

IN AND FOR THE CITY OF BROOKINGS

STATE OF OREGON

ORDINANCE 18-0-772

**IN THE MATTER OF ORDINANCE 18-O-772, AN ORDINANCE AMENDING TITLE 2,
ADMINISTRATION AND PERSONNEL, OF BROOKINGS MUNICIPAL CODE IN ITS ENTIRETY.**

Sections:

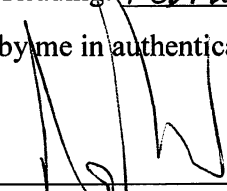
- Section 1. Ordinance Identified.
- Section 2. Amend Title 2, Administration and Personnel.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Title 2, Administration and Personnel of Brookings, Municipal Code.

Section 2. Amend Title 2. Title 2, Administration and Personnel, is hereby amended to read as presented in Exhibit A attached hereto with edits designated in red.

First Reading: February 12, 2018 Passage: February 12, 2018
Second Reading: February 12, 2018 Effective Date: March 13, 2018
Signed by me in authentication of its passage this 12th, day of February, 2018



Mayor Jake Pieper

ATTEST:


City Recorder Teri Davis

Exhibit A

**Title 2
ADMINISTRATION AND PERSONNEL**

Chapters:

- 2.01 Committee and Commission Membership
- 2.05 Council Procedures
- 2.10 Filing for Candidacy
- 2.15 City Manager
- 2.20 City Attorney
- 2.25 Municipal Court
- 2.30 Police Department
- 2.35 Fire Department
- ~~2.40 Fire Marshal~~
- 2.45 *Repealed*
- 2.50 Parks and Recreation Commission
- 2.55 Planning Commission
- 2.57 Tourism Promotion Advisory Committee
- 2.60 Urban Renewal Agency
- 2.63 Urban Renewal Advisory Commission
- ~~2.65 Traffic Safety Committee~~
- 2.67 Budget Committee
- ~~2.70 Employee Contributions to PERS~~
- 2.75 Disposal of Unclaimed, Bailed and Stolen Property
- 2.80 *Repealed*
- 2.85 Sale of City Owned Real Property

Chapter 2.01
COMMITTEE AND COMMISSION MEMBERSHIP

Sections:

[2.01.010 Membership restricted.](#)

2.01.010 Membership restricted.

A. Appointees to the planning commission and the budget committee shall not simultaneously serve on any other city council-appointed committee or commission.

B. Upon appointment to a position covered under subsection (A) of this section, said appointee's seat on any other city committee or commission shall be immediately vacated. [Ord. 11-O-679 § 2.]

Chapter 2.05
COUNCIL ~~PROCEDURES~~¹RULES¹

Sections:

- [2.05.010 Regular council meeting dates.](#)
- [2.05.020 Study sessions.](#)
- [2.05.030 Special meetings.](#)
- [2.05.040 Continuance of meetings.](#)
- [2.05.050 Quorum.](#)
- [2.05.060 Public notice required for meetings.](#)
- [2.05.070 Written minutes.](#)
- [2.05.080 Agenda.](#)
- [2.05.090 Regular or special meetings to be public.](#)
- [2.05.100 Executive sessions permitted on certain matters.](#)
- [2.05.110 Presiding officer at council meetings – Calling of roll.](#)
- [2.05.120 Order of business.](#)
- [2.05.130 Consent calendar.](#)
- [2.05.140 Council debate.](#)
- [2.05.150 Addressing council.](#)
- [2.05.160 Voting by council.](#)
- [2.05.170 Conflicts of interest.](#)
- [2.05.180 Council-administration relations.](#)
- [2.05.190 Boards and commissions.](#)
- [2.05.200 Appointments to boards, commissions, and committees.](#)
- [2.05.210 Maintenance of order and decorum of council meetings.](#)
- [2.05.220 Orientation of new council members.](#)
- [2.05.230 Council member communications.](#)
- [2.05.240 Evaluation of council appointive officers.](#)
- [2.05.250 Employee attendance at meetings.](#)

2.05.010 Regular council meeting dates.

The ~~common council~~city council of the city of Brookings shall have as its regular meeting dates the second and fourth Mondays of each month of the calendar year; and further, said meetings shall be held within the council chambers of the Brookings City Hall, 898 Elk Drive, Brookings, Curry County, Oregon; excepting, however, ~~any regular meeting of the common council may be canceled or rescheduled by a~~

~~majority vote of the council members whenever appropriate, the Mayor may cancel one regular meeting per month.~~ The council shall meet in regular session at least once a month. [Ord. 00-O-535 § 1.]

2.05.020 Study sessions.

Upon legal notice duly given, the Brookings ~~common council~~city council shall have the power to schedule study sessions of the ~~common council~~city council of the city of Brookings pursuant to Section 13 of the City Charter, which study sessions may be called by the mayor ~~or~~ a majority of the members of the council or the City Manager. Each study session shall be devoted exclusively to matters regarding which the interchange of information preliminary to taking action thereon is deemed to be essential. At a study session no formal vote shall be taken on any matter under discussion, nor shall any member enter into a commitment with another respecting a vote to be taken subsequently in a formal meeting. [Ord. 00-O-535 § 2.]

2.05.030 Special meetings.

Upon legal notice duly given, the city council shall have and retain all due powers to set other dates and times for special meetings of the ~~common council~~city council of the city of Brookings pursuant to Section 13 of the Brookings Charter. [Ord. 00-O-535 § 3.]

2.05.040 Continuance of meetings.

Any meetings of the city council may be continued from day to day, or for more than one day, but no continuance shall extend beyond the next regular meeting. [Ord. 00-O-535 § 4.]

2.05.050 Quorum.

For the transaction of business by the city council, there shall be present a majority of the members of the council currently holding office. If a quorum is not present, the ~~council clerk~~City Recorder shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the council to proceed. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting. [Ord. 00-O-535 § 5.]

2.05.060 Public notice required for meetings.

Public notice, via press release, email, and/or other such means as are appropriate for reasonable communication, shall be given for all city council meetings. Such notice shall provide the time, place, and the principal subjects anticipated to be covered at any meeting of the city council where a quorum is present excepting an executive session, which shall be noticed as required in Chapter [192](#) ORS. Interested persons and the news media which have stipulated in writing that they wish to be notified of every meeting must be so notified. Such persons, other than those representing the news media, shall be

required to express an interest in remaining on the notification list every six months. [Ord. 10-O-668 § 2; Ord. 00-O-535 § 6.]

2.05.070 Written minutes.

The council shall provide for the taking of written minutes of all its meetings under the provisions of Chapter [192](#) ORS. A summary report of all actions taken by the city council at each of its meetings shall be prepared by the city recorder as soon after each meeting as is practicable and shall be distributed to such interested parties as may be determined by the council. [Ord. 10-O-668 § 2; Ord. 00-O-535 § 7.]

2.05.080 Agenda.

The city manager shall prepare an agenda of the business to be presented at a regular council meeting. Council members shall be given copies of this ~~agenda within 48 hours of the day~~ no later than the time it is provided to the local media. Additions to the published agenda are not encouraged but may be permitted based on proven need. Nonagenda items brought before the council during a meeting shall normally be for informational purposes only. Unanimous approval of all council members present is a prerequisite for any nonagenda item to be added to the agenda and considered for action. [Ord. 10-O-668 § 2; Ord. 00-O-535 § 8.]

2.05.090 Regular or special meetings to be public.

All regular or special meetings and all study sessions of the city council shall be public meetings and open to the public and all persons shall be permitted to attend any meeting. [Ord. 00-O-535 § 9.]

2.05.100 Executive sessions permitted on certain matters.

The city council may conduct an executive session during a regular, special or emergency meeting, or study session as long as appropriate statutory limitations are met. [Ord. 00-O-535 § 10.]

2.05.110 Presiding officer at council meetings – Calling of roll.

The mayor, or in his/her absence, the council president, shall take the chair of city council meetings at the hour appointed and shall immediately call the council to order. The roll shall then be called by the ~~council clerk~~ City Recorder who shall enter in the minutes of the meeting the names of the councilors present. In the absence of the mayor and the council president, the ~~council clerk~~ City Recorder shall call the council to order whereupon a temporary presiding officer shall be elected by the members of the council present. Upon arrival of the mayor at the meeting, the council president, if then presiding, shall relinquish the chair upon the conclusion of the business immediately before the council. If a temporary presiding officer is presiding he/she shall relinquish the chair upon the conclusion of the business immediately before the council to the mayor or council president upon the arrival of either.

The council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience and of the citizens of the city in general. [Ord. 00-O-535 § 11.]

2.05.120 Order of business.

The order of business at regular council meetings shall be as follows except the city manager may delete items listed in subsections (D), (E), (F), (G)(1), (H), (I) and (J) of this section when there is no specific business under that item, ~~and may schedule ordinances, resolutions and final orders to follow applicable council business and/or may revise the order of business as deemed appropriate and~~ to accommodate public participation, ~~as deemed appropriate~~. The presiding officer may also revise the order of business.

- A. Call to order;
- B. Pledge of allegiance;
- C. Roll call;
- D. Ceremonies/appointments/announcements;
- E. Public hearings/Ordinances/resolutions/final orders;
- F. Scheduled public appearances;
- G. Oral requests, communications from the audience:
 - 1. Committee reports;
 - 2. Public comments;
- H. Staff reports;
- I. Consent calendar;
- J. ~~Ordinances/resolutions/final orders~~; Non-action; information only items
- K. Remarks from mayor and councilors;
- L. Adjournment. [Ord. 10-O-668 § 2; Ord. 08-O-611 § 2; Ord. 00-O-535 § 12.]

2.05.130 Consent calendar.

To make more efficient use of meeting time, the city manager shall place all items which are routine in nature and when no debate is expected on a "consent calendar" to be considered at the council's regular meetings. Any item placed on the consent calendar shall be removed at the request of the mayor or a councilor prior to the time a vote is taken on the consent calendar items. All remaining items on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar," which shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item shall be voted on separately in the usual manner. [Ord. 00-O-535 § 13.]

