

## Chapter 2

### GOVERNMENT AND ADMINISTRATION

#### MUNICIPAL SEAL

2.000 Seal Designated.

#### CITIZEN ADVISORY BOARDS, COMMITTEES AND COMMISSIONS

2.050 General Authority

2.055 Types of Advisory Boards,  
Committees and Commissions

2.060 Appointment. Term. Removal of  
Members

2.065 Compliance with State Law  
Required

2.070 Officers

2.075 Quorum, Meetings, Rules

2.080 Relationship to City Council

2.085 Boards, Committees and  
Commissions

A. Planning Commission

B. Land Use Hearings Officer

C. Budget Committee

D. Utility Advisory Board

E. Local Contract Review Board

F. Telecommunications Advisory  
Board (Cable TV Advisory)  
[Repealed]

G. Library Board

H. Park and Recreation Board

I. Arts Commission

J. Police Advisory Committee

K. Heritage Committee  
[Repealed]

L. Solid Waste and Recycling  
Committee [Repealed]

M. Fair Commission

N. Traffic Safety Committee  
[Repealed]

O. Historic Resources Advisory  
Board

P. Transportation Advisory  
Board

Q. Sustainability Advisory Board  
  
Community Tree Committee  
[Repealed]

2.100 Neighborhood Associations.

2.200 Establishment of Percent for Arts  
Program and the Public Art Trust  
Fund.

2.205 Purpose.

2.210 Definitions.

2.215 Dedication of 1.5% to Public Art.

2.220 Public Art Trust Fund.

2.225 Siting of Art.

2.230 Program Guidelines.

2.235 Ownership.

#### ELECTIONS

2.300 Authorization to Submit  
Explanatory Statements Relating  
to Municipal Legislation Referred  
or Initiated by Petition

**TRIAL BY JURY**

- 2.600 Right to Trial by Jury.
- 2.605 Number of Jurors.
- 2.610 Term of Court.
- 2.615 Jury List.
- 2.620 Jury Panels.
- 2.625 Selection of Trial Jury.
- 2.630 Alternate Jurors.
- 2.635 Conduct of Trials.
- 2.640 Verdict.
- 2.645 Payment of Jurors.
- 2.650 Powers of the Municipal Judge.

**EMERGENCY PLANNING**

- 2.700 Title.
- 2.710 Conditions of Emergency.
- 2.720 Declaration of Emergency.
- 2.730 Adoption of Emergency Operations Plan.
- 2.740 Responsibilities of City Manager.
- 2.750 Violation.

**DISPOSITION OF UNCLAIMED PROPERTY**

- 2.800 Property in Police Department Possession-Disposition.
- 2.805 Manager Authority--Disposition by Sale--Notice.
- 2.810 Conduct of Sale--Disposition of Funds.
- 2.815 Transfer of Property to City.
- 2.820 Destruction of Contraband.
- 2.825 Claim by Owner After Sale.

**INVENTORY OF CONTENTS OF ARRESTED PERSONS AND IMPOUNDED VEHICLES**

- 2.830 Purpose.
- 2.832 Definitions.
- 2.834 Inventories of Impounded Vehicles.
- 2.836 Inventories of Persons in Police Custody.

**MUNICIPAL LIEN SEARCH**

- 2.850 Municipal Lien Search Fee Established.

**SURPLUS REAL PROPERTY SALES**

- 2.875 Qualification--Classification.
- 2.880 Disposal of Substandard Undeveloped Property.
- 2.885 Disposal of Standard Undeveloped Property and Developed Property.
- 2.890 Initial Offering by Sealed Bids.
- 2.895 Disposal of Special-Case Property.
- 2.900 Broker Selection.

**REAL PROPERTY ACQUISITION AND TRANSFER OF INTEREST**

- 2.901 Acquisition of Real Property.
- 2.902 Transfer of an Interest Other Than Fee Title.
- 2.903 Procedure for Acquisition and Transfers of Interests in Real Property.
- 2.904 Release of Property Rights on Private Property.

**ANNEXATIONS**

- 2.915 Annexation Purpose Statement.
- 2.920 Conditions for Annexation - Step 1.
- 2.930 City Council Annexation Authority - Step 2.
- 2.935 Submittal Requirements and Deposits.
- 2.940 Annexation Elections.
- 2.950 Annexation Applications, Process.
- 2.955 Zoning Designations.
- 2.960 Submission of Annexation Reports.

**LOW-INCOME ASSISTANCE**

- 2.975 Purpose.
- 2.980 Definitions.
- 2.985 Applicability.
- 2.990 Procedure.
- 2.995 Limitations.

## Chapter 2

### GOVERNMENT AND ADMINISTRATION

#### MUNICIPAL SEAL

**2.000 Seal Designated.** The following seal is declared to be the impression of the official municipal or common seal of West Linn and the seal making the same is declared to be the official municipal or common seal of said city of West Linn, Oregon.



#### CITIZEN ADVISORY BOARDS, COMMITTEES AND COMMISSIONS

##### 2.050 General Authority

The City Council may create standing citizen advisory boards, committees or commissions to aid the Council in the conduct of public affairs. The City Council may also create ad hoc citizen committees to accomplish a specific task or project. All standing citizen advisory boards, committees and commissions shall be governed by this

chapter, except that if application of a provision conflicts with an applicable state statute, the state statute shall prevail. The specific enabling provisions for each standing advisory board, committee and commission are contained in WLMC 2.085.

##### 2.055 Types of Advisory Boards, Committees and Commissions

(1) "Ad Hoc Committee" means a temporary committee appointed for a specific term to accomplish a specific task or project. Ad hoc citizen committees shall be established by resolution of the Council. The resolution shall set forth the term of the committee, the task or project to be accomplished, the time line for completion of the task or the project, and such other direction as the Council deems appropriate.

(2) "Advisory Board" means a standing committee that is not required by state law appointed by the Council to advise and make recommendations to the Council regarding topics as specified in the Committee's enabling provision. Advisory Boards shall be created by general ordinance.

(3) "Commission" means a standing committee that is required by state law or city ordinance. Commissions shall be created by ordinance amending WLMC 2.085, except where a commission is appointed pursuant to an independent state mandate.

(4) State statutory committees: Where state law requires a committee to have a specific name, such as in the case of the Budget Committee and Planning Commission, that name shall supersede the

distinctions created by this section.

**2.060 Appointment. Term. Removal of Members**

(1) The Mayor, with City Council approval, shall appoint persons to positions or vacancies on advisory boards, committees or commissions by motion. The Council may interview or otherwise screen applicants for such positions, as it deems appropriate.

(2) Qualifications for appointment and term of office for a position on a City advisory board, committee or commission shall be as provided in the enabling provision for such board, committee or commission in this chapter. If a position becomes vacant before the expiration of the term, the Council shall appoint a person to fill the vacancy for the remainder of the term. Initial terms for a newly created advisory board, committee or commission shall be staggered in the resolution of appointment so that a majority of the positions do not become vacant in the same year and so that an equal or approximately equal number of positions become vacant each year.

(3) When making or approving appointments, the Mayor and Council may consider special expertise of applicants and the geographic diversity of the membership of boards, committees and commissions. To ensure opportunities for citizen participation, a citizen shall not be appointed to more than two committees.

(4) Except as otherwise provided herein, members of all city advisory boards, committees and commissions shall serve at the pleasure of the Council. An advisory board, committee or commission may recommend removal of one of its members to the City Manager for misconduct or nonperformance of duty. "Misconduct" includes failure to declare a conflict of interest and failure to comply with any applicable requirement of the West Linn Code. "Non-performance of duty" includes

unexcused absences from three consecutive meetings or three meetings within a calendar year. The City Manager shall inform the Council upon receiving a recommendation for removal of a member for misconduct or nonperformance.

(5) Conflict of Interest. No member of a board, commission or committee shall participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential conflict of interest shall be disclosed at the meeting of the commission where the action is being taken.

**2.065 Compliance with State Law Required**

All advisory boards, committees and commissions, and any subcommittees thereof, shall comply with the State of Oregon Public Records Law, Public Meetings Law, Code of Ethics, laws regarding conflicts of interest, and any other applicable state laws. Each committee, advisory board, committee or commission shall be responsible for ensuring that its subcommittees comply with these laws.

**2.070 Officers**

(1) Each advisory board, committee and commission shall elect a Chair and a Vice-Chair from its membership at its first regular meeting of each calendar year. Nothing in this sub-section shall prevent appointment of co-chairs, as the advisory board or commission deems appropriate. Co-chairs shall divide or share the powers and duties of the Chair, as the advisory board, committee or commission deems appropriate. No member shall serve

more than two consecutive terms as either Chair or co-chair.

(2) The Chair shall:

(a) Set the agenda. Any member of the committee, advisory board, committee or commission may request that an item of business appear on the agenda. The advisory board, committee or commission may by majority vote compel that item be placed on the agenda.

(b) Preside at all meetings.

(c) Be responsible for maintaining communication with the Council liaison and City staff assigned to the Committee.

(d) Call special meetings. A majority of the members of the advisory board, committee or commission may also call a special meeting.

(e) Be responsible for attendance of members and report to the staff liaison or City Manager if and when repeated absences impair a member's ability to serve on the advisory board, committee or commission.

(3) The Vice-Chair shall exercise the duties of the Chair in the Chair's absence.

(4) The City Manager shall determine which department or staff person shall serve as liaison to an advisory board, committee or commission. Staff will ensure that minutes are produced for each meeting.

