

AFFIDAVIT OF POSTING
ORDINANCE CB-0-128-89

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 15th day of November, 1989, I caused to be posted copies of the attached Ordinance CB-0-128-89, an Ordinance Amending the Wilsonville Code by Repealing Chapter 2 in Full and Replacing it With a Full Text Amendment, in the following five public and conspicuous places of the City, to wit:

WILSONVILLE CITY HALL

WILSONVILLE POST OFFICE

LOWRIE'S FOOD MARKET

KOPPER KITCHEN

WILSONVILLE PUBLIC LIBRARY

The notice remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 20th day of November, 1989.


VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 7th day of February, 1990.


NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-93

ORDINANCE NO 359

AN ORDINANCE AMENDING THE WILSONVILLE CODE BY REPEALING CHAPTER 2 IN FULL AND REPLACING IT WITH A FULL TEXT AMENDMENT.

The City of Wilsonville ordains as follows:

1. Chapter 2, Wilsonville Code is hereby repealed and is replaced by full text amendment as set forth in paragraph 2 of this ordinance.
2. Chapter 2, Wilsonville Code shall read as follows:

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Chapter 2

ADMINISTRATION

General

2.001 Office Hours of City Offices. The hours of business for all City offices shall be set and established by the Council.

2.003 City Council - Meetings.

(1) Regular meetings of the Council shall be held on the first and third Monday of the month at 7:30 p.m., provided, however, that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meetings shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the Council shall be held within the City of Wilsonville.

(2) Special meetings of the Council shall be called by the Mayor or, in his absence, the President of the Council whenever in his opinion the public business may require it, or at the express written request of any three members of the Council. Whenever a special meeting is called, a notice shall be served upon each member of the Council either in person or by notice left at the Councilor's place of residence, stating the date, place, and hour of the meeting and the purpose for which such meeting is called. Unless an emergency exists, no special meeting shall be held without at least 24 hours notice to the members of the Council, the news media, and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours notice unless otherwise required by law or necessitated by an emergency.

(3) All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Council by administrative officials except those of an urgent nature, and the same, when so presented, shall have approval of the Mayor or City Manager before presentation.

(4) The Presiding Officer of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence or unavailability of the Mayor the Presiding Officer as designated in Section 2.003 (5) shall sign ordinances or resolutions as then adopted.

(5) The Mayor, or in his absence or unavailability, the President of the Council, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence or unavailability of the Mayor and the President of the Council, the City Recorder, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council present. Upon the arrival of the Mayor or President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

(6) Before proceeding with the business of the Council, the City Recorder shall call the roll of the members, and the names of those present shall be entered in the minutes.

(7) A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

(8) All meetings of the Council shall be open to the public in accordance with ORS 192.66 et seq. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

- (1) Call to Order
 - a. Roll Call
 - b. Pledge of Allegiance
- (2) Citizen's Input
- (3) Public Hearings
- (4) Legal Business
 - a. Public Hearings
 - b. Ordinances
 - c. Resolutions
- (5) Communications
 - a. Oral
 - b. Written
- (6) Consent Agenda
- (7) Continuing Business
- (8) New Business
- (9) Mayor's Business
- (10) Councilor's Concerns
- (11) City Manager's Business

(9) The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

(10) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Recorder has previously furnished each member with a copy or synopsis thereof.

(11) The following constitute the adopted rules of debate:

(a) The Mayor or President of the Council or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilor by reason of his acting as the Presiding Officer.

(b) Every member desiring to speak shall address the chair, and, upon recognition by the Presiding Officer, shall confine themselves to the question under debate, avoiding all personalities and indecorous language.

(c) A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed. Notwithstanding the above, no member shall speak at any one time in excess of ten minutes without the consent of the members constituting a quorum.

(d) The Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) A motion to reconsider any action taken by the Council may be made only on the day such action was taken, either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

(f) A Councilor may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in toto into the minutes; if the Council consents thereto, such statement shall be entered in the minutes in toto.

(g) The City Recorder may enter in the minutes a synopsis of the discussion on any question coming regularly before the Council,

at the direction of the Presiding Officer and with consent of the Council.

- (h) A journal of the proceedings consisting of minutes of the meeting and an electronic recording of the meeting shall be kept; on call of any two of its members, the Presiding Officer may cause the yeas and nays to be taken and entered in its journal upon any question before it.

(12) To address the Council, any person shall first secure the permission of the Presiding Officer; provided, however, that under the following heading of business, unless the Presiding Officer rules otherwise, any qualified person may address the Council without securing such prior permission:

- (a) By written communications, interested parties or their authorized representatives may address the Council in regard to matters thereunder discussion.
- (b) By oral communications, taxpayers or residents of the City, or their authorized legal representatives, may address the Council on any matter concerning the City's business or any matter over which the Council has control; provided, however, that preference shall be given to those persons who may have notified the City Recorder in advance of their desire to speak in order that the same may appear on the agenda of the Council.
- (c) By reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, interested persons or their representatives may address the Council in regard to matters then under consideration.

(13) After a motion is made by the Council, no person shall address the Council without first securing the permission of the Presiding Officer to do so.

(14) Each person addressing the Council shall do so in the following manner: Come to the designated area for persons to address the Council, give his or her name and address in an audible tone of voice for the records; limit his address to three (3) minutes unless further time is granted by the Presiding Officer of the Council; and address all remarks to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No questions shall be asked of a Councilor except through the Presiding Officer.

(15) No person, except City Officials, their representatives and newspaper reporters, shall be permitted within normal seating area of the City Council without the express consent of the presiding officer.

(16) Unless a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote.

(17) The following constitute the rules of decorum:

- (a) While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
- (b) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

(18) The law enforcement officer of the City, or such member or members of his office or department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the Presiding Officer for purposes of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, and the complaint shall be signed by the Presiding Officer.

(19) Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered on the minutes.

(20) No account or other demand against the City shall be allowed until the same has been considered and reported upon to the Council.

(21) All reports and resolutions shall be filed with the City Recorder and entered on the minutes.

(22) A motion to adjourn shall always be in order and decided without debate.

(23) Any person violating the provisions of Section 2.003(16)(b) of this Code shall upon a first conviction be guilty of a violation and shall be punished pursuant to Section 1.012, and shall upon any subsequent conviction be guilty of a Class C Misdemeanor and shall be punished pursuant to Section 1.011. In any suit, action or claim of relief, inclusive of appeal, to enforce any provisions of this Section, the City shall recover its costs, inclusive of reasonable attorney fees.

(24) In all other instances not covered by the provisions of this Section, Robert's Rules of Order shall be followed.