2.05.140 Council debate.

Debate by the city council shall be conducted as follows:

A. The mayor, or such other member of council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and the presiding officer shall not be deprived of any privileges of a councilor by reason of his/her acting as the presiding officer.

B. Every councilor desiring to speak shall address the chair and upon recognition by the presiding officer, shall confine him/herself to the question under debate.

C. A councilor, once recognized, shall not be interrupted while speaking unless it be to call him/her to order or as herein otherwise provided. If a member of the council, while speaking, be called to order, he/she shall cease speaking on the point until the question of order be determined and if in order, he/she shall be permitted to proceed.

D. The mayor or any councilor shall have the privilege of having an abstract of his/her statement on any subject under consideration by the council entered in the minutes. [Ord. 00-O-535 § 14.]

2.05.150 Addressing council.

A. Administrative Staff and City Employees Addressing Council or Public. Members of the city's administrative staff and other city employees desiring to address the council or members of the public shall first be recognized by the presiding officer and shall address such remarks to the presiding officer. The staff may respond to questions or comments by the council or members of the public with permission of the presiding officer, but shall always do so in a polite, tactful manner.

B. Public Members Addressing the Council.

1. Any public member desiring to address the council shall wait to be recognized by the presiding officer. After recognition, the person's name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the presiding officer and not to any individual councilor, staff member or other person. No person shall enter into any discussion without being recognized by the presiding officer.
2. Any public member addressing the council shall be limited to five minutes unless further time is granted by the presiding officer. No public member shall be allowed to speak more than once upon any one subject until every other public member choosing to speak thereon has spoken.
3. After a motion has been made or after a public hearing has been closed, no public member shall address the council without securing permission from the majority of the council. [Ord. 00-O-535 § 15.]

2.05.160 Voting by council.

Voting by the council on all matters shall be as follows:

- A. The ~~council clerk~~City Recorder shall call the name of each councilor in attendance and the "aye" or "nay" of each shall be recorded in the minutes of the records of the council proceedings. Any member may change his/her vote prior to the next order of business.
- B. Except as otherwise provided in the Charter of the city of Brookings, Oregon, a motion shall be deemed carried if a quorum is present and a majority of those voting vote "aye."
- C. Every member of the council, when present, has a responsibility to vote upon all matters before the council. Should a council member abstain from voting on a particular matter, he or she shall give a clear and concise reason for the abstention which shall be listed in the written minutes of the meeting.
- D. Any member who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the council. [Ord. 00-O-535 § 16.]

2.05.170 Conflicts of interest.

Members of the council and all other persons who serve the city in any capacity (e.g., officer, employee, agent, or otherwise) shall perform their duties in accordance with Oregon's ethics laws as provided in Chapter [244](#) ORS.

- A. Each newly elected or appointed member of the council shall be given a copy of the latest edition of the Ethics Guide for Public Officials [published by the Oregon Government Ethics Commission](#) prior to the

member's participation in any decision-making process. It shall be the duty of the city manager to distribute the guide in a timely manner.

B. Elected officials, ~~appointed officers or employees~~ of the city who have a potential or actual conflict as ~~deemed defined~~ by ORS [244.020](#)(1) and (7) ~~as amended, replaced, or supplanted from time to time,~~ relative to any matter or ordinance coming before the city council shall declare such conflict immediately upon introduction of the item to the city council by the presiding officer. Disclosure of such potential or actual conflict shall be made a part of the record of the proceedings. Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [Ord. 10-O-668 § 2; Ord. 00-O-535 § 17.]

2.05.180 Council-administration relations.

Members of the council shall have the authority to closely scrutinize, by questions and personal observations, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. Members shall have the authority to discuss any aspect of city government with city officers or employees; however, members are not authorized to issue orders or directives to city officers and employees because the supervision of said officers and employees is the responsibility of the city manager under Chapter [2.15](#) BMC. In order to assist the manager in coordinating efforts of all city departments so as to achieve the greatest possible savings through the most efficient and sound means available, recommendations for improvement in city government operations should be made to and through the city manager. [Ord. 00-O-535 § 18.]

2.05.190 Boards and commissions.

The council may establish boards and commissions and provide for their powers and duties, and the council may consolidate, merge, or abolish any of the said boards or commissions. The establishment, consolidation, merger, or abolishment of any boards or commissions shall be accomplished only by ordinance. Unless otherwise required by law or the City Charter, all board and commission members shall be appointed by the mayor with the approval of the council. Initial appointments shall specify the term of office of each individual in order to achieve overlapping tenure. All members shall be subject to removal by ~~the appointing authority~~ authority majority vote of the city council. Appointments to fill vacancies for unexpired terms shall also be made by the mayor with the approval of the council. Except as otherwise provided in this chapter, each board and commission shall choose its own chair and vice-chair from its members and operate in accordance with the rules of procedures set forth in this chapter, unless inconsistent with the provisions of the ordinance establishing the board or commission. [Ord. 00-O-535 § 19.]

2.05.200 Appointments to boards, commissions, and committees.

A. All appointments to city boards, commissions and lay committees shall be made in accordance with the Oregon Revised Statutes, the City Charter and BMC [2.05.190](#). Appointees shall not be appointed to more than one board or commission at a time.

~~B. Upon the expiration of the term of office for any board, commission or lay committee member, public notice of that expiration of term shall be made in the media. The person whose term of office has so expired may, if he/she chooses, apply for reappointment.~~

C. Upon the start of each calendar year the city manager shall provide to all members of the city council a listing of all board, commission and committee terms due to expire in that year. The city ~~manager~~ recorder shall further give written notice to all members of the city council of the expiration of the term of office of all members of boards, commissions and lay committees appointed by the mayor or council at least 30 days prior to expiration date of said term of office. All appointments shall be presented by the mayor and confirmed by a majority vote of the councilors present and voting. In all appointments the mayor shall endeavor to submit to the council the names of persons nominated for appointment as far in advance as practicable to the date of the meeting wherein said appointment shall be considered. [Ord. 00-O-535 § 20.]

2.05.210 Maintenance of order and decorum of council meetings.

It shall be the duty of the presiding officer to maintain order during council meetings. Any person making personal, impertinent or slanderous remarks, or becoming boisterous or otherwise disrupting or impeding the orderly conduct of the meeting, shall be barred by the presiding officer from attending the remainder of the meeting. The police department shall carry out all legal orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the council chambers. [Ord. 12-O-698 § 5; Ord. 00-O-535 § 21.]

2.05.220 Orientation of new council members.

To ensure an orderly transition or continuance of legislative authority, all newly elected or appointed council members shall be formally advised of current council affairs and procedures.

A. Within seven days of election or upon appointment to the council of any new member, the city manager shall schedule one or more study sessions for the sole purpose of the orientation of the new member.

B. Within seven days of election or upon appointment to the council, new members shall be given:

1. The City Charter;

2. Oregon Ethics Guide for Public Officials;
3. Brookings comprehensive plan and land development code;
4. Selected ordinances and resolutions;
5. Current city budget and the most recent audit;
6. Roster of city officials and standing committees. [Ord. 10-O-668 § 2; Ord. 06-O-572 § 1; Ord. 00-O-535 § 22.]

2.05.230 Council member communications.

Unless authorized by a majority vote of the city council to speak on their behalf, any written or oral communication by the mayor or any city council member which could be interpreted as being representative of a position of the city council in general, must contain a disclosure that the communication is solely that of the sender. [Ord. 00-O-535 § 23.]

2.05.240 Evaluation of council appointive officers.

Council appointed officers of the city shall have their job performance evaluated at regular intervals. The results of each evaluation shall be reviewed and discussed with the officer and shall be filed in the officer's personnel record.

A. City Manager. The city manager shall be evaluated by the city council using council adopted criteria at least annually. Upon initial employment the manager may be evaluated after his/her third and sixth months of service.

B. Municipal Judge and City Attorney. An ~~annual~~ evaluation of these offices shall be performed by the council ~~in the month of March~~ at least annually.

C. City Recorder. The recorder shall be evaluated by the city manager annually and the results of these evaluations shall be presented to the council. [Ord. 00-O-535 § 24.]

2.05.250 Employee attendance at meetings.

A. City Manager. The city manager shall attend all meetings of the council unless excused by the mayor or the council. The manager may take part in all discussions concerning the welfare of the city. He/she shall have the authority to make recommendations to the council and when doing so shall present all reasonable alternatives for council consideration.

~~B. City Attorney. The city attorney, either in person or by deputy, shall attend at least one regular monthly meeting of the council unless excused by the mayor or the council and shall attend all other special meetings, study sessions and events as may be directed by the city manager, mayor or the council.~~

C. Officers and Employees. The city manager may direct any employee to attend any regular, special or executive meeting to confer with the council on matters relating to the city. [Ord. 10-O-668 § 2; Ord. 00-O-535 § 25.]

Chapter 2.10 ~~FILING FOR CANDIDACY~~ELECTIONS

Sections:

[2.10.010 Nominations for elective offices.](#)

[2.10.020 Certification of nominated candidates.](#)

[2.10.030 Form of nominating petition.](#)

[2.10.040 Ballots.](#)

[2.10.050 City measures.](#)

~~[2.10.060 Curry County poll book.](#)~~

~~[2.10.070 060 General provisions.](#)~~

~~[2.10.080 070 Council position numbers.](#)~~

2.10.010 Nominations for elective offices.

Candidates for elective offices for the city of Brookings shall be nominated by petition. The name of any qualified candidate shall be printed on the election ballot when a petition shall have been filed with the recorder signed by not less than 20 legally qualified electors of the city and accompanied by an acceptance of the candidates. [Ord. 52-O-031 § 1.]

