party shall strike one of such names. No peremptory challenges shall be allowed other than in this section provided. No alternate juror shall be summoned to serve at the trial of the action except when six principals are not available. (Ord. 226 §11, 1960)

2.20.110 Unanimous verdict required. Six of the six jurors summoned to try any case must concur to render a verdict. (Ord. 226 §13, 1960)

2.20.120 Juror's compensation. Jurors who appear at the trial and serve as jurors shall receive as compensation for such services the sum of five dollars for each day of attendance upon the municipal court. (Ord. 226, §15, 1960)

2.20.130 Disregarding of jury summons--Penalty. When a jury is drawn, summons therefor shall be issued by the municipal judge. Any person notified to appear as a juror and disregarding such notice may be adjudged in contempt to court by the municipal judge and be fined a sum not exceeding five hundred dollars. (Ord. 597 §1(part), 1993; Ord. 226 §16, 1960)

Chapter 2.24

POLICE FORCE

Sections:

2.24.010 Created.

2.24.020 Composition.

2.24.030 Police force to perform all police duties.

2.24.040 Chief of police--Authority to govern police department.

2.24.050 Chief of police--Personnel authority.

2.24.060 Chief of police--Powers and duties generally.

2.24.070 Police officer--Powers and duties.

2.24.010 Created. There is created a police force of the city.  
(Ord. 233 §1, 1961)

2.24.020 Composition. The police force of the city shall consist of a chief of police and all necessary policemen to be appointed and serve as prescribed by the city charter regarding other officers.  
(Ord. 233 §2, 1961)

2.24.030 Police force to perform all police duties. All police duties shall be performed by the police force of the city. (Ord. 233 §3, 1961)

2.24.040 Chief of police--Authority to govern police department. Subject to the administrative authority of the city manager as provided in the Charter, the chief of police shall make all necessary rules and regulations for the government of the police department.  
(Ord. 666 §1, 1998; Ord. 233 §4, 1961)

2.24.050 Chief of police--Personnel authority. Subject to the administrative authority of the city manager as provided in the Charter, the police force of the city shall be under the immediate supervision and authority of the police chief, and the police chief shall have the power and authority, subject to law and any applicable labor agreement, to supervise and administer the personnel of the police force. (Ord. 666 §2, 1998; Ord. 598, 1993; Ord. 233 §5, 1961)

2.24.60 Chief of police--Powers and duties general. The chief of police is a peace officer whose powers and duties include, but are not limited to the following:

A. Make arrests for breach of the peace or commission of crimes within the limits of the city, with or without a warrant, as a peace officer may do under the laws of the state of Oregon;

B. Execute all processes issued by the municipal judge or directed by any magistrate of the state;

C. Maintain control of the peace and quiet of the city;

D. Administer any city jail;

E. Attend or direct an assistant to attend the meetings of the council and municipal court sessions as necessary;

F. Supervise the activities of all police personnel;

G. Assure that city ordinances and the rules, orders and regulations of the council are observed and enforced;

H. Except as otherwise provided by law, act as the city tax collector;

I. Before entering upon the duties of the office, subscribe to and take an oath to faithfully perform the duties as chief of police and account for and pay over to the city all monies that may be received by virtue of the office;

J. Perform such other duties as may from time to time be prescribed by the city manager. (Ord. 666 §3, 1998; Ord. 233 §6, 1961)

2.24.70 Police officer--Powers and duties. The police officers of the city are peace officers as defined by state law and their powers and duties shall include the following:

A. Make arrests for breach of the peace or commission of a crime within the limits of the city, with or without warrant, as peace officers may do under the laws of the state of Oregon, and execute all processes issued by the municipal judge or directed by any magistrate of the state;

B. Exercise vigilant control over the peace and quiet of the city;

C. Assure that the ordinances of the city are observed and enforced;

D. Serve under the command of the chief of police;

E. Before entering upon the duties of police officer, take and subscribe to an oath of faithful performance of the duties and account for and pay over to the city all monies that may be received by virtue of the office;

F. Perform such other duties as may be prescribed by the chief of police or the city manager. (Ord. 666 §4, 1998; Ord. 233 §7, 1961)

PLANNING COMMISSIONSections:

- 2.28.010 Continuation of planning commission.
- 2.28.020 Powers and duties.
- 2.28.030 Membership and compensation of commission.
- 2.28.040 Terms of office--Removal.
- 2.28.050 Election of chairperson and vice chairperson.
- 2.28.060 Planning commission secretary.
- 2.28.070 Meetings and rules.