2.005 City Council - Special Committees.

(1) All special committees shall be appointed and assigned respectively by the Presiding Officer, unless otherwise directed by the Council.

(2) Committees shall make their reports in writing or have them recorded verbatim by an electronic recording device and a transcript made thereof, and shall return the petition, resolution, account, or other paper submitted for consideration to the Council at a regular meeting.

2.007 City Council - Evidentiary Hearings. In all evidentiary hearings before the Council, the procedures prescribed by Section 2.560 shall apply.

2.009 City Council - Mode of Introducing and Enacting Ordinances, Resolutions, and other Matters or Subjects Requiring Action by the Council.

(1) All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative.

(2) Ordinances, resolutions, and other matters or subjects requiring action by Council must be introduced and sponsored by a member of the Council, except that the Mayor, City Manager, or the City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Councilor may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

(3) Enacting or Adopting Clause. The enacting clause of all ordinances hereafter enacted shall be "The City of Wilsonville Ordains as Follows". The adopting clause of all resolutions hereafter enacted shall be "The City of Wilsonville resolves as follows".

(4) Except as sub-section (5) and (6) provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(5) Except as sub-section (6) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(6) Any of the readings may be title only (a) if no Council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(7) Upon the final vote of any ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(8) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder's name and title of office, and within three days thereafter the Mayor shall sign it with the date of signature, name and title of office.

(9) When ordinances shall take effect. An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

(10) Resolutions may be read by title only and shall be adopted on the date of passage unless the resolution otherwise provides.

2.010 Election of City Councilors.

In cases where both two and four-year terms for City Councilors are available due to vacancies in office, the candidate(s) receiving the highest number of votes shall be elected to the longer term(s). In cases of tie votes, Section 25 of the City Charter shall apply. (Amended Ord. #325, 04/04/88)

2.011 City Council - Election of Officers.

2.013 City Council - Executive Sessions.

Executive Sessions may be held by the Council in accordance with the provisions of ORS Chapter 192.

2.020 Fees - Generally. Except for charges established by ordinance, resolution or this Code, the City Manager may set all fees for:

(1) Providing, comparing, and certifying copies of documents, reports or other materials; and

(2) Providing special municipal services or the use of municipal property which is beyond the scope of municipal services or property use provided to the public in general.

2.025 Interest Rates. Notwithstanding any provisions in this Code to the contrary, the interest rate per annum on all amounts due the City shall be the maximum authorized by law.

2.030 City Records - Retention & Destruction.

(1) City officers are required to keep City records for a period of time which shall be established by Oregon law. The City Council may by resolution establish a period of time greater than that required by state law.

OFFICERS AND EMPLOYEES

2.100 Mayor.

(1) The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

(2) The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a city officer or a bond for a license, contract or proposal, the Mayor shall endorse the bond.

2.105 City Manager

(1) **Qualifications.** The City Manager shall be the administrative head of the government of the city. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment.

(2) **Terms.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to the charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting this resolution, the Council shall appoint a manager to fill the vacancy.

(3) **Powers and duties.** The powers and duties of the manager shall be as follows:

- (a) The manager shall devote full-time to the discharge of the manager's official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the city.
- (b) The City Manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.
- (c) The manager shall designate a City Recorder and shall appoint and may remove appointive city officers and employees except as the charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall organize and supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the Council, over the Mayor, over the City Attorney, or over the judicial activities of the Municipal Judge.

- (d) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.
- (e) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.
- (f) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.
- (4) Seats at Council Meetings. The manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The manager may take part in all Council discussions.
- (5) Manager Pro-Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the Council shall appoint a manager pro-tem, who shall possess the powers and duties of the manager. No manager pro-tem, however, may appoint or remove a city officer or employee except with the approval of the Council. No manager pro-tem shall hold the position as such for more than six months, and no appointment of a manager pro-tem shall be consecutively renewed.

2.110 Recorder.

(1) The Recorder shall attend all meetings of the Council, unless excused therefrom by the Council, and shall file and keep all books, papers, records and other documents connected with the business of the Council or which may be the property of the City.

(2) In the Recorder's absence from Council meetings, the Mayor shall appoint a Clerk of the Council Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.

2.130 Finance Director

(1) It shall be the duty of the Finance Director to receive all moneys that shall come to the City by taxation or otherwise; to keep the same in separate funds as may be directed by this Code; to pay out the same as provided by the Charter; at the close of each quarter, during his term of office, to make out and present to the Council a fair and accurate itemized statement of the receipts and disbursements of the various City funds in his care during the quarter; and at the end of the fiscal year, to present a statement, the same being a summary of his quarterly statements.

(2) The books and accounts of the Finance Director shall at all times be opened to the inspection of any member of the Council.

2.140 Municipal Judge.

(1) 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 Wilsonville, Clackamas and Washington Counties, Oregon. He shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by this Code and of actions brought to recover or enforce forfeitures or penalties defined or authorized by this Code. He shall have authority to issue process for the arrest of any person of an offense against this Code, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgement of the court, and to punish witnesses and others for contempt of the court.

(2) All areas within the City shall be within the territorial jurisdiction of the court, which shall be open for the transaction of judicial business at times specified by the Council. When not governed by this Code or the Charter, all proceedings in the Municipal Court for the violation of this Code shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Court.

(3) Trials in the Municipal Court of cases for violation of this Code may be had before a jury, and trials and proceedings before the Municipal Court shall be governed by this Code or otherwise by the provisions of the State law regulating such actions and proceedings before Justice Courts, insofar as the same are or can be made applicable in the general cases arising before the Municipal Court. When Sections of this Code provide for different procedures in the Municipal Court in any case or proceedings, the provisions of such Sections(s) shall control, but in all cases there shall be a right of trial by jury.

(4) In case the Municipal Judge shall be absent from the City or otherwise unable or disqualified to act as Judge of the Municipal Court, his duties shall be performed by a Pro Tem Judge appointed by the Mayor.

2.150 Attorney.

2.160 Building Official.

(1) The Manager shall appoint a Building Official for the City to receive and process building permit applications, collect permit fees, conduct inspections of all buildings, structures, or portions thereof as required by the City's Building Code, and enforce compliance with the City Building Code.

2.165 Director of Transportation.

(1) The Director of Transportation shall act as head of the Department of Transportation and all employees' performance of duties are subject to his/her supervision.

(2) The City Manager may act as Director of Transportation in the event of vacancy of the office of Director of Transportation or the City Manager shall, at his/her discretion, appoint an interim Director of Transportation.

(3) The Director of Transportation shall develop such rules and regulations and shall conduct his/her department as deemed advisable and such action, where approved by the City Council shall be binding.