2.10.020 Certification of nominated candidates.

Nominating petitions must be filed with the city recorder not less than five ~~nor more than 15~~ days before the last date on which the city recorder may certify to the county clerk the names of all candidates who have been nominated for municipal office ~~or not less than 30 days before the day of the special election.~~ If a candidate does not accept the nomination as provided in this chapter his/her name shall not appear on the ballot. ~~The city recorder shall prepare and have printed the necessary ballots for a special election.~~ In a general or special election the city recorder shall certify the information required by the county clerk of Curry County in conformity with the time limits established by the laws of this state in order that necessary ballots can be prepared and printed. [Ord. 62-O-168; Ord. 59-O-140; Ord. 52-O-031 § 2.]

2.10.030 Form of nominating petition.

The form of the nominating petition and the acceptance by the person nominated shall be in substantially the form prescribed by the general laws of the state of Oregon, except that in all elections held in the city of Brookings, the candidate's name appearing upon the ballot shall be without party mark, designation, or reference to political parties. [Ord. 52-O-031 § 3.]

2.10.040 Ballots.

The recorder shall, upon application, furnish a reasonable number of forms of nominating petition and of acceptance. The recorder shall cause ballots for each general ~~and special~~ and special-election to be prepared, printed and authenticated; the ballots shall contain a complete list of the offices to be filled and the names of the candidates nominated therefor. ~~At least 10 days before election, the recorder shall cause sample ballots to be printed upon different colored paper which shall be distributed to registered voters at the recorder's office and shall be posted at the polls on election day.~~ [Ord. 52-O-031 § 4.]

2.10.050 City measures.

When city measures are to be voted upon, the city recorder shall ~~prepare~~ cause the official ballot ~~to be prepared~~ with ballot titles ~~and numbers~~ for the various measures. The city recorder shall use the ballot title prepared by the city attorney, and shall ~~have the numbers and~~ cause the ballot title ~~to be~~ printed upon the official ballot. ~~The affirmative of the first measure shall be numbered 51, and the negative 52 in numerals; and succeeding measures shall be numbered consecutively 53, 54, etc., in the same manner.~~ In a general or special election the city recorder shall certify the official ballot for city measures to the county clerk in conformity with the time limits established by the laws of this state. [Ord. 52-O-031 § 5.]

~~2.10.060 Curry County poll book.~~

~~It is hereby made the duty of the city recorder of the city of Brookings to procure from the county clerk of Curry County, Oregon, the poll book to be used at each special election, and to provide the necessary supplies and equipment for carrying on and conducting each general and special election. [Ord. 52-O-031 § 7.]~~

2.10.~~070-060~~ General provisions.

Any matter or thing required by the general laws of the state of Oregon respecting elections and not herein expressly provided for shall be as provided by the general laws of the state of Oregon. [Ord. 52-O-031 § 8.]

2.10.~~080-070~~ Council position numbers.

For the purpose of facilitating the conduct of municipal elections for the office of councilor, the various positions on the council shall be and the same hereby are designated by number as follows:

- A. ~~The position now held by Councilman Percy Hanks under a term expiring December 31, 1960, is hereby designated as~~ Position No. 1.
- B. ~~The position now held by Councilman Lee Hein with a term expiring December 31, 1960, is hereby designated as~~ Position No. 2.

C. ~~The position now held by Councilman Gordon Goetz with a term expiring December 31, 1962, shall be known as~~ Position No. 3.

D. ~~The position now held by Councilman M.A. Phetteplace with a term expiring December 31, 1962, shall be known as~~ Position No. 4.

At all municipal elections held hereafter, all candidates for election to the city council shall file as a candidate for a specified position on the council, as herein designated. The nominating petition for each candidate shall specify the position on the council for which the candidate is filing. [Ord. 59-O-123; Ord. 52-O-031 § 10.]

Chapter 2.15 CITY MANAGER

Sections:

2.15.010 Purpose.

2.15.020 Creation of the office of city manager and procedures for appointment.

2.15.030 Duties, powers, responsibilities and authority of the city manager.

2.15.040 Legislative policy making prohibited.

2.15.010 Purpose.

Pursuant to Chapter III, Section 11 of the Charter of the city of Brookings, Oregon, the city council hereby deems it advisable and in the best interest of the city to create the office of city manager and to outline said officer's powers, duties, responsibilities and the procedure for appointment and removal of said officer. [Ord. 12-O-698 § 2; Ord. 89-O-457 § 1.]

2.15.020 Creation of the office of city manager and procedures for appointment.

A. The office of city manager is hereby created. The city manager shall be appointed by the city council of the city of Brookings, shall serve for an indefinite term and may be removed with or without cause by a majority vote of the members of the city council presently holding office at the time of such vote.

B. The city manager shall receive such compensation as the mayor and city council shall fix from time to time by motion noted in the minutes of the council.

C. The city manager shall be required to carry a bond for the faithful performance of the duties of office in an amount to be determined by the city council. The expense of said bond shall be paid from the budget of the city manager's office. [Ord. 12-O-698 § 2; Ord. 89-O-457 § 2.]

2.15.030 Duties, powers, responsibilities and authority of the city manager.

A. The city manager shall devote his/her entire time to the discharge of official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

B. The city manager shall enforce all the ordinances of the city including the provisions of all franchises, leases, contracts, permits and privileges granted by, or running to, the city.

C. The city manager shall be the chief administrative officer and head of the administrative branch of the city and have control and general supervision over all city employees and all appointive city officers

except that the city manager shall not impinge on the city attorney's ethical obligations to the city council, shall have no control over the judicial activities of the municipal judge and shall have no power of appointment or removal of the municipal judge, city recorder or city attorney as such appointment and removal power is within the hands of the mayor and council pursuant to the City Charter. The city manager shall supervise the departments to the end of attaining the utmost efficiency in each of them and therefore shall have the power to employ, dismiss or transfer an employee from one department to another.

D. The city manager shall act as purchasing agent of the city. All purchases shall be made in accordance with the city of Brookings contracting rules as adopted by city council resolution and administrative policies prescribed by the city manager.

E. The city manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city real or personal property.

F. The city manager shall act as business agent of the city for the sale of real estate and other matters relating to franchises and leases.

G. The city manager shall supervise the expenditures of all departments, divisions or services of the city and analyze and supervise the functions, duties and activities of the various departments, boards and services of the city, and all employees thereof, and make recommendations to the mayor and city council with reference to which in his/her judgment will result, if adopted, in greater efficiency of the overall operation of the city of Brookings government.

H. When authorized by the city council, the city manager shall develop and organize improvement projects and programs, and aid and assist the mayor and city council in carrying the same through to a successful conclusion.

I. The city manager shall make and keep an inventory of all personal and real property owned by the city and advise the mayor and council of the need for purchase of new machinery, equipment or supplies, which in his/her judgment the same can be obtained under the terms and conditions which are most advantageous to the city.

J. The city manager shall make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel employed by the city; shall inform and update the mayor and council in regards to his/her decisions on abolition, consolidation, transfer, removal of positions or personnel, or any other administrative decisions made by the city manager which in his/her judgment will increase administrative efficiency.

K. The city manager shall endeavor at all times to exercise the highest degree of tact, patience, and professional courtesy in his/her contacts with the public, personnel employed by the city and all elected and appointed officials, to the end that the highest possible standards of public service shall be maintained.

L. The city manager shall perform such other duties as may be required of him/her by the mayor and council, not inconsistent with the laws of the state of Oregon and the Charter and ordinances of the city of Brookings. [Ord. 12-O-698 § 2; Ord. 08-O-601 § 2; Ord. 89-O-457 § 3.]

2.15.040 Legislative policy making prohibited.

The city manager shall not exercise any legislative policy making or legislative functions, nor attempt to commit or to bind the mayor or council to any action, plan or program regarding legislative policy or legislative function, and such shall remain exclusively the province of the city council. [Ord. 12-O-698 § 2; Ord. 89-O-457 § 4.]

Chapter 2.20 CITY ATTORNEY

Sections:

2.20.010 Establishment of office of city attorney.

2.20.020 Oregon State Bar member.

2.20.030 Jurisdiction of city attorney.

2.20.040 Powers and duties of city attorney.

2.20.050 Compensation of city attorney.

2.20.010 Establishment of office of city attorney. 

There is hereby established the office of city attorney. [Ord. 51-O-004 § 1.]

2.20.020 Oregon State Bar member. 

The city attorney shall be an active member of the Oregon State Bar in good standing. [Ord. 51-O-004 § 2.]

2.20.030 Jurisdiction of city attorney. 

The city attorney shall have general control and supervision of all civil actions and legal proceedings in which the city of Brookings may be a party or may be interested and have full charge and control of all the legal business of all departments, commissions and bureaus of the city, or of any office thereof, which requires the services of an attorney or counsel in order to protect the interests of the city. No city officer, commission, bureau or the head of any department of the city shall be represented by any other counsel or attorney at law unless authorized or directed by official action of the council taken at one of its meetings and entered in the minutes. [Ord. 51-O-004 § 3.]

2.20.040 Powers and duties of city attorney. 

The powers and duties of the city attorney shall be as follows:

A. When required by the city council, the city attorney shall appear for the city in any court or tribunal in any cause in which the city is a party to or in which the city is directly interested.

B. The city attorney shall consult with and advise the city council on all questions of law submitted to him or her by the city council, and the city attorney shall consult with and advise other officers of the city on questions of law directly affecting the city and submitted to him/her by an officer of the city. The city attorney shall not be required to render opinions or give legal counsel to others than the city council and other officers of the city.

C. The city attorney, when requested by the council to do so, shall prepare contracts, bonds, leases and other legal forms and writings for the use of the city.

D. The city attorney, upon request of the city council, shall prepare ordinances and resolutions.

E. The city attorney, either in person or by deputy, shall attend all regular monthly meetings of the council unless excused by the ~~mayor~~ city manager or ~~and~~ the council and shall attend all other special meetings, work study sessions and events as may be directed by the city manager, mayor or the council. [Ord. 06-O-572 § 1; Ord. 91-O-004.A § 1; Ord. 51-O-004 § 4.]

2.20.050 Compensation of city attorney. 

For the performance of the duties of the office, the city attorney shall receive as compensation such remuneration as the city council may, from time to time, authorize. [Ord. 51-O-004 § 5.]