2.28.010 Continuation of planning commission. There is continued a city planning commission, hereinafter referred to as the "commission", for the city. (Ord. 611 §1, 1993)

2.28.020 Powers and duties. The commission shall have the powers and duties that are now or may hereafter be assigned to it by Charter, ordinance, or resolutions of the city, and by the general laws of the state. (Ord. 611 §7, 1993)

2.28.030 Membership and compensation of commission. A. The commission shall consist of eight members, one of which shall serve as an alternate, appointed by the mayor, with the consent of the city council.

B. The alternate commission member shall attend all commission meetings, but shall only have the authority to participate in discussions of the commission and vote on motions of the commission when the alternate is acting on behalf of an absent commission member. If the alternate member is sitting as a commission member during a public hearing, and the hearing is continued, the alternate shall continue to sit in place of the other commission member for the purpose of completion of the hearing and taking action on the subject application. The alternate shall assume the role of commissioner upon the absence of at least one commission member.

C. Any vacancy shall be filled by appointment by the mayor, with consent of the city council for the unexpired term of the predecessor in office.

D. Commission members shall be registered voters in the city; provided, however, that up to two members may be appointed if they are registered voters residing within the urban growth boundary of the city.

E. No more than two commission members shall be engaged in the same kind of business, trade or profession.

F. Commission members shall receive no compensation. (Ord. 627 §1, 1995; Ord. 611 §2, 1993)

2.28.040 Terms of office--Removal. A. Commission members shall be appointed for a term of four years, excepting in cases where such appointment is made to fill a premature vacancy.

B. A commission member may be removed by the city council, after a hearing, for misconduct or nonperformance of duty. A member who is absent from three consecutive meetings without an excuse as approved by the planning commission is rebuttably presumed to be in nonperformance of duty, and the city council shall declare the position vacant unless it finds otherwise following the hearing. (Ord. 611 §3, 1993)



2.28.050 Election of chairperson and vice-chairperson. The commission, at its first meeting in July of each year, shall elect a chairperson and vice-chairperson who shall hold office at the pleasure of the commission. (Ord. 611 §4, 1993)

2.28.060 Planning commission secretary. The city manager shall appoint a secretary who shall not be a member of the commission. The secretary shall keep an accurate record of all commission proceedings. The commission shall, on or about July 1st each year, make and file a report of all its transactions with the city council. (Ord. 611 §5, 1993)

2.28.070 Meetings and rules. A. A majority of the commission members shall constitute a quorum. The commission shall make and alter rules and regulations for its government and procedure consistent with law of the state and with the Charter and ordinances of the city. The commission shall meet at least once each month, at such times and places as may be fixed by the commission.

B. Special meetings may be called at any time by the chairperson or by three members by written notice served upon each member of the commission at least twenty-four hours before the time specified for the proposed meeting.

C. The commission shall at all time abide by the provisions of the Oregon Public Meetings Law.

D. A commission member shall not participate in any commission proceeding or action in which such member has a financial interest or in which any of the following has a financial interest: the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any action or potential interest shall be disclosed at the meeting of the commission where the action is being taken. (Ord. 611 §6, 1993)

Chapter 2.32

URBAN FORESTRY ADVISORY BOARD

Sections:

- 2.32.010 Established.
- 2.32.020 Powers and duties.
- 2.32.030 Membership.
- 2.32.040 Term of office.
- 2.32.050 Election.
- 2.32.060 Staff support.
- 2.32.070 Meetings and rules.

