

Title I

ADMINISTRATIVE

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HISTORY:

CHAPTER 4A (*Ord. 690, 2-9-88*) established a county assessment on Municipal Court revenue that was later superceded by state law. CHAPTER 9 (*Ord. 171, 11-18-38*) governed local elections. Operation of the City Fire Dept. (CHAPTER 18) was governed by a provision of the 1912 City Charter until 1970. There never was a Chapter 19. The City Coordinator, City Clerk, and City Clerk-Coordinator position and variations thereof were renamed City Manager in 2003 (*Ord. 832, 3-11-2003*)

Chapter 1

CITY CODE

Sections

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1.1.1 TITLE

Upon adoption by the Governing Body this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Vale. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this City Code by title in any legal document.

1.1.2 ACCEPTANCE

This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect. *(1963 Code)*

1.1.3 AMENDMENTS

Any ordinance amending this City Code shall set forth the Title, Chapter and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendments or revisions by ordinance of any part of this City Code, all such amendments or revisions by ordinance shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code within thirty-five (35) days from the date of its final passage. *(Ord. 739, 5-23-95)*

1.1.4 CONSTRUCTION OF WORDS

Whenever any word in any Section of this City Code imparting the plural number is used, in describing or referring to any matters, parties, or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this City Code by words imparting the singular number only, or the masculine gender, several matters, parties, or persons, and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any Section of this City Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1.1.5 INTERPRETATIONS

In the determination of the provisions of each Section of this Code the following rules shall be observed:

- (A) *Intent to Defraud:* Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
- (B) *Liability of Employers and Agents:* When the provisions of any Section of this City Code prohibits [*sic*] the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth. (*1963 Code*)

1.1.6 CITATIONS TO CODE

Citations to this City Code may be by reference to title number, chapter number, and section number, with decimal points between each of such numbers, including citation to any ordinance which may have been adopted, or previously cited, with hyphens between such numbers. (*Ord. 739, 5-23-95*)

Chapter 2

SAVING CLAUSE

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1.2.1 REPEAL OF GENERAL ORDINANCES

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby repealed:

- tax levy ordinances;
- appropriation ordinances;
- ordinances relating to boundaries and annexations;
- franchise ordinances and other ordinances granting special rights to persons or corporations;
- contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants;
- salary ordinances;
- ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances;
- bond ordinances;
- ordinances relating to elections;
- ordinances relating to the transfer or acceptance of real estate by or from the City; and
- all special ordinances.

1.2.2 PUBLIC UTILITY ORDINANCES

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect of such provisions only.

1.2.3 COURT PROCEEDINGS

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former

ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this or the preceding Section shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. *(1963 Code)*

Chapter 3

DEFINITIONS

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1.3.1 DEFINITIONS, GENERAL

Whenever the following words or terms are used in this Code they shall have the meaning herein ascribed to them, unless the content makes such meaning repugnant thereto:

AGENT: The word *Agent* as used in this Code shall mean a person acting on behalf of another.

CITY: The word *City* as used in this Code shall mean the City of Vale.

CODE: The word *Code* unless otherwise specifically stated shall mean this City Code.

EMPLOYEES: Whenever reference is made In this Code to a City employee by title only, this shall be construed as though followed by the words *of the City of Vale*.

FEE: The word *Fee* as used in this Code shall mean a sum of money charged by the City for the carrying on of a business, profession or occupation.

KNOWINGLY: The word *Knowingly* imports only a knowledge that the facts exist which brings *[sic]* the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

LICENSE: The word *License* as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

MISDEMEANOR: The word *Misdemeanor* shall mean any offense deemed a violation of the provisions of this Code which s a lesser offense than a felony as defined by State law.

NEGLIGENT: The word *Negligent*, as well as *Neglect*, *Negligence*, and *Negligently* imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

NUISANCE: The word *Nuisance* shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of, another person or to the Community.

OCCUPANT: The word *Occupant* applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: The word *Offense* shall mean any act forbidden by any provision of this Code on *[sic]* the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this Code to a City officer in title only, this shall be construed as though followed by the words *of the City of Vale*.

OPERATOR: The word *Operator* as used in this Code shall mean the person who is in charge of any operation, business or profession.

OWNER: The word *Owner* applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: The word *Person* shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, partnership, or any other form of association or organization.

PERSONAL PROPERTY: The term *Personal Property* shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein

RETAILER: The word *Retailer* as used in this Code, unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

STREET: The word *Street* shall include alleys, lanes, courts, boulevard *[sic]*, public ways, public square, public places and sidewalks.

TENANT: The word *Tenant* applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

WHOLESALE: The words *Wholesaler* and *Wholesale Dealer* as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WILFULLY: The term *Wilfully* when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage. *(1963 Code)*

Chapter 4

PENALTY

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1.4.1 PENALTY

Any person convicted of any provision of this Code shall be fined not to exceed the sum of seven hundred fifty dollars (\$750.00) for such offense, unless the Section of the Code violated carries its own penalty, in which event, the latter penalty shall be the maximum penalty. *(Ord. 607, 11-7-78)*

1.4.2 LIABILITIES OF OFFICERS

No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the governing body to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

1.4.3 EXTENSION OF POLICE POWER BEYOND CITY LIMITS

All police and penal provisions of this Code, necessary to protect property and preserve peace and order now in force and also those hereinafter enacted, applicable within the City shall apply with equal force and effect to all lands owned or controlled by the City located outside the boundaries of the City and the penalties of fine and imprisonment and the right to make arrests and serve process shall likewise apply. *(1963 Code; renumbered by Ord. 607, 11-7-78)*

1.4.4 INTEREST ON UNPAID FINES

Interest shall accrue on all fines imposed for violation of any provision of this Code at the rate of 1.5 percent per month (18% per annum) from the date the fine is due.

1.4.5 FEE FOR DRIVER'S LICENSE SUSPENSIONS

Whenever the Vale Municipal Court suspends a driver's license or submits an order, notice or a request for such a suspension to the Motor Vehicles Division, a fee of \$25.00 shall be charged to the licensee. The fee shall be added to, and become a part of, any fine imposed. (*Ord. 733, 8-9-94*)

Chapter 4A

*[Repealed by Ord. 776, 8-12-97, eff.
9-12-97]*

Chapter 4B

FORFEITURE OF PROPERTY

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1.4B.1 TITLE

This Article shall be known as the "Forfeiture Ordinance" of the City and may be so pleaded and referred to as such.