Chapter 2.25 MUNICIPAL COURT

Sections:

- 2.25.010 Creation of municipal court.**
- 2.25.020 Creation of office of municipal judge.**
- 2.25.030 Judicial officer of the city.**
- 2.25.040 Territorial jurisdiction.**
- 2.25.050 Crime and offense jurisdiction.**
- 2.25.060 Authority of municipal court judge.**
- 2.25.070 Creation of office of municipal judge pro tem.**
- 2.25.080 Applicability of Oregon laws.**
- 2.25.090 Municipal court rules.**
- 2.25.100 Municipal court schedule.**

2.25.010 Creation of municipal court.

There is hereby created a court for the city of Brookings to be known as “the municipal court for the city of Brookings.” [Ord. 51-O-008 § 1.]

2.25.020 Creation of office of municipal judge.

There is hereby created the office of municipal judge. [Ord. 51-O-008 § 2.]

2.25.030 Judicial officer of the city.

The municipal judge shall be the judicial officer of the city of Brookings and shall preside over the municipal court of the city of Brookings. [Ord. 51-O-008 § 3.]

2.25.040 Territorial jurisdiction.

All of the incorporated area, now or hereafter, within the city of Brookings shall be within the territorial jurisdiction of the municipal court and the municipal judge. [Ord. 51-O-008 § 4.]

2.25.050 Crime and offense jurisdiction.

The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinance of the city of Brookings and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the city of Brookings. The municipal judge also has jurisdiction over traffic crimes as defined by ORS [801.545](#) committed within the boundaries of the city. [Ord. 12-O-698 § 6; Ord. 51-O-008 § 5.]

2.25.060 Authority of municipal court judge.

In cases charged as misdemeanors, the municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city of Brookings, and to commit any such person to jail or admit him to bail pending trial. In all cases, the municipal judge shall have authority to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry in effect the judgments of the court, and to punish witnesses for contempt of court. [Ord. 12-O-698 § 6; Ord. 51-O-008 § 6.]

2.25.070 Creation of office of municipal judge pro tem.

The office of municipal judge pro tem is hereby created. The city may appoint one or more persons to serve as municipal judge pro tem. The municipal judge pro tem shall be appointed in the same manner as the municipal judge. The municipal judge pro tem shall serve as municipal judge pro tem when the municipal court judge is absent from the city, incapacitated, or otherwise unable to discharge the duties of municipal judge. When occupying the office of municipal judge, the municipal judge pro tem shall have all the powers and authority of the municipal judge. [Ord. 64-O-175; Ord. 51-O-008 § 7.]

2.25.080 Applicability of Oregon laws.

When not governed by ordinance or by Charter of the city of Brookings, all proceedings in the municipal court for the city of Brookings for the violation of a city ordinance shall be governed by the applicable general laws of the state of Oregon governing justices of the peace and justice courts. [Ord. 51-O-008 § 8.]

2.25.090 Municipal court rules.

The municipal judge shall have authority to form and adopt such reasonable rules for the conduct of the business of the municipal court for the city of Brookings; provided, however, that he/she shall not form or adopt any rule which is in contravention with the Constitution of the United States, the Constitution of the state of Oregon, the laws of the state of Oregon or any ordinance of the city of Brookings. [Ord. 51-O-008 § 10.]

2.25.100 Municipal court schedule.

The municipal court shall be in session only for such length of time as may be necessary to complete the judicial business of the city of Brookings. [Ord. 97-O-525 § 2; Ord. 51-O-008 § 11.]

Chapter 2.30 POLICE DEPARTMENT

Sections:

2.30.010 Creation of the police department.

2.30.020 Supervision of chief of police.

2.30.030 Powers and duties of the chief of police.

2.30.040 Powers and duties of police officers other than the chief of police.

2.30.050 Compensation.

2.30.060 Authority of the police department to perform criminal history records checks.

2.30.010 Creation of the police department.

There is hereby created the police department for the city of Brookings. The police department shall consist of a chief of police and such other police officers as may be appointed by the chief of police pursuant to the provisions of this chapter. [Ord. 90-O-467 § 1.]

2.30.020 Supervision of chief of police.

The chief of police of the city of Brookings appointed pursuant to the terms of this chapter shall be under the direct supervision of the city manager of the city of Brookings. Subject to confirmation by the city council, the city manager of the city of Brookings shall have authority to appoint the chief of police and also to remove the chief of police from office. [Ord. 90-O-467 § 2.]

2.30.030 Powers and duties of the chief of police.

The powers and duties of the chief of police shall be:

- A. The chief of police shall have authority to appoint the police officers that the city council shall, from time to time, deem necessary to authorize and shall further have authority to remove any such police officer from employment with the police department.
- B. The chief of police shall supervise and direct the activities of other police officers of the city.
- C. The chief of police shall, with the advice and consent of the city manager, purchase or lease such property and equipment as may be necessary to carry out the purposes of this chapter.
- D. The chief of police shall make rules and regulations governing the activities of the police department and shall be responsible to maintain discipline within the police department.

E. The chief of police shall have authority to exercise all the powers and duties of a police officer within the geographic limits of the city of Brookings and/or the state of Oregon as the general law may provide.

F. The chief of police shall carry out all directives issued to him/her by the city manager.

G. The chief of police shall exercise vigilant control over the peace and quiet of the city of Brookings to the end that any person violating the ordinances of the city of Brookings or the laws of the state of Oregon shall be brought before the appropriate court.

H. The chief of police shall be responsible for the assignment of all details to officers of the police department.

I. The chief of police shall be responsible for the service and execution of all process issued by the judge of the municipal court for the city of Brookings. [Ord. 90-O-467 § 3.]

J. The chief of police serves as the Director of Public Safety. In performing the duties of Director of Public Safety, he/she has oversight of the Brookings Fire Department.

2.30.040 Powers and duties of police officers other than the chief of police.

Police officers other than the chief of police shall have all powers of a police officer, within and without the geographic limits of the city of Brookings, as the general law may provide. They shall carry out all duties assigned to them by the chief of police, and shall follow all rules, policies and regulations of the city of Brookings police department. [Ord. 90-O-467 § 4.]

2.30.050 Compensation.

The chief of police and police officers of the police department shall receive compensation as the city council shall from time to time authorize. [Ord. 90-O-467 § 5.]

2.30.060 Authority of the police department to perform criminal history records checks.

Members of the police department, when properly trained and authorized to access Law Enforcement Data Systems (LEDS) information by the state of Oregon and the chief of police or his/her designee, shall have the authority, as expressed under OAR 257-010-0025(1)(a), as amended or replaced, "to access criminal history records when the information is to be used for the administration of criminal justice, Criminal Justice Agency employment, or the information is required in order to implement a federal or state statute, local ordinance, executive order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate need." All requests for criminal history records, whether made by the city for

purposes defined by resolution, ordinance, policy, or for criminal justice purposes, shall be handled in compliance with state law. [Ord. 07-O-599 § 2.]

Chapter 2.35 FIRE DEPARTMENT

Sections:

- [2.35.010 Creation of the fire department.](#)
- [2.35.020 Definition.](#)
- [2.35.030 Configuration of the fire department.](#)
- [2.35.040 Fire chief – Appointment.](#)
- [2.35.050 Powers and duties of fire chief.](#)
- [2.35.060 Officers – Appointment.](#)
- [2.35.070 Rules and regulations.](#)
- [2.35.080 Composition of department.](#)
- [2.35.090 Arson investigations.](#)
- [2.35.100 Authority to enter buildings and premises.](#)
- [2.35.110 Notice to abate.](#)
- [2.35.120 Records and inventory.](#)
- [2.35.130 Suspension and discharge.](#)
- [2.35.140 Purchasing.](#)
- [2.35.150 Use of fire apparatus.](#)
- [2.35.160 Handling of fire apparatus.](#)
- [2.35.170 Mutual aid.](#)
- [2.35.180 Assignment of equipment.](#)
- [2.35.190 Issuance of badges.](#)
- [2.35.200 False alarms prohibited.](#)
- [2.35.210 Penalties.](#)
- [2.35.220 Special police powers.](#)
- [2.35.230 Duties of police officers.](#)
- [2.35.240 Social functions.](#)
- [2.35.250 Social officers.](#)

2.35.010 Creation of the fire department.

There is hereby created a fire department to be hereinafter known as the Brookings fire department, the object of which shall be the prevention and suppression of fire and the protection of life and property within the limits of the city of Brookings, and within the limits of any area which the city of Brookings may contract to provide the services contemplated by this chapter. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 1.]

2.35.020 Definition.

The term "department" as hereinafter used in this chapter shall mean the Brookings fire department. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 2.]

2.35.030 Configuration of the fire department.

The department shall consist of a ~~chieffire chief~~, and such other officers and members as the ~~chieffire chief~~ and ~~city-manager~~~~D~~~~director of P~~~~ublic S~~~~safety~~ may deem necessary for the effective operation of the department. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 3.]

2.35.040 Fire chief – Appointment.

The ~~chieffire chief~~ shall be appointed by the city manager for an indefinite period of time. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 4.]

2.35.050 Powers and duties of fire chief.

The ~~chieffire chief~~ shall be held accountable to the ~~city-manager~~~~director of public safety~~ and shall make written and verbal reports thereto at such times and in such manner as the ~~city-manager~~~~director of public safety~~ may require. ~~The fire chief shall serve as the city fire marshal.~~ All other department and company officers shall be accountable to the fire chief only. Other members of the department and any company shall be accountable to their superiors and the ~~chieffire chief~~. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 5.]

2.35.060 Officers – Appointment.

The assistant officers and all other department and company officers shall be appointed by the ~~chieffire chief~~. Such officers shall be accountable only to the fire chief and shall be subject to removal by the fire chief or the ~~city-manager~~~~D~~~~irector of P~~~~ublic S~~~~safety~~. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 6.]