2.32.010 Established. A tree board is established and shall be known as the Scappoose urban forestry advisory board (the board), for the city of Scappoose. (Ord. 646 §1, 1997)

2.32.020 Powers and duties. The board shall have the power and duty to assess and analyze the urban forest in the city of Scappoose; draft and recommend an urban forestry plan for the city of Scappoose; advise the city council on implementation of the urban forestry plan; host the Arbor Day observance; and make an annual recommendation to the budget committee regarding the city's urban forestry program. (Ord. 646 §2, 1997)

2.32.030 Membership. Membership in the urban forestry advisory board shall consist of seven members appointed by the mayor with the consent of the city council. Any vacancy shall be filled by appointment by mayor, with the consent of the city council for the unexpired term of the predecessor in office. All members of the board shall be registered voters. Members shall reside within the city of Scappoose. Board members shall receive no compensation; it is strictly a volunteer position. The urban forestry advisory board may solicit input and advice as necessary from experts within the field of urban forestry or a closely related field. However, such individuals shall be nonvoting participants. (Ord. 713 Exh. A, 2002; Ord. 646 §3, 1997)

2.32.040 Term of office. Board members shall be appointed for a term of three years, excepting in cases where such appointment is made to fill a premature vacancy. A board member may be removed by the city council, after a hearing for misconduct or failure to perform duties. A member who is absent from three consecutive meetings without an excuse approved by the board shall be rebuttably presumed to be in nonperformance of duty and the city council may, after a hearing, declare the position vacant. (Ord. 646 §4, 1997)

2.32.050 Election. At its first meeting, the board shall elect a chairperson and vice-chairperson who shall serve at the pleasure of the urban forestry advisory board. Annually, the board shall hold an election for chairperson and vice-chairperson. A member may serve as chairperson for no more than three consecutive terms. (Ord. 646 §5, 1997)

2.32.060 Staff support. The city manager shall appoint a staff member to assist the board. (Ord. 646 §6, 1997)

2.32.070 Meetings and rules. A majority of the board shall constitute a quorum. The board shall make and alter rules and regulations for its government and procedure consistent with laws of the state of Oregon, and with the Charter and ordinance of the city of Scappoose. The board shall meet at such times and places as may be fixed by the board, but no less than once each quarter. The urban forestry advisory board shall at all times abide by the provisions of the Oregon Public Meeting Laws. (Ord. 646 §7, 1997)

CITY CONTRACTS

Sections:

2.36.010 Contract review board.

2.36.010 Contract review board. A. Pursuant to ORS 279.055, the city council is designated as a local contract review board and, relative to contract concerns of the city, shall have all the powers granted to Oregon Department of Administrative Services, and the Director thereof, under ORS 279.011 to 279.063, and such additional powers as authorized by state law.

B. Pursuant to ORS 279.055(4) and (5), the board shall have rulemaking authority to carry out public contracting. In exercising such authority, the board shall substantially comply with the procedures provided in Oregon Administrative Rules (OAR) 137-01-0030, 137-01-0040, 137-01-0050, 137-01-0070 and 137-01-0080.

C. The board shall adopt and may amend contracting rules for the city by resolution. (Ord. 681 §1, 1999; Ord. 602 §1, 1993; Ord. 358 §§1, 10, 1976)

Chapter 2.44UNCLAIMED PROPERTYSections:

- 2.44.010 City custody of personal property.
- 2.44.020 Disposition of unclaimed property.
- 2.44.030 Exclusion from bidding.
- 2.44.040 Conduct of sale--Proceeds.
- 2.44.050 Alternative disposal.
- 2.44.060 Subsequent claim of property.