2.170 Community Development Director.

(1) The Manager shall appoint a Community Development Director who shall be the head of the Department of Community Development an executive department of the City. The Director shall have control and supervision over all officers and employees assigned thereto, subject to the control of the City Manager.

(2) The Community Development Director shall be custodian of all tools, equipment, motor vehicles and other personal property belonging to the City of and not assigned to the care of the City or any other public officer.

2.190 Director of Planning.

(1) The Manager shall appoint a Director of Planning who shall be the head of the Department of Planning, an executive department of the City. The Director shall have control and supervision of all officers and employees assigned thereto, subject to the control of the City Manager.

(2) The Director of Planning shall have the duties of administering the City's planning functions, including comprehensive planning, zoning, annexation, capital improvements planning, subdivision and minor partition planning, planning research, maintaining the official plan map and the zoning map, and provision of department services to the City Council, the Planning Commission and the Design Review Board.

(3) The Director of Planning shall administer and enforce all laws and ordinances in the City relating to planning, zoning, design review, signing, subdivision and partitioning and the uses of premises.

2.195 Engineer.

DEPARTMENTS

2.200 Police. The police department of the City shall be the Clackamas County Sheriff's Department.

2.210 Fire. The fire department of the City shall be the Tualatin Rural Fire Protection District.

2.220 Community Development.

(1) The Community Development Department shall have supervision over the enforcement of the specified standards for the care, maintenance and construction of all streets, sidewalks, alleys and public ways; the construction, operation and maintenance the City's water system and any appurtenances thereto. The Department shall have charge of the street lighting system and shall be responsible for the maintenance, repair and extension thereof. Adjacent property owners shall be responsible for the

performance of public sidewalk care and maintenance upon adoption of this ordinance save and except the owners of property adjacent to sidewalks identified in Exhibit "A" of (Ordinance No. 330) shall be responsible for the performance of public sidewalk care and maintenance when such corrections of sidewalk deficiencies by the city has been completed.

(2) All physical properties of the City, including water distribution, sewer facilities, parks, playgrounds, buildings and all municipal utilities not assigned to some other department or officer shall be and are hereby assigned to the Community Development Department. (Amended Ord. #330, 7/05/88)

2.230 Planning.

- (1) The Department of Planning shall carry out the following duties:
 - (a) Undertake research studies and prepare a comprehensive plan, including the development of more detailed plans and programs based on the comprehensive plan for area development, conservation, rehabilitation and renewal.
 - (b) Review and submit written comments to the Director, the City Manager and appropriate governing bodies of the City, upon all proposals to amend the comprehensive plan, zoning and design review sections of the Code, the subdivision ordinance, official map and any standards ordinance, and such other Code or Ordinance amendments as the City Council or City Manager may refer to the Department.
 - (c) Review all annexation and disconnection proposals and submit written recommendations to the Director, City Manager and the appropriate governmental bodies of the City.
 - (d) Maintain the official plan map and zoning map and to keep each updated.
 - (e) Prepare and recommend and assist other departments of the City in the development of specific projects intended to compliment the comprehensive plan.
 - (f) Review and submit written comments to the Director, City Manager and appropriate governing bodies of the City upon all proposals for issuance of permits, certificates, orders, notifications and approvals, pursuant to the comprehensive plan, zoning and design review sections of the Code, signing ordinance, subdivision and partitioning ordinance, any standards ordinance or other relevant Code provisions or ordinances of the City.

2.240 The Department of Transportation.

(1) This Department of Transportation shall consist of the Director of Transportation and such officers and employees as may be provided for by the City Council through its budgetary process and assigned to this department.

(2) The Department of Transportation shall have charge of, and supervision over, the planning, provision, preservation and expansion of transportation services within the City and shall propose cooperative studies and cooperative plans for coordinated public transit not only in the City but in surrounding areas. Any such cooperative plan(s) may include inter-government and/or private contract agreements by which all or part of said services may be provided and maintained. (Amended Ord. #342, 12/19/88)

BOARDS AND COMMISSIONS

2.300 Park and Recreation Advisory Board.

- (1) a). A Parks and Recreation Advisory Board is hereby created. The Parks and Recreation Advisory Board shall consist of nine (9) members. At least six (6) members of the Parks and Recreation Advisory Board shall be residents of the City. Three (3) members may reside outside of the city limits but must reside within the boundaries of the West Linn, Canby, Sherwood, or North Marion School Districts. Members shall be appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the Council. Of the members first appointed, four members shall be appointed for a two-year term and five members shall be appointed for a four-year term. Subsequent appointments shall be for a term of four years. No member shall hold appointment for more than two (2) consecutive terms.
- (b) At its first meeting in each calendar year, the Board shall elect a Chairperson and Vice Chairperson. The Chairperson shall preside at all meetings and the Vice Chairperson shall preside over the meetings in the event that the Chairperson is absent. Unless otherwise specified, Robert's Rules of Order shall govern the meetings. Board members shall serve without pay but may be reimbursed for any expenses incurred in the discharge of their duties, with the approved city policies and with prior approval of the Parks and Recreation Director.
- (c) Five members shall constitute a quorum.
- (d) Parks and Recreation Advisory Board members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Parks and Recreation Board may recommend removal of said member. Removal must be approved by the Council.
- (e) The Board shall hold at least four meetings per year to conduct its business. All meetings of the Board shall be open to the public. (Amended Ord. #346, 03/06/89)

2.301 Purpose. The purpose of the Parks and Recreation Advisory Board shall be as follows:

To act as a channel of communication for the general public and the municipal administration. To take initiative in planning of present and

future park and recreation needs to support the people of Wilsonville. To advise the City Council on various policy matters which have been referred to them in regard to the provision of park and recreation services to the total community.

2.302 Parks and Recreation Advisory Board Duties and Responsibilities

- (1) a). Give due attention and study to recreation and park service as they affect the welfare of the people of Wilsonville.
- (b) Interpret the recreation and park services of the department to the community.
- (c) Interpret community recreation and park services of the department to the community.
- (d) Take initiative in planning for future recreation and park areas and facilities, as well as considering means of bringing present areas and facilities up to an acceptable standard.
- (e) Serve as a sounding board for the department administrator and staff to test their plans and ideas.
- (f) Recommend policy.
- (g) Enable civic and service organizations to accomplish results through cooperation.
- (h) Encourage individuals and citizen groups to give funds, property, and manpower for the development and operation of the recreation and park facilities.
- (i) Generally enlist community interest in recreation and parks.

2.302 Advisory Functions

The actions of the Parks and Recreation Advisory Board shall be advisory only and shall not constitute policy of the City and shall not be binding upon the City Council or upon the City. The City Council may adopt all or any part of any recommendation of the Board, with or without changes, as city policy.