### **2.075 Quorum, Meetings, Rules**

(1) Quorum. A majority of the members of an advisory board, committee or commission shall constitute a quorum.

(2) Vote. Except as otherwise expressly provided by the City Code or other

applicable law or regulation, the concurrence of a majority of members present and eligible to vote shall be necessary to decide any question.

(3) Meetings. An advisory board, committee or commission, in consultation with staff, shall establish a regular meeting at such time, interval, and place, as the advisory board, committee or commission deems necessary. Special meetings may be called as provided in WLMC 2.070 2 (d).

(4) Rules of Procedure. An advisory board, committee or commission may from time to time adopt and amend rules of procedure consistent with the laws of the state, the City Charter, and any other applicable provisions of the City Code.

(5) Recommendations.

All recommendations to the Council shall be in writing, signed by the Chair.

(6) Subcommittees. No advisory board, committee or commission shall appoint a standing subcommittee, an outside advisory committee or an ad hoc subcommittee without first obtaining approval of the City Council. The City Council may approve, deny or modify the request to create and/or staff a subcommittee. Prior to voting to request the Council to approve creation of a subcommittee, the advisory board, committee or commission shall first request and consider a report from staff regarding the costs and time involved in staffing such a subcommittee. Any request to form such subcommittees shall be submitted to the City Council in writing and shall contain:

(a) An explanation of the function of and need for the subcommittee;

(b) The number and any qualifications of its members;

(c) The staff analysis of the cost and time involved in staffing the subcommittee; and

(d) If the subcommittee is an ad hoc subcommittee, a deadline for completion of the ad hoc subcommittee's responsibilities.

## **2.080 Relationship to City Council**

(1) Council Authority. The City Council is the elected legislative and policy-making body of the City. Unless governed by a specific state mandate, advisory boards, committees and commissions are appointed pursuant to the Council's authority and shall have only those powers and functions as expressly delegated by the Council. Generally, advisory boards, committees and commissions are expected to provide advice and recommendations to the Council and help the Council implement the Council goals. Council members may attend meetings of any advisory board, committee or commission. A councilor may not speak on behalf of the City Council at a board, committee or commission meeting unless authorized to do so by the Council. Council members may not vote at any meeting of any advisory board, committee or commission.

(2) Annual Meeting. The City Council shall hold an annual meeting with each standing advisory board, committee and commission except the Budget Committee. The purpose of such meetings will be to note accomplishments, to address concerns and to discuss issues related to the duties and activities of the advisory board, committee or commission. Annual meetings of related advisory boards, committees or commissions may be held jointly, as the Council deems appropriate.

(3) Council Liaison. Each year the Mayor may appoint a liaison from its members to each advisory board, committee and commission. The purpose of the Council liaison is to provide a direct line of communication between the advisory board,

committee or commission and the City Council. The Council liaison and the chair of the affected advisory board, committee or commission shall have joint obligation to keep the Council and the advisory board, committee or commission informed of relevant City or advisory board, committee or commission information. The Council liaison to each advisory board, committee and commission shall be rotated annually.

(4) Expenditure of Funds. No advisory board, committee or commission shall have the authority to expend City funds, or to obligate the City for payment of any sum of money, except as expressly delegated or authorized by prior approval by the City Council.

(5) Additional Duties and Projects. In addition to the duties established for each advisory board, committee or commission in its enabling provision contained in WLMC 2.085, the City Council may from time to time assign an advisory board, committee or commission such other duties or projects as the Council deems appropriate.

(6) A member of any advisory board, committee or commission may testify before the Council but only as a member of the body, not on behalf of the body, unless the member has been designated as a spokesman for the body.

(7) Members of advisory boards, committees or commissions shall take care to conform with the Oregon Election Division's guidelines relating to political advocacy and participation in political campaigns.

## **2.085 Boards, Committees and Commissions**

### **A. PLANNING COMMISSION**

(1) Establishment. The Planning Commission for the City is reestablished and

reorganized in accordance with the provisions of Sections 2.050 to 2.080.

(2) Membership. The Planning Commission shall consist of seven members. All members of the Planning Commission shall be residents of the City and shall be selected on the basis of their qualifications to serve in such capacity. The City Manager shall be entitled to sit with the commission and take part in its discussions or deliberations, but shall have no vote on any matter to come before the commission.

(3) Terms of Office. Terms of office for Planning Commission members shall be for a period of four years.

(4) Vacancies and Removal. Appointments to fill vacancies shall be for the remainder of the unexpired term.

(5) Chairperson and Vice Chairperson.

(a) The commission shall elect a chairperson and vice chairperson to serve two-year terms.

(b) The chairperson of the Planning Commission, or in the chairperson's absence the vice-chairperson, shall have a vote only in case of a tie vote by other members of the Planning Commission present.

(c) If a vacancy of the chair occurs, an election shall be held at the next regular meeting to fill that position.

(d) In the absence of both the chairperson and the vice chairperson, the members present shall appoint an acting chairperson for the purposes of conducting business during that meeting.

(6) Secretary and Staff Services. The City Manager shall provide a secretary to the commission and such other staff and consultation services as may be appropriate, feasible, and within budgetary limitations. The secretary shall keep a record of all commission proceedings. The planning

director and city attorney, or their duly authorized representative, shall attend all official planning commission meetings and shall provide technical and legal advice and guidance to the commission. The commission shall give due consideration to such technical and legal advice.

(7) Meetings.

The commission shall meet at least once a month. Meetings of the commission shall be open to the public. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. The chairperson upon a motion may, or at the request of three members of the commission shall, by giving notice to members of the commission, call a previously unannounced special meeting of the commission for a time not earlier than 24 hours after the notice is given.

(8) Powers and Duties.

The commission shall have the powers and duties which are now or may hereafter be assigned to it by charter, ordinances or resolutions of this City and general laws of this state.

(9) Compensation.

Planning Commission members shall receive no compensation for their service but shall be fully reimbursed for all duly authorized expenses.

(10) Consideration of Qualifications for Membership.

In selecting individuals for membership on the Planning Commission, the City Council shall give preference to those individuals who possess a particular competence in the field of municipal planning by way of their profession, trade, or prior or present governmental service. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is

engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.

**B. LAND USE HEARINGS OFFICER**

(1) Establishment of Land Use Hearings Officer. There shall be a land use hearings officer to conduct hearings on applications for such classes of permits and zone changes as the City Council designates by resolution.

(2) Appointment. The land use hearings officer shall be appointed by and shall serve at the pleasure of the City Council. The City Council may appoint one or more alternates to serve as a hearings officer. The terms of appointment may be set forth in a professional services contract.

(3) Hearings Officer Unavailability. In the event a hearings officer is not available to conduct hearings, whether due to non-appointment, conflict of interest, absence or other reason, the Planning Commission shall automatically serve as hearings officer with all the powers and duties of a hearings officer.

(4) Hearings. The hearings officer shall conduct hearings as necessary to review and make decisions on land use applications and other land use matters. The time and place of all hearings shall be scheduled by the City Manager or his or her designee.

(5) Powers and Duties. The hearings officer shall exercise such powers and have such duties as are described in this chapter, this code, other ordinances and resolutions of the City, and state law. The hearings officer has the power to request, receive, and examine available information, enter upon any land, and make examinations and surveys, and place and maintain

necessary monuments and markers, conduct public hearings, prepare a record, enter findings and conclusions, and exercise such other powers as necessary to carry out the assigned duties of the hearings officer.

(6) Reports, Advice, Joint Meetings, and Coordination.

The hearings officer shall make such reports on the hearings officer's activities as the City Council and Planning Commission may require. The hearings officer shall advise the City Council and the Planning Commission concerning any problem or issue related to the powers and duties of the hearings officer. The hearings officer shall meet from time to time in joint public meetings with the City Council and Planning Commission. The hearings officer shall cooperate and coordinate with the City Council, Planning Commission and City officers and staff.

**C. BUDGET COMMITTEE**

(1) Appointments. The Budget Committee shall be established as provided by state law. [See ORS Section 294.336]

**D. UTILITY ADVISORY BOARD**

(1) Establishment. There is hereby established a Utility Advisory Board.

(2) Membership.

The Utility Advisory Board shall consist of seven (7) members. The Council shall consider nominations made by neighborhood associations, as well as applications submitted independently by interested candidates.

(3) Officers. At its first meeting in January of each year, the Board shall elect a chairperson and vice chairperson to serve one-year terms. If a vacancy of the chair occurs, an election shall be held at the next regular meeting to fill that position. In the absence of both the chairperson and vice chairperson, the members present shall

appoint an acting chairperson for the purposes of conducting business during that meeting.

(4) Terms of Office. Terms of office shall be for a period of three (3) years and shall be staggered even if some members are appointed to less than a three-year term.

(5) Meetings. The Board shall meet at least quarterly or more often as directed by the City Council or by a majority of the Board members.

(6) Duties. The Utility Advisory Board shall make recommendations to the City Council concerning rates for water. These recommendations shall pertain to those legislative matters to be decided by the City Council concerning or affecting rates, such as master facility plans and service levels as they relate to rates. The Utility Advisory Board may also make recommendations regarding such other city-owned utilities as the City Council from time to time may determine.

E. LOCAL CONTRACT REVIEW BOARD

(1) Policy. All public contracts shall be based upon competitive bids except as expressly provided by state law, this chapter, or the rules adopted by the Local Contract Review Board.

(2) Contract Review Board. The City Council is designated as the Local Contract Review Board for the City of West Linn. The board shall adopt rules by resolution relating to the public bidding process and public contracts.

(3) Organization.

