

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Council - DELETED (ORD. 1505)
- 2.08 Police Department
- 2.12 Standing Committee Membership
- 2.14 Budget Committee
- 2.18 Committee for Citizen Involvement
- 2.16 Library Board
- 2.20 Parks and Recreation Commission
- 2.22 Community Center Advisory Committee
- 2.24 Planning Commission
- 2.28 Urban Renewal Agency
- 2.30 Water Resource Committee
- 2.32 Personnel
- 2.36 Municipal Court
- 2.40 Records

Ordinance History: No. 635, 722, 838, 870, 949, 1007, 1034, 1069, 1132, 1172, 1187, 1191, 1220, 1259, 1277, 1290, 1351, 1358, 1403, 1424, 1427, 1429, 1453, 1458, 1461, 1465, 1468, 1477, 1479, 1484, 1492, 1494, 1505, 1511, 1516, 1540, 1541, 1557, 1561, 1562, 1597, 1598, 1599, 1613, 1617, 1635

Chapter 2.08

POLICE DEPARTMENT

Sections:

- 2.08.010 Officers and personnel.
- 2.08.020 Police chief--Appointment and tenure.
- 2.08.030 Job description.
- 2.08.040 Accountability of police chief.
- 2.08.050 Other police personnel.
- 2.08.060 Rules and regulations.
- 2.08.070 Duties of police department.
- 2.08.080 Records.

Ordinance History: #1187

2.08.010 Officers and personnel.

The police department of the city shall consist of a chief and such other ranked officers, patrol officers and personnel as the city council shall, from time to time, determine.

2.08.020 Police chief--Appointment and tenure.

The police chief shall be appointed by the city council upon the advice of the city manager. The appointment shall be for an indefinite period. A probationary period of six months shall be established. The tenure of the police chief shall depend upon his or her good conduct and efficiency and his or her ability to command the respect and confidence of the community and the personnel serving under him or her. The police chief shall be technically qualified by training and experience as required by applicable laws and regulations. If applicable, required experience and/or training may be acquired during the probationary period. The police chief shall be removed by the city manager with concurrence of the city council. Reasons for removal shall be included in the personnel record of the chief of police, which may be reviewed by the city council. City council approval of removal from office does not include a right to appeal to the city council or right to public hearing before the city council.

2.08.030 Job description.

A job description for the position of chief of police shall be prepared by the city manager and shall become effective upon approval by the city council.

2.08.040 Accountability of police chief.

The police chief shall be held accountable to the city manager only, and shall make verbal and written reports to him or her as the city manager may require, but not less than a monthly written report. Copies of the written reports shall be furnished to the city council.

2.08.050 Other police personnel.

All other police department officers and personnel shall be accountable only to the chief of police and subject to removal by him or her. They shall possess such qualifications and training as may be required by applicable law or regulations.

2.08.060 Rules and regulations.

The police chief shall formulate in writing such policies and sets of rules and regulations for conduct of the police department as he or she may determine. They shall be approved by the city manager. Upon such approval, copies shall be provided to the city council and city attorney.

2.08.070 Duties of police department.

Under supervision of the police chief, the police department shall be responsible for maintaining law and order within the city and for the enforcement of city ordinances and such statutes and regulations as may be applicable.

2.08.080 Records.

The police chief shall be responsible for maintenance of adequate records by police department personnel and the compilation and filing of reports and records as may be required.

Chapter 2.12

MEMBERSHIP ON ADVISORY BOARDS AND COMMISSIONS

Sections:

- 2.12.010 Scope.
- 2.12.020 Rules.
- 2.12.030 Standard rotation of terms.
- 2.12.040 Meetings/Quorum
- 2.12.050 Voting
- 2.12.040 Forfeiture of office.
- 2.12.050 Incumbents.

Ordinance History: #1358, 1453, 1458, 1484, 1540, 1599, 1617, 1635

2.12.010 Scope.

This chapter addresses procedures for the appointment, retention, removal and compensation of members of advisory boards and commissions, recognizing that special committees may not necessarily comply with these standards. For the purpose of this chapter, an advisory board or commission is a board, commission or committee which is expected to exist more than four years. These rules do not apply to ad-hoc or special committees with a limited term.

No advisory board or commission is authorized to make binding policy decisions for the City Council, or to direct staff in day-to-day operations.

2.12.020 Rules.

All advisory boards or commissions will conform to the following rules unless specifically exempted:

- A. All appointive members of advisory boards and commissions are appointed by the mayor with concurrence of the council.
- B. All appointive committee members serve at the pleasure of the mayor and city council and may be removed from office by majority vote of the city council.
- C. All committees have seven members, unless otherwise provided.
- D. Membership is open to residents and nonresidents, however, the majority of members must be residents of the city at all times. Membership on the budget committee is limited to electors of the city.
- E. No person is eligible to serve on a standing committee if that person's spouse is a member of that committee, nor shall spouses be appointed to the same standing committee.
- F. If a person is a City Councilor, his or her spouse is not eligible for appointment to any standing committee of which the councilor is a member.
- G. If a member of a standing committee's spouse is elected or appointed to the City Council and, as a result, the spouses would be serving on the same standing committee, the non-Councilor's position shall automatically be deemed vacant upon the date the councilor-spouse assumes office.