2.310 Contract Review Board - Definitions.

(1) The following words and phrases shall, for the purposes of Sections 2.312 to 2.314, mean:

- (a) Public Contract. Any purchase, lease or sale by the Council of personal property, public improvements or services other than agreements which are exclusively for personal service.
- (b) Public Improvement. Any construction of improvements on real property by or for the City.

- (c) Board. The Local Contract Review Board as established in Section 2.312 of this Code.

2.312 Contract Review Board - Established.

(1) The Council is hereby designated as the Local Contract Review Board and, relative to contract concerns of the City, shall have all the powers granted to the State Public Contract Review Board.

2.314 Contract Review Board - Contracts with the City.

- (1) All contracts shall be based upon competitive bids except:
 - (a) Contracts made with, or the cost of which is provided by, other public agencies or the Federal Government;
 - (b) Contracts for any purchase, the amount of which is not in excess of \$15,000;
 - (c) Contracts for any item which is available only through one company, firm or individual;
 - (d) In any case, where the interest or property of the City probably would suffer material injury by delay or would be materially benefited by immediate purchase or contract.

(2) The board may by resolution exempt other contracts from competitive bidding if it finds:

- (a) The lack of bids will not result in favoritism or substantially diminish competition in awarding the contract; and
- (b) The exemption will result in substantial cost savings. In making such finding, the board may consider the type, cost, amount of the contract, number of persons available to bid, and such other factors as the board may deem appropriate.

(3) A contract may also be exempted from competitive bidding if the board, by unanimous vote, determines that emergency conditions require prompt execution of the contract. A determination of such an emergency shall be entered into the record of the meeting at which the determination was made.

(4) Specifications for contracts shall not require any product by any brand name or mark, nor the product of any particular manufacturer or seller, unless the product is exempted from this requirement by the board as follows. However, this section shall not be construed to prevent reference in the specification to a particular product as a description of the type of item required. By resolution, the board may exempt certain products or classes of products upon any of the following findings:

- (a) It is unlikely that such exemption will encourage favoritism in the awarding of the contract or substantially diminish competition.
 - (b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings.
 - (c) There is only one manufacturer or seller of the product of the quality required.
 - (d) Efficient utilization of existing equipment or supplies require the acquisition of compatible equipment or supplies.
- (5) The Council or an official designated by the Council may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.
- (6) The Council or an official designated by the Council may disqualify any person as a bidder on a contract if:
- (a) The person does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;
 - (b) The person does not have equipment available to perform the contract;
 - (c) The person does not have personnel or sufficient experience to perform the contract; or
 - (d) The person has repeatedly breached contractual obligations to public and/or private contracting agencies.
- (7) A person who has been disqualified as a bidder may appeal such disqualification to the board as follows:
- (a) The person shall, within three business days after receipt of notice of disqualification, in writing notify the City Recorder that he wishes to appeal his disqualification.
 - (b) Immediately upon receipt of such written notice of appeal, the Recorder shall inform the board.
 - (c) Upon receipt of notice of appeal, the board shall notify the person appealing the time and place of the hearing.
 - (d) The board shall consider de novo the notice of disqualification, the record of the investigation made by the City Manager and/or the Community Development Director or City Engineer, and any evidence provided by the parties. The hearing shall be public and the appeal decided within ten (10) days after receiving the

notification. The board's decision and reasons therefor shall be in writing.

(8) In addition to the powers and duties established by this Code, the board shall have such additional powers as authorized by state law and may also:

- (a) Require notice publication in addition to that required by state law.
- (b) Require pre-qualification for persons desiring to bid for public improvement contracts.
- (c) Grant exemptions from the bid security and performance bond required on contracts for public improvements.
- (d) Make alternate arrangements for retainage pursuant to ORS 279.575.

2.320 Planning Commission - Members.

(1) The City Planning Commission is hereby reestablished and shall consist of seven (7) members who are not elected officials or employees of the city. Members of the City Planning Commission shall be appointed by the Mayor with the consent of the Council and may be removed by the Mayor with the consent of the Council. Any vacancy shall be filled for the unexpired term of the predecessor in the office. The Planning Commission may make recommendations to the Council for the filling of any vacancy.

(2) The Mayor, Planning Commission Advisors, City Council Members and City Attorney shall be entitled to sit with the Commission and take part in its discussions, but shall not have the right to vote.

(3) All members of the Planning Commission shall be residents of the City and shall be appointed for a term of four years.

(4) Not more than two (2) members 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 engaged principally in the buying, selling or developing of real estate for profit. Not more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

(5) The Planning Commission shall annually elect a Chairman, Vice Chairman and a Representative to the Design Review Board who shall be voting members. This election shall take place at the regular January meeting each year.

(6) Planning Commission members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Planning Commission may recommend removal of said member. Removal must be approved by the Council.

(7) Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.

2.322 Planning Commission - Powers & Duties.

(1) The Council shall assign to the Commission an office headquarters in which to hold its meetings, transact its business and keep its records.

(2) The Commission shall meet at least once a month and may make and alter rules and regulations for its government and procedure consistent with the laws of this State, the Charter and this Code. Four members of the Commission constitute a quorum. A quorum is required to take final action on an issue. [Amended Ord. No. 210, 5/3/82].

(3) Except as otherwise provided by law, it shall be the duty of the Commission and it shall have power to:

(a) Recommend and make suggestions to the Council and to all other public authorities concerning layout, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing zones or districts limiting the age, height, area and bulk of buildings and structures.

(b) Recommend to the Council and all other public authorities plans for regulations of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities.

(c) Do and perform all other acts and things necessary or proper to carry out the provisions of this Code and of ORS 227.010 to 227.150, and all amendments thereto.

(d) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the City and of the area six miles adjacent thereto.

(4) All subdivision plats and replats of land located within the City limits and all plans for vacating or laying out, widening, extending and locating streets and parking areas or plans for public buildings and public parks shall be submitted by the Commission to the Council with a written report. Unless the Council orders otherwise, within 15 days of its receipt of such submission, the Commission Chairman is authorized to sign the plat

(5) Copies of all Petitions or Applications and copies of all proposed Ordinances relating to zones and zoning, subdivisions and land partitioning, public improvements, public parks and recreation facilities, sales or acquisition of City property, proposed vacations of streets and alleys and boundary changes shall first be submitted to the Planning Commission before the Council acts on such matters and said Commission shall make its

recommendations thereon in writing to the Council. If required by the Council or this Code, the Planning Commission shall first hold a public hearing on such matters and at such time and place as may be directed by the Council. Before taking final action on any such matters, the Council shall carefully consider the reports and recommendations of the Planning Commission.