2.44.010 City custody of personal property. Whenever the city has any property in its possession, the ownership of which is unknown and which is unclaimed for thirty days after the property came into its possession, such fact shall be reported to the city council requesting authority to dispose of it as provided in this chapter. (Ord. 439 §1, 1982)

2.44.020 Disposition of unclaimed property. The city council shall act upon the request after receipt of the request. If disposal of property by public sale is requested and the council approves the request, the chief of police shall post written or printed notice of sale in three public places within the city at least ten days before the sale. The notice shall describe the property and shall state the time and place of public sale at which the property may be purchased by the highest bidder. Until the date of the sale, the property, including money, may be claimed at the office of the chief of police. If ownership is proven, the chief of police shall turn the property, including money, over to the owner and cancel the sale insofar as the claimed property is concerned. (Ord. 439 §2, 1982)

2.44.030 Exclusion from bidding. Members of the city government, including officials and employees, shall not be allowed to bid at the sale. (Ord. 439 §3, 1982)

2.44.040 Conduct of sale--Proceeds. The chief of police shall conduct the sale and shall deposit the proceeds thereof, after deducting the cost of the sale, together with any other money included in the notice, into a fund to support the needs of the police reserve division. (Ord. 439 §4, 1982)

2.44.050 Alternative disposal. In lieu of a sale of the property under the foregoing provisions of this chapter, the chief of police, with approval of the city council, may transfer any portion of unclaimed property to the city for use by the city or may give the unclaimed property to a worthy charity. (Ord. 439 §5, 1982)

2.44.060

2.44.060 Subsequent claim of property. If the property is sold as provided in this chapter, and if within six months after the sale the owner of the property files with the city council a claim for the property, and proves his right to the same, the council shall direct that the amount received for the property, less expenses of the sale, shall be paid to the owner of the property, from the funds provided for the police reserve division. The council shall not approve any claims filed more than six months after the sale. If the property is transferred to the city in lieu of the sale, it may be claimed by the lawful owner thereof at anytime within one year from the transfer to the city. The chief of police, in disposing of the property in the manner provided herein, shall not be liable to the owner thereof. (Ord. 439 §6, 1982)

Chapter 2.48PERSONNEL SYSTEMSections:

- 2.48.010 Title.
- 2.48.020 Purpose.
- 2.48.030 Adoption and amendment of rules.
- 2.48.040 Administration of the rules.

2.48.010 Title. The title of the ordinance codified in this chapter shall be "The Personnel Ordinance of the City of Scappoose." (Ord. 338 §1, 1974)

2.48.020 Purpose. The ordinance codified in this chapter is adopted to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; to assure that appointments and promotions of employee will be based on merit and fitness; and to provide a reasonable degree of job security for qualified employees. (Ord. 338 §2, 1974)

2.48.030 Adoption and amendment of rules. Personnel rules shall be adopted and amended by resolution of the city council. Before amendment, written notice shall be given to all employees through normal channels of communication. The rules shall provide means to recruit, select, develop, and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities. All appointments and promotions shall be made in accordance with the personnel rules without regard to sex, race, color, age, religion or political affiliation; and, furthermore, shall be based on merit and fitness. (Ord. 338 §3, 1974)

2.48.40 Administration of the rules. The city manager with the consent of the council shall be responsible for:

A. Administering all the provisions of this chapter and of the personnel rules not specifically reserved to the council;

B. Preparing or causing to be prepared and recommending to the council personnel rules, and revisions and amendments to such rules. (Ord. 600, 1993; Ord. 338 §4, 1974)

Chapter 2.52

VOLUNTEER CITY EMPLOYEES

Sections:

2.52.010 Definitions.

2.52.020 Background checks on volunteer employees.

2.52.030 Chief of police--Duty to cause background check.

2.52.040 Notification of employees prior to background check.

2.52.010 Definitions. As used in this chapter:

"Appointed volunteer" means any member of the public, appointed by the city council or mayor to any commission or ad hoc committee and who serves in an advisory capacity without compensation or benefit.

"Background check" means an inquiry into the volunteer employee's record within the LEADS system or other computerized or personal reference information.

"Law Enforcement Data System." Referred to by the acronym LEADS, means a central state computerized repository of criminal history information.

"Sponsored activity" means any activity performed by volunteer employees which is endorsed or otherwise functions under control of the city.