1.4B.2 POLICY AND PURPOSE

- (A) The Vale City Council finds that:
 - (1) Property that is seized from arrested persons which constitutes the proceeds or instrumentalities of a narcotics or gambling charge must generally be returned to the criminal upon disposition of the charge.
 - (2) These instrumentalities and proceeds are often used to further narcotics trafficking or gambling. The return of the property thus serves to encourage and perpetuate the commission of crime within the City limits of Vale.

- (B) The Vale City Council therefore declares that to protect the safety and welfare of the residents of the City it is in the best interest of the City to:
 - (1) Deter crime through all possible legal means including the forfeiture of proceeds and instrumentalities of crime;
 - (2) Cripple drug trafficking and narcotics activities within the City by depriving narcotics dealers, and those persons dealing with them, of the instrumentalities and proceeds of their trade; and

- (3) Otherwise deter such activity and remove the operating instrumentalities, profits and proceeds of narcotics and gambling transactions from dealers.

1.4B.3 DEFINITIONS

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

CONSPIRACY: The term as defined at ORS 161.450.

CONTROLLED SUBSTANCES: The term defined in ORS chapter 475 except that this shall not include less than one ounce of dried marijuana.

DELIVER or DELIVERY: The term defined at ORS chapter 475.

FACILITATE: The property must have some substantial connection to, or be instrumental in, the commission of the underlying illegal activity.

GAMBLING: The activities define *[sic]* in ORS 167.117.

ILLEGAL ACTIVITY: (A) Gambling or promotion of gambling; or (B) The manufacture or delivery of controlled substances; or (C) The possession of controlled substances with the intent to distribute.

MANUFACTURE: The term defined in ORS chapter 475.

MARIJUANA: The term defined in ORS chapter 475.

POSSESSION OF CONTROLLED SUBSTANCES WITH THE INTENT TO DISTRIBUTE:
The phrase defined at 21 USC § 841(a)(1)(2).

PRODUCTION: The term defined in ORS chapter 475.

PROMOTION OF GAMBLING: The term defined at *[sic]* ORS 167.117(10).

1.4B.4 FORFEITURE

Any person who engages in or conspires to engage in illegal activity within the following property:

- (A) All controlled substances which are intended for or have been manufactured or delivered as defined in Section 1.4B.3 above;
- (B) All raw materials, products, containers, equipment, books, records, research materials (including formulas, microfilms, tapes and data), or any kind which are used, or are intended for use, to manufacture, compound, store, process or deliver any controlled substances;
- (C) All conveyances, including aircraft, vehicles or vessels which are used to manufacture or deliver or in any manner to facilitate the manufacture or delivery of any controlled substance or any such conveyance which is used to transport or conceal any controlled substance;
- (D) All monies, negotiable instruments, securities or other things of value furnished or exchanged or intended to be furnished or exchanged by or to any person to facilitate any illegal activity, and all proceeds and profits traceable to such furnishment, exchange or prohibited activity;
- (E) All proceeds, profits and things of value, traceable to any prohibited activity;
- (F) All equipment, materials or records of any sort that are used, or intended for use to facilitate any prohibited gambling activity; and
- (G) All real property including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements thereon, which is used to manufacture any controlled substance or to commit or facilitate the commission of any illegal activity.

1.4B.5 SEIZURE

Any property subject to forfeiture to the City of Vale under this Article may be seized by any police officer on behalf of the City without issuance of court process when:

- (A) The seizure is incident to an arrest or search under a search warrant or an inspection under an administrative search; or
- (B) The property subject to seizure has been the subject of a prior judgment in favor of the City in a forfeiture proceeding under this Article; or
- (C) A police officer lawfully seizes the property and has probable cause to believe that the property has been used or is intended for use in or to facilitate prohibited activity as defined in this Article.

1.4B.6 INSTITUTION OF LEGAL PROCEEDINGS

- (A) In the event of a seizure under this Article, the City Attorney, acting in the name of the City, may institute a forfeiture proceeding to obtain a judgment of forfeiture against the seized property. The City Attorney may institute an in rem forfeiture proceeding if the property seized is real property.
- (B) The proceeding shall be instituted promptly and in accordance with the Oregon Rules of Civil Procedure and the Oregon Rules of Evidence relating to civil action.
- (C) Within sixty (60) days after the property is seized the City Attorney, on behalf of the City, shall file a complaint and initiate application for a temporary restraining order restraining the return of the seized property to the defendant or property owner. This Section shall operate as a limitation on a forfeiture action.
- (D) The defendant or owner of the property may demand a trial by jury in any civil action brought under this Section.

1.4B.7 DISPOSITION OF PROPERTY

- (A) Prior to obtaining any forfeiture judgment, any money, securities, or negotiable instruments that are not retained for evidentiary purposes shall be deposited with the City Manager pending the outcome of the forfeiture proceeding. (*Ord. 832, 3-11-2003*)
- (B) Any other seized property shall be kept in the custody of the City. The Chief of Police shall hold the property for the City for safekeeping until forfeiture is obtained.
- (C) The interest of the City in the forfeited property shall be subject to any perfected security interest in the property recorded prior to the date of seizure. The Chief of Police shall ascertain whether perfected security interest exists against the seized property and shall notify any secured parties of the forfeiture of the subject property and of the date set for sale.
- (D) When a judgment of forfeiture is obtained under this Article, the property shall be disposed of as follows:
 - (1) At the discretion of the Chief of Police, the forfeited property may be retained for official use in law enforcement activities. When the Chief of Police determines that the property will serve no law enforcement purposes or will no longer be used for law enforcement purposes, the property shall be sold in accordance with subsection (D) 2 below. If seized property is retained for law enforcement purposes, all liens on the property shall be promptly paid.

- (2) Property which is required by law to be destroyed or which is determined by the Chief of Police to be harmful to the public shall be destroyed. Any seized property which is not destroyed shall be sold at public auction by the Chief of Police. The proceeds of any sale shall be distributed as follows:
- (a) To the payment of all liens, according to priority.
 - (b) To the payment of all expenses of the sale and of maintaining the property pending outcome of the forfeiture proceeding and sale.
 - (c) To the payment of all expenses reasonably incurred in the forfeiture proceeding, including attorney fees.
 - (d) The remaining proceeds shall be paid to the City General Fund.

1.4B.8 NONCONSENSUAL USE OF PROPERTY

No property shall be forfeited under this Article to the extent of the interest of an owner who in good faith had not consented to or was not aware of the use of the property in the illegal activity.

1.4B.9 LIMITATION ON REAL PROPERTY

The following limits the forfeiture of real property:

- (A) The amount of real property forfeited shall be limited to the building actually used, or the portion of land actually used, or both, for illegal activities.
- (B) There shall be no judgment of forfeiture of land or buildings until or unless there has been a criminal conviction for the illegal activity or for a lessor [*sic*] and included offense.