2.35.070 Rules and regulations.

The ~~chieffire chief~~ shall formulate a set of rules and regulations to govern the department and shall be responsible to the ~~city-manager~~~~D~~~~irector of P~~~~ublic S~~~~safety~~ for the personnel, morals and general efficiency of the department. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 7.]

2.35.080 Composition of department.

The ~~chieffire chief~~ shall, with the advice and consent of the ~~city-manager~~~~D~~~~irector of P~~~~ublic S~~~~safety~~, determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 8.]

2.35.090 Arson investigations.

The [chieffire chief](#) is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 10. Formerly 2.35.100.]

2.35.100 Authority to enter buildings and premises.

The [chieffire chief](#) is hereby authorized to enter any and all buildings and premises during business hours for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 11. Formerly 2.35.110.]

2.35.110 Notice to abate.

Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the [chieffire chief](#). [Ord. 12-O-698 § 3; Ord. 79-O-309 § 12. Formerly 2.35.120.]

2.35.120 Records and inventory.

The [chieffire chief](#) shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department. He shall also maintain a current inventory of all city equipment along with current equipment sign-out records. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 13. Formerly 2.35.130.]

2.35.130 Suspension and discharge.

Any member of the department may be suspended or discharged from the department by the [chieffire chief](#) or the [city manager](#)/[Director of Ppublic Ssafety](#) at any time he/[she](#) may deem such action necessary for the good of the department. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 17. Formerly 2.35.150.]

2.35.140 Purchasing.

Recommendations of apparatus and equipment needed shall be made by the [chieffire chief](#), and after approval by the city council, shall be purchased in such manner as may be designated by the council. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 18. Formerly 2.35.160.]

2.35.150 Use of fire apparatus.

No person shall use any fire apparatus or equipment belonging to the department unless so authorized by the [chieffire chief](#). [Ord. 12-O-698 § 3; Ord. 79-O-309 § 21. Formerly 2.35.190.]

2.35.160 Handling of fire apparatus.

No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless so authorized by the [chieffire chief](#). [Ord. 12-O-698 § 3; Ord. 79-O-309 § 22. Formerly 2.35.200.]

2.35.170 Mutual aid.

The council is hereby authorized to enter into agreement or contract with nearby agencies to provide the members of such other communities, organizations or inhabitants with fire protection or to establish a mutual aid system. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 23. Formerly 2.35.210.]

2.35.180 Assignment of equipment.

The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with BMC [2.35.170](#) and in other cases only when the absence of such equipment will not jeopardize protection in the city of Brookings. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 24. Formerly 2.35.220.]

2.35.190 Issuance of badges.

Each member of the department shall be issued a badge or identification card designating his rank. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 25. Formerly 2.35.230.]

2.35.200 False alarms prohibited.

No person shall turn in or cause to be turned in a false alarm. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 26. Formerly 2.35.240.]

2.35.210 Penalties.

Any person violating the provisions of this chapter shall upon conviction pay a fine as defined under Chapter [1.05](#) BMC, General Penalty, or be imprisoned ~~in the city jail~~ for a term not to exceed six months or by both such fine and imprisonment. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 27. Formerly 2.35.250.]

2.35.220 Special police powers.

All regularly appointed members of the department are hereby given the necessary police powers for the enforcement of the provisions of this chapter and for the enforcement of traffic ordinances relating to fires and firefighting equipment. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 28. Formerly 2.35.260.]

2.35.230 Duties of police officers.

It is hereby made the special duty of the chief of police and/or other peace officers who may be on duty and available for fire duty to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic, maintaining order and in enforcing observance of all sections of this chapter. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 29. Formerly 2.35.270.]

~~2.35.240 Social functions.~~

~~It is deemed to be in the best interest of the welfare of the department that periodically its members or such of them as are not on duty at that time hold social functions and to that end the department may~~

elect a president, vice-president, secretary and treasurer to be known as the "social officers." Such officers may be elected in any manner and for any term the membership as a whole may decide upon; and their duties shall be to arrange for and manage any and all social functions sponsored by the department. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 30. Formerly 2.35.280.]

2.35.250 Social officers.

The functions and duties of said social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department. The social officers shall have the duty of so arranging and managing any or all social functions sponsored by the department as to command the respect of the citizenry. [Ord. 12-O-698 § 3; Ord. 79-O-309 § 31. Formerly 2.35.290.]

2.35.240 Establishment of office of fire marshal.

There is established within the city of Brookings the office of fire marshal. [Ord. 12-O-698 § 4; Ord. 59-O-134 § 1.]

Formatted: Highlight

Formatted: Font: (Default) Arial, 10 pt, Bold, Font color: Gray-80%

2.35.050 Appointment and qualifications.

The fire marshal shall be appointed by the city manager who may also appoint deputy fire marshals. The fire marshal and deputy fire marshal shall, within six months of appointment, obtain and maintain all certifications as required by OAR 837-039-0120, as amended or replaced, for the level of inspection conducted by the appointee. [Ord. 12-O-698 § 4.]

Formatted: Highlight

Formatted: Font: (Default) Arial, 10 pt, Bold, Font color: Gray-80%

Formatted: Highlight

2.35.060 Powers and duties of fire marshal and deputy fire marshal.

The fire marshal or his deputy shall enforce the provisions of all chapters of the Brookings Municipal Code pertaining to the protection of the city of Brookings from fire, and all provisions of the State of Oregon Fire Code and standards referenced therein. [Ord. 12-O-698 § 4; Ord. 59-O-134 § 2. Formerly 2.40.020.]

Formatted: Highlight

Formatted: Font: (Default) Arial, 10 pt, Bold, Font color: Gray-80%

Chapter 2.40 FIRE MARSHAL

Sections:

[2.40.010 Establishment of office of fire marshal.](#)

[2.40.020 Appointment and qualifications.](#)

[2.40.030 Powers and duties of fire marshal and deputy fire marshal.](#)

2.40.010 Establishment of office of fire marshal. 

There is established within the city of Brookings the office of fire marshal. [Ord. 12-O-698 § 4; Ord. 59-O-134 § 1.]

Formatted: Font: (Default) Arial, 10 pt, Bold, Font color: Gray-80%

2.40.020 Appointment and qualifications. 

The fire marshal shall be appointed by the city manager who may also appoint deputy fire marshals. The fire marshal and deputy fire marshal shall, within six months of appointment, obtain and maintain all certifications as required by OAR 837-039-0120 for the level of inspection conducted by the appointee. [Ord. 12-O-698 § 4.]

Formatted: Font: (Default) Arial, 10 pt, Bold, Font color: Gray-80%

2.40.030 Powers and duties of fire marshal and deputy fire marshal. 

The fire marshal or his deputy shall enforce the provisions of all chapters of the Brookings Municipal Code pertaining to the protection of the city of Brookings from fire, and all provisions of the State of Oregon Fire Code and standards referenced therein. [Ord. 12-O-698 § 4; Ord. 59-O-134 § 2. Formerly 2.40.020.]

Formatted: Font: (Default) Arial, 10 pt, Bold, Font color: Gray-80%

Chapter 2.50 PARKS AND RECREATION COMMISSION

Sections:

[2.50.010 Creation of parks and recreation commission.](#)

[2.50.020 Terms of office.](#)

[2.50.030 Organization of parks and recreation commission.](#)

[2.50.040 Powers and duties.](#)

[2.50.050 Removal/vacancies.](#)

2.50.010 Creation of parks and recreation commission.

There is hereby created a parks and recreation commission for the city of Brookings, Oregon, consisting of five members, as hereinafter provided. The five members of the commission shall be appointed by the mayor with the approval of the council. These members shall not be officials or employees of the city. Four of the five members shall be residents of Brookings, and one member may be a resident within the Brookings urban growth area. The city council may appoint one of its own members to act as liaison between the commission and the council. Membership shall be restricted pursuant to Chapter [2.01](#) BMC. [Ord. 12-O-695 § 2; Ord. 11-O-685 § 2; Ord. 11-O-681 § 2; Ord. 93-O-482.A § 2; Ord. 91-O-482 § 1.]

2.50.020 Terms of office.

The term of office for the appointed members of the commission shall be two years. Elected officers within the commission shall not hold the same office for more than two consecutive years. Elected officers shall include, but not be limited to, chair and vice chair. Officer elections shall take place at the March meeting. Term of elected office shall be one year, commencing immediately upon election. [Ord. 11-O-685 § 2; Ord. 11-O-681 § 2; Ord. 93-O-482.A § 3; Ord. 91-O-482 § 2.]

2.50.030 Organization of parks and recreation commission.

At its March meeting the commission shall organize by electing a chair and vice chair of the commission. The commission shall hold regular meetings, every two months, on a day and hour to be fixed by the commission. A majority of appointed commission members shall constitute a quorum. Special meetings may be held upon a call of the chair or vice chair of the commission with consent of a majority of the members of the commission. [Ord. 11-O-685 § 2; Ord. 91-O-482 § 3.]

2.50.040 Powers and duties.

The parks and recreation commission shall have the following powers and duties, in addition to such others as may be prescribed by the council. Upon authorization of the city council, the parks and recreation commission shall:

- A. Solicit gifts or bequests for park and recreational purposes, subject to the approval of the council.
- B. Make and recommend in writing to the council plans for the future growth, development, beautification and establishment of parks and recreational facilities in the city consistent with the future growth and development of the city of Brookings.
- C. Make a detailed and exhaustive study of the future requirements of the city for park and recreational facilities, establish and recommend in writing to the planning commission and the city council a definite long-range plan for the orderly growth and development of park and recreational facilities within the city.
- D. Meet and cooperate with representatives of other governmental bodies for joint and integrated plans between various municipal bodies for the most efficient and economical use of park and recreational facilities of the different governmental units.
- E. Recommend to the city council such acts necessary and proper for the protection, operation or improvement of city parks and recreational facilities and all necessary rules and regulations, ~~including user fees,~~ schedules and concessions that aid in governing the use of those parks and facilities.
- F. Keep the city council informed on the activities of the commission by submitting a copy of their minutes to the city council following approval of the minutes by the commission. ~~The commission shall present at least an annual progress report to the city council at a regular city council meeting each January.~~
- G. Form such subcommittees as it deems necessary to assist in the performance of its duties and responsibilities, in developing working relationships with other units of government and community based organizations, and in providing site or program-specific advice to city management.
- H. Review proposals for new park facilities and recreation programs and make recommendations regarding same to the city council. [Ord. 11-O-685 § 2; Ord. 93-O-482.A, §§ 4, 5; Ord. 91-O-482 § 4.]