(a) The Mayor shall act as chairperson of the board. The president of the Council shall act as the vice chairperson.

(b) Meetings of the board may be scheduled at any time, including before, after or during a regularly scheduled Council meeting.

(c) Meetings shall be called in the same manner as a Council meeting.

(d) Attendance of at least three board members shall constitute a quorum and shall be required in order for the board to take any action. The concurrence of a majority of those board members attending shall be required for the board to take any action.

(4) Authority to Obligate the City. The City Council shall approve all public contracts and personal services contracts except as otherwise provided in Section 5 below.

(5) Delegation of Authority to Obligate City.

The City Manager may enter into a public contract or personal services contract which does not exceed \$25,000 without specific Council approval provided the obligation is part of an adopted budget, the rules of the board are satisfied by written findings, and record is made of the transaction which shows compliance with the rules. This delegation of authority shall be subject to the limitations of Section 6 below.

(6) Limitation on Expenditures. The delegated authority to obligate the City shall be subject to the following limitations:

(a) The expenditure shall be for a single complete item or contract; and

(b) The item or contract shall not be a component of a project except in the case of a project which involves a personal services contract and a public contract. In this situation, the personal services contract portion shall be considered a single complete project and the public contract portion shall be considered a single complete project.

F. TELECOMMUNICATIONS  
ADVISORY BOARD FORMERLY KNOWN  
AS CABLE TV ADVISORY BOARD [Repealed  
by Ordinance No. 1524, adopted September 12, 2005.]

G. LIBRARY BOARD

(1) Appointment and Term.

The West Linn Public Library Board shall consist of nine members. Appointments shall be made for a term of four years, which shall begin on the first day of January in the year the appointment is made.

(2) Duties. The Library Board shall:

(a) Make recommendations to the City as to the appointment of the librarian;

(b) Formulate rules and policies for the governance of the Library;

(c) Prepare an annual budget for submission to the City;

(d) Recommend to the City all expenditures from the West Linn Public Library fund in compliance with local budget law, ORS 294.305 to 294.565;

(e) Recommend to the City as to the acceptance, use and expenditure of any real or personal property or funds donated to the West Linn Public Library, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the City;

(f) Such other activities as the City Council may assign.

(3) Statutes Adopted.

All acts and amendments applicable to local government units as used in ORS 357.400 to ORS 357.621, ORS 351.975 and ORS 357.990 are adopted and made a part of Section G (Library Board).

H. PARK AND RECREATION BOARD

(1) Creation; Appointments.

There is created a Park and Recreation Board for the City consisting of seven persons. All members of the Park and Recreation Board shall be residents of the City.

(2) Terms of Office.

Board members shall serve a three-year term. However, terms of office on the board shall be so arranged and staggered such that in any given year no more than three of the seven positions shall expire on December 31st of that year even if this means that some members of the board are appointed to less than a three-year term.

(3) Responsibility.

The board shall have the responsibility of advising the City Council in the following areas:

(a) Determining park needs and recommending programs to meet identified needs;

(b) Making recommendations for the annual park budget;

(c) Recommending comprehensive park policy and advising on the acquisition and receipt of new park land and recreation facilities;

(d) Making recommendations to the City Council as requested by the City Council;

(e) Maintaining an active two-way communication liaison with the Planning Commission;

(f) Overseeing the execution and modification of the Park and Recreation Master Plan;

(g) Advising concerning the management and control of the public parks and recreation facilities.

I. ARTS COMMISSION

(1) Commission Established.

There is established a City Arts Commission consisting of nine members appointed to four-year terms. However, terms of office on the commission shall be so arranged and staggered such that in any given year at least two of the nine positions shall expire on December 31st of that year, even if this means that some members of the commission are appointed to less than a four-year term.

(2) Purpose. The purpose of the Arts Commission is to:

(a) Encourage greater opportunities for a recognition of arts in the West Linn area;

(b) Provide coordination and communication among groups and individuals engaged in the arts;

(c) Provide coordination of events to showcase the abilities of area artists;

(d) Provide development and promotion of the arts as a factor in the economic life of the community;

(e) Pursue funding sources, projects and programs to enhance the artistic diversity available for the citizens of West Linn;

(f) Provide liaison and representation of the City of West Linn to city, county, regional and state arts agencies.

(3) Definition of Arts.

"Arts" includes, but is not limited to: music, drama, dance, creative writing and poetry, architecture and landscape design, painting, sculpture, photography, graphics, craft and folk arts, film and video, and such other endeavors as may be designated by the commission.

(4) City Support.

The City will provide for necessary support for the commission including postage, meeting place, and related services; however, any funding for projects must be generated by the commission and expenditures presented to the Council for their

approval. The City can also make grants to the commission or enter into agreements with other public agencies, associations, and individuals for services which will assist the commission.

## J. POLICE ADVISORY COMMITTEE

(1) Establishment.

The Police Advisory Committee is established to advise and make recommendations to the Chief of Police and the City Council regarding public safety needs. The Police Advisory Committee shall not undertake the review of allegations and inquiries related to the actions of individual police officers. The responsibilities of the Committee shall be to:

(a) Review and make recommendations on community livability concerns related to crime prevention and traffic safety issues that affect public safety and the neighborhood livability in West Linn and within its Urban Growth Boundary as of December 4, 2002.

(b) Review and make recommendations for police-community partnerships to mitigate the negative influence of crime and traffic on the community.

(c) Promote public education and awareness of the effects of crime and fear of crime on the community.

(d) Collaborate with local, county, and state government agencies to develop strategies to mitigate negative community livability concerns by focusing partnership agency resources to reduce or eliminate specific crime, problem areas, or concerns.

(e) Carry out such other activities as the City Council may assign.

(2) Membership.

The Committee shall consist of seven members appointed at large. All members of the Committee shall be residents of West Linn. It is desirable that Committee members

have an interest in solving community problems through active involvement with the Police Department, the Chief of Police, and various citizen / police / government workgroups.

(a) Members will be appointed for two-year terms, but three members of the initial Committee shall be appointed for one-year terms. Neighborhood associations may nominate prospective members. The City Council shall have the discretion whether to appoint any person nominated by a neighborhood association.

(b) The Committee shall elect a chair, vice-chair and secretary. The chair shall preside at Committee meetings. The vice-chair shall preside in the chair's absence. The secretary shall record minutes of the proceedings and votes taken. Minutes may be in summary form.

(c) A quorum consists of a majority of the members of the Committee.

(d) The Chief of Police shall be an *ex officio* member of the Committee.

(3) Meetings.

The Committee shall meet at least quarterly at a time and place agreed to by the members. Notices of Committee meetings shall be published in the City's newsletter, website and calendars distributed regularly to the news media. Meetings of the Committee are public meetings.

K. HERITAGE COMMITTEE

[Repealed by Ordinance No. 1537, adopted April 24, 2006.]

L. SOLID WASTE AND RECYCLING COMMITTEE

[Repealed by Ord. No. 1491, adopted December 18, 2002.]

M. FAIR COMMISSION

(1) Fair Commission Established.  
There is established a West Linn Fair

Commission consisting of twelve members.

(2) The terms of office for the Fair Commission shall be for a period of four years and shall be staggered so that the terms of not more than three members expire in any given year.

(3) The members of the commission shall choose from among their members a chairperson elected annually in January of each year, and such other officers as are necessary to conduct their business may be elected likewise. There is no limit on the number of times a member of the commission may serve as chair; however, a member may not serve more than four consecutive terms as chair. After a member has served four consecutive terms as chair, a member must wait at least one calendar year before serving as chair again.

(4) The commission shall meet at least monthly from January through July, and as deemed necessary by the Commission through the balance of the year. The Commission shall establish rules necessary to conduct their business so long as they do not conflict with state or local requirements. Meetings shall take place on City property and shall be noticed as public meetings.

(5) At least once each year, the commission shall report on their activities to the City Council and minutes of their meetings shall be submitted to the Council for information.

(6) Purpose. The purpose of the West Linn Fair Commission is to:

(a) Arrange for the West Linn Fair to be held the last full weekend Friday, Saturday, and Sunday of July each year.

(b) Provide coordination and communication among groups, organizations and individuals interested in participating in the West Linn Fair.

(c) Encourage greater public participation in the West Linn Fair.

(7) Definition of West Linn Fair. The Fair includes, but is not limited to the music, display booths, food booths, games, activities, carnival, contests, Princess competition, exhibits, competitions and such other endeavors as may be designated by the commission.

(8) City Support. The City will provide for necessary staff support for the commission including postage, meeting place, and secretarial service. Base funding for the West Linn Fair will be handled through the City budget process. The City can enter into agreements with other agencies, associations, businesses and individuals for services and funds that will assist the commission.

(9) Fair Coordinator. The City Manager shall appoint a member of the staff to serve as Fair Coordinator, whose duties shall be to:

(a) Serve as principal liaison between the Fair Commission, City Manager and Council.

(b) Organize and coordinate City efforts in support of the Fair.

(c) Ensure that the Fair complies with all applicable policies, laws and regulations of the city, county, state and federal governments, including sanitation requirements, purchasing and contracting, public safety and environmental protection.

(d) Consult with the City Manager to resolve questions or problems arising from the planning and production of the Fair, as needed.

(e) Ensure that meetings of the Fair Commission are duly noticed and that notes, minutes or recordings of the proceedings of the Commission are in conformance with Oregon public meetings and records laws.

(f) Approve all financial obligations, purchases and agreements undertaken on behalf of the Fair.