1.4B.10 SEVERABILITY

If any section, clause or phrase of this Article, or its application to any statute is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of the Article or its application to any other statute, but shall continue to be in effect. (*Ord. 681, 1-6-87, eff. 2-5-87*)

Chapter 4C

MUNICIPAL COURT ASSESSMENT

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1.4C.1 TITLE

This article shall be known as the "Municipal Court Assessment Ordinance."

1.4C.2 ASSESSMENT

Whenever the Municipal Court imposes a sentence of a fine, a term of imprisonment, or both, including a sentence imposed and thereafter suspended, or orders a bail forfeiture, as a penalty for any offense or violation of this code, excluding parking violations, an assessment in addition to such sentence or bail forfeiture shall be collected and paid to the City. The assessment shall be in addition to, and not in lieu of, any other penalty or assessment authorized by law. The amount of the assessment shall be as follows:

- (A) \$6 when the fine or forfeiture is \$1 to \$24.99;
- (B) \$8 when the fine or forfeiture is \$25 to \$49.99;
- (C) \$10 when the fine or forfeiture is \$50 to \$99.99;
- (D) \$20 when the fine or forfeiture is \$100 to \$199.99;
- (E) \$35 when the fine or forfeiture is \$200 or more.

1.4C.3 USE OF FUNDS

The assessment shall be deposited into the general fund of the City. At any one time, the first \$750.00 of the monies in the general fund resulting from the assessment shall be dedicated to Municipal Court indigent defense expense and/or City prosecution expense. The balance of any such funds may be used for the purpose of financing any Municipal Court operations and expenses, including, but not limited to, indigent defense, prosecution expense and the training, education and compensation of the Municipal Court Judge and staff.

1.4C.4 WAIVER OR DEFERRAL OF ASSESSMENT

The Municipal Court in any case may waive payment of the assessment, in whole or in part if, upon consideration, the Court finds that payment of the assessment or a portion thereof would impose upon the Defendant a total monetary obligation inconsistent with justice in the case. In making its determination under this section, the Court shall consider:

- (A) The financial resources of the defendant and the burden that payment of the assessment will impose, with due regard to the other obligations of the defendant; and
- (B) The extent to which such burden can be alleviated by allowing the defendant to pay the monetary obligations imposed by the Court on an installment basis or on other conditions to be fixed by the Court. (*Ord. 713, 2-23-93*)

Chapter 5

COUNCIL

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1.5.1 MEETINGS

The time of holding the regular monthly meeting of the Council shall be the second Tuesday of each month and which *[sic]* shall be held in two (2) sessions, to-wit; the first session to be held on the second Tuesday of each month and the second session to be held on the fourth Tuesday of each month. At the close of the first session the meeting shall be continued to the fourth Tuesday without further action by the Council. All regular meetings of the Council shall convene at seven o’clock (7:00) P.M.

A majority of the Council may reschedule one or both sessions of the regular meeting to a different date, upon such notice as is required for special meetings. All special meetings shall convene at the hour fixed by the call. Special meetings of the Council may be convened by the Mayor or a majority of the Council at any time by publication of notice thereof in the City’s official newspaper not later than the second day prior to the date of such meeting. Personal service of such notice, no later than a day before such meeting upon all members of the Council or written waiver of notice signed by all Councilmen shall be the equivalent to publication of such notice. *(Ord. 701, 3-28-89, as amended by Ord. 753, 12-28-95)*

1.5.2 MAYOR TO PRESIDE; MANAGER’S DUTIES

Each meeting of the Council shall be presided over by the Mayor or, in the case of his absence, by a president to be elected by the members of the Council. The Manager shall attend all meetings of the Council and shall keep an accurate journal of the proceedings. In the event of the holding of a special meeting, the Manager shall receive notice thereof in the same manner as any Councilman. *(Ord. 167, 11-18-38, amended by Ord. 440, 8-17-62; amended by Ord. 832, 3-11-2003)*

1.5.3 *[Repealed by Ord. 691, 3-8-88]*

1.5.4 SPECIAL COMMITTEES

In addition to the regular standing committees, the Mayor may, from time to time, in his discretion, appoint such special committees from the members of the Council to act with any civic organization or citizens' committee. Such special committees shall have only the powers expressly conferred upon them by resolution of the Council.

1.5.5 ORDINANCES

At any regular or special meeting any Councilman may introduce any proposed ordinance for the consideration of the Council, and, upon introduction of the same, the Manager shall endorse thereon the name of the member of the council introducing such proposed ordinance and shall file the same. Any proposed ordinance so introduced shall be read in full, and thereupon the Mayor shall refer the same to a regular committee or to a special committee appointed for the purpose of examining the same, and it shall be the duty of such committee to report the ordinance, together with its recommendations, to the Council at its next regular or special meeting, *provided*, such regular or special meeting is not held within seven (7) days of the introduction and reference of such ordinance. If the next regular or special meeting is held within seven (7) days of the introduction and reference of such ordinance, it shall be the duty of the committee to report the ordinance, together with its recommendations, at the next meeting succeeding the expiration of the seven (7) day period.

No ordinance shall be passed by the Council, within seven (7) days of the day of introduction of the same and unless and until the same has been read in full before the Council and has been reported by the committee to which it has been referred, as in this Chapter provided, that after the ordinance has been reported upon, it shall then be read in full before the Council and shall be put upon its final passage; and the vote upon all ordinances shall be entered by ayes and nays in the journal of Council proceedings. (*Ord. 167, 11-18-38, amended by Ord. 440, 8-17-62; amended by Ord. 832, 3-11-2003*)

1.5.6 ORDER OF BUSINESS FOR REGULAR MEETINGS

The order of business for each regular meeting of the Council shall be as follows:

- (A) Reading of the minutes of the last regular and intervening special meetings of the Council and action making such minutes permanent.
- (B) Hearing of public grievances, concerns, and petitions.
- (C) Unfinished business, including consideration of such ordinances as may have been vetoed by the Mayor.
- (D) Auditing of accounts and allowing the bills.
- (E) Introduction of ordinances, and resolutions of special nature.
- (F) New business.

