

ORDINANCE NO.444

AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING URBAN RENEWAL RELOCATION REGULATIONS AND RELOCATION CLAIMS PROCESSING AND HEARING RULES PROCEDURES; AND DECLARING AN EMERGENCY.

WHEREAS, The Year 2000 Plan, the Urban Renewal Plan for the City of Wilsonville provides in Section 1202 for the City Council to adopt policies affecting implementation of the Plan; and

WHEREAS, Section 1202 further states that such approvals become a part of the Plan once officially adopted; and

WHEREAS, Section 605 of the Plan provides for Relocation Assistance in accordance with ORS 281.045 through 281.105; and

WHEREAS, Section 605 requires the Agency to prepare, adopt, and maintain relocation policies as well as relevant procedures for implementation consistent with Oregon Revised Statutes prior to the Agency acquiring any property which will require displacement of occupants; and

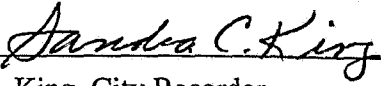
WHEREAS, the Wilsonville Road Phase I project will require such displacement, and due to impending reconstruction of the I-5 interchange it is in the community's best interest to proceed at the earliest opportunity with Wilsonville Road Phase I project in order to minimize interference between the interchange project and traffic west of Boones Ferry Road; and

WHEREAS, the Wilsonville Road Phase I project is an existing objective of the Plan and the proposed Relocation Regulations and Relocation Claims Processing and Hearing Rules Procedures allow implementation of this existing objective.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Relocation Regulations attached hereto as Exhibit A are adopted in fulfillment of ORS and Urban Renewal Plan Requirements.
2. Relocation Claims Processing and Hearing Rules Procedures attached hereto as Exhibit B are adopted in fulfillment of ORS and Urban Renewal Plan Requirements.
3. The Wilsonville City Council directs the City Recorder to send a copy of this Ordinance to the Urban Renewal Agency for the City of Wilsonville, Oregon.
4. The City Council declares that an emergency exists because negotiations for Wilsonville Road right-of-way acquisition cannot proceed until after adoption.

SUBMITTED to the Wilsonville City Council for the first and second readings, and public hearing at a special meeting on the 26th of June, 1995, commencing at the hour of 7:30 p.m. at the Wilsonville Library public meeting room.



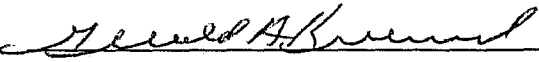
Sandra C. King, City Recorder

ENACTED by the Wilsonville City Council at a special meeting thereof this 26th day of June, 1995, by the following votes: YEAS - 5 Nays - 0



Sandra C. King, City Recorder

DATED and signed by the Mayor this 27 day of June, 1995.



Gerald A. Krummel, Mayor

SUMMARY OF VOTES:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Leahy	Yes
Councilor Hawkins	Yes
Councilor Leo	Yes

RELOCATION REGULATIONS

City of Wilsonville
Urban Renewal Agency
30000 SW Town Center Loop East
Wilsonville, OR 97070

(503) 682-1011

Adopted by City Ordinance _____
and Agency Resolution _____
on June 26, 1995

**CITY OF WILSONVILLE URBAN RENEWAL AGENCY
RELOCATION REGULATIONS**

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REGULATIONS GOVERNING RELOCATION PAYMENTS

1.0 INTRODUCTION

- 1.1 Purpose. These regulations constitute the policies and requirements of the City of Wilsonville Urban Renewal Agency ("Agency") with respect to making relocation payments.
- 1.2 Persons who are to be displaced are encouraged to contact the City of Wilsonville Urban Renewal Agency office located at 30000 SW Town Center Loop E., Wilsonville, Oregon 97070, (503)682-1011. The regular Agency office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday; and, by arrangement, appointments can be made at other than regular office hours. The City of Wilsonville Urban Renewal Agency is anxious to consult with those expected to be displaced.
- 1.3 These regulations are intended to comply with the requirements of Oregon State Law ORS 281.045 to 281.105 governing relocation assistance to displaced persons.

2.0 DEFINITIONS

- 2.1 Displaced Person. A displaced person is defined as any person who moves, or is required to move, the person's residence and personal property incident thereto, or person's business or farm operation and personal property incident thereto, as a result of:
- 2.1.1 Acquisition of real property, in whole or in part, by the City of Wilsonville Urban Renewal Agency; or
 - 2.1.2 The receipt of a written order by such person from the City of Wilsonville Urban Renewal Agency to vacate the property for public use.
- 2.2 Person. Person is defined as any individual, partnership, corporation or association.
- 2.3 Persons Not Displaced. Persons not displaced are defined as follows:
- 2.3.1 A person who moves before the initiation of acquisition or relocation negotiations, unless the Agency determines that the person was displaced as a direct result of the program or project; or
 - 2.3.2 A person who initially enters into occupancy of the property after the date of its acquisition for the project; or
 - 2.3.3 A person who has occupied the property for the purpose of obtaining assistance under these regulations;
 - 2.3.4 A person who is not required to relocate permanently as a direct result of the project. Such determination shall be made by the Agency provided, however, a person required by the Agency to relocate on a temporary basis shall be considered a displaced person for purposes of relocation benefit eligibility and for purposes of the requirements applicable to claims for payment and these definitions, and for purposes of eligibility for contested case procedures and appeal rights otherwise running to displaced persons, if such person otherwise qualifies as a displaced person under this section. Such determination that a person temporarily displaced is a displaced person shall be made by the Agency.
 - 2.3.5 A person whom the Agency determines is not displaced as a direct result of a partial acquisition; or
 - 2.3.6 A person who, after receiving a notice of relocation eligibility, is

notified in writing that he or she will not be displaced for a project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility; or

- 2.3.7 An owner-occupant who voluntarily conveys their property, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to these regulations; or
 - 2.3.8 A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency; or
 - 2.3.9 A person who is determined to be in unlawful occupancy prior to the initiation of negotiations, or a person who has been evicted for cause under applicable law.
- 2.4 Unlawful Occupancy. A person is considered to be in unlawful occupancy if the person has been ordered to move by a court of competent jurisdiction prior to the initiation of negotiations or is determined by the Agency to be a squatter who is occupying the real property without the permission of the owner and otherwise has no legal right to occupy the property under state law.
- 2.5 Business. A business is defined as any lawful activity, except a farm operation, conducted:
- 2.5.1 Primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing or marketing of products, commodities and/or any other personal property; or
 - 2.5.2 Primarily for the sale of services to the public; or
 - 2.5.3 Primarily for outdoor advertising display purposes when the display must be moved as a result of the project; or
 - 2.5.4 By a nonprofit organization that has established its nonprofit status under applicable Federal or State Law.
- 2.6 Farm Operation. A farm operation is defined as any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be

capable of contributing materially to the operator's support.