N. TRAFFIC SAFETY COMMITTEE  
[Repealed by Ordinance No. 1537, adopted April 24, 2006.]

O. HISTORIC RESOURCES ADVISORY BOARD

(1) Establishment; Membership; Term.

There is hereby established a Historic Resources Advisory Board of the City of West Linn consisting of five regular members appointed for three-year terms, except that the initial appointments shall be made so that the terms of not more than two members expire in any given year.

(2) Qualifications.

It is desirable that members of the committee have diverse interests and backgrounds, including some with knowledge or expertise in architecture, historic preservation and restoration.

(3) Duties.

The Historic Resources Advisory Board shall:

(a) Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.

(b) Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.

(c) Advise interest groups, agencies, boards, and citizens on matters relating to historic preservation within the city.

(d) Monitor the city's historic inventories on a periodic basis and ensure that information on inventoried historic properties is updated and maintained.

(e) Research and recommend property owner incentives to City Council to assist in continued preservation of historic resources.

(f) Coordinate with Clackamas County, neighboring cities, and regional and state historic preservation agencies and groups to integrate West Linn preservation with statewide preservation initiatives.

(g) Coordinate with the Clackamas County Historic Review Board as appropriate.

(h) Seek outside funding of preservation work and activities.

(i) Work to provide an adequate permanent facility for West Linn historic artifacts and materials.

P. TRANSPORTATION ADVISORY BOARD

(1) Establishment; Membership; Term.

There is hereby established a Transportation Advisory Board consisting of seven regular members who are residents of West Linn appointed for four-year terms, except that the initial appointments shall be made so that the terms of not more than three members expire in any given year.

(2) Powers and Duties. The Committee shall:

(a) Provide advice concerning development and implementation of the city's Transportation System Plan.

(b) Review and make recommendations regarding transportation improvement projects for inclusion in the Capital Improvement Plan.

(c) Review the effectiveness of traffic demand management strategies and recommend actions for improvement.

(d) Advise as to the coordination of planning and programming of transportation projects and funding with other governmental agencies and private interests.

(e) Advise and make recommendations to the City Council and city staff on transportation issues in general.

(f) Encourage and promote mass transportation, use of alternative fuels, reduction of automobile dependency, and development of alternative transportation systems and choices.

(g) Perform such other duties as may be assigned by the City Council.

Q. SUSTAINABILITY ADVISORY BOARD

(1) Sustainability Advisory Board Established.

There is established a West Linn Sustainability Advisory Board consisting of seven members.

(2) Terms of Office.

The terms of office for the Sustainability Advisory Board shall be for a period of four years and shall be staggered so that the terms of not more than three members expire in any given year.

(3) Purpose.

The purpose of the Sustainability Advisory Board is to:

(a) Advise regarding the implementation and subsequent reviews of the approved City of West Linn Sustainability Plan and its updates;

(b) Stay current on sustainability and environmental issues, make recommendations, and assist the City in promoting sustainability and environmental improvement to the West Linn community, individuals, City Council, and staff;

(c) Make recommendations to the City Council as requested by the City Council.

[Added by Ordinance No. 1556, adopted January 14, 2008.]

COMMUNITY TREE COMMITTEE

[Repealed by Ordinance No. 1533, adopted February 27, 2006.]

2.100 NEIGHBORHOOD ASSOCIATIONS

(1) Purpose.

The purpose of these sections is to establish a means for formally recognizing neighborhood associations and to provide for

neighborhood associations communication with the City. This is an additional form of communication, and is not intended to inhibit other citizens or groups from communicating with the City.

(2) Neighborhood Association.

A "neighborhood association" means any group of people organized within a geographical area for the purpose of acting on issues affecting neighborhood and community livability. A recognized neighborhood association is one that satisfies the standards of Section 4.

(3) Neighborhood District.

A neighborhood district incorporates a group of neighborhood associations within established boundaries. Neighborhood districts may be formed by the City to enhance communication between neighborhood associations and the City, but shall not preclude a neighborhood association from meeting its responsibilities under Section 4. Neighborhood district boundaries shall be logical, contiguous and follow identifiable physical features such as streets, property ownership boundaries, topographic features, boundaries of political jurisdiction, or City rights-of-way, and shall be mutually agreeable to the affected associations.

(4) Standards.

In order to be recognized by the City, neighborhood associations must satisfy the standards listed herein. The City Council is authorized to determine when an association has met these standards:

(a) Membership.

The membership of a neighborhood association shall not be limited by race, creed, color, sex, age, heritage, national origin or income. Any resident, business owner or owner's representative, nonprofit organization's representative or property owner who resides, owns property or maintains a business within the recognized boundary of a neighborhood association shall be entitled to membership and to vote.

(b) Boundaries.

The boundaries of a neighborhood association shall be drawn by the association membership. These boundaries must be mutually exclusive of other formally recognized associations and must remain within or coincide with the boundaries of a single neighborhood district, if one exists. The City Council is authorized to make adjustments to boundaries if necessary to avoid creation of an area that is excluded from neighborhood association representation.

(c) Bylaws.

In order to be considered for recognition by the City, a neighborhood association must first adopt written bylaws that provide for the following:

(1) That the officers be elected on a regular schedule, at least bi-annually;

(2) That meetings be conducted in conformance with public meetings law when the association meets to act in an advisory capacity to the City. Advisory capacity exists when the City requests or the association on its own accord seeks to act in an advisory capacity to the City; that written minutes as required by open meetings law also be required to show minority opinions and a list of all those voting, and that copies of approved minutes and sign-in lists be available to the City for public review;

(3) That a current map of the association boundaries and a current list of the association officers and their addresses be provided to the City annually;

(4) That a minimum of one general neighborhood association meeting be held each calendar year, and the time, place and purpose be well publicized throughout the neighborhood prior to the meeting;

(5) That the association provide for representatives to its

neighborhood district if one exists;

(6) That the City be informed of any updates or amendments to the neighborhood association's bylaws; and

(7) That procedures are developed describing the number of members required for a quorum, how votes are taken and recorded, and the action necessary to file an appeal.

(5) Responsibility of City.

The City shall provide recognized neighborhood associations with the following:

(a) Timely notification of meetings of the Council, and the Planning Commission, and upon request, any Council advisory board or commission whose decisions may affect the neighborhood;

(b) General information regarding City services and activities.

(6) Appeals.

(a) Formally recognized neighborhood associations may appeal land use decisions made by the Planning Director or Planning Commission to the appropriate bodies without cost if the Planning Director finds:

(1) Community Development Code Appeal Procedures, Section 99.140 and 99.240 through 99.300, are followed;

(2) The association submits a copy of the membership minutes and vote taken supporting the appeal;

(3) The neighborhood association appeal is related to the property within the association's recognized boundaries.

(b) In addition, an association may appeal without cost on behalf of an individual or group with standing who is not represented by a recognized association if (1) and (2) above are met and the neighborhood association finds the issue(s) are of City-wide concern related to the West Linn Comprehensive Plan or the West Linn

Community Development Code.

[Amended by Ordinance No. 1371, adopted 03-27-95; amended by Ordinance No. 1375 adopted 08-10-95; amended by Ordinance No. 1398 adopted 08-26-96; amended by Ordinance No. 1427 adopted 12-14-98; amended by Ordinance No. 1465 adopted 01-17- 01; amended by Ordinance No. 1467 adopted 02-14-01; amended by Ordinance No. 1490, adopted 12-04-02; amended by Ordinance No. 1491, adopted 12-18- 02; amended by Ordinance No. 1495, adopted 06-04-03; amended by Ordinance No. 1497, adopted 08-20-03; amended by Ordinance No. 1504, adopted 05-05-04; amended by Ordinance No. 1524, adopted 09-12-05; amended by Ordinance No. 1531, adopted 01-23-06; amended by Ordinance No. 1533, adopted 02-27-06; amended by Ordinance No. 1537, adopted 04-24- 06.]

**2.200 Percent for Art Program Establishment.** West Linn Code 2.200 shall be known as the "Percent for Art Program" of the City of West Linn. [Added by Ordinance No. 1543 adopted January 22, 2007.]

**2.205 Purpose.** The City of West Linn desires to expand the experience of its citizenry through public art of the highest quality in concept and execution. Public art contributes directly to the quality of life in the City of West Linn because citizens view and interact with it daily in public spaces. Public art instills concern for beauty and good design in the public and private sectors by setting high aesthetic standards. Public art reflects and communicates the history, character and values of the community and thereby creates a sense of place. The public art process involves citizens and artists by inviting them to participate in important decisions about the design of their environment. The City therefore declares its policy to include works of art in projects of the City by establishing a Percent for Art program. [Added by Ordinance No. 1543 adopted January 22, 2007.]

**2.210 Definitions.**

Capital Improvement Program (CIP) means the City's program for advance planning of capital improvements.

City Project means any capital project in an amount over \$25,000 paid for wholly or in

part by the City of West Linn to purchase, construct, rehabilitate or remodel any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of West Linn. "Project" does not include street, pathway or utility construction, emergency work, minor alterations, ordinary repair or maintenance necessary to preserve a facility.

De-accessioning means relinquishing title to a work of public art.

Eligible funds means a source of funds for projects from which art is not precluded as an object of expenditure.

Participating Department means the department that is subject to this chapter by its sponsorship of a City project.

Percent for Art means the program established by this ordinance to set aside a percentage of the total cost of City projects for public art.