- H. The above prohibitions do not apply to spouses who are serving as city councilors at the same time.
- I. In the event two advisory boards and commissions are combined or reduced into a new committee or single committee so that two spouses serve on the new or remaining committee, then the position with the lesser number of years of service shall be deemed vacant immediately.
- J. Nominations are solicited from existing committee members and from the general public, and are submitted to the mayor.
- K. An appointee may serve on more than one city standing committee at one time when the mayor and council determine it is in the best interest of the city to make such an appointment.
- L. There are no limits on the number of terms a member can serve
- M. Vacancies are filled in the same manner as original appointments.
- N. An individual is considered to have served one full term when at least two-thirds of the unexpired term remains on the appointment and the individual completes the unexpired term.
- O. Terms expire on June 30th. Members whose terms have expired may continue to serve until their replacement is appointed.
- P. An extension of a term due to unusual circumstances may be requested by the committee and granted by the council.
- Q. Committees elect their own chairperson and vice chairperson to a two-year term at the first meeting in July of even numbered years.
- R. All meetings are held in conformance with Oregon open meetings law, and conform to the council's direction as to proper notice, meeting place and minutes. All regular meetings are held on scheduled dates and times, at places which are nondiscriminatory and accessible to the disabled.
- S. Standing committee members receive no compensation but are reimbursed for duly authorized expenses.

2.12.030 Standard rotation of terms.

Each current member of a standing committee is assigned to a numbered position that corresponds to the term the member was appointed to fill.

2.12.040 Meetings/Quorum

- A. Committees meet at as directed by the City Council, unless there is no business to be considered.
- B. No business can be conducted in the absence of a quorum. Roll is taken of the members present, and absent members are noted. For the record it is announced that a quorum is not present and the meeting is adjourned.
- C. A member who is present but abstains may be counted toward a quorum.
- D. An abstention cannot be used to make up the minimum number of votes required to pass or reject a motion.
- E. The notice of cancellation of a meeting and the date of the next scheduled meeting are posted in a public place.

2.12.050 Voting

- A. The concurrence of a majority of those voting is necessary to decide any question or take any action before the committee, i.e.,
- | | | |
|-----------------|---|-------------|
| Committee of 5 | - | quorum is 3 |
| Committee of 7 | - | quorum is 4 |
| Committee of 9 | - | quorum is 5 |
| Committee of 14 | - | quorum is 8 |
- B. A tie vote is not a decision. The matter requiring a decision shall be considered tabled to the next regular meeting, without any further action, unless a concurrence of the majority selects a different date, or a new motion is passed to replace the motion which created the tie.

2.12.060 Forfeiture of office.

As the efficiency and productivity of advisory boards and commissions is contingent upon the regular attendance and participation of all its members, any member may be deemed to have resigned for non-attendance.

The chairperson, or in the chairperson's absence the vice chairperson, will notify the mayor or city recorder if an appointee misses two consecutive meetings. The mayor will contact the appointee to determine the cause of the absence, and whether the appointee wishes to continue serving. The appointee will be considered to have resigned upon missing two additional consecutive regular meetings or 50% of meetings in any six month period. Should the appointee not be able to attend future meetings, he or she will be encouraged to resign. This resignation will not be a bar to future applications for appointment to the same committee or a different one. If an illness or other valid reason renders an appointee temporarily unable to attend, the mayor may confer with the chairperson and extend an excused absence up to three months.

2.12.070 Incumbents.

At the time the ordinance codified in this chapter becomes effective, a roster of all incumbent committee and commission members shall be adopted by council resolution, indicating their modified terms. Subsequent appointments shall be made according to this chapter.

Chapter 2.14

BUDGET COMMITTEE

Sections:

- 2.14.010 Budget committee created
- 2.14.020 Membership
- 2.14.030 Terms of appointment
- 2.14.040 Budget committee responsibility
- 2.14.050 City Council responsibilities
- 2.14.060 Organization

Ordinance History: #1477

- 2.14.010 Budget committee created. There is created a city budget committee in compliance with the ORS regulations on budget law.
- 2.14.020 Membership shall consist of the council and an equal number of electors of the city of Bandon to be appointed by the mayor and confirmed by the city council. If there are no electors willing to serve, the governing body shall be the budget committee.
- 2.14.030 Terms of appointment. Appointed members of the budget committee shall serve a term of three years with approximately one-third of the terms ending each year.
- 2.14.040 Budget committee responsibilities:
 - A. Receive the budget message from the budget officer.
 - B. Review the budget document as submitted by the budget officer, or the budget document as revised by the budget committee.
 - C. Receive public input on the proposed budget.
 - D. Request information from staff relevant to the deliberations of the committee on the budget document.
 - E. Approve the budget for city council adoption.
 - F. Approve the property tax levy.
 - G. Prepare minutes of the meeting.

The budget committee, in reviewing departments and their staffing needs may not make recommendations on specific personnel.