- 2.7 Agency. Agency means the City of Wilsonville Urban Renewal Agency, its officers, employees and agents.
- 2.8 Vacated, Vacate, Vacation. Means the structure must be empty of occupants and all tangible personal property; broom swept clean.
- 2.9 Acquisition Cost. Acquisition cost is the just compensation paid by the Agency to an owner of real property for its purchase.
- 2.10 Relocation Payment. Relocation payment refers to any payment received by a displaced person from the Agency as a result of such displaced person's eligibility for benefits under these regulations.
- 2.11 Business Reestablishment Expenses. Business reestablishment expenses are those costs actually incurred by a displaced business as a direct result of relocating and reestablishing at a replacement site.
- 2.12 Moving and Related Expenses. Moving and related expenses are those costs actually incurred by a displaced person as a direct result of relocating personal property to a replacement site.
- 2.13 Substituted Items of Personal Property. Tangible personal property that a displaced business replaces with substitute equipment performing a comparable function.
- 2.14 Owner. Owner means the proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the Agency. For the purpose of determining a principal stockholder, stock held by a husband and wife, and their dependent children shall be treated as one unit.
- 2.15 Small Business. A business having not more than 500 employees working at the site being acquired or displaced, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a small business for purposes of eligibility for reestablishment expenses under these regulations.
- 2.16 Comparable Replacement Dwelling. A dwelling that is decent, safe, sanitary, functionally equivalent to the displacement dwelling, adequate in size to accommodate the occupants, in an area not subject to unreasonable adverse environmental conditions, and within the financial means of the displaced person.

3.0 CLAIMS FOR PAYMENT - GENERAL

- 3.1 Time Limit for Submission of Claim. Any claim for a payment shall be submitted to the Agency within 18 months after:
- 3.1.1 For tenants, the date of displacement.
 - 3.1.2 For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.
 - 3.1.3 Displacement occurs upon vacation of the premises acquired.
 - 3.1.4. This time period may be waived by the Agency for good cause.
- 3.2 Advance Payments. If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment subject to safeguards as are appropriate to ensure the objective of the payment is accomplished.
- 3.3 Documentation. Any claim for a relocation payment shall be supported by such documentation as may be reasonably required by the Agency to support expenses incurred, such as bids, bills, certified prices, appraisals, or other evidence of such expenses. The Agency may rely on an independent valuation in determining appropriate compensation.
- 3.4 Move Required. No payments will be made until the displaced person has vacated the acquired premises. The premises must be left in broom clean condition, with the exception of equipment required to be left by Sections 9.7 or 9.11, or otherwise acquired by the Agency.
- 3.5 Hazardous Substance. If any substance declared to be hazardous or toxic under any law or regulation by any governmental authority were stored, deposited, spilled, discharged or otherwise released by the business or resident during the time the business or resident used or occupied the acquired premises, such substances must be abated or removed at displaced person's expense from the acquired premises in accordance with government laws and regulations, and to the satisfaction of the appropriate regulatory agency before a relocation payment is made.
- 3.6 Approval of Claim. The Agency shall determine the eligibility and amount of claims. Any displaced person who is dissatisfied with a determination as to eligibility or the amount of payments may have the claim reviewed in accordance with the established Agency Relocation Claims Processing and Hearing Rules Procedures.

3.7 Deductions. The Agency may deduct from relocation payments due:

- 3.7.1 Any advance payments and any rental amount the displaced person owes the Agency. The Agency shall not withhold any part of a relocation payment to satisfy an obligation to any other creditor of the displaced person, unless the Agency becomes responsible for such obligation.
- 3.7.2 The cost of disposal of any nonreimbursable items of substitute personal property that were not relocated.

4.0 RESIDENTIAL RELOCATION PAYMENTS - GENERAL

4.1 Eligibility. Displaced persons shall be eligible for relocation payments and assistance from the Agency.

4.2 Notification of Intent to Move.

4.2.1 Requirement. The displaced person shall notify the Agency of its intent to move at least 30 days prior to the date that the first item of personal property is moved. The Agency may waive this notice requirement for good cause as determined by the Agency.

4.2.2 Information to be Submitted to the Agency. The displaced person shall notify the Agency of the dates on which the move is expected to begin and to be completed.

5.0 RESIDENTIAL MOVING AND RELATED EXPENSES

- 5.1 Actual Reasonable Moving Expenses. Any person displaced from a dwelling who qualifies as a displaced person shall be paid the full amount of eligible, actual moving and related expenditures incurred, subject to the following:
- 5.1.1 The Agency will pay only eligible expenditures in amounts determined by it to be reasonable and not in excess of an acceptable low bid or estimate for costs of moving personal property.
 - 5.1.2 No item of property included in the real property acquisition of the Agency is eligible for relocation benefits.
 - 5.1.3 The displaced person must permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move. The Agency has the right to enter private property at reasonable times and upon reasonable notice.
- 5.2 Limitation on Actual Reasonable Moving Expenses. Where in the judgment of the Agency, the cost of moving any item of tangible personal property would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation.
- 5.3 Moving Expenses -- Eligible Expenditures. A relocation payment for actual reasonable residential moving and related expenses may include the cost of:
- 5.3.1 Transportation of the displaced person and personal property from the acquired dwelling to a replacement dwelling or storage site. Transportation costs beyond the first 50 miles from the site from which the displacement occurred are not eligible, unless the agency determines that a move of a longer distance is justified and reasonable.
 - 5.3.2 Packing, crating, unpacking, and uncrating personal property.
 - 5.3.3 Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances, and other personal property.
 - 5.3.4 Insurance premiums covering loss of or damage to personal

property while in storage or transit.

- 5.3.5 Storing personal property for a period not to exceed 12 months, when the Agency determines that storage is necessary (see Section 5.5).
 - 5.3.6 Other moving-related expenses determined by the Agency to be reasonable and necessary, and that are not identified as ineligible in Section 5.4.
- 5.4 Moving Expenses -- Ineligible Expenditures. A relocation payment for residential moving expenses may not include the cost of:
- 5.4.1 Moving structures, improvements, or other real property acquired by the Agency at the former location, or in which the displaced person reserved ownership. Any building, structure, or other improvement which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property.
 - 5.4.2 Interest on loans to cover moving expenses.
 - 5.4.3 Loss of goodwill or profits.
 - 5.4.4 Personal injury.
 - 5.4.5 Costs of preparing the claim for moving and related expenses, or representing the business before the Agency, including attorney's fees.
 - 5.4.6 Expenses for searching for a replacement dwelling.
 - 5.4.7 Cost for storage of personal property on real property already owned or leased by the displaced person.
 - 5.4.8 Cleanup of hazardous wastes or material, or substances declared to be hazardous or toxic under any law or regulation by any governmental authority.
 - 5.4.9 Expenditures incurred after 12 months of the date of displacement. Displacement occurs upon vacation of the premises acquired by the Agency.
 - 5.4.10 Any other items the Agency determines are not reasonable or necessary to relocate the displaced person, or are otherwise not in the public's interest for a public purpose.

