

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Council**
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Chapter 2.04

CITY COUNCIL

Sections:

**2.04.005 Council Rules of Procedure
to be Adopted by
Resolution.**

**2.04.005 Council Rules of Procedure
to be Adopted by Resolution**

Pursuant to Wood Village Charter Chapter IV, Section 14, the Wood Village City Council shall adopt rules for the government of its members and proceedings by resolution. The City Council may amend such procedures from time to time as the Council deems appropriate. (Ord. 6-2011)

Chapter 2.06

CITY ADMINISTRATOR

Sections:

- 2.06.010 City Administrator**
- 2.06.020 Administrator Pro Tem**
- 2.06.030 Interference in Administration**

2.06.010 City Administrator

A. Authority; Appointment; Qualifications:

The City Administrator shall be the chief administrative officer of the City and shall be responsible to the City Council for the proper administration of those city affairs over which s/he is charged under this section. The office of City Administrator shall be filled by nomination of the Mayor and appointment by a majority of the City Council. The City Administrator shall be chosen solely on the basis of administrative qualifications and experience, without regard to political considerations.

B. Term:

The Administrator shall be appointed for an indefinite term. Appointment and removal of the Administrator by the Council shall require the prior consent of a majority of the full Council recorded at a public meeting. The Administrator shall serve at the discretion and pleasure of the City Council.

C. Duties and Responsibilities:

The City Administrator shall:

- (1) Attend all Council meetings unless excused therefrom by three Councilors or by the Mayor;
- (2) Keep the Council advised of the affairs, needs, and financial condition of the City;
- (3) Provide for the administration and enforcement of all City ordinances and regulations to the satisfaction of the Council;

(4) Ensure that all terms of franchises, leases, contracts, permits and privileges granted by the City are fulfilled;

(5) Appoint, discipline and remove appointive personnel, except for appointees of the City Council;

(6) Supervise and control all appointed officers and employees in their service to the City except for the municipal judge in the exercise of his/her judicial duties;

(7) Organize and reorganize the departmental structure of city government to the end of obtaining the utmost efficiency;

(8) Prepare and transmit an annual City budget to the Budget Committee for consideration and recommendation to the City Council. The Administrator shall have the authority to freeze or to administratively reduce appropriations within any department as s/he deems necessary for the proper fiscal management of the City.

(9) Act as purchasing agent for the City, execute such contracts as approved by Council or for which the Council has delegated authority, and administer City contracts and purchases

(10) Supervise operation of all City-owned public utilities and property.

(11) After authorization from the Council, conduct all aspects of real property transactions on behalf of the City; and

(12) Perform other duties as the Council prescribes consistent with the city charter.

2.06.020 Administrator Pro Tem

During the absence of the Administrator from the City, during a temporary disability to act as Administrator or during the interim when the Council is seeking an Administrator, the Council may appoint an Administrator Pro Tem who shall have the responsibilities and discharge the duties of the Administrator during such absence or disability only.

2.06.030 Interference in Administration

No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Administrator in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to extract any promise relative to any appointment from any candidate for Administrator; or discuss directly or indirectly with him/her the matter of specific appointments to any City office or employment. Nothing in this section shall be construed however, as prohibiting the Council from fully and freely discussing with or suggesting to the Administrator anything pertaining to City affairs or the best interests of the City. (Ord. 14-2000 § 1 new)

2.06.040 Surety Bond

Before assuming the duties of office, the administrator shall give a surety bond for such penal sum as the Council shall necessary to safeguard the finances of the city, which bond shall be executed by the administrator as principal, and as surety by a corporate surety company authorized and licensed by the Insurance Commissioer of the state of Oregon to transact a surety business within the state of oregon, and which bond shall continue in full force and effect during the incumbency of the administrator. Such bond shall be approved by the Council. All premiums for surety bonds for the administrator shall be paid by the city.