This order may be modified or omitted for a given regular meeting by a majority vote of the City Council after the meeting is convened. (*Ord. 691, 3-8-88*)

1.5.7 *[Repealed by Ord. 691, 3-8-88]*

1.5.8 PARLIAMENTARY PROCEDURE

All proceedings of the Council shall be conducted in accordance with the recognized rules of parliamentary procedure and in conformity with the provisions of the Charter. (*Ord. 167, 11-18 38, amended by Ord. 440, 8-17-62*)

1.5.9 COUNCIL TO COMPRISE CONTRACT REVIEW BOARD

- (A) The Mayor and City Council of the City of Vale, Malheur County, Oregon, shall comprise a City of Vale Contract Review Board.
- (B) The City of Vale Contract Review Board shall have jurisdiction to review all public contracts and public improvement contracts of the City of Vale, as defined in Oregon law.
- (C) The Administrative Rules of the Public Contract Review Board are hereby adopted as the governing rules and guidelines and shall be used by the City of Vale Contract Review Board in so far as said rules are applicable to the City of Vale.
- (D) The City of Vale Contract Review Board may, by resolution, adopt additional rules as deemed appropriate. (*Ord. 716, 4-20-93*)

Chapter 6

TREASURER

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1.6.1 OATH; BOND

The City Manager shall be Treasurer of the City of Vale. The Treasurer shall, before entering upon the duties of his or her office, take, subscribe, and file an oath that he or she will faithfully discharge the duties of his or her office; and he or she shall further, before entering upon the duties of his or her office, make and execute unto the City a bond pursuant to Section 1.16.1, conditioned that he or she will faithfully perform the duties of his or her office and will well and truthfully account to the City for all sums coming into his or her possession by virtue of his or her office. *(Ord.777, 8-12-97, eff. 9-12-97, amended by Ord. 832, 3-11-2003)*

1.6.2 DUTIES

The Treasurer shall be custodian of all the funds of the City and shall give receipts to all persons who shall turn money over to the credit of the City. The Treasurer shall keep all funds of the City in such banks or trust companies as may be designated by the Council as official depositories. It shall be the duty of the Treasurer to keep fair, clear, distinct, and separate accounts of ail funds and revenues of the City and also of all expenditures, disbursements, and investments thereof. *(Ord. 168, 11-18-38, amended by Ord. 440, 8-17-62, amended by Ord. 565, 6-25-74, eff. 7- 1 -74)*

1.6.3 FUNDS; STATEMENTS

The City revenues shall be divided and kept in not less than the following separate and distinct funds: General Fund, Street Fund, Airport Fund, Ambulance Fund, Public Works Fund, Revolving Loan Fund, Investment Fund, and Equipment Reserve Fund. The Council may, by resolution, establish such additional funds as the Council deems necessary or desirable for the efficient accounting of City business.

The Treasurer shall make a semi- annual statement to the Council showing the receipts and disbursements and the state of each particular fund at the close of business on June 30 of each year, and shall also prepare

and transmit to the Council a report on the receipts and disbursements of the City for the six months ending on the preceding December 31. (*Ord. 777, 8-12-97, eff. 9-12-97*)

1.6.4 CREATION OF FUNDS

- (A) The *Public Works Fund* shall consist of all monies collected from City water, sewer and garbage assessments and all sums of money derived as revenue from the City water, sewer and garbage systems and such other sums as the Council may by resolution appropriate from the General, Street, or other funds, as the same may be needed.
- (B) The *Street Fund* shall be created and maintained by monies raised by special levy and shall include all sums of money derived as revenue from the City street system and such other sums as the Council may by resolution appropriate from the General, Public Works, or other funds, as the same may be needed.
- (C) The *Ambulance Fund* shall include all sums of money derived as revenue from the City ambulance service and such other sums as the Council may by resolution appropriate from the General, Public Works, or other funds, as the same may be needed.
- (D) The *Revolving Loan Fund* shall include all sums of money derived as revenue from application and loan fees, and interest on loans from the Revolving Loan Fund, and such other sums as the Council may by resolution appropriate from the General, Public Works, or other funds, as the same may be needed.
- (E) The *Airport Fund* shall include all sums of money derived as revenue from uses or rent of the Airport, and such other sums as the Council may by resolution appropriate from the General, Public Works, or other funds, as the same may be needed.
- (F) The *General Fund* shall be created and maintained and shall consist of all revenues derived by the City from whatsoever source which shall not by resolution be directed to the credit of any other regular or special fund. The General Fund shall be available for payment of any debts or general obligations of the City. (*Ord. 777, 8-12-97, eff. 9-12-97*)

1.6.5 CHECKING SYSTEM

All disbursements of money by the City from any City funds shall be by written checks drawn upon appropriate checking accounts to be established with an authorized banking institution.

All checks ordered drawn by the Council shall be drawn upon a particular fund, and such checks must show upon their face the fund designated for the payment of the same. It shall be the duty of the Treasurer to enter in a book to be kept for that purpose an abstract of all checks drawn upon any funds of the City, showing the date, number, and name of the claimants, the amount claimed, the amount allowed thereon and from which fund to be paid.

All checks issued shall be signed by both the Treasurer and the Mayor of the City.

No checks shall be issued without the prior approval of the majority of the Council except for payroll checks and matters related thereto such as, but limited to, tax withholding, social security, workmen's compensation, public employee's retirement and so forth, which may be paid as they become due in authorized amounts. (*Ord. 565, 6-25-74, eff. 7-1-74*)

1.6.6 *[Repealed by Ord. 777, 8-12-97, eff. 9-12-97]*

Chapter 7

PUBLIC WORKS SUPERVISOR

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1.7.1 POSITION CREATED, APPOINTMENT

There is hereby created the position of Public Works Supervisor. The first Public Works Supervisor shall be appointed by the Mayor and confirmed by the Council. The Public Works Supervisor shall be under the authority and direction of the City Manager and will, in the future, be appointed or discharged by the City Manager. *(Ord. 832, 3-11-2003)*

1.7.2 POWERS AND DUTIES

- (A) The Public Works Supervisor shall be the head of the street, water, sewer and garbage systems and have supervision over all employees in those systems. The Public Works Supervisor, with approval of the City Manager, may appoint or discharge employees of the street, water, sewer and/or garbage systems.

- (B) Duties of the Public Works Supervisor shall be to see that all records are kept and such reports are made concerning the activities of the street, water, sewer and garbage systems as may be required by statutes and by the City Manager. He shall be responsible for the performance of the street, water, sewer and garbage systems and their functions and all employees of the systems shall serve subject to his orders. The Public Works Supervisor shall be in charge of building, repairing, maintaining, sweeping, and snow and ice removal of streets and alleys; installation, upkeep and repair of all water lines, sewer lines, meters, hydrants, pumps, storage tanks, pump houses, lift stations and all appurtenances thereof in the City; in charge of all garbage and solid waste collection and facilities and keep all solid waste material cleared from the City.