(6) The Planning Commission may make investigations and recommendations to any person, partnership, firm, corporation, or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered, but such recommendations shall not have the force or effect of a law or Ordinance except when so prescribed by the laws of the State of Oregon or this Code. Any person, partnership, firm, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements in the City may request that the Planning Commission issue a report thereon.

(7) All recommendations made to the Council by the Planning Commission shall be in writing.

(8) The Planning Commission shall have all the powers which are now or may hereafter be given to it under the General Laws of the State of Oregon.

(9) Planning Commission members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Planning Commission may recommend removal of said member. Removal must be approved by the Council

2.324 Planning Commission - Expenditures.

(1) The Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.

2.330 Design Review Board - Purpose & Members.

(1) To carry out the purpose and objectives of Sections 4.400 to 4.450 of this Code, Site Design Review, and to carry out such further duties and functions as may be assigned by the Council, a board of Design Review is hereby established.

(2) The Board shall consist of seven members which shall include:

(a) One member of the City Planning Commission; at least one architect; at least one landscape architect, artist or designer; at least one individual specially qualified by reason of education, training, or experience in the financing of commercial real property; and at least one individual actively engaged in business, commerce or industry.

(b) The City Council may also appoint non-voting or ex-officio advisory members with specialized expertise including, but not

limited to, a representative from the Fire District, law enforcement officer, etc.

(c) The members of the Board shall be appointed by the Mayor with the consent of the Council and may be removed by the Mayor with the consent of the Council. Whenever possible, the Mayor shall appoint individuals who are either property owners, residents or actively engaged in business or employment in the City. Of the members first appointed, three members shall be appointed for a term of one year and four members for a term of two years. Subsequent appointments shall be for a term of two years or until successors are appointed. Terms of office shall commence on the first day of the calendar year, except that the terms of office for members first appointed shall commence on the day of their appointment. Ex-officio members shall be appointed for indefinite terms at the discretion of the City Council.

(4) Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. The Mayor, with the consent of the Council, may remove any member of the Board at any time and for any reason.

(5) The Board will elect its own Chairman. The Chairman shall be counted to determine a quorum and shall have the same right as other members of the Board, including the right to vote. If the elected Chairman is absent from a meeting, the members present shall appoint a temporary Chairman. The Council shall appoint a secretary for the Board and fix his or her compensation.

(6) Four members shall constitute a quorum for the transaction of business. A quorum shall be required for the Board to take final action on an issue.

(7) Design Review Board members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Design Review Board may recommend removal of said member. Removal must be approved by the Council. (Amended Ord. #210, 5/3/82).

2.332 Design Review Board - Powers and Duties.

(1) The Council shall assign to the Commission an office headquarters in which to hold its meetings, transact its business and keep its records.

(2) The Board shall hold at least one (1) meeting each month. However, a meeting need not be held if there are no drawings or plans submitted for review by the Board. The deliberations and proceedings of the Board shall be public. The Board shall keep Minutes of its proceedings and such minutes shall be public records. Special meetings of the Board may be called by the Chairman or at the request of any two (2) members on twenty-four (24) hours' reasonable notice to the public and at least twenty-four (24) hours' actual notice to the Board members.

(3) The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code.

(4) Except as otherwise provided by law or as authority is otherwise assigned by this Code, it shall be the duty of the Board and it shall have power to:

- (a) Administer and enforce the site development standards set forth in Sections 4.150-4.168 and 4.172-4.173 of this Code, consistent with the provisions of Section 4.000-4.017.
- (b) Recommend to the Council standards for the design and layout of developments, buildings or special districts within the City, and the design and landscaping of street rights-of-way intersections, parks and other City property. (Amended Ord. #210, 5/3/82).

2.334 Design Review Board - Expenditures.

(1) The Design Review Board shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.

2.340 Transportation Advisory Commission - Members.

(1) There shall be established a Transportation Advisory Commission consisting of seven (7) members who are not elected officials or employees of the City. Commission members shall be appointed by the Mayor with consent of the Council and may be removed by the Mayor with the consent of the Council. Four (4) members may be appointed from individuals who are actually engaged in business or employment within the City. A minimum of five (5) members shall be residents of the City. Insofar as possible, appointments are to be made from various areas of the City to promote City-wide participation. The terms of such members shall be four (4) years.

(2) For purposes of better coordination between the City Council and the Transportation Advisory Commission, the Mayor may appoint a member of the City Council to be an ex-officio non-voting member of the Commission., with the consent of the City Council.

(3) The City Manager, or his designee, shall also be an ex-officio non-voting member to provide technical assistance, and to assist in promulgating recommendations to the City Council.

(4) A representative of Tri-Met shall be an ex-officio non-voting member to provide technical assistance to and assist in the coordination of City transportation services with those of the Tri-Met District.

(5) The Commission may prepare and adopt rules for the conduct of its meetings and activities and shall elect a chairman from among its members at its first meeting each calendar year. (Amended Ord. #343, 01/03/89)

(6) The Transportation Advisory Commission members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or

an emergency, the Transportation Advisory Commission may recommend removal of said member. Removal must be approved by the Council.

2.341 Transportation Advisory Commission - Powers and Duties.

(1) The Transportation Advisory Commission shall be advisory to the City Manager and Council on matters pertaining to the provision of public transportation and traffic safety, including maintenance of a five year Transportation Development Plan.

(2) The Commission shall act by majority of its members and shall:

- (a) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare related to transportation services for residents and employees in the City and those within the City's urbanizable area.
- (b) The Commission shall recommend and make suggestions to the City Manager and the City Council concerning the establishment, operations, maintenance, administration and promotion of public transit for the City and surrounding community.
- (c) The Commission shall consider and advise the City Manager and City Council on issues relating to traffic safety, transportation planning, financing and maintenance of the City's overall transportation system.
- (d) The Commission shall hold at least four meetings per year to conduct its business and may make and alter rules and regulations for its governance and procedures consistent with state law, the City Charter and this Code. Five members of the Commission constitute a quorum. A quorum is required to take final action on an issue.
- (e) The Commission may from time to time hold public hearings on transportation and traffic safety related matters and the transportation planning before making recommendations to the Council.
- (f) The Commission may make recommendations to the Planning Commission and Design Review Board regarding the provision of transit related facilities and site planning to facilitate accommodation of transit services and transportation safety.

(3) The actions of the Commission shall be advisory only and shall not constitute policy of the City and shall not be binding upon the City Council or upon the City. The City Council may adopt all or any part of any recommendation of the Commission, with or without changes as city policy. (Amended Ord. #343, 01/03/89)

2.350 Library Board and Library Established

(1) A municipal public library in and for the City of Wilsonville, Clackamas County, State of Oregon, is hereby established under the applicable provisions of ORS Chapter 357.