At the discretion of the Council the City may purchase insurance in lieu of the surety bond requirement if such insurance is equivalent to said surety bond and is deemed to provide more appropriate coverage.(New Ord. 8-2007 § 1)

Chapter 2.08

CITY RECORDER

Sections:

- 2.08.010 Office created.**
- 2.08.020 Duties.**
- 2.08.030 Surety bond.**
- 2.08.040 Compensation.**
- 2.08.050 Same person may perform duties of recorder and treasurer.**

2.08.010 Office created

There is created the office of recorder.
(Ord. 3 § 1, 1951)

2.08.020 Duties

The duties of the recorder shall include the following:

A. To attend all Council meetings unless excused by the Council;

B. To act as secretary for the Council and keep the journal in which shall be recorded an accurate record of all official actions of the Council;

C. To keep and preserve on file in his office all original ordinances passed by the Council;

D. To keep an accurate record of all money received by him and to distribute the same among the various funds of the city in the manner provided for by the general law or by ordinance, and to make reports of his receipts and disbursements at such times as the Council shall direct;

E. To issue warrants drawn upon the city only when authorized so to do by the Council, and to keep an accurate record of each warrant drawn, each of which warrants must be counter-signed by the Mayor;

F. To keep an accurate record of each license issued;

G. To perform such other duties as may, from time to time, be prescribed by the Council. (Ord. 3 § 2, 1951)

2.08.030 Surety bond

Before assuming the duties of his office, the recorder shall give a surety bond for such penal sum as the Council shall deem necessary to safeguard the finances of the city, which bond shall be executed by the recorder as principal, and as surety by a corporate surety company authorized and licensed by the Insurance Commissioner of the state of Oregon to transact a surety business within the state of Oregon, and which bond shall continue in full force and effect during the incumbency of the recorder. Such bond shall be approved by the Council. All premiums for surety bonds for the recorder shall be paid by the city.

At the discretion of the Council the City may purchase insurance in lieu of the surety bond requirement if such insurance is equivalent to said surety bond and is deemed to provide more appropriate coverage.
(Ord. 3 § 3, 1951, 8-2007 § 1)

2.08.040 Compensation

The recorder shall receive as compensation for his services in said capacity such remuneration as the Council shall designate, which remuneration may be adjusted from time to time as the varying needs of the City require. (Ord. 3 § 4, 1951)

2.08.050 Same person may perform duties of recorder and treasurer

The Council, in its discretion, may require the same person to perform the duties of recorder and also the duties of city treasurer. (Ord. 3 § 5, 1951)

Chapter 2.12
CITY TREASURER

adjusted from time to time as the varying needs of the City may require. (Ord. 4 § 6, 1951)

Sections:

- 2.12.010 Office created.**
- 2.12.020 Surety bond.**
- 2.12.030 Compensation.**

2.12.010 Office created

There is created the office of city treasurer. (Ord. 4 § 1, 1951)

2.12.020 Surety bond

Before assuming the duties of his office, the city treasurer shall give a surety bond for such penal sum as the Council shall deem necessary to safeguard the finances of the city, which shall be executed by the city treasurer as principal, and as surety by a corporate surety company authorized and licensed by the Insurance Commissioner of the State of Oregon, which bond shall continue in full force and effect during the incumbency of the city treasurer. Such bond shall be approved by the Council. All premiums for surety bonds for the city treasurer shall be paid by the City. In the event that the same person has been appointed to perform the duties of both recorder and city treasurer as provided in Chapter 2.08, one bond covering both offices shall be sufficient.