- (C) The Public Works Supervisor shall formulate plans for present and future needs of the systems in consultation with the Street and Utility Committees of the Council and the City Manager. He shall prepare the annual budget for the systems, setting priorities for expansion and improvement and the need for additional funds for the same. He shall fulfill any other duties as designated to him by the City Manager. *(Ord. 648, 11-8-83, amended by Ord. 832, 3-11-2003)*

Chapter 8

OFFICIAL NEWSPAPER

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1.8.1 OFFICIAL NEWSPAPER DESIGNATED

The Malheur Enterprise, a weekly newspaper published in the City, be, and it is hereby designated as the Official Newspaper for the printing and publication of all notices or other instruments required or authorized to be published by the charter or ordinances of the City. (*Ord. 169, 11-18-38*)

Chapter 9

*[Repealed by Ord. 776, 8-12-97, eff.
9-12-97]*

Chapter 10

PLANNING COMMISSION

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1.10.1 COMMISSION CREATED

There is hereby created a City Planning Commission (hereinafter referred to as the Commission) for the City.

1.10.2 MEMBERSHIP

The Commission shall consist of the Mayor, and seven (7) other members to be appointed by the Mayor, not more than two (2) of whom shall be nonresidents of the City. Commission members shall receive no compensation.

1.10.3 TERM OF OFFICE

At the first meeting of the Commission, the seven (7) appointed members shall choose their term of office by lot as follows: One (1) for one (1) year, two (2) for two (2) years, two (2) for three (3) years and two (2) for four (4) years. Immediately thereafter, the members shall notify the Mayor and Council in writing of such allotment. Their successors shall hold office for four (4) years. Any vacancy shall be filled by the Mayor for the unexpired portions of the term.

1.10.4 OFFICERS ELECTED

The Planning Commission, at its first meeting each year, shall elect a Chairperson and Vice-chairperson from its members. The Chairperson, or in the Chairperson’s absence the Vice-chairperson, shall be responsible

for presiding at meetings and for executing documents authorized by the Commission. In the absence of both the Chairperson and the vice-chairperson from a meeting, the Planning Commission membership shall elect one of their number to serve as presiding officer. (*Ord. 740, 7-13-95*)

1.10.5 COMMISSION SECRETARY; RECORDS; REPORTS

The City Manager or his designee shall serve as Secretary to the Planning Commission. (*Ord. 740, 7-13-95, amended by Ord. 832, 3-11-2003*)

1.10.6 QUORUM; RULES; MEETINGS

Five (5) members of the Commission shall constitute a quorum. At least four (4) members appointed by the Mayor shall at all times constitute a part of such quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with Laws of this State and with the City charter and ordinances. It shall meet of least once a month, at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the President or by three (3) members by written notice served upon each member of the Commission at least three (3) hours before the time specified for the proposed meeting.

1.10.7 EMPLOYEES; EXPENSE

The Commission may employ consulting advice on Municipal problems, a secretary and such clerks as may be necessary; and pay for their services, and for such other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the Commission, out of funds at the disposal of the Commission, as authorized by the Council.

1.10.8 POWERS

The Commission shall have all the powers which are now or hereafter granted to it by ordinances of this City or by general Laws of the State of Oregon. The Commission shall control the subdivision of land and may make recommendations to the Council, to public officials and to individuals regarding land use; location of thoroughfares, public buildings, parks and other public facilities; and, regarding any other matter relating to the planning and development of the City and the surrounding area. The Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council.

1.10.9 RECOMMENDATIONS IN WRITING

All recommendations and suggestions made to the Council by the Commission shall be in writing.

1.10.10 EXPENDITURES AUTHORIZED

The Commission shall have no authority to make expenditures on behalf of the City or to disburse any funds provided by the City or to obligate the City for any sums of money except as herein provided and then only after the same has been included in the City budget and after the Council shall have authorized such expenditures by appropriate resolution which resolution or resolutions shall provide the administrative method by which such funds shall be drawn and expended (*Ord. 510, 12-28-65*)

Chapter 11

LIBRARY BOARD

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1.11.1 BOARD ESTABLISHED

The Library Board shall be appointed, shall be governed and shall act under the terms of this Chapter.

1.11.2 MEMBERS; TERM

There shall be five (5) members on the Library Board, which said members shall be appointed by the Mayor of the City, and such appointment shall be confirmed by the Common Council; that such members as appointed and confirmed by the Mayor and Common Council shall hold office for a period of four (4) years, except that the original appointments pursuant to this Chapter shall be made for the following terms:

- One appointee for one year;
- One appointee for two (2) years;
- One appointee for three (3) years;
- Two (2) appointees for four (4) years.

1.11.3 QUALIFICATIONS

At least three (3) of the members appointed under the provisions of this Chapter shall be residents of the City, and all shall be owners of an interest in real property within the limits of the City and shall qualify by taking an oath to perform the duties of their office according to their best ability. Said Board members shall be known officially as the "Library Board", and individually said Board members shall be known as "Library Trustees".

1.11.4 VACANCY

Any vacancy shall be immediately reported to the Common Council and shall be filled by appointment by the Mayor with the approval of the Common Council. Said appointment shall be for the unexpired term of the position being filled. It is, however, provided that all appointments to the Library Board may be terminated at the pleasure of the Mayor and the Common Council. No compensation shall be paid or allowed any member of the Library Board. (*Ord. 531, 10-8-68*)

1.11.5 LIBRARY BUDGET

The Librarian and the City Manager of the City shall, on or before the first day of February of each year, prepare a budget for the operation of the Vale Public Library, which shall hereafter be known as the "Emma Humphrey Memorial Library", and that such budget shall be prepared for submission to the Budget Committee of the City. Said proposed budget shall be submitted by the Librarian to the Library Board for review and recommendations prior to submission to the City Manager and the Budget Committee. (*Ord. 832, 3-11-2003*)

1.11.6 FINES AND PENALTIES

Any and all fines and penalties received by the Emma Humphrey Memorial Library in pursuance of the rules and regulations to be adopted by the Library Board shall be collected by the Librarian and delivered to the City Manager at reasonable intervals and said moneys shall be deposited in the General Fund of the City. (*Ord. 531, 10-8-68, amended by Ord. 566, 6-25-74, eff. 7-1-74, amended by Ord. 832, 3-11-2003*)

1.11.7 RULES AND REGULATIONS

The Emma Humphrey Memorial Library and its operation shall be subject to such reasonable rules and regulations as the Library Board may feel necessary to adopt and publish in order to retain the use of said library for the greatest benefit of the greatest number. The Library Board, by its rules and regulations, may exclude from the use of such library any and all persons who shall wilfully violate such rules and regulations. Such rules and regulations shall be in conformity with the Charter of the City. The Board may extend privileges and use of such library to nonresidents upon such terms and conditions as the Board may prescribe; provided, however, that all rules and regulations for the use and operation of the library shall be subject to review and/or revision by the Council.