2.50.050 Removal/vacancies.

A member may be removed by majority vote of the city council. A member who is absent from two consecutive meetings without the permission of the commission chair, or chair when absent without permission from the vice chair, is rebuttably presumed to be in nonperformance of duty, and the city council shall declare the position vacant unless finding otherwise. All vacancies on the commission shall be filled by appointment by the mayor, with the approval of the city council, for the unexpired term. [Ord. 11-O-685 § 2; Ord. 93-O-482.A § 6; Ord. 91-O-482 § 5.]

Chapter 2.55 PLANNING COMMISSION

Sections:

- [2.55.010 Creation of city planning commission.](#)
- [2.55.020 Definition.](#)
- [2.55.030 Qualifications of members.](#)
- [2.55.040 Terms of office.](#)
- [2.55.050 Removal/vacancies.](#)
- [2.55.060 Election of chairperson and vice-chairperson.](#)
- [2.55.070 Staffing, training, expenses and compensation.](#)
- [2.55.080 Quorum, rules, meetings.](#)
- [2.55.090 Conflict of interest and disclosure.](#)
- [2.55.100 General duties and responsibilities of the commission.](#)
- [2.55.110 Particular duties of the commission.](#)
- [2.55.120 Submittal of all maps, plats and replats of land within the city limits to be submitted to the commission.](#)
- [2.55.130 Renaming of streets or roads.](#)
- [2.55.140 Ordinances and petitions pertaining to land use to be submitted to planning commission.](#)
- [2.55.150 Receiving of gifts, bequests, or devises of property.](#)

2.55.010 Creation of city planning commission.

There is hereby created a city planning commission for the city of Brookings which shall henceforth be known as the Brookings city planning commission. [Ord. 91-O-483 § 1.]

2.55.020 Definition.

The term "commission" as used in this chapter shall mean and be the Brookings city planning commission. [Ord. 91-O-483 § 2.]

2.55.030 Qualifications of members.

A. The commission shall consist of seven voting members to be appointed by the mayor with the approval of the city council. At least five of the voting members shall be electors of the city of Brookings; two may be electors who reside within the city of Brookings adopted urban growth boundary. Members shall not be officials or employees of the city.

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

C. Membership shall be restricted pursuant to Chapter [2.01](#) BMC. [Ord. 12-O-698 § 7; Ord. 11-O-680 § 2; Ord. 91-O-483 § 3.]

2.55.040 Terms of office.

~~At the first meeting of the commission, which shall be not later than 30 days after all appointments to the commission have been made and accepted, the seven appointed members shall choose their term of office by lot, as follows:~~

~~A. One for one year;~~

~~B. Two for two years;~~

~~C. Two for three years;~~

~~D. Two for four years;~~

~~and they shall immediately thereafter notify the mayor and the city council in writing of such allotment.~~

~~Their successors~~The term of office shall ~~held office for~~be four years. Any vacancy shall be filled by the mayor with the approval of the council for the unexpired portion of the term. [Ord. 91-O-483 § 4.]

2.55.050 Removal/vacancies.

A member may be removed by the city council, after hearing, for misconduct or nonperformance of duty. A member who is absent from two consecutive meetings without the permission of the commission chairperson is rebuttably presumed to be in nonperformance of duty, and the city council shall declare the position vacant unless finding otherwise following the hearing. All vacancies on the commission shall be filled by appointment by the mayor with the approval of the council, for the unexpired term. [Ord. 91-O-483 § 5.]

2.55.060 Election of chairperson and vice-chairperson.

At its last meeting of each calendar year, the commission shall elect a chairperson and vice-chairperson to serve a one-year term. The chairperson and vice-chairperson shall be eligible for re-election and shall be elected from among the voting members of the commission. The newly elected officers will take their seat at the first meeting of the next calendar year. [Ord. 98-O-483.A § 2; Ord. 91-O-483 § 6.]

2.55.070 Staffing, training, expenses and compensation.

- A. The city manager shall provide the commission with a secretary who shall keep an accurate record of planning commission proceedings.
- B. The city shall provide the commission with such other staff and consultation service as is deemed necessary by the commission and city council.
- C. The expenses of the commission and those incurred by staff and consultants to the commission shall be met by such funds as are budgeted by the city council for such purposes.
- D. Members of the commission shall receive no compensation but shall be reimbursed for duly authorized expenses.
- E. Training sessions for the continuing education of commission members shall be provided at least annually.
- F. Prior to the first regularly scheduled meeting of the planning commission following the new members' appointment, said member shall be entitled to at least a one-hour orientation meeting with the city's planning director staff.
- G. New members of the commission shall receive, upon appointment, at a minimum:

- 1. The comprehensive plan;
- 2. The land development code;
- 3. Ordinance No. 91-O-483;
- 4. Resolution No. 91-R-501;
- 5. Urban growth boundary management agreement;
- 6. Such other documents as may be useful in understanding the role of planning commission members as determined by staff and the city attorney. [Ord. 12-O-698 § 7; Ord. 91-O-483 § 7.]

Comment [t1]: See if 91-O-483 and 91-R-501 are still relevant; change to include BMC Chapter 2.55 instead if not.

2.55.080 Quorum, rules, meetings.

- A. Four voting-members of the commission shall constitute a quorum. Voting on all matters shall be consistent with the process adopted by the city council under BMC 2.05.160, with the exception that the staff member recording the votes may call for a voice vote unless a polled vote is required by state law.

B. The commission may make and alter rules and regulations for its government and procedure consistent with the laws of the state of Oregon and with the Charter and ordinances of the city of Brookings.

C. The commission shall meet at least once a month, unless there is no business to conduct, at such time and place as may be fixed. All meetings of the commission shall be open to the public.

D. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. Special meetings may be called at any time by the chairperson or by three members, by notice served upon each member of the commission at least 24 hours before the time specified for the proposed meeting. Notice of a special meeting shall be provided in accordance with State Public Meeting Law (Chapter [192](#) ORS). [Ord. 12-O-698 § 7; Ord. 91-O-483 § 8.]

2.55.090 Conflict of interest and disclosure.

~~Members of the commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:~~

~~A. The member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law;~~

~~B. Any business in which the member is then serving or has served within the previous two years;~~

~~C. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.~~

~~Any actual or potential interest shall be disclosed in writing to the city council and at the meeting of the commission where the action is being taken, and such disclosure shall be entered into the minutes of the meeting. [Ord. 12-O-698 § 7; Ord. 91-O-483 § 9.]~~

~~Members of the commission shall not participate in any commission discussion, proceeding, or action in which the member has an actual conflict of interest as defined by ORS 244.020, as amended from time to time. Members of the commission may choose whether or not to participate if he or she has a potential conflict of interest as defined by ORS 244.020, as amended from time to time. Any actual or potential conflict of interest must be disclosed at the meeting prior to any discussion, action, or opening of a hearing. The disclosure shall be entered into the minutes of the meeting.~~

2.55.100 General duties and responsibilities of the commission.

A. It shall be the duty of the commission and they shall have the responsibility to prepare, adopt and maintain a comprehensive general plan for the future growth and development of the city of Brookings. The commission shall base its decisions relating to land use, public facilities, transportation, housing and

related matters on the Brookings comprehensive general plan as now or hereafter constituted. The commission shall conduct an overall review of the Brookings comprehensive general plan that may be proposed from time to time by the public, the commission, or the city council. Said amendments shall be based upon further studies or changed community priorities or conditions. The commission shall formulate and recommend to the city council various programs, policies and ordinances intended to implement the Brookings comprehensive general plan.

~~B. The commission shall review annually any capital improvement program.~~

~~CB.~~ The commission may review and submit recommendations to the city council regarding the city boundary changes or any public program for the acquisition and development of public facilities and transportation.

~~DC.~~ The commission's duties and responsibilities are further defined in the city's land development code.

~~ED.~~ At the request of the city council, the planning commission shall perform such other duties relating to some aspect of community planning and development.

~~FE.~~ The commission shall submit a written annual report to the city council by the first day of January of each year, to be presented orally at the January council meeting.

~~GE.~~ The commission shall forward copies of the minutes of its proceedings to the city council on a monthly basis.

~~HG.~~ The commission shall perform any and all other acts and things necessary or proper to carry out the provisions of this chapter; and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city of Brookings, and the urban growth area and the area of mutual interest.

~~IH.~~ The commission shall also have all the powers which are now, or may hereafter be given to it, under the general laws of the state of Oregon or the Charter or ordinances of the city of Brookings. [Ord. 91-O-483 § 10.]

2.55.110 Particular duties of the commission.

It shall be the particular duty of the commission and they shall have the power, except as otherwise provided by law, to recommend and make suggestions to the city council and to all other public authorities concerning:

- A. The laying out, widening, extending, location of streets, parking, sidewalks, and the relief of traffic congestion;
- B. Housing and sanitary conditions;
- C. The establishment of zones and districts;
- D. Limitations on the use, height, area, and bulk of buildings and structures;
- E. Plans for the regulation of the future growth, development, and beautification in respect to its public and private buildings, works, streets, grounds, and vacant lots;
- F. Plans consistent with the projected growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping, and transportation;
- G. Plans for the promotion, development, and regulation of the industrial and economic needs of the community in respect to private and public enterprises. [Ord. 91-O-483 § 11.]

2.55.120 Submittal of all maps, plats and replats of land within the city limits to be submitted to the commission.

All maps, plats and replats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits of the city of Brookings shall be submitted to the commission for its approval and all plans for plats for vacating or laying out, widening, extending, and locating streets, or plans for public buildings may be submitted to the commission. [Ord. 91-O-483 § 12.]