At the discretion of the Council the City may purchase insurance in lieu of the surety bond requirement if such insurance is equivalent to said surety bond and is deemed to provide more appropriate coverage (Ord. 4 § 5, 1951, Ord. 8-2007 § 1)

2.12.030 Compensation

The City Treasurer shall receive as compensation for his services in said capacity such remuneration as the Council shall designate, which remuneration may be

Chapter 2.16

MUNICIPAL JUDGE PRO TEMPORE

Sections:

- 2.16.010 Office created.**
- 2.16.020 Appointment—
Qualifications—
Compensation.**
- 2.16.030 Performance of duties
when.**
- 2.16.040 Powers and duties.**

2.16.010 Office created

The office of pro tempore municipal judge of the municipal court of the city is created. (Ord. 2-1974 § 1)

2.16.020 Appointment— Qualifications— Compensation.

The municipal judge pro tempore of the municipal court of the city shall be appointed by and hold office at the pleasure of the Wood Village City Council. The City Council shall be the sole judge of the qualifications necessary for the appointment of such office. The amount and manner of compensation payable for the services of said judge pro tempore shall be provided by the Council. (Ord. 2-1974 § 2)

2.16.030 Performance of duties when

The municipal judge pro tempore of the municipal court of the city shall serve and act only when the chief municipal judge of the city, the City Recorder, is unable to perform his duties by reason of absence from the city, illness, vacations, or disqualification by reason of knowledge or relationship to the cause before him, or in case of disqualification due to potential or actual conflicts relating to the matters at hand. (Ord. 2-1974 § 3)

2.16.040 Powers and duties

When serving in the capacity as municipal judge of the city, the municipal judge pro tempore shall have and exercise all the inherent and statutory powers and duties granted to the municipal judge of the city in accordance with Chapter 5, Section 22, of the Charter of the city and as provided by applicable city ordinances and state law. (Ord. 2-1974 § 4)

Chapter 2.20

**PARKS AND RECREATION
COMMISSION**

Sections:

- 2.20.010 Established—Membership and compensation.**
- 2.20.020 Terms of office and vacancies.**
- 2.20.030 Meetings and records.**
- 2.20.040 Powers and duties.**

2.20.010 Established—Membership and compensation.

There is established a Parks and Recreation Commission for the city which shall consist of seven (7) members appointed by the City Council: one a member of the City Council; one a member of the Planning Commission; and five (5) citizens at large. Commission members shall serve without compensation. (Ord. 3-1990, 5-2010 § 1)

2.20.020 Terms of office and vacancies

The first appointments shall be made so that the terms of three of the Commission members, including the City Council member, expire on December 31, 1992 and the terms of the two remaining members, including the Planning Commission member, expire on December 31, 1991. Thereafter, appointments shall be for terms of two years. Three consecutive unexcused absences for any commissioner shall constitute an automatic resignation and the position is then vacant. An unexcused absence is any absence from a regular or special meeting of the Commission without the prior authorization from the Commission Chair. Should the Chair require an absence, the Chair must report such in advance to the City Administrator. Vacancies shall be filled by the City Council for the unexpired

portion of the vacant term. (Ord. 3-1990 § 2; Ord. 14-2010)

2.20.030 Meetings and records

The Parks and Recreation Commission shall hold meetings at the direction of the City Council and as determined by the Commission. The Commission shall annually elect one of its members as chairman. All meetings of the Commission shall be open to the public and a record of the proceedings shall be made and kept on file in the office of the City Recorder. (Ord. 3-1990 § 3)

2.20.040 Powers and duties

The Parks and Recreation Commission shall be advisory to the City Council on matters pertaining to development, operation and maintenance of city park facilities and recreation services for the public. Responsibilities shall include recommending an adequate system of recreation areas and facilities, and reviewing the effectiveness of the city's park and recreation program in meeting the public need. (Ord. 3-1990 § 4)

Chapter 2.24

PLANNING COMMISSION

Sections:

- 2.24.010 Established.**
- 2.24.020 Membership and compensation.**
- 2.24.030 Terms of office and vacancies.**
- 2.24.040 Officers.**
- 2.24.050 Meetings, quorum, offices.**
- 2.24.060 Interest limitations.**
- 2.24.070 Conflict of interest.**
- 2.24.080 Powers and duties.**
- 2.24.090 Coordination with other governmental agencies.**
- 2.24.100 Report to the Council.**
- 2.24.110 Expenses.**

2.24.010 Established

There is established a Planning Commission for the city, and the name of this Commission shall be and so referred to as the Planning Commission of the City of Wood Village. (Ord. 1-1974 § 1)