5.5 Storage Costs

- 5.5.1 General. A relocation payment for moving expenses may include actual reasonable storage costs incurred by a displaced person who either (1) does not immediately reestablish at a new location, or (2) although reestablishing at a new location, cannot complete the move until the total required space becomes available. No payment for storage cost may be made unless the Agency has determined that storage is necessary in connection with relocation of the displaced person.
- 5.5.2 Time Limit. Costs in connection with storage (including insurance while in storage) are limited to a period not to exceed 12 months.
- 5.5.3 Ineligible Costs. A payment for storage may not include costs related to:
- A. Any item(s) stored in or upon property owned or occupied by the displaced person.
 - B. Any items replacing item(s) removed from storage. Storage costs compensable as a moving expense must be reduced accordingly for any item(s) removed, if permitted in the warehousing contract.
 - C. Any item(s) not owned by the displaced person at the time of the beginning of the move.

6.0 FIXED PAYMENT FOR RESIDENTIAL MOVING EXPENSES

6.1 General. A fixed payment in lieu of actual reasonable moving and related expenses (Section 5.0) may be made to a displaced person who elects to receive such a payment. The displaced person must meet the eligibility requirements for a payment for moving and related expenses.

6.2 Amount of Payment. Amount of the fixed payment is based upon the number of rooms of furniture to be moved.

6.2.1 Unfurnished Schedule (displaced person owns furniture):

\$250 (1 room)	\$550 (3 rooms)
\$400 (2 rooms)	\$650 (4 rooms)

plus \$100 for each additional room.

6.2.2 Furnished Schedule (displaced person does not own furniture):

\$225 for first room plus \$35/each added room.

7.0 REPLACEMENT HOUSING PAYMENTS

- 7.1 Replacement Housing Payments. In addition to payment for moving expenses under Sections 5.0 or 6.0 of the regulations, a displaced person may be eligible to receive a replacement housing payment.
- 7.2 No person to be displaced shall be required to move from their dwelling unless at least one comparable replacement dwelling has been made available to the person. A comparable replacement dwelling will be considered to have been made available to a person, if:
- 7.2.1 The person is informed of its location; and
 - 7.2.2 The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and
 - 7.2.3 Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.
- 7.3 Replacement housing payments shall be made as provided under 49 CFR 24 Subpart E.

8.0 NONRESIDENTIAL RELOCATION PAYMENTS—GENERAL

8.1 Nonresidential relocation payments apply to displaced persons defined as businesses and farm operations under Section 2; these displaced persons are referred to as displaced businesses for purposes of these nonresidential relocation provisions.

8.2 Eligibility. The owner of a business that meets the qualifications and eligibility requirements as a displaced person is eligible for relocation benefits under the terms of these regulations.

8.3 Notification of Intent to Move

8.3.1 Requirement. The business shall notify the Agency of its intent to move at least 30 days prior to the date that the first item of personal property is moved, but not earlier than 90 days prior to the move. The Agency may waive this notice requirement for good cause as determined by the Agency.

8.3.2 Information to be Submitted to the Agency. The business' notification to the Agency shall be in writing and shall include the following:

- A. A statement of its intent to begin the move and/or to dispose of personal property, and the date(s) of the intended move or disposition of property, including a list of the items to be moved.
- B. A list of the property which the business may offer for sale as a result of the displacement and/or which may be the basis for a claim for direct loss of property pursuant to Section 9.11.
- C. If the move is to be in whole or in part a self-move, a statement indicating the intent of the business to make a self-move and identifying specific portions of the move to be performed by employees of the displaced business pursuant to Section 9.8.
- D. If the move is to be contracted out, assurance that, prior to the issuance of invitations to bid, the displaced business will furnish the Agency with:

- A statement setting forth in detail the proposed scope of the work and a complete inventory of the personal property to be relocated.

- The dates on which the move is expected to begin and to be completed.

- E. A statement of intent to purchase substitute items of personal property pursuant to Section 9.7 including a list of the items to be substituted. Such statement of intent shall not bind the Agency to determine that such items are reimbursable, substitute items.

9.0 NONRESIDENTIAL MOVING AND RELATED EXPENSES

- 9.1 Actual Reasonable Moving Expenses. A displaced business that elects to receive payment for actual moving and related expenses shall be paid the full amount of eligible expenditures incurred, subject to the following:
- 9.1.1 The Agency will pay only eligible expenditures in amounts determined by it to be reasonable and not in excess of an acceptable low bid or estimate for costs of moving personal property (see Section 9.10 "Bid Requirements").
 - 9.1.2 No item of property included in the real property acquisition of the Agency is eligible for relocation benefits.
 - 9.1.3 The business must permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move. The Agency has the right to enter private property at reasonable times and upon reasonable notice.
- 9.2 Limitation on Actual Reasonable Moving Expenses. Where in the judgment of the Agency, the cost of moving any item of tangible personal property which is used in connection with a business would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation.
- 9.3 Moving Expenses -- Eligible Expenditures. A relocation payment for actual reasonable moving and related expenses may include the cost of:
- 9.3.1 Transportation of personal property from the acquired site to a replacement site (including to and from storage). Transportation costs beyond the first 50 miles from the site from which the displacement occurred are not eligible, unless the Agency determines that a move of a longer distance is justified and reasonable.
 - 9.3.2 Packing, crating, unpacking, and uncrating personal property.
 - 9.3.3 Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment, and other personal property. This includes connection to utilities available at the replacement location, and modifications necessary to adapt such property to the replacement location or to utilities available at the replacement location, or to adapt such utilities to the personal

- property (see Section 9.6).
- 9.3.4 Storing personal property for a period not to exceed 12 months, when the Agency determines that storage is necessary (see Section 9.5).
 - 9.3.5 Insurance premiums covering loss of or damage to personal property while in storage or transit.
 - 9.3.6 Any license, permit, or certification required by a displaced business to the extent such cost is necessary to the re-establishment of its operation at its new location. The amount may not exceed the amount the business would be required to pay annually, and is limited to the amount covering the remaining useful life of the existing license, permit or certification.
 - 9.3.7 Relettering trucks, signs, and similar items, and replacing stationery and other printed matter on hand at the time of the move that is made obsolete as a result of the move. The actual cost of replacing exterior signs painted on a door, window or on walls may also be compensable as a reestablishment expense to the extent authorized by Section 10.2.3.
 - 9.3.8 Searching for replacement location to the extent authorized by Section 9.9.
 - 9.3.9 Actual direct loss of tangible personal property (see Section 9.11).
 - 9.3.10 Disconnecting and reinstalling leased equipment, such as telephone, burglar and fire alarm systems, and similar items of personal property.
 - 9.3.11 Purchase of substitute items of personal property (see Section 9.7).
- 9.4 Moving Expenses -- Ineligible Expenditures. A relocation payment for moving expenses may not include the cost of:
- 9.4.1 Additional expenses incurred due to operation at a new location except as provided by Section 10.0 for business reestablishment.
 - 9.4.2 Moving structures, improvements, or other real property, including fixtures, acquired by the Agency at the former location, or in which the displaced person reserved ownership. Any

building, structure, or other improvement which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property.