- 2.14.050 City council responsibilities.
 - A. It is the city council's responsibility to ensure that the details underlying the budget are based on sound analysis and consistent policy, and that the financial plan of the city for the next fiscal year carries out the goals of the council.
 - B. A copy of the audit report shall be furnished to each council member (ORS 297.465(2)). It is the city council's responsibility (ORS 297.466(2)) to determine the measures it considers necessary to correct any deficiencies disclosed in the report.

2.14.060 Organization - Meetings

- A. A chairman and vice-chairman of the budget committee shall be elected at the first meeting of each new budget year. The city recorder shall serve as secretary of the budget committee.

- B. Approval of any action requires an affirmative vote of a majority of the quorum.

Chapter 2.16

LIBRARY BOARD

Sections:

- 2.16.010 Appointment.
- 2.16.020 Term of office.
- 2.16.030 Duties
- 2.16.040 Organization - Meetings

Ordinance History: #1358, 1479, 1635

2.16.010 Appointment.

The library board shall consist of five members. Patrons of the library who are nonresidents of the city may be appointed to the board; however, the majority must be city residents.

2.16.020 Term of office.

The term of office shall be four years, expiring on June 30th. The terms, conditions and rules for library board membership, in addition to those specified herein, are those set out in Chapter 2.12.

2.16.030 Duties.

- A. Suggesting rules and policies for the governance and use of the library
- B. Assisting in preparing an annual budget request through the Library Director
- C. Advising on use of library reserve or memorial funds.
- D. Such other activities as the City Council may assign.

2.16.040 Organization - Meetings.

- A. The library board shall elect a chairman from among its members.
- B. The librarian shall serve as secretary to the board and keep the records of its actions. The library board shall meet as needed. Notice of cancellation and the date of the next scheduled meeting shall be posted in a public place

Chapter 2.18

COMMITTEE FOR CITIZEN INVOLVEMENT

Sections:

- 2.18.010 Membership
- 2.18.020 Terms of Appointment
- 2.18.030 Responsibilities of the CCI
- 2.18.040 Meetings
- 2.18.050 Implementation

Ordinance History: #1516

2.18.010 Membership

The membership shall consist of seven members. These members shall include a member of the City Council, a member of the Planning Commission, two members selected from the City's Standing Committees, and three at-large members from the general public.

2.18.020 Terms of Appointment

- A. The terms of members of the City Council, Planning Commission and standing committee appointments appointed to the CCI shall expire when their Council, Commission or Committee appointment expires.
- B. At-large members shall be appointed to four year terms. Members will be selected and serve in accordance with the Standing Committee rules.

2.18.030 Responsibilities of the CCI

- A. Under the direction of the City Council, shall ensure that the Citizen Involvement Program is being implemented.
- B. Shall make an annual written report to the City Council that assesses the effectiveness and overall implementation of the Citizen Involvement Program. Copies will be distributed to all Standing Committee members.
- C. Shall assist citizens and citizen groups in becoming aware of opportunities provided by the Citizen Involvement Program.
- D. Shall make recommendations to the City Council for improving the Citizen Involvement Program if necessary.
- E. Shall perform such other duties as directed by the City Council.

2.18.040 Meetings

- A. The CCI shall meet at least bi-monthly in an open public meeting, and more often if the Council or the CCI determines it necessary.
- B. The CCI shall conduct its proceedings in accordance with this chapter and Robert's Rules of Order.
- C. The CCI will be staffed by the Planning Director or, in his/her absence, the City Manager.

2.18.050 Implementation

The measures for responsibilities of the CCI are detailed in the Comprehensive Plan of the City of Bandon, Chapter 1. These measures were evaluated and addressed in conjunction with Statewide Planning Goal #1.

Chapter 2.20

PARKS AND RECREATION ADVISORY COMMISSION

Sections:

- 2.20.010 Parks and recreation advisory commission created.
- 2.20.020 Duties.
- 2.20.030 Funds.
- 2.20.040 Organization--Meetings.

Ordinance History: 722, 870, 1069, 1132, 1172, 1277, 1358, 1465, 1494, 1335.

2.20.010 Parks and recreation advisory commission created.

The parks and recreation advisory commission consists of seven members. Membership is open to residents and nonresidents, however, the majority of the membership shall be residents of the city. The terms, conditions and rules for parks and recreation commission membership, in addition to those specified herein, are those set out in 2.12.

2.20.020 Duties.

The primary function of the parks and recreation advisory commission shall be to plan for both long-range and immediate improvements and development of city parks and recreation programs. Such plans shall be submitted yearly to the city council for review and consideration for the following fiscal year. Any plans for the development of new parks, playgrounds or park areas, or any plans affecting traffic flow in the city, shall be reviewed and approved by the planning commission before submission to the council.

2.20.030 Funds.

The commission may solicit funds and work projects for park improvements and recreational programs. Any such funds shall be administered by the council. Improvement projects to be completed by individuals or organizations without cost to the city may be authorized and supervised by the commission, provided that such improvements have been previously approved by the council, either specifically or as part of a development plan or project.

2.20.040 Meetings - Quorum.

The commission shall meet regularly at established times or upon call of the chairperson. A majority of four members shall constitute a quorum to transact business.