1.11.8 REPORT

On or before January 15 each year the Library Board shall make an annual report to the Common Council stating the condition of their trust and generally reporting on the operation of the Emma Humphrey Memorial Library and its use by the public during the previous year.

1.11.9 DONATIONS

All persons desirous of making donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title thereto in the Vale Library Board created under this Chapter to be held and controlled by such Board when accepted, according to the terms of the deed of the gift, devise or bequest, and as to such property the said Board shall be held and considered to be special trustees. Donations in the form of money shall be deposited in an account to be known as the Emma Humphrey Memorial Library Fund.

1.11.10 PERSONNEL

The City Manager shall appoint library supervisory personnel only after consideration of the recommendations of the Library Board, particularly with respect to the position of Librarian. (*Ord. 832, 3-11-2003*)

1.11.11 BOARD, ADVISORY CAPACITY

The Library Board shall act in an advisory capacity for both the Council and the City Manager and the Board's opinions and recommendations with respect to future development, expansion of library service and library policy, shall be given careful consideration. (*Ord. 832, 3-11-2003*)

1.11.12 PENALTY

Whoever wilfully or maliciously writes upon, injures, defaces, tears or destroys a book, plate, picture, engraving, map, magazine, pamphlet, manuscript, or statue belonging to the library or [*sic*] Vale, or whoever fails and neglects to return any book or other pieces of material belonging to the library after receiving thirty (30) days notice and request for its return shall be punished by fine of not more than twenty five dollars (\$25.00) or by imprisonment not exceeding thirty (30) days. (*Ord. 531, 10-8-68*)

Chapter 12

CITY MANAGER

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1.12.1 CREATION OF OFFICE

The office of City Manager is hereby created. *(Ord. 832, 3-11-2003)*

1.12.2 APPOINTMENT OF CITY MANAGER

The City Manager shall be appointed by the Mayor and confirmed by majority vote of the City Council for an indefinite term. The City Manager shall be chosen by the Mayor and confirmed by the Council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of his office hereinafter set forth. At the time of the City Manager’s appointment the City Manager need not be a resident of the City or the State, but during the tenure of office the City Manger shall reside within the City or the Urban Growth Area. However, a majority of all the voting members of the Council may by resolution waive the residency requirement if the Council makes specific findings that it is the best interests of the City to do so. *(Ord. 832, 3-11-2003, amended by Ord. 845, 1-10-2006; amended by Ord. 858, 10-13-2009)*

1.12.3 REMOVAL OF CITY MANAGER

The City Council may remove the City Manager at any time by a majority vote of its members and the Mayor may suspend him subject to confirmation by Council. *(Ord. 552, 3-23-71, eff. 4-1-71 amended by Ord. 832, 3-11-2003)*

1.12.4 POWERS AND DUTIES OF CITY MANAGER

The City Manager shall be the chief administrative officer of the City. The City Manager shall be responsible to the City Council for the proper administration of the affairs of the City. To that end, he shall have power and shall be required to:

- (A) Hire employees, subject to review by the City Council as set forth herein. The City Manager shall advise all job applicants that their hiring is subject to review by the City Council. Upon selection of one applicant, the City Manager shall advise the City Council at its next public meeting of the applicant's qualifications. Unless the City Manager's applicant is disapproved by the City Council, the City Manager shall hire the applicant. If the City Manager's applicant is disapproved by a majority vote of the City Council members present, the City Manager shall select another applicant for submission to the City Council.
- (B) Discipline, suspend and discharge employees, subject to any restrictions imposed by law and the terms of any employee contracts.
- (C) Prepare the budget annually and submit it to the Council together with a message describing the important features and be responsible for its administration after adoption.
- (D) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (E) Keep the Council advised of the financial condition and the future needs of the City, and make such recommendations as he may deem desirable, and prepare and submit monthly financial reports.
- (F) Recommend to the governing body a standard schedule of pay for each appointive office and position in the City service, including minimum, intermediate and maximum rates.
- (G) Recommend to the governing body (from time to time) adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.
- (H) Recommend consolidation of offices or positions, departments or units under his jurisdiction, with the approval of the City Council. The City Manager may be the head of one or more departments.
- (I) Attend all meetings of the City Council unless excused therefrom and take part in the discussion of all matters coming before the Council. He shall be entitled to notice of all regular meetings of the Council.
- (J) Investigate the affairs of the City or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the City, and in regard to service maintained by the public utilities in the City, and see that all franchises, permits and privileges are faithfully observed.
- (K) Perform such other duties as may be required by the Mayor and Council, not inconsistent with the City Charter, law or ordinance. (*Ord. 832, 3-11-2003*)

1.12.5 LIMITATIONS ON POWERS OF CITY MANAGER

The City Manager shall not authorize the purchase of any item of equipment or any requisition of supplies in excess of one thousand dollars (\$1,000.00) without the prior approval of the City Council. The City Manager shall not authorize or incur any expense in excess of the line item amount in the budget approved by the City Council, without prior approval of the City Council. In case of emergency, the City Manager may spend in excess of one thousand dollars (\$1,000.00) or in excess of the line item amount in the budget after obtaining approval of the expenditure from a majority of the Council, either in person or by telephone, without calling a meeting of the Council. (*Ord. 695, 9-14-88, amended by Ord. 721, 10-26-93, amended by Ord. 832, 3-11-2003*)

1.12.6 EMERGENCIES

- (A) The City Manager shall have the duties and authority of the controller of the City Emergency Operations Center and will direct all other City operations prescribed by the countywide Emergency Management Plan adopted by the City of Vale and other government entities within Malheur County.
- (B) In case of accident, disaster or other circumstances creating a public emergency, the City Manager may by direction of the Mayor, award contracts and make purchases for the purpose of meeting such emergency; but he shall file promptly with the Council a certificate showing such emergency, and the necessity of such action, together with an itemized account of all expenditures. (*Ord. 751, 10-10-95, amended by Ord. 832, 3-11-2003*)

1.12.7 COMPENSATION

The City Manager shall receive such compensation as the Council shall fix from time to time by ordinance or resolution. (*Ord. 552, 3-23-71, eff. 4-1-71, amended by Ord. 832, 3-11-2003*)

Chapter 13

PERSONNEL SYSTEM

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1.13.1 TITLE

The title of the Ordinance shall be "The Personnel Ordinance of the City of Vale".

1.13.2 PURPOSE

This Ordinance is adopted to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of job security for qualified employees.