- 9.4.3 Interest on loans to cover moving expenses.
- 9.4.4 Loss of goodwill.
- 9.4.5 Loss of profits.
- 9.4.6 Loss of trained employees.
- 9.4.7 Personal injury.
- 9.4.8 Costs of preparing the claim for moving and related expenses, or representing the business before the Agency, including attorney's fees.
- 9.4.9 Any addition, improvement, or other physical change in or to the replacement structure or its premises, except as provided by Section 10.0 for business reestablishment.
- 9.4.10 Downtime. Provided, however, in the circumstance of a temporary relocation and where no other reimbursement option is reasonably available under these regulations a displaced person may be reimbursed for down time.
- 9.4.11 Professional services including but not limited to attorneys, architects, consultants, and engineers except as provided by Section 10.0 for business reestablishment.
- 9.4.12 Cost of replacing or repairing property lost, stolen, or damaged in process of moving where insurance covering such loss, theft or damage is not reasonably available and such loss, theft or damage did not occur as a result of negligence on the part of the displaced person, his or her agent or employees.
- 9.4.13 Advertising except signs moved as personal property, and relettering trucks and printed material as provided in Section 9.3, or as provided for in Section 10.2.8 for business reestablishment.
- 9.4.14 Cost for storage of personal property on real property already owned or leased by the business.
- 9.4.15 Cleanup of hazardous wastes or material, or substances

declared to be hazardous or toxic under any law or regulation by any governmental authority.

- 9.4.16 Expenditures incurred after 12 months of the date of displacement. Displacement occurs upon vacation of the premises acquired by the Agency.
- 9.4.17 Any other items the Agency determines are not reasonable or necessary to relocate the business, or are otherwise not in the public interest for a public purpose.
- 9.4.18 Any expenditure which duplicates any payment made by the Agency or for which the Agency is otherwise liable, including any eligible expenditures under these regulations.

9.5 Storage Costs

- 9.5.1 General. A relocation payment for moving expenses may include actual reasonable storage costs incurred by a displaced business that either (1) does not immediately reestablish at a new location, or (2) although reestablishing at a new location, cannot complete its move until the total required space becomes available. No payment for storage cost may be made unless the Agency has determined that storage is necessary in connection with relocation of the business.
- 9.5.2 Time Limit. Costs in connection with storage (including insurance while in storage) are limited to a period not to exceed 12 months.
- 9.5.3 Ineligible Costs. A payment for storage may not include costs related to:
 - A. Any item(s) stored in or upon property owned or occupied by the displaced person.
 - B. Any items replacing item(s) removed from storage. Storage costs compensable as a moving expense must be reduced accordingly for any item(s) removed, if permitted in the warehousing contract.
 - C. Any item(s) subsequently replaced by substitute equipment under Section 9.7.
 - D. Any item(s) not owned by the displaced person at the time of the beginning of the move.

9.6 Installation of Relocated Machinery, Equipment or Other Personal Property.

9.6.1 General

- A. A relocation payment for moving expenses may include actual necessary and reasonable costs for the installation of relocated machinery, equipment or other personal property at the replacement location.
- B. At the time the displaced business notifies the Agency pursuant to Section 8.3 of its intent to move and its expectation that costs will be incurred at the replacement location for the installation of relocated machinery, equipment or other personal property, the displaced business and the Agency shall explore together the most feasible method of accomplishing the installation activity that is the least costly to the Agency for successfully carrying out the move.

9.6.2 Eligible Costs. Eligible installation costs include reasonable amounts incurred for the following:

- A. Connection of relocated machinery, equipment or other personal property to available utility services at the replacement location.
 - 1. "Available utility services" are defined as currently existing utilities on or within the structure which are distributed throughout the structure from the utility service entrance and/or main panel or main valve system.
 - 2. Utility services at the replacement site may include electrical, water, gas, compressed air, vacuum, vent, sewer, oil, and similar service lines.
 - 3. Connection at the replacement site to available utility services shall be either: (a) at or on the relocated machinery, equipment, or other personal property, or (b) at a nearby distribution point within the replacement structure as determined by the Agency.
- B. Modification to adapt or convert the relocated machinery, equipment or other personal property to the available utility services at the replacement location.

- C. Modification to the existing utility services at the replacement location to accommodate the relocated machinery, equipment or other personal property when the Agency determines that it would be less expensive than modifying the relocated items to the available utility services.
- D. Costs necessary to place or situate the relocated machinery, equipment or other tangible personal property at the replacement location in order to install the relocated items. Costs are limited to those necessary to allow access to the replacement location, such as removing and replacing doors, panels, and similar items to permit placement of the relocated personal property.

9.6.3 Limitations. Eligible installation costs do not include costs for the following:

- A. Construction of new structure, the rehabilitation or modification of an existing structure, or other physical changes to the real property except as provided as a business reestablishment expense by Section 10.0 to rehouse the relocated machinery, equipment or other personal property.
- B. The cost of increasing the load carrying capacity of a floor or structure.
- C. Supplying utility services from the public right-of-way to the utility service entrance on the replacement location except as provided in Section 10.0 for business reestablishment.
- D. Changes or modifications to a utility service entrance and/or main panel or main valve system within the replacement location, except as provided in Section 9.6.2 (C).
- E. Construction of concrete pads or foundations necessary to install relocated machinery, equipment, or other personal property.
- F. Modification to meet code requirements except as provided as a business reestablishment expense by Section 10.0.

9.7 Substituted Items of Tangible Personal Property

- 9.7.1 General. A displaced business may elect to promptly replace an item of personal property currently utilized in its operation, but

which is not reasonably practicable to move, with a substituted item. Substituted items of personal property must perform a comparable function as the item replaced.