Chapter 2.22

COMMUNITY CENTER ADVISORY COMMITTEE

Sections:

- 2.22.010 Community Center Advisory Committee Created.
- 2.22.020 Duties.
- 2.22.030 Membership.
- 2.22.040 Terms.

Ordinance History: 1597

2.22.010 Community Center Advisory Committee Created.

There is created a Community Center Advisory Committee which shall consist of seven (7) members, four (4) members of which shall constitute a quorum. The Mayor may also appoint a member of the City Council to serve as a liaison to the Community Center Advisory Committee, who shall not be a voting member or count towards a quorum.

2.22.020 Duties.

The primary functions of the Community Center Advisory Committee shall be to advise the Mayor and City Council, the City Manager, and the Community Center Manager regarding the operation, maintenance, planning, budgeting, fees and charges, policies, advertising, promotion, improvement, and other issues associated with the Bandon Community Center.

2.22.030 Membership.

Membership shall include one representative from each of the following organizations, agencies, user groups, and the community:

1. Parks & Recreation Commission.
2. Senior Meals Program.
3. EAT (Everyone At the Table) Meals program.
4. Private Sector Lodging Industry.
5. Private Sector Food Service Industry.
6. Lions Club.
7. At-Large Public Representative.

2.22.040 Terms.

The Parks & Recreation Commission member shall serve until that member's term on the Commission expires or is replaced by another Commission member. The remaining members shall be appointed to four-year staggered terms, with the exception of the initial appointments which shall be as follows: the Senior Meals Program and EAT representatives shall be appointed to serve through June 30, 2016, the Lodging Industry and Food Service Industry representatives shall be appointed to serve through June 30, 2015, and the Lions Club and At-Large representatives shall be appointed to serve through June 30, 2014.

Chapter 2.24

PLANNING COMMISSION

Sections:

- 2.24.010 City planning commission created.
- 2.24.020 Membership and rules.
- 2.24.030 Vested interest.
- 2.24.040 Conflict of interest.
- 2.24.050 Officers.
- 2.24.060 Quorum - Meetings - Voting.
- 2.24.070 Conduct of hearings.
- 2.24.080 Hearings officer.

Ordinance History: #635, 838, 949, 1034, 1220, 1259, 1351, 1358, 1458, 1461, 1492, 1511, 1541, 1557, 1562, 1598, 1635

- 2.24.010 City planning commission created.
There is created a city planning commission.

2.24.020 Membership and rules.

- A. The planning commission consists of seven members appointed by the council according to the selection procedures set forth as follows:
1. Vacancies shall be announced at council meetings, be posted in local newspapers and city information areas. Notice of vacant positions shall occur for a minimum of two weeks, or for sufficient time to ensure that an adequate number of applications are received.
 2. When a vacancy occurs within six months of a previous recruitment, the council has the option of selecting an applicant from the previous applicant pool without further recruitment.
 3. Not more than two of the appointed members may be nonresidents of the City. The nonresident members must reside within the boundaries of the Bandon School District No. 54.
 4. The Councilors and Mayor shall express their preferences for nomination orally or by a written, weighted preference ballot. The mayor will announce the results of a written ballot, or results will be posted in the council chambers.
 5. A councilor shall nominate a candidate during a regular council meeting. If that candidate is rejected, another name shall be placed in nomination by a council member. The mayor votes to break a tie. Appointment by the council shall not occur sooner than four weeks from the announcement of the vacancy, unless the council chooses to use Step 2 above and fill the vacancy immediately.
- B. No person is eligible to serve on the Planning Commission if that person's spouse is a member of the City Council or a member of the Planning Commission.

- C. If a Planning Commissioner's spouse is elected or appointed to the City Council, that Planning Commissioner's position shall automatically be deemed vacant upon the date the councilor-spouse assumes office.
- D. The term of office shall be four years, expiring on June 30th. Members whose terms have expired may continue to serve until their replacement is appointed.
- E. There is no limit on the number of terms a member can serve.
- F. A Planning Commissioner's seat is forfeited if he/she moves outside the city if there are already two members who reside outside the city.
- G. Planning Commissioners serve at the pleasure of the mayor and city council and may be removed from office after a hearing for misconduct or nonperformance of duty.
- H. The efficiency and productivity of the Planning Commission is contingent upon the regular attendance and participation of all its members. The chairperson, or in the chairperson's absence, the vice chairperson, will notify the mayor or city recorder if a commissioner misses two consecutive meetings. The mayor will contact the commissioner to determine the cause of the absence, and whether the commissioner wishes to continue serving. The commissioner will be considered to have resigned upon missing two additional consecutive regular meetings or 50% of meetings in any six month period. Should the commissioner not be able to regularly attend future meetings, he or she will be encouraged to resign. This resignation will not be a bar to future applications for appointment to the Planning Commission or a different committee. If an illness or other valid reason renders a commissioner temporarily unable to attend, the mayor may confer with the chairperson and extend an excused absence up to three months.
- I. Vacancies shall be filled in the same manner as original appointments.