2.24.020 Membership and compensation

The membership of this Commission shall consist of seven members who shall be appointed by the City Council; two members of the Commission may be city officers who shall serve as ex officio members without vote; all other members shall be voting members. Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses. (Ord. 1-1974 § 2)

2.24.030 Terms of office and vacancies

At the first meeting of the Commission the members thereof, except the ex officio members, shall choose their terms of office by lot as follows: one for one year, two for

two years, two for three years, and two for four years. Immediately thereafter, the members shall notify the Council in writing of such allotment. Their successors shall hold office for four years; vacancies shall be filled by the City Council for the unexpired portion of the vacant term. A member may be removed by the City Council after hearing for misconduct or nonperformance of duty. Three consecutive unexcused absences for any commissioner shall constitute an automatic resignation and the position is then vacant. An unexcused absence is any absence from a regular or special meeting of the Commission without the prior authorization from the Commission Chair. Should the Chair require an absence, the Chair must report such in advance to the City Administrator.

(Ord. 1-1974 § 3, Ord. 14-2010)

2.24.040 Officers

The Commission shall elect from among its members appointed by the City Council, a president and vice president; these officers shall hold office at the pleasure of the Commission; a secretary shall also be elected by the Commission but need not be a member thereof; the Commission may from time to time employ a secretary and such other clerks as may be necessary and employ consulting advisors on municipal problems, out of funds at the disposal of the Commission, as authorized by the City Council. (Ord. 1-1974 § 4)

2.24.050 Meetings, quorum, offices

The Commission may make and establish such rules and regulations as prove necessary for its government and procedure, consistent with the laws of the state, the City Charter and ordinances; a majority of the members of the Commission constitute a quorum; meetings shall be held once monthly. The City Council shall assign to

the Commission an office or headquarters in which to hold its meetings, transact its business and keep its records. (Ord. 1-1974 § 5)

2.24.060 Interest limitations

No more than two voting members of the Commission shall be engaged 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 business, trade or profession. (Ord. 1-1974 § 6)

2.24.070 Conflict of interest

A member of a Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: a member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for, has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. (Ord. 1-1974 § 7)

2.24.080 Powers and duties

The Commission is charged with the express duty of administering and enforcing the zoning ordinance of the city and shall have the powers and duties set forth therein and govern themselves accordingly; in addition, the Commission is charged with the duties and given the powers as set forth in Oregon Revised Statutes, Chapter 227, as may be applicable to Planning Commissions

so formed, and in particular those enumerated in Oregon Revised Statutes 227.090. At all times, said Commission shall act in a manner consistent with the laws of the state of Oregon, the Charter and ordinances of the City. (Ord. 1-1974 § 8)

2.24.090 Coordination with other governmental agencies

In those instances in which other governmental agencies, including those agencies of other cities, Multnomah County, a regional or state agency, may be involved by their duties in the processes of determining overall area planning or land use guidelines, directives or requirements which could or may relate to the planning and land use function of the city, this agency shall, upon directive given by resolution of the City Council, have the responsibility to coordinate the planning functions of the city with those of the other agency or agencies concerned, consistent with the goals and objectives set forth by this Commission and adopted by the City Council and consistent with the ordinances and resolutions and policies of this city pertaining thereto. This Commission may, upon directive of the City Council, appoint one of its members to serve as a “coordinating” member of such other agency or Commission to serve as representative of this Commission and the City thereupon. (Ord. 1-1974 § 9)

2.24.100 Report to the Council

The Commission shall, on the first day of October, of every year, make and file with the City Council a report of all its transactions for the year; the City Council may further require such reports on such matters and at such other times as the Council may determine. (Ord. 1-1974 § 10)

2.24.110 Expenses

Such expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the Commission, shall be paid out of funds placed at the disposal of the Commission as authorized by the city treasurer or auditor; complete records shall

be kept of all expenses, disbursements and income of the Commission; all such records shall be open to Council inspection at all times and shall be audited annually by the city treasurer. (Ord. 1-1974 § 11)