1.13.3 ADOPTION AND AMENDMENT OF RULES

Personnel rules shall be adopted and amended by resolution of the Common Council. The rules shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement fringe benefits, discipline, discharge and other related activities. All appointments and promotions shall be made in accordance with the personnel rules without regard to sex, race, color, age, religion or political affiliation; and, furthermore, shall be based on merit and fitness.

1.13.4 ADMINISTRATION OF THE RULES

The City Manager shall be responsible for:

- (A) Administering all the provisions of this Ordinance and of the personnel rules not specifically reserved to the Common Council.
- (B) Preparing or causing to be prepared and recommending to the Common Council personnel rules and revisions and amendments to such rules. *(Ord. 564, 3-26-74, eff. 7-1-74, amended by Ord. 832, 3-11-2003)*

Chapter 14

CHIEF OF POLICE

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1.14.1 APPOINTMENT

The Chief of Police shall be appointed by the Mayor and confirmed by the City Council. The appointee shall serve in that capacity until a replacement is named by the appointing authority. The City Manager may suspend the Chief of Police with pay until the next Council meeting if he deems it necessary. *(Ord. 832, 3-11-2003)*

1.14.2 CHIEF OF POLICE

The Chief of Police shall be the head of the Police Department and shall have suspension over all employees in that Department. The Chief of Police, with the approval of the City Manager may appoint or discharge employees of the Police Department as required. *(Ord. 832, 3-11-2003)*

1.14.3 POWERS AND DUTIES

The Chief of Police shall keep such records and make such reports concerning the activities of the Department as may be required by Statute or by the City Manager. He shall be responsible for the performance of the Police Department and its functions and all persons who are members of the Police Department shall serve subject to his orders.

It shall be the duty of the Chief of Police to see to the enforcement of all provisions of this Code, of all applicable Statutes and to preserve order and prevent infractions of the law and arrest violators thereof. He shall have the authority to call upon any citizen or bystander to assist him in the execution of his duty. He shall serve all processes issued to him and enforce all orders and judgments of the court. He shall formulate plans to meet both present and future needs of the Department, in consultation with the Law Enforcement Committee of the Council.

He shall prepare the annual budget for the Police Department, setting priorities for expansion and improvements and the need for additional funds for the same. He shall fulfill any other duties designated to him by the City Manager. *(Ord. 832, 3-11-2003)*

1.14.4 LOST, ABANDONED OR STOLEN PROPERTY

The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered within the City. (*Ord. 592, 10-11-77*)

1.14.5 ORDINANCE ENFORCEMENT AUTHORITY

Any City ordinance which does not carry a criminal penalty and grants enforcement authority to the police department or the police chief, may instead be enforced by the City Manager, the Public Works Director, and any employees designated by them to perform ordinance enforcement, including the City ordinance enforcement officer. In addition, any City ordinance, whether or not it carries a criminal penalty, may be enforced by the Malheur County Sheriff's department pursuant to a contract between the City and Malheur County. (*Ord. 827, 2-12-2002, amended by Ord. 832, 3-11-2003, amended by Ord. 841, 2-22-2005*)

Chapter 15

PARK AND RECREATION DEPARTMENT

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1.15.1 APPOINTMENT

The City Manager shall appoint and discharge all employees of the Park and Recreation Department as required for the development and maintenance of City parks and the efficient use of recreation facilities. (*Ord. 832, 3-11-2003*)

1.15.2 DUTIES OF PARK ATTENDANT [*sic*]

It shall be the duty of the head Park Attendant, so designated by the City Manager, to keep such records and make such reports as required by Statute and by the City Manager. He shall be responsible for the upkeep of the Park and its functions and all persons who are employees of the Park and Recreation Department shall serve subject to his orders. (*Ord. 594, 10-11-77, amended by Ord. 832, 3-11-2003*)

Chapter 16

BONDING OF CITY OFFICIALS

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1.16.1 BONDING OF CITY OFFICIALS

The Mayor, President of the Council, and City Manager shall each, upon entering into the duties of his or her office, make and execute unto the City a bond in the sum of twenty five thousand dollars (\$25,000.00), conditioned that he or she will faithfully perform the duties of his or her office and will well and truthfully account to the City for all sums of money coming into his or her possession by virtue of his or her office. Such bond shall be executed by a bonding company licensed to transact business in the State of Oregon. *(Ord. 699, 3-14-89, amended by Ord. 832, 3-11-2003)*

Chapter 17

SWIMMING POOL COMMITTEE

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1.17.1 COMMITTEE CREATED

There is hereby created a Swimming Pool Committee for the City of Vale.

1.17.2 MEMBERSHIP

The Committee shall consist of the Mayor, the City Manager and the Pool Supervisor, all serving as non-voting members, and seven voting members to be appointed by the Mayor, not more than two of whom may be nonresidents of the City. (*Ord. 892, 3-11-2003*)

1.17.3 TERM OF MEMBERSHIP

At the first meeting of the Committee following the effective date of this ordinance, the seven appointed members shall choose their terms of office by lot as follows: two for one year, two for two years and three for three years. Immediately thereafter the members shall notify the Mayor and the City Council in writing of such allotments. Their successors shall hold office for three years. Any vacancy shall be filled by the Mayor for the unexpired portion of the term.

1.17.4 COMMITTEE OFFICERS

The Committee shall annually elect a Chairperson and a Secretary, who shall be members appointed by the Mayor. The Chairperson shall preside over all meetings. The Secretary shall record the minutes of each meeting, and file the minutes in the City offices.

1.17.5 MEETINGS; QUORUM; ABSENCES

The Committee shall meet at least six times per year at times and places designated by the Chairperson. Four voting members of the Committee shall constitute a quorum. If any member of the Committee shall be absent from three consecutive meetings without excuse, the Chairperson shall certify that fact to the Mayor who shall declare the position vacant and proceed to fill the vacancy.

1.17.6 DUTIES

The duties of the Committee shall be to advise the City Council and the City Manager concerning swimming pool management, personnel, maintenance, improvements, expenditures, fees, rules and any other matters directly affecting the operation of the Vale Swimming Pool. (*Ord. 717, 5-4-93, amended by Ord. 832, 3-11-2003*)

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FIRE & AMBULANCE DEPARTMENT

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1.18.1 DEPARTMENT CREATED

A volunteer department to provide fire prevention, fire suppression and ambulance services is hereby created. The Common Council shall promptly approve, by resolution, a constitution and by-laws governing the operation of the department, which may be amended from time to time by a majority of the Council present.