2.24.030 Vested interest.

- A. Not more than one voting member of the planning commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, trade or profession.
- B. A planning commissioner who owns or occupies property that is in violation of the regulations and standards of the Bandon Municipal Code shall not be permitted to sit on the planning commission until such time as the violation is corrected. The mayor will notify the planning commissioner of the violation. If the violation is not corrected within a four-month period, the council may ask the planning commissioner to resign and/or appoint a temporary planning commissioner until such time as the violation is corrected.

2.24.040 Conflict of interest.

- A. A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, 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 planning commission where the action is being taken.

- B. A planning commission member with an actual conflict of interest in the matter under discussion and debate will normally not only step down from the dais but will also leave the room to avoid influencing the outcome of the discussion. Leaving the room shall not be necessary when the abstention is due to being in the notice area if no other real conflict of interest exists.
- C. Conflict of Interest: If a planning commission's vote is necessary to meet a requirement of a minimum number of votes to take official action, the member is eligible to vote but not to participate in any discussion or debate on the issue out of which the actual conflict arises [ORS 244.120(2)(B)]
- D. No planning commissioner shall engage in the promotion or advocacy of any position or issue pending before the planning commission, or on appeal from the planning commission, outside of planning commission meetings or hearings.
- E. No planning commissioner shall represent himself or herself as an applicant. When a planning commissioner has an application before the planning commission, he/she shall be represented by an outside party, and shall not be present in the chambers during the time the matter is discussed.
- F. If a planning commissioner owns property or resides within the notification area of a particular application, that planning commissioner shall not participate in the proceedings and may not act as an opponent or proponent of the application from the floor during the discussion at the Planning Commission or the Council.
- G. Engaging in conduct in violation of this section shall be considered misconduct for the purpose of this chapter.

2.24.050 Officers.

At its first meeting in July of alternate years, the planning commission shall choose a chairperson and a vice-chairperson who shall hold office for two years. If the chairperson is not present or unable to serve, the vice-chair shall assume the responsibilities of the chairperson. In the case where the chair is unable to fulfill the term, the vice-chair shall serve as the chair for the remainder of the term and a new vice-chair will be selected at the next regular meeting of the commission.

2.24.060 Quorum - Meetings - Voting.

- A. Quorum and voting requirements shall be as specified in Chapter 2.12.

The commission shall meet as directed the City Council unless there is no business to conduct. Special meetings of the commission may be called at any time by the chairperson or by three voting members of the commission by written notice served upon each member of the commission at least twenty-four (24) hours before the time specified for the proposed meeting. Notice of such meeting shall be posted no less than twenty-four (24) hours prior to the meeting.

2.24.070 Conduct of hearings.

In the conduct of any hearings required or authorized to be held by the commission by statute or ordinances of the city, the definitions as adopted by ORS 227.160 or other applicable statute, and as the same may be amended or added to, are adopted.

2.24.080 Hearings officer.

At any time, the planning commission may appoint a person to serve as hearings officer

to conduct reviews and render decisions on limited land use decisions and to carry out other duties and responsibilities as specifically delegated by the planning commission, provided;

- A. The hearings officer is a member of the planning commission who has been selected by majority vote of the commission, and who has been a member of the planning commission for not less than six months; and
- B. Appointment of the hearings officer can be terminated at any regular meeting by a majority of the members present, at which point the planning commission shall assume all duties of the hearings officer, including final action on all applications pending before the hearings officer prior to termination; and
- C. The hearings officer may refer any matter to the planning commission for consideration and action; and
- D. If the hearings officer is not available to review an application in a timely manner due to absence or illness, the application shall be reviewed by the chair of the planning commission or the full planning commission acting in the hearings officer's stead.

Chapter 2.28

URBAN RENEWAL AGENCY

Sections:

- 2.28.010 Findings and purpose.
- 2.28.020 Declarations and appointment.
- 2.28.030 Urban renewal plan.
- 2.28.040 Urban renewal report.
- 2.28.050 Presentation.

Ordinance History: 1191

2.28.010 Findings and purpose.

- A. Certain areas of the city, such as the Old Town, South Jetty and Woolen Mill areas, are areas which, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community.
- B. These areas are characterized by the existence of one or more of the following:
 - 1. Existence of buildings and structures used or intended to be used for living, commercial, industrial or other purposes, which are unfit to occupy because of defective design, quality of physical construction, faulty interior arrangement, inadequate provision for lights, sanitation, obsolescence, deterioration or dilapidation;
 - 2. Economic dislocation, deterioration or disuse of property resulting from faulty planning;
 - 3. The existence of inadequate streets, parking areas and other rights-of-way and utilities;
 - 4. The existence of property or lots or other areas which are subject to inundation by water; or
 - 5. A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare.
- C. It is in the public interest to activate the city of Bandon urban renewal agency previously created by ORS 457.035 to exercise such powers as may be necessary to eliminate the blight on these areas.

2.28.020 Declarations and appointment.

The city council of the city of Bandon declares that:

- A. Blighted areas exist in Bandon, such as the South Jetty, Old Town and Woolen Mill areas; the general location of these are shown on the map labeled Exhibit "A" attached to the ordinance codified in this chapter and incorporated herein by this reference;
- B. There is a need for an urban renewal agency to function in the city and that the city council of the city of Bandon shall function as the governing

body of the urban renewal agency.