Chapter 2.28

ANIMAL CONTROL ADVISORY COMMITTEE

Sections:

- 2.28.010 Established.**
- 2.28.020 Membership.**
- 2.28.030 Compensation.**
- 2.28.040 Operations and procedures.**
- 2.28.050 Compliance with state laws.**
- 2.28.060 Functions of the Advisory Committee.**

2.28.010 Established

The City of Wood Village does accept the establishment of an Advisory Committee for animal control by Multnomah County as set out in this chapter. (Ord. 6-1993 § 1 (part))

2.28.020 Membership

A. In accordance with the County Charter, the Board of County Commissioners establishes an Advisory Committee for Animal Control (ACAC). The County Chair shall appoint all members, subject to approval of the Board. All members shall be citizens of Multnomah County during their terms of appointment.

B. The Advisory Committee shall consist of fourteen (14) representatives from the following areas:

Positions 1, 2, 3, 4, 5 and 6. One representative from each of the six city governments in the County, as appointed by the respective governing body;

Position 7. One member from the Oregon Humane Society;

Position 8. One member from a nonprofit organization interested in animal welfare;

Positions 9 and 10. Two members who are interested citizens — representatives

from neighborhood and/or citizen involvement organizations. At least one citizen member must be a member of the Multnomah County citizen involvement committee;

Position 11. One member from veterinarian community;

Position 12. One member from the pet industry in the county;

Position 13. One member who is a volunteer hearings officer involved in animal control activities;

Position 14. One member who is from the board staff (liaison to board). (Ord. 6-1993 § 1(A))

2.28.030 Compensation

Members of the Advisory Committee shall not receive compensation. The committee shall be staffed by Animal Control or the Multnomah County Department of Environmental Services. (Ord. 6-1993 § 1(B))

2.28.040 Operations and procedures

A. Except as provided in subsection B of this section, each member shall be appointed by position for a term of three years. No person may serve more than two consecutive terms on the Advisory Committee.

B. To ensure rotating terms, the following terms shall apply to all initial appointments to the Advisory Committee:

Positions 1, 4, 7, 10 and 12 shall serve three-year terms.

Positions 3, 5, 9 and 13 shall serve two-year terms.

Positions 2, 6, 8, 11 and 14 shall serve one-year terms.

C. Vacancies. Vacancies on the Advisory Committee can be declared upon the written recommendation of the Advisory Committee, if a member has missed two consecutive meetings or a majority of

meetings held within one year. A vacancy on the Advisory Committee shall be filled in accordance with the provisions of this section.

If a vacancy is not filled within thirty (30) days the Advisory Committee may nominate a citizen for appointment to that vacancy.

D. Conflict of Interest. Any member of the Advisory Committee who has monetary or investment interest in any matter before the Advisory Committee shall so inform the membership of the Advisory Committee.

E. The Advisory Committee shall elect its own chair by the second meeting in each fiscal year. (Ord. 6-1993 § 1(C))

D. Consistency of regulation across jurisdictions of current animal control codes;

E. Potential for making the current program more user fee supported, through fees and/or taxes;

F. Statewide issues;

G. Potential for cooperation and coordination with private animal assistance agencies;

H. Budget priorities;

I. Public information.(Ord. 6-1993 § 2)

2.28.050 Compliance with state laws

A. All meetings shall be held in accordance with ORS 192, the Oregon Open Meetings Law.

B. The Advisory Committee shall take minutes of its meetings and provide copies of these minutes to each of its members, the elected official/department head, and to the office of citizen involvement. The Advisory Committee shall meet the requirements of ORS 192, the Oregon Public Records Law. (Ord. 6-1993 § 1(D))

2.28.060 Functions of the Advisory Committee

The Advisory Committee shall advise the Multnomah County department of environmental services and each of the cities within the County on the following:

A. The first function of the Advisory Committee will be to advise the county department and participating jurisdictions on appropriate animal control service levels and funding mechanisms;