Public Art means all forms of original works of art accessible to the public and/or public employees including:

a. Painting of all media, including both portable and permanently fixed works, such as murals;

b. Sculpture which may be in the round, bas-relief, high-relief, mobile, fountain, kinetic, electronic and others, in any material or combination of materials;

c. Other visual media including, but not limited to, prints, drawings, stained glass, calligraphy, glass works, mosaics, photography, film, clay, fiber/textiles, wood, metals, plastics or other materials or combination of materials, or crafts or artifacts.

d. Works of a wide range of materials, disciplines and media which are of specific duration, including performance events, and which are documented for public accessibility after the life of the piece has ended.

e. Art works that possess functional

as well as aesthetic qualities.

Public Art Trust Fund means a City fund or account into which all moneys derived pursuant to this Chapter shall be deposited. Monetary contributions for public art shall also be deposited into the Public Art Trust Fund. Funds within the Public Art Trust Fund shall be solely be utilized for the purposes outlined in this Chapter.

Selection Committee means the committee appointed pursuant to guidelines adopted by the City Council, and responsible for reviewing proposed public art and making recommendations on the selection of public art. The selection committee shall include a representative of the participating department, the project architect or engineer (where applicable), artists, a citizen and any other members designated in the guidelines.

Total cost means the entire amount of the City's contribution toward the price for construction of a project. "Total cost" does not include costs for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees. [Added by Ordinance No. 1543 adopted January 22, 2007.]

## **2.215 Dedication of 1.5% to Public Art.**

Any City official or employee who authorizes or appropriates expenditures on behalf of a participating department for a City project shall, to the degree that the funds are eligible, include within the budget for the project a monetary contribution for public art equal to 1.5% of the total cost of the project.

(1) Restricted funds: If funding for a particular City project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the City project that is funded with the restricted funds shall be exempt from the requirements

of this Chapter.

(2) Phased projects: As a general rule, where a City project will be constructed in phases, the 1.5% dedication shall be applied to the estimated total cost of each phase of the project at the time that funds for the phase are appropriated and encumbered. Nothing in this section prevents the Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase, however, as the Council deems appropriate. In determining when to set aside the funds for a phased project, the City shall encourage an overall public art plan for phased work to ensure that art is not located on a piecemeal basis. [Added by Ordinance No. 1543 adopted January 22, 2007.]

### **2.220 Public Art Trust Fund.**

There is hereby created a special City fund or account called the Public Art Trust Fund into which the monetary contributions for Public Art shall be deposited.

(1) 1.5% of the total cost of City projects shall be dedicated to public art. Such funds shall be deposited into the Public Art Trust Fund by the City Official or employee acting on behalf of the participating department at the time that budgeted funds are encumbered for construction of the project.

a. 1% of the total cost of City projects shall be used for costs associated with the acquisition of public art including, but not limited to, the design, purchase and siting of public art.

b. .5% of the total cost of City Projects shall be used for costs associated with administration of the public art program, including, but not limited to, costs of selection, conservation and maintenance of the collection, community education, de-accessioning and registration of public art.

(2) Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting

is deemed appropriate by the City Manager or is required by law.

(3) Monetary contributions made other than through the Percent for Art program shall be deposited in the Public Art Trust Fund and may be dedicated to or earmarked for a specific program or work of art, subject to acceptance by the City Council.

(4) Disbursements from the Public Art Trust Fund shall be made only after authorization of the City Manager or the Manager's designee, and shall be made according to this Chapter and any guidelines adopted hereunder.

[Added by Ordinance No. 1543 adopted January 22, 2007.]

### **2.225 Siting of Art.**

(1) Public art selected pursuant to this chapter may be sited in, on or about any City project or other property owned, leased or rented by or to the City of West Linn in accordance with any restrictions placed on siting by the participating department. Public art may be attached or detached within or about such property, and may be either temporary or permanent.

(2) The participating department shall consider the siting of public art as part of the design and engineering phase of any City project. If costs are incurred by the participating department to comply with this subsection prior to transfer of the 1.5% for the project to the Public Art Trust Fund, the department may deduct such costs from the applicable portion of the 1.5% at the time such funds are transferred.

[Added by Ordinance No. 1543 adopted January 22, 2007.]

### **2.230 Program Guidelines.**

The City Council shall adopt guidelines for administration of the Percent for Art program. Such guidelines may:

(1) Provide for an annual plan for public art based upon the CIP.

(2) Provide for the appointment of representatives to selection committees.

(3) Provide for a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art.

(4) Determine the dedication and disbursement process for the Public Art Trust Fund.

(5) Clarify the responsibility for maintenance of public art, including any extraordinary operations or maintenance costs associated with public art, prior to selection.

(6) Facilitate the preservation of art objects, ethnic and cultural arts and crafts, and artifacts.

(7) Provide a process to de-accession art.

(8) Set forth any other matter appropriate to the administration of this Chapter.

[Added by Ordinance No. 1543 adopted January 22, 2007.]

### **2.235 Ownership.**

All public art acquired pursuant to this Chapter shall be acquired in the name of the City of West Linn, and title shall vest in the City of West Linn. [Added by Ordinance No. 1543 adopted January 22, 2007.]

## **ELECTIONS**

### **2.300 Authorization to Submit Explanatory Statements Relating to Municipal Legislation Referred or Initiated by Petition.**

When directed by the West Linn City Council, the City Manager is authorized to prepare explanatory statement(s) for the Clackamas County Voters' Pamphlet for matters relating to municipal legislation referred or initiated by petition. [Added by Ordinance No. 1552 adopted September 24, 2007.]

## **TRIAL BY JURY**

**2.600 Right to Trial by Jury.** Every person charged with any offense defined and made punishable by the city charter, or any ordinance of the city, shall have the right to trial by jury upon giving written notice to the municipal judge within six days after entry of his plea. The municipal judge may, at his discretion, accept a request for a trial by jury at any time before the time set for trial.

**2.605 Number of Jurors.** The jury shall consist of six persons duly sworn to try the cause for which they are called; the jurors shall be selected as hereinafter provided.

**2.610 Term of Court.** The terms of municipal court shall be for a period of one year, beginning on January first of each year following the passage of the ordinance codified in sections 2.600 to 2.650.

### **2.615 Jury List.**

(1) Upon the passage of the ordinance codified in sections 2.600 to 2.650 and commencing on January 2, 1974, the city manager shall prepare a preliminary jury list, by lot, of not less than one hundred fifty nor more than five hundred names of persons selected from the latest tax role and registration books used in the last city election. The manager, in preparing the preliminary jury list, shall place thereon only those names of persons who are known or believed to be possessed of the qualifications described in ORS 10.030 and not entitled to exemption as provided by ORS 10.040.

(2) If for any reason the making of a jury is omitted and neglected on the second day of January, it may be done on the first Monday of any month following to serve until the close of the year, and until another list is made.

**2.620 Jury Panels.**

The jury panel for each term shall be selected on the first day of each term of court and the city manager shall select one hundred names of persons, by lot, from the preliminary jury list, to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any three-year period. A jury panel shall be selected on January 2, 1974, upon the passage of the ordinance codified in sections 2.600 to 2.650 and thereafter on January 2nd of each and every year; provided, however, that if the preliminary jury list is not selected on the second day of January of any year, the jury panel may be selected on the first Monday of any following month. The jury panel shall be selected by the city manager in the presence of the municipal judge. No challenge shall be made or allowed to the panel and substantial compliance with the ordinance codified in sections 2.600 to 2.650 for selecting the panel shall be sufficient.

**2.625 Selection of Trial Jury.**

At least ten days, excluding Sundays and legal holidays, prior to the trial date, the defendant or his attorney and the city attorney shall appear before the municipal judge for the selection of the trial jury. The time and place of said selection shall be designated by the court and the judge thereof shall notify the defendant or his attorney and the city attorney of said time and place. The judge shall then select, by lot, six names of persons from the jury panel. When it appears to the municipal judge that any of the persons whose names are drawn is dead or resides out of the city, the ballot shall be destroyed. If it appears to the municipal judge, or he has good reason to believe, that a person whose name is drawn is temporarily absent from the city, or is ill, or is so engaged as to be unable to attend at the time of trial without great inconvenience, the ballot shall be laid aside, the name not placed on the jury list for the trial for which the jury is being selected, but such

ballot shall be returned to the jury box after the drawing of the trial jury is completed. The defendant or his attorney may then challenge by peremptory challenge three of the prospective jurors. The order of challenge shall be that the defendant, or his attorney may challenge one then the city attorney may challenge one, and so alternating until the peremptory challenges are exhausted. Additional names shall be selected, by lot, to replace those jurors challenged. When six jurors have been selected, they shall be notified to appear at trial at the appointed time and place and shall constitute the trial jury.

**2.630 Alternate Jurors.**

The defendant or his attorney and the city attorney may agree by stipulation to the drawing of additional names from the jury panel to serve as alternate trial jurors to be summoned should summons not be served upon any of those persons selected as a part of the trial jury pursuant to section 2.625.

**2.635 Conduct of Trials.**

Trials shall be conducted as trials in justice court and the rules of evidence shall be the same as in state courts and shall include applicable statutes of the state regarding the introduction or admission of evidence.

**2.640 Verdict.**

Six of the six jurors sworn to try the cause must concur to render a verdict.

**2.645 Payment of Jurors.**

Those jurors notified and who appear at trial shall receive compensation from the city in the amount of \$5.00 for each day of attendance upon the municipal court.

**2.650 Powers of the Municipal Judge.**

The municipal judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The chief of police shall assist the judge in the serving of subpoenas,

notices of jury duty, and such other orders of the court necessary for the proper conduct thereof. The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror as set forth in Chapter 1.08 of this code.