2.28.030 Urban renewal plan.

The urban renewal agency, or its staff, shall prepare an urban renewal plan that shall:

- A. Describe each urban renewal project to be undertaken;
- B. Provide an outline of the development, redevelopment, improvements, land acquisition and rehabilitation of the urban renewal areas of the plan;
- C. Contain a map and legal description of the urban renewal areas;
- D. Explain its relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements;
- E. Indicate proposed land uses, maximum densities and building requirements for the urban renewal areas;
- F. Describe the methods to be used for the temporary or permanent relocation of persons living in, and businesses situated, in the urban renewal areas, if any;
- G. Indicate what real property may be acquired and the anticipated disposition of said real property, whether by retention, resale, lease or other legal use, together with an estimated time schedule for such acquisition and disposition; and
- H. Describe what type of possible future amendments to the plan may be so substantial as to require the same notice, hearing and approval procedure required of the original plan under ORS 457.095 as provided in ORS 457.220.

2.28.040 Urban Renewal report.

The urban renewal plan shall be accompanied by a report containing;

- A. A description of physical, social and economic conditions in the urban renewal areas of the plan, and the expected impact, including the fiscal impact, of the plan in light of added services or increased population;
- B. Reasons for selection of each urban renewal area in the plan;
- C. The relationship between each project to be undertaken under the plan and the existing conditions in the urban renewal area;
- D. The estimated cost of each project and the sources of moneys to pay such costs;
- E. The anticipated completion dates for each project;
- F. The estimated amount of money required in the urban renewal areas under ORS 457.420 to 457.440, and the anticipated year in which indebtedness will be retired or otherwise provided for under ORS 457.440;
- G. A financial analysis of the plan with sufficient information to determine feasibility;
- H. A fiscal impact statement that estimates the impact of the tax increment financing, both until and after the bonds are repaid, upon all entities levying taxes upon property in the urban renewal area; and,

I. A relocation report, if necessary.

2.28.050 Presentation.

The foregoing urban renewal plan and accompanying report shall be presented to the city planning commission upon completion for recommendations and then to the city council of the city of Bandon for further action as provided by law.

Chapter 2.30

UTILITIES ADVISORY COMMISSION

Sections:

- 2.30.010 Utilities Commission created.
- 2.30.020 Duties.
- 2.30.030 Terms.

Ordinance History: #1453, 1613, 1617, 1635

2.30.010 Utilities Advisory Commission created.

There is created a Utilities Advisory Commission which shall consist of seven members, four members of which shall constitute a quorum. The mayor may also appoint two members of the City Council to serve as liaisons to the Utilities Advisory Commission, who shall not be voting members or count towards a quorum. The terms, qualifications, conditions, and rules for Utilities Advisory Commission membership are those set out in Chapter 2.12.

2.30.020 Duties.

The primary function of the Utilities Advisory Commission shall be to plan for, and advise the mayor and city council, and the city manager on long range or near-term plans for the water, wastewater and electric utilities. The Utilities Advisory Commission may also engage in outreach and communication to the public on issues related to City utilities.

2.30.030 Terms.

Members shall be appointed to four-year staggered terms, with the exception of the initial appointments which shall be as follows: two members shall be appointed for two years, and three members shall be appointed for three years.

Chapter 2.32

PERSONNEL

Sections:

- 2.32.010 Title.
- 2.32.020 Purpose.
- 2.32.030 Adoption and amendment of rules.
- 2.32.040 Administration of the rules.

Ordinance History: #1007

2.32.010 Title.

The title of this chapter shall be "the personnel ordinance of the city of Bandon."

2.32.020 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 employees will be based on merit and fitness; and to provide a reasonable degree of job security for qualified employees.

2.32.030 Adoption and amendment of rules.

Personnel rules shall be adopted and amended by resolution of the city council. 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, political affiliation or previous condition of servitude; and, furthermore, shall be based on merit and fitness.

2.32.040 Administration of the rules.

The city administrator shall be responsible for:

- A. Administering all the provisions of this chapter and of the personnel rules not specifically reserved to the city council;
- B. Preparing or causing to be prepared and recommending to the city council personnel rules and revisions and amendments to such rules.

Chapter 2.36

MUNICIPAL COURT

Sections:

- 2.36.010J Judge--Jurisdiction.
- 2.36.020 Applicability of state law.
- 2.36.030 Conduct in court.
- 2.36.040 Representation.
- 2.36.050 Court appearance--Jurisdiction.
- 2.36.060 Pleading.
- 2.36.070 Refusal to plead.
- 2.36.080 Forfeiture schedule.
- 2.36.090 Court costs.
- 2.36.100 Sentencing.
- 2.36.110 Nonpayment of fines or costs.
- 2.36.120 Suspended sentences.
- 2.36.130 Contempt of court.
- 2.36.140 Appeal process