B. Cost effective service improvements;

C. Current regulatory issues involving the welfare of animals and the community;

Chapter 2.32

CONTRACTS

Sections:

- 2.32.010 Contract review board.**
- 2.32.020 Additional authority of the board.**

2.32.010 Contract review board

The City Council of the City of Wood Village does create and designate itself as the public contract review board for the city with respect to all contracts of the city, pursuant to ORS 279.055. The City Council shall exercise all of the powers conferred on the local public contract review board by state law, except as those powers may be limited by the City Charter. The City Council may adopt and amend public contracting rules and exemptions pursuant to ORS 279 by resolution. (Ord. 8-2002 § 1; Ord. 3-1976 § 6,)

Chapter 2.36

DEVELOPMENT AGENCY

Sections:

2.36.010 Authorization to create development agency.

2.36.020 Advisory board.

2.36.030 Funding, salaries and expenditures.

2.36.010 Authorization to create development agency

Upon the approval and resolution by the City Council as a whole, a city development agency may be established for the purpose of promoting and assisting in the development of recreational, tourist, commercial and industrial facilities within the city, either directly by the city or through private means and organizations, in such ways and manner as would promote the best interests of and benefit the city, its residents and inhabitants. (Ord. 1-1979 § 1 (part))

2.36.020 Advisory board

If such an agency is created, an advisory board shall be established, consisting of not more than five interested citizens who are residents of the city, one of whom shall be a member of the City Council; the board members shall be appointed by and serve at the pleasure of the City Council. It shall be the purpose of the board to formulate plans and projects and otherwise recommend procedures to the Council, which shall promote and encourage the development of tourist, commercial and industrial and recreational facilities within the city, which shall, in fact, promote and benefit the city, its residents and inhabitants. (Ord. 1-1979 § 1 (part))

2.36.030 Funding, salaries and expenditures

The city development agency, if established, shall be funded by the city by the designation of not more than one percent of the tax collected under Section 3.08.020; provided, however, that said agency shall be authorized to accept donations and contributions from interested persons and organizations to assist in its work. No member of the development agency shall receive a wage or salary for his or her service thereupon, and all expenditures must be made in accordance with established budgetary procedures and only after Council approval. (Ord. 1-1979 § 1 (part))

**CHAPTER 2.38
URBAN RENEWAL AGENCY**

Sections:

- 2.38.10 Purpose**
- 2.38.20 District Established**
- 2.38.30 Membership**
- 2.38.40 Powers of the Urban
Renewal Board**

**2.38.40 Powers of the Urban
Renewal Board**

All powers and authority as provided by statute, the City Charter, and the Wood Village Municipal Code shall be vested in the Wood Village Urban Renewal Board.

2.28.10 Purpose

Based on the findings in the Wood Village Urban Renewal Plan and Report, blighted areas exist within the City as defined by state statute, and such blighted areas negatively affect economic value, health, safety and welfare of the City. As such, there is a need for an Urban Renewal Agency to function within the City. (Ord. 6-2010)

2.38.20 District Established

After consideration and recommendation of approval by the Planning Commission on January 25, 2010 and the Urban Renewal Agency on February 23, 2010, the City Council adopted Ordinance 6-2010 on February 23, 2010. This ordinance approves the Urban Renewal Plan and Report and establishes the Wood Village Urban Renewal District.

2.38.30 Membership

The Urban Renewal Board shall consist of a minimum of five (5) members appointed by a majority vote of the Council and consisting of a minimum of three (3) members of the City Council and minimum of two (2) members of the public at-large, who may or may not be residents of the City.

CHAPTER 2.40
MEASURE 37 COMPENSATION
PROCEDURES AND STANDARDS

Sections:

- 2.40.010 Purpose.**
- 2.40.020 Definitions.**
- 2.40.030 Claim for Compensation.**
- 2.40.040 Hearing on Claim.**
- 2.40.050 Decision.**
- 2.40.060 Standard of Review.**
- 2.40.070 Fees/Reimbursement of Actual Costs.**
- 2.40.080 Status of Use Constructed Pursuant to Waiver or Suspension.**

2.40.010 Purpose.

The purpose of this Chapter is to provide procedures and standards for claims for compensation made pursuant to 2004 Measure 37.