(2) The City's Public Library as established by paragraph 1 shall be governed by a Library Board consisting of five (5) persons who are at least 18 years of age, and who are not officials or employees of the City. In addition, one member of the City government, the Mayor or his designee, may sit with the Library Board as an ex officio member to provide liaison with the Council.

2.352 Library Board - Members

(1) Members of the Library Board shall be appointed by the Mayor with consent of the Council and may be removed by the Mayor with the consent of the Council. Any vacancy, unless caused by expiration of a term of office, shall be filled by the Council for the unexpired term of the predecessor in the office; and at the expiration of the term of any member, the City Council shall appoint a new member or may reappoint a member for a term of four (4) years. No member shall hold appointment for more than two (2) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year.

(2) Library Board members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Library Board may recommend removal of said member. Removal must be approved by the Council.

2.354 Library Board - Powers and Duties

(1) The Library Board which is first appointed and each Board thereafter shall, each year on or before July 1st, elect a Chairman and a Vice-Chairman. The librarian shall serve as secretary to the Board and keep the records of its actions.

(2) Board members shall receive no compensation but shall be reimbursed for duly authorized expenses; and no member of the Board shall have any direct or substantial financial interest in any contract for goods or services for the Library to which the City is a party. Such a direct or substantial financial interest shall not disqualify a person from Board membership, provided such person first declares his or her actual conflict of interest and abstains from participating in any design of bid specifications, negotiation, award, vote or over-seeing of such a contract on behalf of the City or its Library Board. A Board member shall disclose any potential conflict of interest in Library Board matters reasonably known to the member. Unless a majority of the remaining Board members feel that such a potential conflict would bias the member in his or her participation, it shall not disqualify the member from participation.

(a) An actual conflict of interest arises when any of the following persons have direct or substantial interest in a contract for goods and services for the Library:

- 1). The member of his/her spouse.
 - 2). A brother, sister, child, parent, father-in-law or mother-in-law of the member.
 - 3). Any business associate of the member within two years, a prospective partner, an employer or prospective employer, or any corporation in which the member owns stock of a value of \$1,000 or greater.
- (b) A potential conflict of interest arises when the member has an indirect financial interest in a contract for goods and services.
- (c) Any member who is not disqualified, although he or she has declared a potential or actual conflict of interest, may be counted for the purposes of establishing a quorum. (Amended Ord. #324, 03/23/88)
- (4) Unless and until another place is assigned to it by the City Council, the Library Board shall maintain its office, hold its meetings, transact its business and keep its records at the library.
- (5) The Library Board shall meet at least once a month and may make and alter rules and regulations for its governance and procedure consistent with the laws of this State and with the City Ordinances. A majority of the members of the Board constitutes a quorum.
- (6) It shall be the responsibility of the Library Board to:
- (a) Recommend policies for the governance of the library, and submit same for Council approval;
 - (b) Recommend an annual budget to the City Manager.
 - (c) Recommend to the City Manager for City Council action the acceptance, use or expenditure of any real or personal property or funds donated to the library in excess of \$250.00 in value, or purchase, control or dispose of real and personal property necessary for the purposes of the library, except that each such donation shall be administered in accordance with the terms, and all such properties or funds shall be held in the name of the City Council as set forth in Section 2.356 below. The Board may accept, use or expend any real or personal property or funds which are the value of less than or equal to \$250.00 as it deems necessary and proper without prior City Manager recommendation or City Council action. (Amended Ord. #212, 04/05/82).
 - (e) Perform such other functions and engage in such other activities relating to the purpose of the library as the City Council may assign;

- (f) Make an annual report to the State Library and to the City Council on a form supplied by the State Library.

2.358 Library Board - Fines and Penalties

(1) It shall be unlawful for any person, willfully or maliciously, to detain any book or library materials belonging to the Wilsonville Public Library for thirty (30) days after notice in writing from the Librarian of said library, given after the expiration of time which by regulations of the library such materials may be kept. The notice shall bear upon its face a copy of this section. Violations of this section are punishable as a violation pursuant to Section 1.012. (Amended Ord. #253, 2/21/84). Such conviction and payment of the fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return to the library such material.

INITIATIVE AND REFERENDUM

2.400 Initiative & Referendum - Form. The initiative and referendum powers reserved to legal voters of municipalities by Section 1-a of Article IV of the Constitution of the State of Oregon and the power to enact and amend municipal charters reserved to legal voters of municipalities and towns by Section 2 of Article XI of the Constitution of the State of Oregon shall be exercised as provided by Sections 2.400 to 2.420 of this Code.

(2) The following shall be substantially the form of a petition for any ordinance or charter amendment proposed by the initiative:

"Warning"

"It is a felony for any(one) to sign any initiative or referendum petition with any other name other than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter."

Initiative Petition

To The Honorable

Recorder for the City of Wilsonville
Clackamas County, Oregon

We, the undersigned, citizens and legal voters of the City of Wilsonville, Clackamas County, Oregon, respectfully demand that the following proposed ordinance (or amendment to the City charter) shall be submitted to the legal voters of the City of Wilsonville, Clackamas County, Oregon, for their approval or rejection at the regular (or special) City election to be held on the ___ day of _____, 19 __, and each for himself says: I have personally signed this petition; I am a legal voter for the City of Wilsonville, Clackamas County, Oregon, and my residence and street number are correctly written after my name.

Name	Residence	Street Number
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(Here follow 20 numbered lines for signatures.)

(3) The following shall be substantially the form of petition for referendum to the people on any ordinance passed by the Council:

"Warning"

"It is a felony for anyone to sign any initiative or referendum petition with any other name other than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter."

Referendum Petition

To the Honorable

Recorder for the City of Wilsonville
Clackamas County, Oregon

We, the undersigned, citizens and legal voters of the City of Wilsonville, Clackamas County, Oregon, respectfully demand that Ordinance No. _____ entitled (the title of the ordinance on which referendum is sought), passed by the council of the City of Wilsonville at its meeting on the ___ day of _____, 19___, shall be submitted to the legal voters of the City of Wilsonville, for their approval or rejection at the regular (or special) City election to be held on the ___ day of _____, 19___, and each for himself says: I have personally signed this petition; I am a legal voter for the City of Wilsonville, Clackamas County, Oregon, and my residence and street number are correctly written after my name.

Name Residence Street Number

(Here follow 20 numbered lines for signatures.)