Ordinance History: #1403, 1427, 1468

2.36.010 Judge--Jurisdiction.

- A. The municipal judge shall be the judicial officer of the city and shall hold within the city a court known as the municipal court for the city of Bandon, Coos County, Oregon. All area within the city shall be within the territorial jurisdiction of the court.
- B. The municipal judge shall exercise original or concurrent jurisdiction of all offenses defined and made punishable by any municipal code violation of the city, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by the municipal code of the city, and all state offenses which may be brought in municipal court; and, in addition to the powers granted generally by the city charter, the Constitution of the State of Oregon, and state statutes, shall be vested with all powers of a justice of the peace except as otherwise provided by the municipal code.
- C. The police chief shall assist the municipal judge in the service of all warrants, including bench warrants, subpoenas and such other orders of the court as are necessary for the proper conduct thereof.
- D. In the absence of the regular municipal judge, a pro tem judge appointed by the regular judge will serve unless the regular judge is not available to make the appointment, in which case the city manager may make the appointment.

2.36.020 Applicability of state law.

Except as otherwise provided by the municipal code, charter or rules of

procedures compiled by the court, proceedings in the municipal court shall be governed by the applicable general laws of the state governing justice of the peace and justice courts.

2.36.030 Conduct in court.

- A. The municipal court shall have the authority to make and publish rules of conduct within said court, insofar as said rules of conduct are calculated to preserve the decorum of the court and to promote the ends of justice, and to the extent that the said rules are not inconsistent with the rules of procedure set forth herein and in the Charter of the city.
- B. The city recorder is designated as the municipal court clerk and will perform the duties of clerk as established by the city council or the municipal judge and approved by the council.

2.36.040 Representation.

A defendant may be represented by counsel, but counsel shall not be provided at public expense. If defense counsel is to appear, written notice shall be provided to the municipal court fourteen (14) days prior to the hearing date, excluding weekends and holidays.

2.36.050 Court appearance--Jurisdiction.

A voluntary or involuntary appearance before the said court of any person charged with a violation shall confer upon the court full personal jurisdiction over said person.

2.36.060 Pleading.

Upon appearance by the person charged with a violation, the court shall require said person to plead guilty or not guilty and, in the event of a plea of guilty, shall forthwith pronounce sentence.

If the person so charged and so appearing shall plead not guilty, the court shall forthwith proceed to try the issues of the case; provided, that if the person so charged shall request the right to employ counsel or either the charged person or the city request the right to summon witnesses and to prepare their case, the court shall set a date and time for trial within a reasonable time.

2.36.070 Refusal to plead.

A refusal to plead shall be deemed a plea of not guilty and shall be so entered in the record of the court; and the court shall forthwith try the issues raised by such plea.

2.36.080 Forfeiture schedule.

The only penalty to be imposed for a violation is a monetary penalty called a forfeiture. The forfeiture to be assessed for a specific violation will be determined from a forfeiture schedule prepared by the municipal judge. However, this section shall not be read to prohibit or in any way restrict any other alternative remedy set out in the municipal code or provided for by state law which are intended to abate or alleviate

municipal code violations, nor shall the city be prohibited from recovering, in any manner prescribed by law, any expense incurred to it in abating or removing an municipal code violation pursuant to the municipal code or laws. All forfeitures, fines, or other moneys collected by the municipal court shall be deposited into the general fund, and used for general fund purposes or as may be otherwise specified in the annual budget for the city. All required state and county assessments against the municipal court shall be paid from the general fund.

2.36.090 Court costs.

- A. Court costs may be assessed against each defendant being cited into the municipal court for any violation of a city municipal code or state offense which may be prosecuted in municipal court, whether the defendant answers, fails to appear, or is convicted after a trial.
- B. Court costs shall be distinct from any fine or other penalty imposed for any violation prosecuted in the municipal court. They shall be considered statutory in nature and may not be suspended or otherwise disposed of. Moneys collected as court costs under this section shall be disposed of and handled in the manner in which other fines and penalties accruing from other matters in the municipal court are disposed of.

2.36.100 Sentencing.

- A. The municipal judge may, as a condition of sentence, place any convicted person upon probation to the court for a period not to exceed one year.
- B. When a defendant is sentenced to pay a fine or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence, the fine and costs shall be payable immediately.
- C. When a defendant sentenced to pay a fine or costs is also placed on probation, or imposition or execution of a sentence is suspended, the court may make payment of the fine or costs a condition of probation or suspension of sentence.
- D. When a person shall be convicted of an offense under the laws of the city and shall be adjudged to pay a fine and costs, the municipal judge may impose community service in lieu of or in addition to a fine in conformance with applicable hour and wage law and for a period of time as the court finds suitable, but in no event greater than forty-eight (48) hours. Persons fined and sentenced, as set out in this section, shall be under the charge and supervision of the appropriate department head. Failure to perform a community service sentence may be grounds for revocation of probation or contempt of court.

2.36.110 Nonpayment of fines or costs.

- A. When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the court, on the motion of the city attorney or upon its own motion, may require the person to show cause why the default

should not be treated as contempt of court, and may issue a show cause citation for the person's appearance.