## **EMERGENCY PLANNING**

### **2.700 Title.**

Sections 2.700 to 2.750 shall be known as the “emergency planning provisions” and may be so cited and pleaded and is referred to herein.

### **2.710 Conditions of Emergency.**

The conditions required for the declaration of a state of emergency within the City of West Linn are as follows:

(1) “Emergency” includes any man-made or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage and war.

### **2.720 Declaration of Emergency.**

A declaration of a state of emergency within the City of West Linn may be issued by the Mayor (or the Council President when the Mayor is absent or otherwise unable to perform the functions of Mayor as provided in the City Charter); or the City Manager or designee if the nature of the emergency requires that immediate action be taken and it is not reasonably practicable for the Mayor to issue the declaration of emergency prior to the time immediate action must be taken. Any declaration of

emergency by the City Manager or designee shall be subject to review and revision by the Mayor. All declarations of emergency shall be subject to review and revision by the City Council. A state of emergency shall be terminated by the City Council when the emergency situation ceases to exist.

### **2.730 Adoption of Emergency Operations Plan.**

The City Council may by resolution establish an Emergency Operations Plan with procedures to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency. The Emergency Operations Plan may authorize City officials and employees to take action as needed to deal with the emergency, including but not limited to:

- (1) redirect City funds for emergency use and suspend standard City procurement procedures;
- (2) establish a curfew which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;
- (3) prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place;
- (4) barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances;
- (5) evacuate persons;
- (6) prohibit the sale of alcoholic beverages;
- (7) prohibit or restrict the sale of gasoline or other flammable liquids;
- (8) prohibit the sale, carrying, or

- possession of any weapons or explosives of any kind on public streets, public places, or any outdoor place;
- (9) curtail or suspend commercial activity;
  - (10) turn off water, gas, or electricity;
  - (11) order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

**2.740 Responsibilities of City Manager.**

The City Manager shall carry out the emergency duties or functions as prescribed by the resolution establishing procedures to deal with an emergency and may delegate all or part of that authority.

**2.750 Violation.**

Any person, firm, corporation, association, or entity that violates any provision of Sections 2.700 to 2.750 or any plan or order authorized by sections 2.700 to 2.750 shall be subject, on conviction, to a fine of not more than \$500 per offense. Each day of violation shall be deemed a separate offence for penalty purposes.

[Sections 2.700 through 2.745 "Emergency Planning" repealed by Ordinance No. 1459, adopted August 28, 2000; The West Linn Municipal Code is amended by adding Sections 2.700 through 2.750 by Ordinance No. 1459, adopted August 28, 2000.]

**DISPOSITION OF UNCLAIMED PROPERTY**

**2.800 Property in Police Department Possession-Disposition.**

Whenever the chief of police of the city has any property, including money, but excluding vehicles subject to ORS 819.100 to 819.260, in his possession, the ownership of which is unknown, and which is unclaimed for a period of three months (90 days) after the property came into the possession of the police department, the chief of police shall, unless the disposition of such property is

otherwise specifically provided for by law, report the fact to the city manager and request authority to dispose of it as provided in sections 2.800 to 2.825.

**2.805 Manager Authority--Disposition by Sale--Notice.**

The city manager shall act upon the request of the chief of police within thirty days after the request for a public sale and if the city manager approves the request, the city manager shall cause to be posted written or printed notice of sale in three public places within the city at least ten days before the sale. Notice shall also be published in a newspaper of general circulation within the city at least ten days prior to the date of sale or transfer. The notice shall describe the property, excluding money, and shall state the time and place of public sale at which the property may be purchased by the highest bidder. Until the date of the sale, the property, excluding money, may be claimed at the office of the chief of police. If ownership is proved, the chief of police shall turn the property over to the owner, and cancel the sale insofar as the claimed property is concerned.

**2.810 Conduct of Sale--Disposition of Funds.**

The chief of police shall cause the sale to be conducted and shall deposit the proceeds thereof, together with any other money included in the notice, in the city treasury to the credit of the city general fund.

**2.815 Transfer of Property to City.**

In lieu of a sale of the property under the foregoing provisions of sections 2.800 to 2.825, the chief of police, with the approval of the city manager, may transfer any portion of the unclaimed property to the city for use by the city or other governmental agencies, or by destruction after the same notice as set forth in section 2.805.

**2.820 Destruction of Contraband.**

The Chief of Police shall cause contraband or illegal drugs, and/or substances to

be destroyed at the direction of the court after such property has been provided to the courts as evidence and is no longer required by the procedure at the courts. Any unclaimed or found contraband, illegal drugs, and/or substances shall be destroyed at the direction of the chief of police and certification of destruction shall be placed in the case file jacket relating to such found or unclaimed property.

**2.825 Claim by Owner After Sale.**

(1) If the property is sold as provided herein, and if within six months after the sale, the owner of the property, including money, files with the city manager a claim for the property, and proves his right to the same, the city manager shall direct that the money or the amount received for the property, less expenses of the sale, shall be paid to the owner from the city treasury. The city manager shall not approve any claims filed more than six months after the sale.

(2) If the property is transferred to the city or other governmental agency, in lieu of sale, it may be claimed by the lawful owner thereof at any time within six months from the transfer to the city, or other governmental agency. The chief of police and the city manager, in disposing of property in the manner provided herein, shall not be liable to the owner thereof.

**INVENTORY OF CONTENTS OF ARRESTED PERSONS AND IMPOUNDED VEHICLES**

**2.830 Purpose.**

This chapter is meant to exclusively apply to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes. [Section 2.830 added by Ord. 1388 enacted 05-28-96.]

**2.832 Definitions.** For the purpose of this chapter, the following definitions shall apply:

(1) Valuable means:

(a) Cash money of an aggregate amount of \$50.00 or more; or

(b) Individual items of personal property with a value of over \$500.00.

(2) Open container means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

(3) Closed container means a container whose contents are not exposed to view.

(4) Police custody means:

(a) The imposition of restraint as a result of an arrest as that term is defined in ORS 133.005(1); or

(b) The imposition of actual or constructive restraint by a police officer pursuant to a court order; or

(c) The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426; or

(d) The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.

(5) Police officer means any officer of the West Linn Police Department.

[Section 2.832 added by Ord. 1388 enacted 05-28-96.]

**2.834 Inventories of Impounded Vehicles.**

(1) The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:

(a) If there is a reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as

soon as safely practical; or

(b) If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

(2) The purpose for the inventory of an impounded vehicle will be to:

(a) Promptly identify property to establish accountability and avoid spurious claims to property;

(b) Assist in the prevention of theft of property;

(c) Locate toxic, flammable or explosive substances; or

(d) Reduce the danger to persons and property.

(3) Inventories of impounded vehicles will be conducted according to the following procedures:

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

(i) Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked cartop containers; and

(ii) Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked cartop containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such

compartment is available within the vehicle.

(c) Unless otherwise provided in this Chapter, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes.

(d) Upon completion of the inventory, the police officer will complete a report as directed by the Chief of Police.

(e) Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such a person is present. The valuables will be dealt with in such a manner as directed by the Chief of Police.

[Section 2.834 added by Ord. 1388 enacted 05-28-96.]

### **2.836 Inventories of Persons in Police Custody.**

(1) A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:

(a) Such person will be either placed in a secure police holding room or transported in a secure portion of a police vehicle; or

(b) Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statutes.

(2) The purpose of the inventory of a person in police custody will be to:

(a) Promptly identify property to establish accountability and avoid spurious claims to property; or

(b) Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or

(c) Assist in the prevention of theft or property; or

(d) Locate toxic, flammable or explosive substances; or

(e) Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or

(f) Reduce the danger to persons and property.

(3) Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:

(a) An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.

(b) To complete the inventory of the personal property in the possession of such person, the police officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of such personal property from all open containers in the possession of such person.

(c) A closed container in the possession of such person will have its contents inventoried only when:

(i) The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room; or

(ii) Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or

(iii) The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses,

closed wallets and closed fanny packs.

(4) Valuables found during the inventory process will be noted by the police officer in a report as directed by the Chief of Police.

(5) All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:

(a) A property receipt will be prepared listing the property to be retained in the possession of the respective police department and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person; or (b)

The property will be dealt with in such a manner as directed by the Chief of Police.

(6) All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in subsection (5) above, will be released to the facility or agency accepting custody of the person so that they may:

(a) Hold the property for safekeeping on behalf of the person in custody; and

(b) Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

[Section 2.836 added by Ord. 1388 enacted 05-28-96.]

## MUNICIPAL LIEN SEARCH

**2.850 Municipal Lien Search Fee Established.** The purpose of the municipal lien search fee is to recover personnel, material and equipment costs associated with providing information and searching for municipal liens on real property. The city shall charge a uniform fee in an amount set by resolution of the City Council for each property for which a municipal lien search is

conducted by the city upon the request of a private individual, title company or other source, and said fee shall be paid in advance.

[Section 2.850 amended by Ord. 1488 adopted August 8, 2002.]

## **SURPLUS REAL PROPERTY SALES**

### **2.875 Qualification--Classification.**

Real property qualifying for the procedure established by sections 2.875 to 2.900 is classified as follows:

(1) Substandard Undeveloped Property. Parcels with no structures thereon which are not of minimum buildable size for the zone in which located;

(2) Standard Undeveloped Property. Parcels with no structures thereon which are of minimum or greater buildable size for the zone in which located;

(3) Developed Property. Parcels of any size with structures thereon.