(4) Each and every sheet of every petition for either initiative or referendum containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of said petition by affidavit thereon as follows:

State of Oregon)
County of Clackamas) ss.
City of Wilsonville)

I, _____, being first duly sworn, say that all of the persons who signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, residence and street number correctly and that each signed is a legal voter of the City of Wilsonville.

Subscribed and sworn to before me this ___ day
of ___, 19___, A.D.

(Signature and title of officer and his residence)

(5) The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

(6) Not more than 20 signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure demanded for submission by the initiative and referendum petition, as the case may be, shall be attached to each sheet circulated for signature, and such full and correct copy of the title and text shall be shown to the voter before his signature is attached.

(7) The City Recorder shall accept for filing any petition for the initiative or for the referendum subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the County Clerk of Clackamas County, and if a sufficient number of qualified voters be found to have signed said petition, he shall file same within ten (10) days after presentation to him.

2.402 Initiative And Referendum - Signatures.

(1) Initiative petitions for any proposed ordinance, charter amendment or measure shall be signed by not less than 15 per centum of the voters of the City. Referendum petitions against any ordinance or measure proposed by the Council shall be signed by not less than 10 per centum of the voters of the City.

(2) Legal voters of the City are qualified to sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon. Any person intentionally signing any name other than his own to a petition, or knowingly signing his name more than once for the same measure at one election, or signing a petition knowing he is not at the time of signing same a legal voter of the City, or any officer or other person violating any provisions of this Code section, shall upon conviction thereof be guilty of a Class B Misdemeanor and shall be punished pursuant to Section 1.011. (Amended Ord.#253, 2/21/84)

2.410 Charter And Charter Amendment by Council.

(1) A charter or an amendment to the Charter of the City may be proposed and submitted to the legal voters by resolution of the Council without an initiative petition; and resolution shall be filed with the Recorder for submission not later than 15 days before the election at which it is to be voted upon and no charter or charter amendment shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said City.

(2) Where a charter or charter amendment of the City is proposed and submitted to the legal voters thereof by resolution of the Council without an initiative petition, the said resolution shall therein state the date of the regular municipal election, or the day of the special election at which said

resolution will be submitted to be voted, and shall call and make provision for said election.

2.420 Special Elections.

(1) When any measure for initiative or referendum legislation is filed with the Recorder, and after the number and genuineness of signatures thereto have been ascertained as provided by Section 2.400 (7) or when any resolution of the Council is filed with the Recorder as provided by Section 2.410 (1), the Recorder shall forthwith transmit to the City Attorney a copy of such measure and he shall within 5 days provide and return to the Recorder a ballot title for such measure. The ballot title shall be printed on the official ballot. In making such ballot title said Attorney shall to the best of his ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not create an argument for, or be liable to create prejudice against such measure. Such ballot title shall in no case exceed 100 words, and shall not resemble insofar as possible any other ballot title filed for any measure.

(2) Any person who is dissatisfied with the ballot title provided by said Attorney for any such measure may within five days after said ballot title is returned to the Recorder appeal to the Council asking a different title and giving the reasons therefor, and stating why the title prepared by the Attorney is improper and the Council shall by resolution approve the ballot title prepared by said Attorney or shall by resolution prescribe another ballot title therefor and the ballot title so approved or so prescribed by the Council shall be the title placed upon the ballot.

(3) Measures referred to the voters by petition shall be designated "Referendum Ordered by Petition of the People". Measures proposed by the initiative petition shall be designated "Proposed by Initiative Petition." A new charter or charter amendments shall be designated "Charter (Charter Amendments) Submitted to Voters by the Common Council".

(4) Provided, however, that when a new City charter or charter amendments are to be submitted to the voters by resolution of the Council as provided in Section 2.410, the Council may in said resolution provide for a ballot title for the measure so to be submitted and in the event of such provision being made by the Council the provisions of Section 2.420 relative to the filing of the measure with the City Attorney, the preparation by said Attorney of a ballot title therefor and the appeal to the Council from the ballot title so prepared shall not apply.

(5) Where a special election is called either on petition for proposed ordinances or charter amendments by the initiative or for submitting ordinances by the referendum or a charter or charter amendments proposed by the Council, the Recorder shall publish such proposed ordinances, referendum measure, new charter or charter amendments with ballot title and number in full by posting it in three public, conspicuous and widely separated places in the City for a period of at least two weeks prior to the election at which said proposed ordinance, referendum measure, charter or charter amendment is to be voted on.

(6) The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of the legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

(7) The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.

(8) The Mayor shall, within 15 days from the time of such election, proclaim, by posting printed or typewritten copies of such proclamation in at least three conspicuous places in said municipality, the adoption of such measure and amendments which shall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in Section 2.420 (6) with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the Council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect, according to such result from the time of such proclamation.

(9) Where referendum petitions shall be signed by the required number of legal voters against any ordinances passed by the Council, the same shall be filed with the Recorder within 30 days after the passage and approval of the ordinance in question.

JURIES, TRIALS AND HEARINGS

2.500 Right to Trial by Jury.

(1) A person charged with an offense defined and made punishable by the City Charter or this Code shall have the right to trial by jury when the alleged offense is the same as those offenses which entitle a person to trial by jury as guaranteed by the Constitution and laws of the United States of America and the State of Oregon; provided, however, that written notice of request for a jury trial shall be given the Municipal Judge within ten (10) days after the entry of a plea of "not guilty" to the charge.

2.510 Trial Jury - Defined. The trial jury in the Municipal Court shall consist of six persons, or a lesser number if agreed upon, duly sworn to try and determine a question of fact for which they are called.

2.520 Juror - Qualifications.

(1) In order to act as a juror in the Municipal Court in the city, a person must:

(a) Meet the qualifications prescribed in ORS Chapter 10.

- (b) Be an inhabitant and reside within the City for three months at the time he or she is summoned.

2.522 Juror - Excused from Service.

(1) The Court shall excuse any person from services as a juror if such person is entitled to and requests exemption for any reason specified in ORS 10.050. The Court may also excuse any person from service as a juror either by removal of his name from the jury panel or by excuse for a particular time for reason of illness, disability or undue hardship.

(2) No person shall be required to serve as a trial juror at more than three trials during his term of service.

(3) No challenge shall be made or allowed to the panel or to the preliminary jury list, and substantial compliance with the requirements of Sections 2.520 to 2.532 shall be sufficient. If at any time the Court deems the number of qualified and unexcused jurors on the panel to be insufficient, the Court may cause additional names to be chosen in the aforesaid manner from the preliminary jury list and added to the panel.