2.40.020 Definitions.

As used in this section, unless the context requires otherwise:

A. "Administrator" means the City Administrator of the City of Wood Village or the City Administrator's designee.

B. "Affected property" means the private real property or any interest therein that is alleged to have suffered a reduction in fair market value as a result of the City's regulation restricting the use of that property or interest and for which a property owner seeks compensation for the reduction in value.

C. "Claimant" means the present owner or owners of the property or any interest therein, who submits a written claim for compensation under Subsection 2.400(3).

D. "Family member" shall include the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

E. "Land use regulation" shall have the meaning as set forth in Measure 37 and shall include:

1. Any statute regulating the use of land or any interest therein;
2. Administrative rules and goals of the Land Conservation and Development Commission;
3. Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
4. Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
5. Statutes and administrative rules regulating farming and forest practices.

The City only has authority to enact those land use regulations listed in Subsection 2.402(2)(d)3. above.

2.40.030 Claim for Compensation.

A. A property owner wishing to make a claim against the City under Measure 37 shall first submit a written demand for compensation to the Administrator. A written demand for compensation is one that includes:

1. Identification of the affected property. Identification may be by street address, subdivision lot number, tax lot number, or any other information that identifies the property.

2. The name and contact information of the person making the claim, the date the Claimant acquired ownership in the property or interest therein. If applicable, the date that a family member of Claimant acquired the property, the name of the family member who acquired the property, and the familial relationship of the family member to the claimant.

3. Identification of the regulation or regulations and the date of enactment or enforcement of the regulation or regulations that is/are alleged to restrict the use of the affected property.

4. The amount claimed as compensation.

B. In order for the City to fairly assess a claim within the 540 day statutory period, the City encourages the person claiming compensation to include the following information with the written demand for compensation:

1. A statement describing how the restriction affects the value of the property;

2. A statement describing the extent to which the regulation would need to be

waived, suspended, or modified to avoid the need for compensation;

3. A statement whether the application seeks compensation or a waiver, suspension or modification of the regulation;

4. A list of all persons with an ownership interest in or a lien on the property;

5. Property records establishing the familial relationship between the claimant and the family member(s) owning the property back to the date of the challenge land use regulation.

6. An appraisal showing the difference in the property value with and without the regulation.

C. If, after the filing and preliminary review of a claim, the City determines that any of the information listed in subsection B of this section is required in order for the City to make a final determination regarding the Claim, it may require the Claimant to submit such information, or obtain such information itself and charge the cost to Claimant as an additional expense.

D. Claim Form. Staff shall provide a claims form to assist a Claimant in the orderly presentment of the claims information set forth herein. To the extent allowable under law, the City shall have a successful land use applicant waive any claims for the enforcement of the applicable land use regulations.

2.40.040 Hearing on Claim.

A. Notice: The City shall provide written notice of the hearing to all owners, lien holders and security interest holders of the property, and to record owners of

property within 250 feet of the property and anyone who has requested notice, at least 7 days before the hearing. The notice shall identify the property, state the date, time and place of the hearing, state the amount of the claim, list a City contact person and phone number, advise of the availability of the staff report and summarize the hearing procedures and nature of the claim. Notice shall be posted on the property identifying the date, time and place of the hearing, the amount of claim, the land use regulation that may be waived, and a City contact person and phone number. Failure of any person to receive notice or any defect in the notice shall not invalidate any action taken or decision made at the hearing.

B. Staff Report: City staff shall prepare a report analyzing the claim. The staff report shall be reviewed by the Administrator before being submitted to the City Council. Staff may discuss options with the Claimant and may enter into a settlement agreement with the Claimant as to actions within staff's authority. Staff may agree with Claimant that staff will recommend a particular course of action to the City Council if staff lacks authority to commit to the action.