(4) Special-case Property. Parcels that, notwithstanding subsections (1), (2) and (3) of this section, were acquired by the city for capital improvement as defined by this code and were purchased subject to an agreement for the manner in which any surplus would be disposed.

### **2.880 Disposal of Substandard Undeveloped Property.**

(1) Whenever a particular parcel or parcels is proposed for sale by the city, or a purchase inquiry is made, and the property is classified as substandard undeveloped property, the matter shall be set on the regular council agenda, but no public hearing is required. Notice shall be given, however, of the agenda item to all property owners within two hundred fifty feet of the parcel and to any parties who have inquired about purchase. The council shall determine whether it will offer the property for sale and what the minimum acceptable terms of the sale shall be.

(2) If the council directs that a property is to be offered for sale, the city manager shall request bids on the property following

prescribed procedures. The minimum acceptable terms of sale shall specify that all bids are to be accompanied by a deposit in the amount of \$500 or five percent of the bid amount, whichever is larger. If the city does not accept the bid, the deposit shall be refunded. If the city accepts the bid and the purchaser neglects or refuses to comply with any terms of the sale or to make all required payments promptly, the deposit shall be forfeited by the purchaser as liquidated damages, not excluding other remedies, and disposed of in accordance with the manner approved by the city council. If no acceptable bids are received on a particular parcel and it is classified as substandard undeveloped property, the parcel will not be listed but shall remain available for sale through the city for a period of one year on the same minimum terms as established under subsection (1) of this section.

(3) After expiration of the period set out in subsection (2) of this section, the property shall be removed from the market. Any decision to sell a piece of property once it has been removed from the market shall require that the entire procedure set forth in sections 2.875 to 2.900 be repeated.

### **2.885 Disposal of Standard Undeveloped Property and Developed Property.**

(1) Whenever a particular parcel or parcels is proposed for sale by the city or a purchase inquiry is made and the property is classified as standard undeveloped property or developed property, the matter shall be set for a hearing before the council.

(2) Notice of said hearing shall be published in a newspaper of general circulation in the city at least once and not later than one week prior to the hearing and shall describe the property proposed for sale.

(3) An appraisal may be made prior to sale for any parcel classified as standard undeveloped property or developed property, including any structure thereon. In the discretion of the council, such appraisal shall be available at or prior to the hearing or shall

be ordered after the hearing is concluded, if the council determines a sale is appropriate.

(4) Public testimony shall be solicited at the hearing to determine if a sale of any parcel is in the public interest.

(5) After the hearing, the council shall determine whether it will offer the property for sale and what the minimum acceptable price shall be.

(6) If an offer to sell is authorized by the council, a notice soliciting sealed bids shall be published at least once in a newspaper of general circulation in the city. One publication shall be made at least two weeks prior to the bid deadline date. The notice shall describe the property to be sold, the minimum acceptable terms of sale, the person designated to receive bids, the last date and time that bids will be received, and the date, time and place the bids will be opened. The minimum acceptable terms of sale shall specify that all bids are to be accompanied by a deposit in the amount of \$500 or five percent of the bid amount, whichever is larger. If the city does not accept the bid, the deposit shall be refunded. If the city accepts the bid and the purchaser neglects or refuses to comply with any terms of the sale or to make all required payments promptly, the deposit shall be forfeited by the purchaser as liquidated damages, not excluding other remedies, and disposed of in accordance with the manner approved by the city council.

(7) If one or more bids are received at or above the minimum acceptable terms, the council shall accept the highest qualified bid and direct the city manager to complete the sale.

(8) If no acceptable bids are received on a particular parcel, the parcel may be listed for six months with a local real estate broker on a multiple listing basis. A price will be set which is the total of the broker's fee and the minimum price as established under subsection (6) of this section. Brokers shall be selected in accordance with the criteria found at section 2.900. A listing may be renewed for an

additional six-month period.

(9) After expiration of the period set out in subsection (8) of this section, the property shall be removed from the market. Any decision to sell a piece of property once it has been removed from the market shall require that the entire procedure set forth in sections 2.875 to 2.900 be repeated.

**2.890 Initial Offering by Sealed Bids.**

All properties classified as substandard undeveloped property, standard undeveloped property and developed property authorized for sale shall be initially offered on the basis of sealed bids only.

**2.895 Disposal of Special Case Property.**

(1) Whenever a particular parcel or parcels is proposed for sale by the city, or a purchase inquiry is made, and the property is classified as special-case property, the matter shall be set on the regular council agenda, but no public hearing is required.

(2) The council shall determine the validity of the agreement for the manner in which the surplus property would be disposed of and whether all preconditions have been satisfied. If the agreement is deemed valid, the property shall be disposed of pursuant to the agreement's terms. If the council concludes that the agreement is not valid, the property shall be disposed of in the manner described under the appropriate alternate class: substandard undeveloped property, standard undeveloped property or developed property.

**2.900 Broker Selection.** The selection of a real estate broker shall be in accordance with the following procedures:

(1) The city shall publish notice in a newspaper of general circulation in the city inviting proposals for the sale of the real property. The notice shall be published at least one week prior to the meeting at which the council intends to select a broker.

(2) The broker's proposal shall be in writing and it shall address the selection

criteria set forth in subsection (3) of this section.

(3) The council shall consider the following factors in the selection of a broker:

(a) The broker's record in selling the type of real property being offered by the city for sale and the broker's familiarity with West Linn area market values;

(b) The broker's proposed marketing plan and time lines, signs, advertising, direct mail and/or other methods;

(c) Other factors which the council has stated in the notice of the invitation to submit a proposal.

## **REAL PROPERTY ACQUISITION AND TRANSFER OF INTEREST**

### **2.901 Acquisition of Real Property.**

Dedications of property resulting from development applications and development conditions of approval for rights-of-way and public tracts shall not be considered acquisitions of property by the City for purposes of this section and may be approved by the City Manager or designee. Other land donations and other acquisitions of an interest in real property not delegated above shall be approved by the City Council.

[Added by Ordinance No. 1475 adopted August 22, 2001; amended by Ordinance No. 1546 adopted February 12, 2007.]

### **2.902 Transfer of an Interest Other Than Fee Title.**

The transfer of an interest in real property by the City is not a sale of surplus real property if the City retains title to the property. The City Manager may transfer a temporary easement or other temporary interest in real property less than fee title if the City Manager determines that the transfer is in the public interest and the temporary easement will not extend beyond thirty (30) days. Any temporary easement in excess of thirty (30) days or permanent transfer of an interest other than fee title of City real property requires City Council approval.

[Added by Ordinance No. 1475 adopted August 22, 2001.]

### **2.903 Procedure for Acquisition and Transfers of Interests in Real Property.**

The City Council may approve the acquisition or transfer of real property under Sections 2.901 and 2.902 by motion or resolution.

[Added by Ordinance No. 1475 adopted August 22, 2001.]

### **2.904 Release of Property Rights on Private Property.**

As properties are redeveloped, public utility easements must frequently be modified to facilitate new plats. For release or modification of public utility easements associated with development, the City Manager may, upon agreement by franchise utilities, release or modify property rights held by the City or by the public at large on private properties upon assurance that newly designated and granted easements as required are provided in the course of the development.

[Added by Ordinance No. 1546 adopted February 12, 2007.]

## **ANNEXATIONS**

[Section 2.910 added by Ordinance No. 1419 enacted September 9, 1998; repealed by Ordinance No. 1508 enacted October 6, 2004.]

### **2.915 Annexation Purpose Statement**

(1) The purpose of West Linn Code Sections 2.915 to 2.960 is to establish a two-step process for consideration of annexation requests. The first step involves consideration of the land use aspects of the annexation request. The second step involves consideration of other policy issues and referral to the voters. An annexation to the City shall not be effective unless it is approved by a majority vote among the City's electorate, and is also approved by Metro pursuant to its authority regarding annexations within its boundaries.

(2) The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- (a) Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;
- (b) Maximize citizen involvement in the annexation review process;
- (c) Establish a system for measuring the physical, environmental, financial and related social effects of the annexation; and
- (d) To fully inform the public of the physical, environmental, financial and related social effects of the annexation.

[Section 2.915 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.920 Conditions for Annexation - Step 1.**

(1) Consideration of a proposal to annex property to the City shall follow a two-step process. Step one shall include review of the land use aspect of the petition pursuant to Community Development Code Section 81.

(2) The following conditions must be met as judged by the City Council upon recommendation of the City Planning Director and City Engineer prior to approval of step one processing of any annexation request:

- (a) The subject site must be located within the Portland Metropolitan Urban Growth Boundary.
- (b) The subject site must have

been assigned a City Comprehensive Plan Map designation.

- (c) The subject site must be contiguous to the existing City limits, or separated from it only by a public right-of-way, or a stream, bay, lake or other body of water.
- (d) The requirements of Oregon Revised Statutes for initiation of the annexation process are met.
- (e) The subject area has been included within each of the adopted City facility master plans and capital improvement plans and the subject area is planned for all needed City infrastructure.

(3) Prior to the beginning of step two processing of any annexation request, the requestor must verify to the Planning Director that all the prerequisites for step one processing are still satisfied and the annexation request must have received a final step one approval through the land use planning and zoning process as per the provisions of The Community Development Code Chapter 81.

[Section 2.920 added by Ordinance No. 1419 enacted September 9, 1998; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.920 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.930 City Council Annexation Authority - Step 2**

Step 2 of the annexation process involves consideration of referral to the voters and other policy issues, and shall follow the provisions outlined in Section 2.950 of this chapter. The City Council has the authority to approve or deny placing an annexation before the voters based upon,

but not limited to, matters such as taxation, infrastructure, environmental impacts, housing supply, school capacity, availability of park land and other considerations deemed by the City Council as relevant.