- 9.7.2 Notification to the Agency. A business concern that contemplates the use of substituted items of personal property must so indicate to the Agency at the time that it submits written notification of its intent to move (see Section 8.3).
- 9.7.3 Allowable Costs. The allowable amount of a payment for an item of substitute personal property in the relocation payment for moving expenses shall be the lesser of:
- A. The actual cost of the substitute equipment as delivered and installed at the replacement location, less any proceeds received from the sale or trade-in of the original equipment (see Subsection 9.7.5 below); or
 - B. The estimated cost of relocating the original equipment to the new location (disconnect, cartage, reconnect). The Agency shall obtain necessary estimates to determine the reasonable cost of the move. No amount for storage costs may be included in the estimates.
- 9.7.4 Ineligible Costs. No payment for direct loss of any item of property may be made when a payment for a substituted item of personal property is made. No payment for substituted items of personal property may be made if the original equipment has been moved to property owned, leased or occupied by the displaced person.
- 9.7.5 Equipment Left on Site by Displaced Business. If tangible personal property that the displaced business replaced with substitute equipment is not sold or traded in, and the Agency determines such personal property is a reimbursable substitute item, it must be conveyed to the Agency free and clear of all liens and encumbrances provided, however, such personal property may be conveyed to the Agency if the Agency desires to do so, and if the Agency explicitly consents to the same with full knowledge of any liens and encumbrances on such property.

If personal property is determined by the Agency to be a non reimbursable substitute item of personal property, the displaced business shall dispose of such property and the expense of such disposal shall be borne by the displaced business or the disposal expense will be deducted from the relocation expenses.

9.8 Self-Move

9.8.1 Limitations:

- A. The amount of a relocation payment for a self-move shall not exceed the lower of two cost estimates from qualified moving companies. The Agency shall obtain necessary estimates to determine the reasonable costs of the move. If an estimate cannot be obtained, the Agency may determine the cost of the move by independent analysis by a qualified valuation consultant selected or approved by the Agency.
- B. The business will not be required to submit documentation in support of the moving costs actually incurred, but this provision applies only to the portion of the claim representing the moving cost component (transporting, packing, disconnection, and re-connection) supported by an acceptable low estimate. All other related costs included in the claim are subject to applicable limitations and requirements, including requirements for documentation of actual expenditures.

9.8.2 Requirements:

- A. The work performed in moving the displaced business must conform with the scope of work covered by the acceptable estimate (other than the period for completion).
- B. In determining the acceptability of cost to be claimed, the Agency, in negotiating with the displaced person, shall consider the following factors:
 - 1. The relationship of the move to the scope of the work and the time duration covered by the acceptable estimate.
 - 2. The reasonableness of labor and supervisory costs associated with the move.
 - 3. The reasonableness of costs attributed to equipment used in the move.

9.8.3 Exception to "No Documentation" Provision in Connection with Self-Move.

- A. Determination to Document Moving Costs. When estimates cannot be obtained or the displaced business elects to

make a self-move and the Agency and the concern cannot agree on an acceptable amount to cover the cost of the move, the displaced business must submit full documentation in support of all amounts claimed. Documentation shall include such reasonable evidence of costs incurred as required by the Agency.

B. Cost Limitations. The amount of a payment for a documented self-move is subject to the following limitation:

1. If an acceptable low bid or estimate was obtained, the amount of the payment may not exceed the lesser of (a) the actual costs incurred as documented by the displaced business, or (b) the amount of the acceptable estimate.
2. If an estimate was not obtainable, the amount of the payment may not exceed the lesser of (a) the actual costs incurred as documented by the displaced business, or (b) the amount determined by the Agency by an independent valuation consultant.

C. Allowable Expenses. Compensable costs for a documented self-move may include reasonable and necessary expenses incurred by the displaced business for:

1. The use of equipment to accomplish the move. This may be either the cost of renting equipment to accomplish the move or the cost of the use of the concern's equipment at a rate not to exceed the reasonable cost of rental equipment.
2. Wages paid for the labor of persons who physically participated in the move. The labor may be performed by regular employees of the concern, owners of the concern, or persons employed for the move. A payroll record showing name of employee, time and date worked, and amount paid will be required.

9.9 Searching For A Replacement Location

9.9.1 Eligible Costs. Searching expenses may include:

- A. Transportation expenses within a radius of 50 miles from the boundaries of the City of Wilsonville, at a mileage rate not to exceed the amount normally paid by the Agency for

travel of its staff.

- B. Meals and lodging while away from home.
- C. An amount to cover the reasonable time spent in searching based on the average hourly rate of the displaced business's representative, but not to exceed \$15.00 per hour.
- D. Reasonable fees paid to a real estate agent or broker to locate a replacement site or operation exclusive of commissions related to the purchase or lease of such site.

9.9.2 Maximum Amount. The maximum total amount of compensation for replacement location search expenses is limited to \$1,000.

9.9.3 Documentation. Expenses incurred by the displaced business in searching for a replacement location must be supported by receipted invoices, where appropriate. A list of the dates and addresses viewed as possible relocation sites must accompany a claim.

9.10 Bid Requirements

9.10.1 When Bids Must Be Obtained. When relocation expenses of a displaced business are estimated to exceed \$1,000 the displaced business must obtain competitive bids from at least two movers and/or other contractors with respect to the work, except as provided in Section 9.10.7. If the total cost of a move by a contractor is estimated to cost \$50,000 or more, the sealed-bid procedure described in Section 9.10.8 must be followed.

9.10.2 Time Requirements for Submission of Bids. Bids are required to be submitted to the displaced business at least 14 days prior to the commencement of the concern's move. Copies of the bids must be submitted to the Agency.

9.10.3 Low Bid Sets Maximum Payment. A relocation payment for moving expenses of a displaced business may not exceed the amount of the lowest bid acceptable to the Agency.

9.10.4 Bid Form. State (ORS 279) or local laws or regulations governing bidding procedures shall be followed in obtaining bids or in obtaining estimates where estimates will be used.