The staff report shall be submitted to the Council, mailed to the Claimant, and to the extent practicable, made available to the public at least 7 days before the public hearing required by Section 2.400(4).

C. City Council Proceedings: The City Council shall hold a public hearing on the claim. The public hearing shall normally be set within 540 days of the demand for compensation but may be set at any time. The City Council may hold an executive session on the claim at any time.

D. Testimony: The Claimant and any other person shall be provided a reasonable opportunity to present evidence and argument at the public hearing. The City Council may limit the duration of testimony.

2.40.050 Decision.

The City Council may take any of the following actions:

A. Deny the claim based on any one or more of the following findings:

1. The regulation does not restrict the use of the private real property;
2. The fair market value of the property is not reduced by the passage or enforcement of the regulation;
3. The claim was not timely filed.
4. The Claimant is not the current property owner(s);
5. The Claimant or family member of Claimant was not the property owner at the time the regulation was adopted;
6. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography or nude dancing;
7. The regulation is required by federal law;
8. The regulation protects public health and safety;
9. The City is not the entity responsible for payment. The City is not responsible to the extent the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted by the City or

was required to be enacted by the City or other governmental agency;

10. The City has not taken final action to enforce or apply the regulation to the property for which compensation is claimed.

11. The Claimant is not legally entitled to compensation for a reason other than those listed in subsections 1 through 10 of this section. The basis for this finding must be clearly explained;

12. The City has not established a fund for payment of claims under Measure 37 or that payment from other funds is not in the public interest to spend such other funds for the claim rather than the purposes of such other funds.

B. Pay compensation, either in the amount requested or in some other amount supported by substantial evidence in the record. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose.

C. Waive or not apply the regulation to allow the owner to use the property for a use permitted at the time the Claimant acquired the property.

D. Modify the regulation so that it does not give rise to a claim for compensation.

E. Conditionally waive or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension. The waiver or suspension will be granted in accordance with

Subsections C or D above if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 540 days of the date the written demand for compensation was filed. The specified date shall allow the City time to process the contributions and pay compensation.

F. Set the Matter Over for Negotiation. The City Council may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the City Council directs staff to negotiate, the Council shall set the matter for further action no more than 535 days from the date of the notice of claim became complete. The Council shall take final action within 540 days of the written demand for compensation.

2.40.060 Standard of Review.

In deciding whether to compensate the property owner or waive the regulation in order to resolve a valid claim, the Council shall consider:

A. The importance of the regulation alleged to reduce the value of land in servicing the public interests in avoiding unharmonious uses, assessing appropriate development, or in maintaining property value;

B. The public impact of compensation, waiver or modification of the regulation;

C. The availability of public resources necessary for compensation, waiver or modification.

The Council has discretion to consider other matters, and may give whatever weight

and importance to these considerations, as it deems appropriate.

2.40.070 Fees/Reimbursement of Actual Costs.

A. The City Council shall establish a fee by resolution for processing of claims under this Ordinance. The fee shall be no greater than the actual cost of reviewing a claim under this Chapter. If the actual cost of processing the claim exceeds the fee, the City may seek reimbursement from the claimant for the additional costs. If the costs remain unpaid 90 days after the City provides a detailed invoice demanding reimbursement of costs, a lien for those costs shall be recorded in the City lien docket for the property for which the claim is made. If the actual costs of processing the claim are less than the fee, the City shall refund the difference in cost.

B. If a claim is denied by the City Council and ultimately determined to be invalid by a circuit court or appellate court, the City shall be entitled to recover reasonable attorney fees, expenses, costs, and other disbursements reasonably incurred in defending against the claim.

2.40.080 Status of Use Constructed Pursuant to Waiver or Suspension.

A use constructed pursuant to a waiver or suspension of a regulation where the underlying regulation is not amended or repealed shall be considered a lawful non-conforming use pursuant to the City Zoning Code. (Ord. 16-2004 § 1)