"Volunteer employee" means any person recruited, accepted or otherwise given specific duties with or for the city, and who performs those duties without compensation or benefit. (Ord. 552 §1, 1989)

2.52.020 Background checks on volunteer employees.

In order to protect the integrity and safety of sponsored activities of the city, background checks shall be conducted on volunteer employees. (Ord. 552 §2, 1989)

2.52.030 Chief of police--Duty to cause background check. The chief of police or his designee shall cause the background check to be done, upon notification of volunteer employment. (Ord. 552 §3, 1989)

2.52.40 Notification of employees prior to background check.

Volunteer employees will be notified that a background check will be conducted prior to the background check commencing.

A. Notification shall be printed upon the volunteer application or a supplemental written notification form.

B. Volunteer employees shall be required to sign an acknowledgement that a background check will be done and authorize that check.

C. Appointed volunteers shall be subject to all sections of this chapter, but shall only be subject to a criminal background check via the Law Enforcement Data System, (LEADS). Checks shall not extend into the areas of personal, financial or character issues beyond the criminal background check. (Ord. 650 §§1, 2, 1997; Ord. 552 §4, 1989)



Chapter 2.56URBAN RENEWAL AGENCYSections:

- 2.56.010 Creation of Urban Renewal Agency.
- 2.56.020 Powers and duties.
- 2.56.030 Membership and compensation of the Agency.
- 2.56.040 Terms of office.
- 2.56.050 Election of chairperson and vice-chairperson.
- 2.56.060 Agency secretary.
- 2.56.070 Meetings and rules.

2.56.010 Creation of Urban Renewal Agency. Pursuant to ORS 457.035, the Scappoose City Council hereby finds and declares that blighted areas, as defined in ORS 457.010, exist within the city. Given the blighted conditions, the city council declares and recognizes that there is a need for an Urban Renewal Agency to function within the City of Scappoose with the powers contained in ORS 457.020 and hereby created an urban renewal agency. The corporate name of the Agency created by this chapter shall be, and said Agency shall be known as, the Scappoose Urban Renewal Agency.

2.56.020 Powers and duties. The City Council further declares, pursuant to ORS 457.045(3), that all of the rights, powers, duties, privileges, and immunities granted to and vested in an Urban Renewal Agency by the laws of the state of Oregon shall be exercised by and vested in the Agency of the City of Scappoose provided, however, that any act of the governing body acting as the urban renewal agency shall be considered the act of the Agency only and not of the City Council.

2.56.030 Membership and compensation of the Agency. The City Council declares the Agency membership shall be the same as that of the City Council. Agency members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

2.56.040 Terms of office. The term of office shall be the same as that of the City Council. Appointments to fill vacancies shall be for the remainder of the unexpired term. When an elective City Office becomes vacant, thus creating a vacancy in the Urban Renewal Agency, appointments to fill the vacancy will follow the City's process outlined in Chapter 7 of the City Charter: the appointee selected by the remaining members of Council to serve the unexpired term will also serve in the Urban Renewal Agency for the same term.

2.56.050--2.52.070

2.56.050 Election of chairperson and vice-chairperson. The Agency, at its first meeting in July of each year, shall elect a chairperson and vice chairperson who shall hold office at the pleasure of the Agency.

2.56.060 Agency secretary. The City Manager shall appoint a secretary who shall not be a member of the Agency. The secretary shall keep an accurate record of all agency proceedings.

2.56.070 Meetings and rules. A. Meetings shall occur on the regularly scheduled City Council meeting dates unless a special meeting is required. A majority of the members of the Agency shall constitute a quorum. The Agency shall meet at least once a quarter unless the Chairperson and City Manager jointly agree that there is no business to be conducted.

B. Special meetings may be called at any time by the same procedure used by the Scappoose City Council. Special meetings will be duly noticed as required by State Statutes relating to public meetings.

C. The Agency shall at all times abide by the provisions of the Oregon Public Meetings Law.

D. A member of the Agency shall not participate in any Agency proceedings or action in which any of the following has a direct or substantial financial interest: The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Agency where the action is being taken.

2.56.080 Annual report. The Agency shall prepare an annual report pursuant to ORS 457.460.