9.10.5 Preparation of Bid or Estimate Specifications by Business Concern.

- A. Scope of Work. The Scope of Work covered by each bid or estimate obtained by a displaced business must be the same. To achieve this uniformity, all contractors must be provided with the same work specifications on each individual phase of the move.
 - B. Specifications. The specification should be subdivided to reflect the specific responsibilities of each trade or craft that will perform a separate category of services in the move.
 - C. Agency Assistance. The Agency may assist in the preparation of bid or estimate specifications if the displaced business requests, but selection of movers and other contractors who will be requested to bid shall be the sole prerogative of the displaced business.
- 9.10.6 Review of Specifications. The Agency shall review the bid or estimate specifications prepared by the displaced business to determine conformance with these regulations.
- 9.10.7 Obtaining Bids. The displaced business must obtain bids from at least two general contractors, or at least two contractors for each trade or craft where there is no general contractor. Exceptions may be made under the following circumstances:
- A. Concern Unable to Obtain Two Bids. If the displaced business is unable to obtain two bids for any category of work, the justification therefore shall be submitted, in writing, to the Agency. No relocation payment may be made in such cases unless the Agency finds that two bids were unobtainable. The Agency may obtain bids or estimates if the business fails to do so. In the event that no bids are obtainable, the Agency shall obtain a technical evaluation of the cost of the move and allow the move to proceed on an actual costs basis supported by adequate documentation. The nature and complexity of the move will govern the Agency's decision.
 - B. Legal Prohibition on Bids. If bids for any portion of the work to be performed are prohibited by Federal, State, or local laws, the displaced business may submit estimates for that portion of the move.
- 9.10.8 Sealed-Bid Procedure. If the total cost of the move by a general contractor, or of any separately identified trade or craft involved in the relocation, is estimated to cost \$50,000 or more, the

sealed-bid procedure described in this subsection shall be followed:

- A. Submission of Bids or Estimates. The original and one copy of the completed and sealed bid or estimate must be mailed or otherwise presented by the bidder to the displaced business not less than 14 days prior to commencement of the move. Each bid or estimate must specify the precise scope of work covered by the bid or estimate.
- B. Bid Openings. The displaced business shall open the sealed bids or estimates at the established time (which should be not less than 14 days prior to the commencement of the move) and place. An authorized representative of the Agency must be present at the bid opening unless the Agency has notified the business and has requested the bid opening proceed without Agency representation. Those who have submitted sealed bids or estimates may be present. The Agency shall be promptly provided with a copy of each bid submitted.

9.10.9 Contract Award. When the displaced business has determined which is the lowest acceptable bid and the Agency has concurred, the displaced business shall award the contract to the low bidder. Where estimates rather than bids have been submitted, the amount to be compensated as a moving expense shall not be determined until invoices and other required documentation of actual costs have been submitted and reviewed by the Agency.

9.10.10 Verification of Reasonableness of Bids. If it is deemed desirable in order to verify the reasonableness of bids obtained by the displaced business, the Agency shall obtain an independent analysis or estimate of the cost of the move. Such independent analysis may, at the Agency's discretion, establish the maximum eligible relocation payment if the bids are deemed to be unreasonable.

9.11 Actual Direct Loss of Property

9.11.1 General. A displaced business may receive a payment for any actual direct loss of tangible personal property in accordance with 49CFR 24.303 to the extent it would not authorize duplicate relocation payments.

10.0 SMALL BUSINESS REESTABLISHMENT EXPENSES

- 10.1 General. In addition to a payment for actual reasonable moving and related expenses under Section 9.0 of the regulations a small business may be eligible to receive a payment not to exceed \$10,000 for expenses actually incurred in relocating and reestablishing at a replacement site.
- 10.2 Eligible Expenses. Reestablishment expenses must be reasonable and necessary as determined by the Agency. These expenses may include, but are not limited to, the following:
 - 10.2.1 Repairs or improvements to the replacement real property as required by Federal, State, or local law, code or ordinance.
 - 10.2.2 Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
 - 10.2.3 Construction and installation costs for exterior signing to advertise the business. Compensation shall not include the cost of acquisition of a site for such signs.
 - 10.2.4 Provision of utilities from right-of-way to improvements on the replacement site.
 - 10.2.5 Replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
 - 10.2.6 Licenses, fees, and permits when not paid as part of moving expenses as provided by 9.3.6.
 - 10.2.7 Feasibility surveys, soil testing and marketing studies. Such surveys, testing and studies are limited to relocation of the existing business and do not apply to any expansion, modification, or other change in the displaced business.
 - 10.2.8 Advertisement of replacement location in electronic and print media.
 - 10.2.9 Professional services in connection with the purchase or lease of a replacement site, or planning the move of the personal property, moving the personal property or installing the relocated personal property at the replacement location. The Agency may allow reasonable attorney's fees for the cost of reviewing contracts, leases and other documents specifically relating to the moving of personal property and the purchase or lease of a replacement site.

10.2.10 Increased costs of operation during the first two years at the replacement site, for such items as:

- A. Lease or rental charges
- B. Personal or real property taxes
- C. Insurance premiums, and
- D. Utility charges, excluding impact fees

Reimbursement of these expenses is specifically limited to increased costs due to the relocation, not due to any expansion, modification, or other change in the displaced business.

10.2.11 Impact fees or one-time assessments for anticipated heavy utility usage.

10.2.12 Other items the Agency considers essential to the reestablishment of the business.

10.3 Ineligible Expenses. The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible.

10.3.1 Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.

10.3.2 Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of business operation.

10.3.3 Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in Section 10.2.5.

10.3.4 Interest on money borrowed to make the move or purchase the replacement property.

10.3.5 Payment to a part-time business in the home which does not contribute materially to the household income.

10.4 Maximum Payment. The maximum payment for the total of eligible items for reestablishment expenditures pursuant to this Section 10.0 shall not exceed \$10,000.

11.0 FIXED PAYMENT FOR NONRESIDENTIAL MOVING EXPENSES

- 11.1 General. A fixed payment in lieu of moving and related expenses (Section 9.0), and reestablishment expenses (Section 10.0), may be made to a displaced business, farm operation or non-profit organization that elects to receive such a payment. The displaced business, farm operation or non-profit organization must meet the eligibility requirements for a payment for moving and related expenses and the additional requirements set forth in this Section.
- 11.2 Amount of Payment. A payment in lieu of moving and related expenses, except to a nonprofit organization, shall be equal to the average annual net earnings of the displaced business or farm operation as computed in accordance with Section 11.6, but not less than \$1,000 nor more than \$20,000.
- 11.3 Eligibility Requirements -- Business Concern.
- 11.3.1 A displaced business may be eligible for a payment in lieu of moving and related expenses and reestablishment expenses if the Agency determines that the business meets all of the following tests.
- A. Test 1. The business cannot be relocated without a substantial loss of its existing patronage. Existing patronage means either clientele or net earnings. Loss of existing patronage is presumed unless the type of operation is such that patronage is not dependent upon the location in the neighborhood from which displacement takes place. Examples of this type of business include, but are not limited to, the general practice of any profession, and businesses whose sales operations do not require customers to travel to the place of business; and
 - B. Test 2. The business is not part of a commercial enterprise having more than three other entities which are engaged in the same or similar business activity, which are not being acquired and which are under the same ownership; and
 - C. Test 3. During the two taxable years prior to displacement, the business:
 - i. Had average annual gross receipts of at least \$5,000; or

- 2. Had average annual net earnings of at least \$1,000;
or
 - 3. Contributed at least 33-1/3 percent to the average annual gross income of the owners or operators of the business; and
- D. Test 4. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, the business vacates or relocates from its displacement site; and
- E. Test 5. The business is not operated at the displacement site solely for the purpose of renting the site to others.
- 11.3.2 If in the determination of the Agency, the application of any of the above criterion in a specific case would result in substantial hardship to the displaced person by denial of the "fixed" payment, the Agency may use alternate criteria as determined more equitable under the circumstances.