2.55.130 Renaming of streets or roads.

- A. It shall be the duty of the commission to recommend to the city council the renaming of any existing street, highway or road if, in the judgment of said commission, such renaming is in the public interest.
- B. Within the urban growth area and area of mutual interest outside the city limits of the city of Brookings the commission shall have the authority to recommend to the county planning commission the renaming of streets, highways or roads. [Ord. 91-O-483 § 13.]

2.55.140 Ordinances and petitions pertaining to land use to be submitted to planning commission.

Copies of all proposed ordinances or petitions for the establishment or alteration of the boundaries of any zone or district contemplated or referred to by this chapter, and copies of all ordinances or petitions relating to the city's land development code and the city's comprehensive plan, shall be first submitted by staff to the commission for recommendation, and staff shall immediately so notify the city council, and

said commission shall make the recommendation thereon in writing to the city council; provided, however, the commission shall first hold a public hearing on said ordinances or petitions. [Ord. 91-O-483 § 14.]

~~2.55.150 Receiving of gifts, bequests, or devises of property.~~

~~The commission may receive gifts, bequests, or devises of property to carry out any of the purposes of this chapter, which property shall be set over to the city of Brookings to be used by it in furtherance of the purposes of this chapter, pursuant to the recommendation of the commission. It is further provided that the commission shall have the power and authority to recommend and make suggestions to the city council and other public authorities concerning the acceptance from the United States of America or any of its agencies, such funds as may be made available to municipalities for any of the purposes contemplated by this chapter. [Ord. 91-O-483 § 15.]~~

Chapter 2.57
TOURISM PROMOTION ADVISORY COMMITTEE

Sections:

[2.57.010 Name.](#)

[2.57.020 Mission and goals.](#)

[2.57.030 Powers and duties.](#)

[2.57.040 Organization.](#)

2.57.010 Name.

The Brookings city council hereby creates the tourism promotion advisory committee. [Ord. 14-O-732 § 2.]

2.57.020 Mission and goals.

A. The primary role of the tourism promotion advisory committee is to advise the city council on the use of transient occupancy tax (TOT) revenues allotted for tourism promotion pursuant to Chapter [3.10](#) BMC.

B. Nothing in this chapter shall be interpreted as authorizing the city to conduct a tourism promotion campaign.

C. It is the goal of the city council to expend tourism promotion funds in a coordinated and efficient manner with funding to be provided for a few selected projects and events each year. [Ord. 14-O-732 § 2.]

2.57.030 Powers and duties.

A. Duties and Responsibilities.

1. The tourism promotion advisory committee is an advisory body to the city council. It has no authority to spend or approve the expenditure of city funds. Its recommendations are made to the city council through its minutes.
2. Committee members shall serve at the pleasure of the city council.
3. Committee membership is honorary and without compensation.
4. All committee meetings shall be open to the public and held in a place that is handicapped accessible.

5. Committee minutes, as prepared by staff and approved by the committee, shall be submitted to the city council for acceptance. The minutes shall be approved, with or without amendments, additions or corrections, by affirmative action of the committee at its next meeting. [Ord. 14-O-732 § 2.]

2.57.040 Organization.

A. Membership.

1. The committee shall consist of seven voting members to be appointed by the mayor with approval of the city council.
2. Insofar as possible, city residents shall have precedence over other applicants.
 - a. All members of the committee shall be residents of Curry County. At least four of the seven members shall be residents of the city of Brookings. Non-city residents must have an economic interest, such as property ownership, business ownership, or employment, within the city. These members shall not be officials or employees of the city.
 - b. No member of any other city council-appointed board, committee or commission shall simultaneously serve on the tourism promotion advisory committee.
3. Meeting minutes shall be recorded by the city manager, or his/her designee.

B. Terms of Appointment/Removal/Vacancies.

1. Terms shall be ~~initially staggered so that three members serve a term of three years, two members serve a term of two years and two members serve a term of one year. Thereafter, all terms shall be~~ for three years.
2. ~~No member shall be eligible to serve for more than two full terms on the committee.~~
3. Vacancies created by a mid-term resignation or termination shall be filled by appointment as provided under subsection (A)(1) of this section.
4. Members may be removed by a majority vote of the city council for any reason and at any time during the member's term of appointment. Failure of a member to attend at least 50 percent of regularly scheduled meetings during a 12-month period shall result in automatic termination, unless the absences have been excused by the committee's chair.

C. Election of Officers.

1. At the last meeting of each calendar year, a chair and vice-chair shall be elected from the voting members of the committee to serve a one-year term.
2. Newly elected officers shall take their seats at the first meeting of the next calendar year.
3. No member shall serve more than two consecutive years in any one office.

D. Quorum/Rules/Meetings.

1. A majority of appointed committee members shall constitute a quorum.
2. The committee shall meet at least once each quarter, at a time and place as may be fixed by consensus of the voting members, and at other times as deemed necessary by the city manager when action is required on referrals from the agency. All meetings shall be open to the public and noticed in accordance with State Public Meeting Law (ORS Chapter [192](#)).
3. Voting by the committee on all matters shall be consistent with the process adopted by the city council under BMC [2.05.160](#), with the exception that the staff member [recording the votes may call for a voice vote unless a polled vote is required by state law.](#) ~~taking the minutes shall call the names of each member and record the votes.~~
4. Recommendations made by the committee shall be submitted to the city council in the manner prescribed by city administrative regulation.

E. Staffing.

1. The city manager or his/her designee shall provide staff support to the committee in the same manner as staff provides support to other committees and commissions to include:
 - a. Preparation of reports containing recommendations for projects to achieve the goal of promoting tourism.
 - b. Review and make recommendations for funding special events.
 - c. Transmitting recommendations from the committee to the city council.
2. All projects, programs and contracts funded through allocation of TOT funds shall be administered by the city manager or his/her designee. [Ord. 14-O-732 § 2.]

Chapter 2.60 URBAN RENEWAL AGENCY

Sections:

[2.60.010 Definitions.](#)

[2.60.020 Declaration of need.](#)

[2.60.030 Agency's rights, powers, duties, privileges and immunities granted and vested.](#)

[2.60.040 Name of agency.](#)

[2.60.050 Members' terms of office.](#)

[2.60.060 Urban renewal plan.](#)

2.60.010 Definitions.

There are hereby declared to be blighted areas existent in the city of Brookings. There is further declared to be a need for an urban renewal agency to function in the city of Brookings, which urban renewal agency shall be deemed to have all powers provided by ORS Chapter [457](#). For purposes of this declaration, blighted areas are deemed to be areas which by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health, or welfare of the city of Brookings. The term "blighted areas" is more particularly defined in ORS [457.010](#) and those definitions are incorporated herein by reference. [Ord. 02-O-547 § 1.]

2.60.020 Declaration of need.

The city council declares and recognizes that there is a need for an urban renewal agency to function within the city of Brookings. [Ord. 02-O-547 § 2.]

2.60.030 Agency's rights, powers, duties, privileges and immunities granted and vested.

The city council further declares, pursuant to ORS [457.045](#)(3), that all of the rights, powers, duties, privileges and immunities granted to and vested in an urban renewal agency by the laws of the state of Oregon shall be exercised by and vested in the city council of the city of Brookings; provided, however, that any act of the governing body acting as the urban renewal agency shall be and shall be considered, the act of the urban renewal agency only and not of the city council. [Ord. 02-O-547 § 3.]

2.60.040 Name of agency.

The corporate name of the agency provided by this chapter shall be, and said agency shall be known as, "the urban renewal agency of the city of Brookings." [Ord. 02-O-547 § 4.]

2.60.050 Members' terms of office. 

The term of office of each member of the urban renewal agency shall be concurrent with each member's individual term of office as a member of the city council. [Ord. 02-O-547 § 5.]

2.60.060 Urban renewal plan.

A. Findings.

1. That the area described in the Brookings Urban Renewal Plan is blighted.
2. That rehabilitation and redevelopment is necessary to protect the public health, safety, or welfare of the city of Brookings.
3. That the Brookings urban renewal plan conforms to the city's comprehensive plan as a whole, and provides an outline for accomplishing the projects that the Brookings urban renewal plan proposes.
4. That provisions have been made to house displaced persons within their financial means and in accordance with ORS [281.045](#) through [281.105](#) and, except in the relocation of elderly or handicapped individuals, without displacing on priority lists persons already waiting for existing federally subsidized housing.
5. That no real property has been identified for acquisition at this time, and therefore, that no findings of necessity have been made at this time.
6. That the adoption and carrying out of the urban renewal plan is economically sound and feasible.
7. That the City shall assume and complete any activities prescribed it by the urban renewal plan.
8. That the Brookings city council hereby incorporates by reference the Brookings urban renewal plan, attached to the ordinance codified in this section as Exhibit "A," as support for its above-mentioned findings.
9. That the Brookings city council further relies on the report on the Brookings urban renewal plan, attached to the ordinance codified in this section as Exhibit "B," which is incorporated by reference, the report of the planning commission, the public hearing and the entire record before the city council in this matter.

B. Conclusions.

1. The Brookings city council hereby adopts and approves the Brookings urban renewal plan, pursuant to the provision of ORS Chapter [457](#), and directs the city recorder to publish notice of the

adoption of the ordinance codified in this section in accordance with the requirements of ORS [457.115](#).

2. The Brookings city council directs the city recorder to record a copy of the ordinance codified in this section approving the Brookings urban renewal plan with the recording officer of Curry County, Oregon, pursuant to ORS [457.125](#), and directs the city recorder to send a copy of the ordinance codified in this section to the urban renewal agency for the city of Brookings, Oregon. [Ord. 02-O-551 §§ 1, 2.]

Chapter 2.63 URBAN RENEWAL ADVISORY COMMISSION

Sections:

[2.63.010 Name.](#)

[2.63.020 Powers and duties.](#)

[2.63.030 Organization.](#)

2.63.010 Name.

The Brookings city council hereby creates the urban renewal advisory commission for the urban renewal agency. [Ord. 10-O-653 § 2; Ord. 08-O-607 § 2.]