1.18.2 POWERS AND DUTIES

With the approval of the Council, the department shall have the authority to enter into cooperative and intergovernmental agreements with other jurisdictions and entities to share in the provision of fire prevention, fire suppression and ambulance services. Any such agreements entered into prior to the date of enactment of this Ordinance are hereby approved and ratified. (*Ord. 778, 8-12-97, eff. 9-12-97*)

1.18.3 CLAIMS AGAINST RESPONSIBLE PARTIES FOR FIRE DEPARTMENT SERVICES.

- (A) The City is authorized to make claims against responsible parties for the cost of providing emergency and non-emergency services by the Fire Department in accordance with the rates adopted by resolution of the Vale City Council. Rates for the delivery of emergency and non-emergency services by the City of Vale Fire Department for personnel, supplies and equipment at the scene of emergency and non-emergency incidents shall be based on actual costs of the services, and costs which are usual, customary and reasonable considering the nature and extent of the services provided.
- (B) A claim against a responsible party for the incidents described in subsection (A) of this Ordinance shall be presented to the responsible party’s insurance carrier.

- (C) For the purpose of this Ordinance, a “responsible party” is one who causes the incident, in whole or in part, either directly or through an agent or employee of the responsible party.
- (D) Claims are authorized only against responsible parties who are not residents of the City of Vale, with the following exceptions: claims for incidents caused by persons who were under the influence of intoxicants; and claims in connection with the cleaning up of hazardous materials. For purposes of this subsection a resident is defined as: (a) any person who maintains his or her full time residence within the City of Vale; or (b) is the majority owner of a business that operates from real property owned by the business located within the City of Vale. (For purposes of this section a business includes any joint stock company, corporation, association, joint venture, limited liability company, club or partnership).
- (E) The City of Vale may contract with third parties to handle the billing and collection of claims under this Ordinance, and the City Manager is authorized to execute contracts or agreements with such third party billing and collection providers. (*Ord. 860, 9-27-2011*)

Chapter 19

[EMPTY]

Chapter 20

REVOLVING LOAN FUND

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1.20.1 CONTINUATION AUTHORIZED

The Vale Revolving Loan Fund (Fund) is hereby authorized to continue in operation. References herein to "RLF loans" refer to loans from the Revolving Loan Fund.

1.20.2 PURPOSE

The purpose of the Revolving Loan Fund is to make economic-development loans to local businesses which result in the creation of additional private-sector employment in the City of Vale or Vale School District, and for such other legal purposes as are approved by the City Council.

1.20.3 LOAN COMMITTEE

There is hereby continued in operation a Loan Committee (formerly the RLF Committee) of five (5) members, appointed by the Mayor with confirmation by the City Council.

- (A) *TERMS AND QUALIFICATIONS:* Members of the Loan Committee shall serve staggered three (3) year terms. Members of the RLF Committee as of the date of enactment of this Ordinance shall be considered members of the Loan Committee until expiration of their terms in office. Not less than three (3) members of the Loan Committee shall be residents of the City. Appointments to the Loan Committee shall be made with a view to maximizing the technical expertise of the Committee, specifically with respect to experience in lending, business operation, and accounting, and minimizing conflicts of interest.

- (B) *VACANCIES:* Any vacancy shall be immediately reported to the Council and shall be filled by appointment of the Mayor with confirmation by the Council. Such appointment shall be for the unexpired term of the position being filled.
- (C) *OFFICERS:* The Loan Committee shall at its first meeting each calendar year elect from among its members a Chairman and Secretary, who shall hold office at the pleasure of the Loan Committee.
- (D) *MEETINGS AND QUORUM:* The Loan Committee shall meet not less than once every two (2) months, at such times and places as may be fixed by the Committee. Special meetings may be called by the Chairman or by any three (3) members, by written notice served upon each member of the Committee not less than twenty-four (24) hours in advance of the time specified for such special meeting. A majority of the members of the Committee shall constitute a quorum for the transaction of business.
- (E) *POWERS AND DUTIES:*
- (1) The Loan Committee shall review all applications for financing from the Vale Revolving Loan Fund, and recommend to the City Council approval or denial of each application submitted, pursuant to the standards set forth in this Chapter.
 - (2) The Loan Committee shall in each case state the reasons for its recommendation, and may at its discretion recommend in any instance loan amounts, terms, conditions, security, et al., which are different from or in addition to those applied for.
 - (3) The Loan Committee may from time to time recommend changes in the standards for RLF loans, setting forth in each case the reasons therefor.
 - (4) The Loan Committee may make studies, hold hearings, and prepare reports and recommendations on its own initiative or at the request of the City Council.
 - (5) All recommendations and suggestions made to the Council by the Loan Committee shall be in writing.
- (F) *COMPENSATION:* No compensation shall be paid or allowed any member of the Loan Committee.
- (G) *EXPENDITURES AUTHORIZED:* The Loan Committee shall have no authority to make expenditures on behalf of the City or to disburse any funds provided by the City or to obligate the City for any sums of money except as herein provided, and then only after the Council shall have authorized such expenditures by appropriate resolution. (*Ord. 851, 8-8-2006*)

1.20.4 STANDARDS FOR RLF LOANS

The City Council shall adopt by resolution standards for RLF loan applications and approvals. Such standards shall be binding upon the Loan Committee in evaluating and recommending approval of loans by the City Council.

1.20.5 GRANTING OF LOANS

The City Council has the exclusive authority to grant loans from the Revolving Loan Fund.

1.20.6 COUNCIL TO ACT BY RESOLUTION

Granting of a loan from the Revolving Loan Fund shall be by resolution of the Council, which resolution shall specify the amount, term, interest rate, purpose, and conditions of the loan, and findings. The resolution shall include direction to the City Manager and City Attorney to draw up the necessary instruments and

execute same on behalf of the City, and to disburse funds as required. No RLF loan shall be granted except following review of the application therefor by the Loan Committee; however, the City Council is not bound to accept the Loan Committee's recommendations. (*Ord. 832, 3-11-2003*)

1.20.7 APPLICATION FOR RLF LOANS

Applications for RLF loans shall be made according to procedures adopted by the City Council by resolution.

1.20.8 FEES

The City Council shall adopt by resolution a schedule of fees for RLF loans, including an application fee to be paid by loan applicants, whether or not a loan application is approved, and a loan fee, to be paid by successful applicants on or before the date of disbursement of loan proceeds. Loan fees may be based upon a percentage of the amount loaned.

1.20.9 ASSUMPTION OF RLF LOANS

RLF loans are not assumable. If real or personal property which is security for an RLF loan is sold, the RLF loan must be paid off. The new owner of any such property shall have the ability to apply for a new loan from the Revolving Loan Fund.