2.524 Juror - Failure to Attend.

(1) If a person duly summoned to attend Municipal Court as a juror fails to attend as required or to give a valid excuse therefor, he shall, upon conviction, be guilty of a violation and shall be fined pursuant to Section 1.012. (Amended Ord. #253, 2/21/84).

2.530 Jury - Preliminary List.

(1) On the first judicial day of each January and July, the City Recorder or Mayor, at the request of the Municipal Judge, shall prepare a jury list made by selecting by lot names from the latest voter registration list. The jury list shall contain the names of not less than fifty persons who shall comprise the jury list for the six months in which they are selected.

(2) The Municipal Judge or Mayor shall reject the names of persons selected for the jury list whom they know or believe to be unqualified as jurors because of mental or physical disability, or not otherwise possessing those qualifications for a juror as prescribed by Section 2.520.

(3) The jury list when completed shall contain the Christian name, surname, place of residence and occupation of each person named therein, and shall be certified by the Municipal Judge and placed on file in his office. After the jury list has been completed, a card shall be prepared separately for each juror, and the cards when prepared shall be deposited in the office of the Municipal Judge in a sufficient box carefully secured which shall be known as the Jury Box.

(4) If for any reason the preliminary jury list is not prepared within the aforesaid time, it may be prepared at a later time without affecting the validity thereof.

2.532 Jury - Determining Panel.

(1) The Municipal Judge shall draw from the Jury Box twelve cards, or any greater number if he deems it necessary or if requested by the parties, until the names of twelve persons who are deemed able to attend at the time and place of trial are obtained. The Municipal Judge shall then make and sign a list of the twelve names thus drawn which shall constitute the jury panel.

(2) When the drawing of the twelve names is completed, the Municipal Judge shall direct the Chief of Police, any officer of the City Police Department or the City Recorder to summon the persons whose names were drawn to appear for jury duty at a prescribed time and place, and such person shall forthwith deliver to each of the persons whose name is drawn an appropriate Order signed by the Municipal Judge, which shall direct such person to appear as a juror before the Municipal Court at the designated time and place. The person serving the summons for jury duty shall return immediately to the Municipal Judge a record of the persons to whom the summons was served; and if after a delinquent search, the person serving such summons is unable to locate and serve any person with a summons of jury duty, the Municipal Judge shall draw another card from the Jury Box, and issue an appropriate Order for jury duty, and direct the service of summons on such person, and this process shall be continued until twelve persons have been selected from the Jury Box and service on them has been made requiring them to appear for jury duty in the cause then pending before the Municipal Court.

(3) Each trial juror shall be paid a fee of \$10.00 for each separate case, provided, that if any such cases are heard on more than one day, each trial juror shall be paid a fee of \$10.00 for each day.

2.534 Selection of Trial Jury.

(1) At the time of trial, the trial jury shall be selected from the twelve members of the jury panel, and each party may take challenges for cause in accordance with Chapter 17 of Oregon Revised Statutes. Each party is entitled to three (3) peremptory challenges as to any of the six jurors and no more.

2.536 Jury - Inadequate Number on Panel.

(1) If at the time of any jury trial, the jury panel present for said trial becomes exhausted, or whenever in the opinion of the Municipal Judge the panel is likely to be exhausted due to non-appearance of prospective jurors or challenges by each party, the Court may order the Chief of Police, any police officer of the City or the City Recorder to summon forthwith from the body of the City persons whose names are on the voter registration books and who have the qualifications of jurors to serve in the Court.

2.538 Jury - Verdict.

(1) The six jurors summoned to try the cause must unanimously concur to render a verdict.

2.540 Trial Procedure.

(1) Trials shall be conducted as trials in District Courts and rules of evidence shall be the same as in State Courts, and shall include the applicable status of the State of Oregon regarding the introduction or admission of evidence.

2.550 Municipal Court - Privilege, Power and Duties.

(1) The Municipal Court shall possess and exercise within the City all the privileges, powers, duties and jurisdiction, civil and criminal, of a Justice's Court according to ORS, Chapter 51, except that it shall not have a Small Claims Department. It shall be subject to all of the general laws prescribing the duties of a Justice's Court and perform such other duties as may be required by the State, the City Council or this Code.

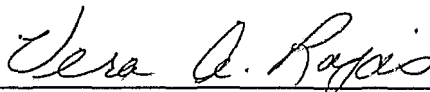
2.560 Evidentiary Hearing Procedures.

(1) In all evidentiary hearings before the City Council, Planning Commission, Design Review Board or other Board, Commission, Committee or City agency, the following procedures for the conduct of the hearings are prescribed:

- (a) All interested persons in attendance shall be heard on the matter for hearing, and this fact shall be communicated to those in attendance.
- (b) A summary of the application or other matter for hearing shall be given by the presiding officer or someone appointed by him or her. In the case of land use hearings, a statement of the applicable criteria shall also be given.
- (c) The staff report, if any, shall be made.
- (d) Questions, if any, by the hearing body of the staff.
- (e) Testimony shall be received in the following order:
 - (1) Applicant
 - (2) Proponents
 - (3) Opponents
 - (4) Rebuttal by proponents
 - (5) Others
- (f) Close public hearing.
- (g) Questions, if any by the hearing body.
- (h) Discussion by the hearing body.
- (i) A decision shall be made by the hearing body, except, however, that further discussion and/or decision by the hearing body may be postponed to another meeting, the time, date and place of which shall be announced before adjournment.


- (j) All persons who speak at such hearing shall identify themselves by name, address and interest in the matter. Attorneys or others shall be allowed to speak on behalf of proponents or opponents.
- (k) Written briefs by any interested parties, their attorney or other agent will be accepted if filed with the secretary or clerk of the hearing body at least three (3) days prior to the hearing.
- (l) A record made at any prior evidentiary hearing may be accepted, considered and used by the hearing body at any subsequent hearing; and said body by majority vote of a quorum present may deny to accept or hear any repetitious matter.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 6th day of November, 1989, and scheduled for second reading at a regular meeting of the City Council on the 20th day of November, 1989, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.



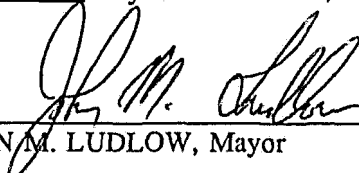
 VERA A. ROJAS, City Recorder

ENACTED by the Wilsonville City Council at a regular meeting thereof this 20th day of November, 1989, by the following votes: YEAS: 5 NAYS: 0.



 VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 22nd day of November, 1989.



 JOHN M. LUDLOW, Mayor

SUMMARY of Votes:

Mayor Ludlow AYE
 Councilor Edwards AYE
 Councilor Chandler AYE
 Councilor Clarke AYE
 Councilor Dant AYE