11.3.3 Determination of Number of Businesses.

- A. Number of Businesses. Separate legal entities may actually constitute only one business for purposes of payments (see Section 11.3.3.C). The Agency's determination in this regard is final, subject to the right of appeal.
- B. Policy. Separate legal entities, all of which have been or will be acquired, shall be eligible for a single fixed payment in lieu of moving and related expenses, and reestablishment expenses, if they actually constitute only one business.
- C. Procedure. In determining whether two or more legal entities constitute a single business, the following factors, among others, shall be taken into consideration:
 - 1. The extent to which the same premises and equipment are shared; and
 - 2. The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled; and

3. The extent to which the entities are held out to the public, and to those customarily dealing with such entities, as one business; and
4. The extent to which the same person or closely related persons own, control or manage the affairs or the entities.

11.4 Eligibility Requirements -- Farm Operation.

11.4.1 A displaced farm operation may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average computed annual net earnings and in accordance with Section 11.6 of these regulations, but the fixed payment shall not be less than \$1,000 nor more than \$20,000. In the case of a partial acquisition of land which was a farm operation before the acquisition, the fixed payment shall be made only if the Agency determines that:

- A. The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
- B. The partial acquisition caused a substantial change in the nature of the farm operation.

11.5 Eligibility Requirements -- Nonprofit Organization.

11.5.1 A displaced nonprofit organization shall be eligible for a fixed payment of \$1,000 to \$20,000 in lieu of moving and related expenses and reestablishment expenses if the Agency determines that the following test has been met:

Test. The nonprofit organization cannot be relocated without a substantial loss of its existing patronage, membership or clientele. A nonprofit organization is assumed to meet this test, unless the Agency determines otherwise, based upon substantial evidence.

11.5.2 Amount. Any payment in excess of \$1,000 must be supported with financial statements for the two 12 month periods prior to the acquisition. The amount to be used for the payment is the average of two (2) years annual gross revenues less administrative expenses.

11.5.3 Gross Revenues. Gross revenues may include membership

fees, class fees, cash donations, tithes, receipts from sales or other forms of fund collection that enables the nonprofit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising and other like items as well as fund raising expenses. Operating expenses for carrying out the purposes of the nonprofit organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

11.6 Average Annual Net Earnings of a Business or Farm Operation.

11.6.1 Definition. Average annual net earnings mean one half of any net earnings of the business or farm operation before Federal, State, and local income taxes, during the two taxable years preceding the taxable year in which displacement takes place. Average annual net earnings includes salaries, wages, or other compensation paid by the business or farm operation to the owner, owner's spouse or dependents.

11.6.2 Base Period. If the Agency determines that the two year period immediately preceding displacement is not equitable for establishing earnings, an alternate base period determined by the Agency to be most representative may be used.

The following are examples:

- A. Business Adversely Affected by Project Activities. If during the two years prior to displacement the earnings of the business or farm were adversely affected by project activities, an alternate period (e.g. the third and fourth year prior to displacement) may be used as the base period.
- B. Business in Operation Less Than Two Years. If the business or farm was not in operation for the full two years prior to displacement, net earnings should be computed on the basis of the period that the business or farm was in operation in the project area, projected to arrive at an annual figure.
- C. Ongoing Operation Moved to Project Area. If a business moved its operations from a site outside the project area to a site within the project area and its earnings within the project area were adversely affected by project activities, a period determined by the Agency as being more representative than the two years prior to displacement may

be used to compute the amount of net earnings. An alternate period may be used only if the business operation conducted outside of and within the project area is the same.

- 11.7 Documentation of Claim. Claims shall be supported by such reasonable evidence of earnings and ownership as may be required by the Agency including copies of Federal and/or State income tax returns filed by the business and certified financial statements.

**RELOCATION CLAIMS PROCESSING
AND
HEARING RULES PROCEDURES**

**City Of Wilsonville
Urban Renewal Agency
30000 SW Town Center Loop East
Wilsonville, OR 97070**

(503) 682-1011

**Adopted by City Ordinance ___
and Agency Resolution ___
on June 26, 1995**

**CITY OF WILSONVILLE URBAN RENEWAL AGENCY
RELOCATION CLAIMS PROCESSING AND HEARING RULES PROCEDURES**

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RELOCATION CLAIMS PROCESSING AND HEARING RULES PROCEDURES

- 1.0 Purpose. These procedures constitute the policies and regulations of the City of Wilsonville Urban Renewal Agency with respect to Relocation Claims Processing and Hearing Rules Procedures.
- 1.1 Amount of Award. Determination of the amount of the relocation award shall be made pursuant to the Relocation Regulations of the City of Wilsonville Urban Renewal Agency as they may be amended from time to time, and the procedure for the determination of the amount of all relocation awards shall be governed by these Agency Relocation Claims and Hearing Rules Procedures, as they may be amended from time to time. If a project for which relocation is necessary is federally funded, and as a condition of such funding has other requirements, those other requirements shall be applied.
- 1.2 Staff Decision
 - 1.2.1 Where the term Agency staff is used, it can mean contractors to the Agency at the discretion of the Agency staff.
 - 1.2.2 The Agency staff is responsible for determining eligibility of all relocation claims.
 - 1.2.3 The Agency staff may require such documentation as it determines is necessary to substantiate the claim.
 - 1.2.4 Claims for relocation payment shall be made within the time periods required by the applicable relocation regulations.
 - 1.2.5 Agency staff will provide an initial review and disposition regarding the submitted claim. If the claim is disapproved or modified for any reason the claimant will be informed in writing of the reasons for denial or modification of the claim.
 - 1.2.6 If the claimant is dissatisfied with the initial decision, the claimant may within thirty (30) days of the initial decision of the Agency staff, provide additional information for review. Failure to provide additional information shall not preclude additional review if requested. If the claim is still disapproved, the claimant will be informed in writing of the reasons for denial of the claim.
 - 1.2.7 If the claimant fails to respond within thirty (30) days of the initial decision of the Agency staff, the Agency decision becomes final.