[Section 2.930 added by Ordinance No. 1442 adopted September 27, 1999; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.930 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.935 Submittal Requirements and Deposits:**

(1) Applications to the City for initiation of annexation proceedings made by individuals shall be pursuant to the provisions set forth in Chapter 81 of the Community Development Code.

(2) The applicant shall be responsible for all costs incurred by the City in processing the application, including the City's anticipated election costs. In the event that other City items are included in the same election, the Applicant shall be responsible only for a pro-rata portion of any shared costs. If the election is concurrent with the primary or general election of an even-numbered year, the applicant is not responsible for any election costs.

[Section 2.935 amended by Ordinance No. 1442 adopted September 27, 1999; formerly identified as "RESERVED" repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.935 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1528 adopted November 28, 2005; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.940 Annexation Elections**

(1) All annexation requests that have received a final approval through the step one land use planning and zoning process and City Council step two approval pursuant to Section 2.950 shall be referred to the voters in accordance with the requirements of this Chapter, ORS Chapter 222, and West Linn Charter Section 3.

(2) Annexation elections are normally scheduled once per calendar year. Applications for annexation, including all submittal requirements shall be filed with the City Planning Department. Filing of an annexation application and having the application deemed complete does not obligate the City to place the annexation question before the voters at any particular election. This section does not obligate the City to process an annexation application within any time frame not required by ordinance or state statute. The Council may, in its discretion, place an annexation question before the voters at any election.

(3) The City will provide an explanatory statement for the voter's pamphlet in accordance with ORS 222.130 that includes, at a minimum items (a) through (f) listed below with a maximum text of 500 words:

- (a) A map indicating the boundaries of each territory, including any surrounding features or landmarks (e.g., major streets, streams) that will help voters determine the location of the property;
- (b) A general description of the property proposed to be annexed, including a description of the comprehensive plan designation and zone for the property;
- (c) A description of the likely permitted land uses in the intended zone for the annexed property;
- (d) An unbiased description of any special features of the property that will need to be addressed in future development decisions, such as natural features and

environmental constraints;

- (e) A statement informing the public of the right to review the application file at City Hall and that copies will be provided at a reasonable cost; and
- (f) The name of the City representative to contact and the telephone number where additional information may be obtained.

(4) The City shall cause the property under consideration for annexation to be posted with a minimum of one sign. The sign shall provide notice of the annexation election, and shall provide a telephone number and address where more information regarding the annexation can be obtained from the City of West Linn.

(5) The City shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

[Section 2.940 added by Ordinance No. 1419 enacted September 9, 1998; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.940 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]  
[\*Resolution No. 04-17 adopted October 6, 2004]

**2.950 Annexation Applications, Process.**

(1) With the exception of Health Hazard Annexations governed by ORS 222.840-222.915, all annexation applications are subject to the submittal requirements set forth in Section 2.935, above. There are five ways in which an annexation application may be initiated:

- (a) By Consent of All Owners of Land (ORS 222.125). When all the owners of land in the

territory to be annexed consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

- (b) By Non-Unanimous Triple Majority Consent Petition [ORS 222.170(1)]. When more than half, but not all, of the owners of land in the territory to be annexed, who also own more than half of the land in the contiguous territory and of the real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

- (c) By Non-Unanimous Double Majority Consent Petition [ORS 222.170(2)]. When a majority of the electors registered in the territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

- (d) By the City Council on its own motion [ORS 222.111 (2)].

- (e) Pursuant to the Health Hazard annexation process [ORS 222.840 to 222.915].

(2) When an annexation application has been properly initiated the following shall apply:

- (a) The request shall be

- processed for step one consideration of land use issues pursuant to West Linn Community Development Code Section 81.
- (b) If the request receives final City Council approval through the Step 1 process (CDC Sections 81.010 - 81.070 and 99.000, the City shall proceed with the Step 2 process as follows:
- (i) The staff shall prepare a report that summarizes the effect of the annexation based on the most intensive land use permitted by the designated City zone for the site. The staff shall also describe the physical, environmental, social and economic impacts of the annexation on the community as a whole and on the neighborhood of which it will be a part.
  - (ii) A public hearing shall be set at which any person may appear and be heard on the question whether the annexation request should be presented to the voters.
  - (iii) Notice of the Step 2 public hearing shall be published in a newspaper of general circulation in the City once a week for two weeks prior to the date of the hearing and shall be posted in four public places in the City for a like period.
  - (iv) Written notice of the Step 2 public hearing shall be mailed to all owners of property within 500 feet of the exterior boundary of the property proposed for annexation at least 20 days prior to the hearing date.
- (c) Within forty-five (45) days following the public hearing, unless a continuance is announced, the City Council shall render a decision that the application be approved and submitted to the voters at the next appropriate election as determined by the Council, or be denied.
- (d) Inasmuch as the Step 2 decision to present the annexation question to the voters consists of a legislative decision based upon the best judgment of the City Council, the City Council may deny an annexation based upon its legislative perception of the request even though it has received approval through the step one process.

[Section 2.950 (Definitions) repealed by Ordinance No. 1419, enacted September 9, 1998, and replaced with the above language; Section 2.950 amended by Ordinance No. 1442, adopted September 27, 1999; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.950 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1528, adopted November 28, 2005; amended by Ordinance No. 1554, adopted October 8, 2007.]

## **2.955 Zoning Designations.**

- (1) As part of the Step One process, a final land use decision regarding the applicable City zone will be made according to the following table. Upon approval by the voters of the annexation

question, the assigned City zone will become effective.

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED
Low Density Residential	R-7, R-10, R-15, R-20, or R-40
Medium Density Residential	R-5 or R-4.5
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI

(2) A change to the zone applied to the property by subsection 1 of this section may not be applied for earlier than three (3) years from the date the vote approving the annexation is certified by the County elections officer unless:

- (a) The zone change is applied for by the City; or
- (b) A majority of the City electorate approve a question that waives the requirement of this subsection.

[Section 2.955 (Administrative Costs of Boundary changes) is repealed by Ordinance No. 1419, enacted September 9, 1998, and replaced with the above language; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.955 added by Ordinance No. 1508 enacted October 6, 2004; Section 2.955(1) amended by Ordinance No. 1528, adopted November 28, 2005.]

**2.960 Submission of Annexation Reports.**

**Reports.** The City shall report all changes in the boundaries of the City to the Clackamas County Clerk, County Assessor, and the Secretary of State as required by state statutes.

[Section 2.960 (Boundary Change Application Deposit Fee) is repealed by Ordinance No. 1419, enacted September 9, 1998, and replaced with the above language; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.960 added by Ordinance No. 1508 enacted October 6, 2004.]

**LOW-INCOME ASSISTANCE**

**2.975 Purpose.**

Low-income assistance authorized by sections 2.975 to 2.995 may be used for complying with certain city ordinances only. Low-income assistance is limited to qualified low-income residents of the city of West Linn who own and occupy their own homes, for whom compliance with certain city ordinances would pose a financial hardship. Sections 2.975 to 2.995 also establish eligibility requirements and application procedures for low-income assistance.

**2.980 Definitions.**

Low-income assistance. Assistance in payment, to be in the form of a discount on a project bill, for work performed by the city or by a contractor for the purpose of complying with requirements of certain city ordinances and the municipal code on behalf of qualified low-income residents of the city.

Low-income resident. Any person(s) residing in the city of West Linn who owns and occupies their own home and who meets the qualifications specified in the low-income assistance application.

**2.985 Applicability.**

Low-income assistance may be authorized for the following purposes only:

- (1) To connect to sewer service for an owner-occupied residence where connection to sewer is necessary pursuant to requirements in sections 4.000 to 4.060 of the municipal code.

(2) To repair sidewalks in the public right-of-way adjacent to or fronting property owned and occupied by the applicant pursuant to the requirements set forth in sections 3.350 to 3.395 of the municipal code.

(3) To maintain, remove or replace trees, whether upon property owned and occupied by the applicant or within the public right-of-way adjacent to such property, pursuant to the requirements set forth in section 5.465 of the municipal code.

(4) To abate nuisances originating on property owned and occupied by the applicant if the cost of abating such nuisance is greater than \$500, pursuant to the requirements set forth in sections 5.400 to 5.530 of the municipal code.

**2.990 Procedure.**

(1) Applications for low-income assistance shall be provided by the city. Applicants shall file applications with the city manager.

(2) Applications shall be reviewed by the finance director and the city manager in order to determine whether applicants have met all qualification requirements to receive low-income assistance. If all qualification requirements have not been met, the low-income assistance application shall be denied and returned to the applicant. The city manager shall keep a copy of all low-income assistance applications submitted.

(3) Low-income assistance may only be authorized by the city manager.

(4) Low-income assistance shall be given on a need basis. Before work begins on projects, each property owner shall receive an estimate of project costs. Each project shall be completed as required by section 2.985, the cost of which shall then be billed to the property owner. If the property owner has qualified for low-income assistance, the city may reduce the bill for services by an amount of up to \$500 of the total cost.

(5) Where a project is carried out by the city and the property owner refuses or

is unable to pay the remainder of the bill for such a project, a lien shall be placed on the property and recorded in the city's lien docket. The lien shall bear interest at the rate of 9 percent per year. Such interest shall commence at the date of entry of the lien in the city's lien docket.

**2.995 Limitations.**

(1) Low-income assistance shall not exceed \$500 per household per calendar year.