- B. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on the defendant's part to make a good faith effort to make the payment, the court may find that the default constitutes contempt.
- C. When a fine is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine from those assets; and that person's failure to do so may be held to be in contempt unless the person makes the showing required in subsection B of this section.
- D. If it appears to the satisfaction of the court that the default in the payment of a fine is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment, amending the order to allow community service in lieu of all or part of the fine, or revoking the fine or the unpaid portion thereof in whole or in part.
- E. A default in the payment of a fine or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment.

2.36.120 Suspended sentences.

The court may suspend any sentence by it pronounced, in whole or in part, on any one or more of the following conditions:

- A. The person convicted shall commit no further offenses or violation of the municipal code whatsoever;
- B. The person convicted shall make reparation or restitution to the aggrieved person or persons for the damage or loss caused by the offense in an amount to be determined by the court;
- C. The person convicted shall remain away from, or out of, the place or premises where the offense occurred;
- D. The defendant shall refrain from any acts or conduct specifically stated which are or could be detrimental to the defendant's or society's interests.

2.36.130 Contempt of court.

ORS 33.015 to 33.155, defining contempt and the proceeding for imposing sanctions for contempt, shall apply to the municipal court.

2.36.140 Appeal process

- A. If a justice court or municipal court has become a court of record under ORS 51.025 or 221.342, an appeal from a judgment involving a violation shall be as provided on ORS chapter 19 for appeals from judgments entered by circuit courts, except that the standard of reviews is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony. If a justice court or municipal has not become a

court of record under ORS 51.025 or 221.342, the appeal from a judgment involving a violation entered by the justice court or municipal court may be taken to the circuit court for the county in which the justice court or municipal court is located. An appeal to a circuit court must be taken in the manner provided in this subsection.

1. Within 30 days after the entry of the judgment by the justice court or municipal court, a party who wishes to appeal the decision must serve a copy of the notice of appeal on the adverse party and must file the original notice of appeal with the justice court or municipal court along with proof of service on the adverse party or an acknowledgment of service signed by the adverse party.
 2. If the appeal is made by the defendant from the decision of a municipal court, the copy of the notice of appeal must be served on the city attorney. If the appeal is made by the defendant from a decision in a justice court, the copy of the notice of appeal must be served on the district attorney for the county.
 3. No undertaking shall be required of the party filing a notice of appeal under the provisions of this subsection.
 4. Upon filing of the notice of appeal, the justice court or municipal court shall forward all files relating to the case to the circuit court to which the appeal is taken.
 5. The circuit court shall treat a matter appealed under this subsection as though the case has been originally filed with the circuit court and shall try the case anew, disregarding any irregularity or imperfection in the proceedings in the justice court or municipal court.
 6. Upon entry of a judgment in the matter, the judgment may be appealed as provided in subsection (2) of this section.
- B.. Subject to the provisions of this subsection, an appeal from a judgment involving a violation entered by a circuit court may be taken as provided in ORS chapter 19.
1. For the purpose of meeting the requirements imposed by ORS 19.240, the copy of the notice of appeal must be served on:
 2. The city attorney, the appeal is made by the defendant from a decision initially made in a municipal court.
 3. The district attorney for the county, if the appeal is made by the defendant from a decision initially made in a justice court.
 4. Notwithstanding ORS 19.270, timely service on the city attorney or district attorney under the provisions of this subsection is not jurisdictional and the Court of Appeals may extend the time for that service.
 5. Notwithstanding any provision of ORS chapter 19, an undertaking on appeal is not required for an appeal from a judgment involving a violation.
 6. The filing of a notice of an appeal from a judgment involving a

violation does not act to automatically stay the judgment.

7. The standard of review for an appeal under this subsection is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony.

- C. In any case in which only violations are charged, the state may not appeal from an order dismissing the case that is entered by reason of a police officer's failure to appear at the trial of the matter.

Chapter 2.40

RECORDS

Sections:

- 2.40.010 Records officer.
- 2.40.020 Retention, storage and destruction of records.
- 2.40.030 Preparing ordinances for permanent record.

Ordinance history: No. 1290, 1424, 1429.

2.40.010 Records officer.

- A. The city recorder is the city of Bandon's records officer for the purposes of Chapter 671 of the 1991 Oregon Laws.
- B. The city's records officer shall coordinate the city's records management program and serve as the city's liaison with the State of Oregon's Archivist.

2.40.020 Retention, storage and destruction of records.

- A. The city recorder is authorized to collect, retain, store and destroy all papers, documents and records received in all city departments in accordance with the guidelines set out in the "General Records Retention Schedule for the Cities of Oregon" (OAR 166-200-0005 through OAR 166-200-0149), including any advisory bulletins, as prepared by the Archives Division, Office of the Secretary of State, adopted January 7, 1998.
- B. A copy of the retention schedule is located in the office of the city recorder.

2.40.030 Preparing ordinances for permanent record.

In preparing editions of the ordinances for publication and distribution, the city recorder shall not alter the sense, meaning, effect or substance of any ordinance but, within such limitations, may renumber sections and parts of sections of the ordinances, change the wording of head-notes, rearrange sections, change reference numbers to agree with renumbered sections or other parts, substitute the proper subsection or section or other division numbers, strike out figures or words which are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographic errors.