1.2.8 The final decision of the Agency staff shall include a notice to the claimant. The notice shall include:

- A. A reference to the particular sections of the regulations and/or statutes involved.
- B. A short and plain statement of the matters asserted or charged.
- C. A statement of the party's right to a contested case hearing.
- D. A statement of the authority and jurisdiction under which the hearing is to be held.
- E. A statement that the claimant may be represented by counsel at the claimant's own expense at the hearing, and that the claimant may present evidence and argument on all issues involved.
- F. A statement that if the claimant desires a hearing the Agency staff must be notified within thirty (30) days from the date of the mailing of the notice.

1.3 Notice of Contested Case Hearing Service

1.3.1 A contested case exists whenever a claimant requests a review of the final Agency staff decision.

1.3.2 In accordance with ORS 281.085, if the claimant is dissatisfied with the decision of the Agency staff, claimant is entitled to a hearing substantially of the character required by ORS 183.415, 183.425, 183.440, 183.450, 183.460 and 183.420 unless Federal or State laws provide otherwise.

If claimant asserts an alternate process is required, a statement of the nature of that process and authority relied upon for the assertion must be submitted.

1.3.3 The Agency shall give notice to claimant who requests a hearing on the final Agency staff decision. The notice shall include:

- A. Statement of the time and place of the hearing.
- B. A short and plain statement of the matters asserted or charged.

- C. A statement that the party may be represented by counsel at the hearing.
- 1.3.4 The Agency shall give notice of a hearing no later than twenty (20) days after receipt of a request for hearing and shall set the hearing no earlier than twenty (20) days after service of notice.
- 1.3.5 The notice shall be served personally or by registered or certified mail.
- 1.3.6 Service of all papers or notices by mail shall be complete upon mailing. All papers or notices shall be served upon all adverse parties.
- 1.4 Orders When No Hearing Requested Or Failure To Appear
 - 1.4.1 When a claimant has been given an opportunity and fails to request a hearing within a specified time pursuant to 1.2.8(F), or having requested a hearing fails to appear at the specified time and place, the Executive Director or hearing body as appropriate shall enter an order which supports the action.
 - 1.4.2 The order supporting the action taken pursuant to 1.4.1 shall set forth the material on which the action is based or the material shall be attached to and made a part of the order.
 - 1.4.3 The order shall be mailed by registered or certified mail, or served personally.
- 1.5 Subpoenas, Depositions
 - 1.5.1 The Agency shall issue subpoenas in hearings on contested cases on a showing of general relevancy and within reasonable scope of the proceedings. Fees and mileage are to be paid in accordance with ORS 44.415(2).
 - 1.5.2 An interested party may petition the Agency for an order that the testimony of a material witness be taken by deposition on a showing of general relevancy and within reasonable scope of the proceedings .
- 1.6 Hearings
 - 1.6.1 The hearing shall be before the City of Wilsonville Urban Renewal Agency Board. The hearing shall be conducted by the Board Chairman.

- 1.6.2 Prior to the commencement of a hearing, the Agency shall inform the claimant of the following:
- A. If a claimant is not represented by an attorney, a general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence, what kind of objections may be made, and an explanation of the burdens of proof or burdens of going forward with the evidence.
 - B. Whether a record will be made of the proceedings, the manner of making the record, and its availability to the parties.
 - C. The function of the record-making with respect to the perpetuation of the testimony and evidence, and with respect to any appeal from the determination of the Agency Board.
 - D. Whether an attorney will represent the Agency in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.
 - E. The manner in which the testimony and evidence taken by the Agency Board are reviewed, the effect of the Board's determination, and whether the Board has the authority to make a final independent determination.
 - F. In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.
 - G. Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the Agency Board and the hearing reopened.
 - H. Whether there exists an opportunity after the hearing and prior to the final order of the Agency to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the Agency Board.
 - I. A description of the appeal process from the order of the Agency Board.

- 1.6.3 The hearing shall be conducted in the following manner:
 - A. Statement and evidence of Agency in support of its action.
 - B. Statement and evidence of affected person disputing Agency action.
 - C. Rebuttal testimony.
 - 1.6.4 The Board Chairman, the affected parties, and the Agency, or their attorneys shall have the right to question, examine or cross-examine any witnesses.
 - 1.6.5 The Board Chairman may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.
 - 1.6.6 Exhibits shall be marked and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by the Agency as part of the record of the proceedings.
 - 1.6.7 Parties may present proposed findings of fact and conclusions of law to the Board Chairman within such period of time as the Board Chairman may set.
 - 1.6.8 The Agency Board shall issue a proposed final order. Parties shall be served a copy of the proposed order.
 - 1.6.9 The parties shall be given 15 days from service of the proposed order to file exceptions and present written argument to the Agency Board which rendered the final order.
- 1.7 Evidentiary Rules
- 1.7.1 Evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible.
 - 1.7.2 Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
 - 1.7.3 All offered evidence, not objected to, will be received by the Board Chairman subject to his power to exclude irrelevant, immaterial, or unduly repetitious matter.
 - 1.7.4 Evidence objected to may be received by the Board Chairman with ruling on its admissibility or exclusion to be made at the time a final order is issued.

1.8 Final Orders On Contested Cases, Notification

1.8.1 Final orders on contested cases shall be in writing and include the following:

- A. Rulings on admissibility of offered evidence.
- B. Findings of fact--those matters which are either agreed as fact or which, when disputed, are determined by the fact finder, on substantial evidence, to be a fact over contentions to the contrary.
- C. Conclusion(s) of law--applications of the controlling law to the facts found.
- D. Order--the action taken by the Agency as a result of the findings of fact and conclusions of law.

1.8.2 Parties to contested cases and their attorneys of record shall be served a copy of the final order. Parties shall be notified of their right to judicial review of the order.

1.9 Reconsideration, Rehearing

1.9.1 A party may file a petition for reconsideration or rehearing of a final order within ten (10) days after the order is served, by serving a request for reconsideration or rehearing with the Board Chairman.

1.9.2 The petition shall set forth the specific ground or grounds for requesting the reconsideration or hearing. The petition may be supported by a written argument.

1.9.3 The Board Chairman may grant a reconsideration petition if sufficient reason therefore is made to appear. If the petition is granted an amended order shall be entered.

1.9.4 The Board Chairman may grant a rehearing petition if sufficient reason therefore is made to appear. The rehearing may be limited by the presiding officer to specific matters. If a rehearing is held an amended order shall be entered.

1.9.5 If the Board Chairman does not act on the petition within the 10th day following the date the petition was filed, the petition shall be deemed denied.

- 1.10 Judicial Review. After exhaustion of these administrative remedies, any party may seek judicial review as provided by ORS 34.010 - 34.100.
- 1.11 Right To Counsel. Any claimant has a right to representation by counsel at the claimant's own expense at any and all stages of the relocation claim process.