2.63.020 Powers and duties.

A. General Duties and Responsibilities.

1. The urban renewal advisory commission is an advisory body to the city council acting as the urban renewal agency. It has no authority to spend or approve the expenditure of urban renewal agency funds. Its recommendations are made to the urban renewal agency through its minutes.
2. Commission members shall serve at the pleasure of the urban renewal agency.
3. Commission membership is honorary and without compensation.
4. All commission meetings shall be open to the public and held in a place that is handicapped accessible.
5. Any matters pertaining to the urban renewal plan shall only be acted upon by the urban renewal agency following review and recommendation by the commission.
6. This commission may be assigned other duties related to urban renewal by the urban renewal agency.

B. Specific Duties and Responsibilities.

1. The primary role of the urban renewal advisory commission is to advise the urban renewal agency on the implementation of the urban renewal plan and to make recommendations to the urban renewal agency on projects referred to it by the agency, including, but not limited to, the following:

- a. The timing, final design and funding for projects and activities listed in the urban renewal plan.
- b. The annual or periodic review of work plans related to implementation of the urban renewal plan.
- c. Minor or major amendments to the urban renewal plan.
- d. Sponsoring public events and other activities to gather input and communicate with the community regarding the plan, as requested by the agency.

2. Commission minutes, as prepared by staff and approved by the commission, shall be submitted to the urban renewal agency for acceptance. The minutes shall be approved, with or without amendments, additions or corrections, by affirmative action of the commission at its next meeting. [Ord. 10-O-673 § 2; Ord. 10-O-653 § 2; Ord. 08-O-607 § 3.]

2.63.030 Organization.

A. Membership.

1. The commission shall consist of seven voting members to be appointed by the chair with approval of the urban renewal agency, and non-voting members to consist of the city manager acting in the capacity of the agency's executive director, an agency liaison, and other staff members as deemed necessary or appropriate by the agency's executive director to support the activities of the commission.
2. Insofar as possible, residents of the urban renewal district area shall have precedence over other applicants.
 - a. All members of the commission shall be residents of Curry County. At least four of the seven members shall be residents of the city of Brookings. Noncity residents must have an economic interest, such as property ownership, business ownership, or employment, within the urban renewal area. These members shall not be officials or employees of the city.
 - b. No member of any other city council-appointed board, commission or committee shall simultaneously serve on the urban renewal advisory commission.
3. The executive director shall designate a staff member whose responsibility it shall be to record the minutes of the meetings.

B. Terms of Appointment/Removal/Vacancies.

1. Terms shall be initially staggered so that three members serve a term of three years, two members serve a term of two years and two members serve a term of one year. Thereafter, all terms shall be for three years.
2. No member shall be eligible to serve for more than two full terms on the commission.
3. Vacancies created by a mid-term resignation or termination shall be filled by appointment of the urban renewal agency.
4. Members may be removed by a consensus of the urban renewal agency for any reason and at any time during the member's term of appointment. Failure of a member to attend less than 50 percent of regularly scheduled meetings shall result in automatic termination, unless the absences have been excused by the commission's chair.

C. Election of Officers.

1. At the last meeting of each calendar year, a chair and vice-chair shall be elected from the voting members of the commission for a one-year term.
2. The newly elected officers shall take their seats at the first meeting of the next calendar year.
3. No member shall serve more than two consecutive years in any one office.

D. Quorum/Rules/Meetings.

1. Four voting members of the commission shall constitute a quorum.
2. The commission shall meet at least once each quarter, at a time and place as may be fixed by consensus of the voting members, and at other times as deemed necessary by the executive director when action is required on referrals from the agency. All meetings shall be open to the public and noticed in accordance with State Public Meeting Law (ORS Chapter [192](#)).
3. Voting by the commission on all matters shall be consistent with the process adopted by the city council under BMC [2.05.160](#), with the exception that the staff member designated by the executive director to take the minutes shall call the names of each member and record the votes.

4. Recommendations made by the commission shall be submitted to the agency in the manner prescribed by city administrative regulation. [Ord. 10-O-673 § 2; Ord. 10-O-653 § 2; Ord. 08-O-607 § 4.]

Chapter 2.65
~~TRAFFIC SAFETY COMMITTEE~~

Sections:

~~2.65.010— Name.~~

~~2.65.020— Powers and duties.~~

~~2.65.030— Organization.~~

~~2.65.010 Name.~~

~~The Brookings city council hereby creates a traffic safety committee for the city of Brookings. [Ord. 09-O-630 § 2; Ord. 02-O-552 § 1.]~~

~~2.65.020 Powers and duties.~~

~~A. Generally.~~

- ~~1. The committee is an advisory body to the city council. It has no authority to spend or approve the expenditure of any city funds. Its recommendations are made to the city council through a staff report on the council agenda.~~
- ~~2. Appointed members shall serve at the pleasure of the city council.~~
- ~~3. Appointed membership on the committee is honorary and without compensation.~~
- ~~4. All meetings of the committee shall be open to the public, shall be properly noticed and shall be held in a place that is open to the public and in an accessible location.~~
- ~~5. Any matters pertaining to traffic safety shall only be acted upon by the city council following review by the committee and upon recommendation by the committee.~~
- ~~6. This committee may be assigned other duties by adoption of other legislation of the city.~~

~~B. Specifically. The Brookings traffic safety committee shall be responsible for the following:~~

- ~~1. To promote traffic safety practices in the community, including, but not limited to, pedestrian safety, bicycle safety, and motor vehicle safety.~~
- ~~2. To develop educational programs to encourage traffic safety.~~

~~3. To consider, research, evaluate and recommend changes in the traffic control signs, signals, roadway markings, crosswalks, parking requirements, traffic lanes, safety corridors, safety zones, and other related matters.~~

~~4. To hear concerns of citizens about traffic issues.~~

~~5. To interact with other boards, committees and commissions of the city that may have related or overlapping duties and authorities (e.g., planning commission). [Ord. 09-O-630 § 2; Ord. 02-O-552 § 2.]~~

~~2.65.030 Organization.~~

~~A. Membership. The committee shall consist of five members to be comprised as follows:~~

~~1. Three members shall be from staff and consist of the chief of police, fire chief and public works director, or their respective designees.~~

~~2. Two members, residing within the city limits, shall be appointed by the mayor and city council from the community at large, and serve two-year terms, said terms to be staggered.~~

~~3. The chief of police, or his/her designee, shall serve as committee chair. The chair shall preside over the committee's deliberations, preserve order, and determine the order of business. The chair shall report to the city council all committee recommendations at the next regular city council meeting and accurately report the council's decisions regarding those recommendations back to the committee.~~

~~B. Officers.~~

~~1. The committee shall elect from its full membership a vice chair at the first meeting, and thereafter at their first meeting in every even-numbered year. In the event of the resignation or other vacating of the office, the committee shall elect a new chair to serve the balance of the unexpired term. The vice chair shall carry out the duties of the chair in the chair's absence.~~

~~2. One of the three staff members shall be elected to serve as committee secretary at the first meeting, and thereafter at the first meeting of every even-numbered year. The secretary, or the secretary's designee, shall take minutes, give meeting notice, and support the efforts of the committee in all areas.~~

~~3. Officers may make motions, second motions and vote on all matters before the committee.~~

~~C. Quorum. A quorum of the committee shall be three members.~~

~~D. Meetings. The committee shall meet as needed, as determined by the committee chair. All meetings must be properly noticed subject to the provisions of the open meeting law and notice requirements.~~

~~E. Rules of Procedure. The committee shall be governed under the same rules of order prescribed for the city council.~~

~~F. Minutes. The committee's minutes shall be prepared by staff and approved, with or without amendments, additions or corrections, by affirmative action of the committee at its next meeting. Committee minutes as prepared by staff shall be transmitted to the city council on its next agenda, as an item under the consent calendar, for acceptance. [Ord. 09-O-630 § 2; Ord. 02-O-552 § 3.]~~

Chapter 2.67 BUDGET COMMITTEE

Sections:

[2.67.010 Purpose.](#)

[2.67.020 Definitions.](#)

[2.67.030 Organization of the budget committee.](#)

[2.67.040 Qualifications and terms of appointed members.](#)

[2.67.050 Term of appointed members.](#)

[2.67.060 No compensation.](#)

[2.67.070 Election of presiding officer.](#)

[2.67.080 Power and duties of the budget committee.](#)

[2.67.090 Duties and responsibilities of the budget officer.](#)

[2.67.100 Meetings and notice.](#)

[2.67.110 Removal/vacancies of citizen members.](#)

2.67.010 Purpose.

The purpose of the budget committee is to review the budget message and budget document as prepared by the budget officer. [Ord. 12-O-699 § 2.]

2.67.020 Definitions.

The term “committee” as used in this chapter shall mean the city of Brookings budget committee. [Ord. 12-O-699 § 2.]

2.67.030 Organization of the budget committee.

ORS [294.414](#) requires that each local government establish a budget committee. The committee is made up of the city council and an equal number of appointed citizen members. The director of finance and human resources shall serve as the committee’s budget officer. [Ord. 12-O-699 § 2.]

2.67.040 Qualifications and terms of appointed members.

Appointments to the committee are made by the mayor with consent of the city council after an application is filed with the city recorder. Appointed members:

- A. Must reside inside the city limits;
- B. May not be officers or employees of the city; and
- C. Must be qualified voters of the city. [Ord. 12-O-699 § 2.]

2.67.050 Term of appointed members.

Appointed members serve staggered three-year terms, such that approximately one-third of the terms of appointed members end each year. Members may apply for reappointment. [Ord. 12-O-699 § 2.]

2.67.060 No compensation.

Appointed members shall not receive compensation for serving in this capacity as proscribed under ORS [297.414](#)(3). [Ord. 12-O-699 § 2.]

2.67.070 Election of presiding officer.

At its first budget meeting of the calendar year, the committee shall elect a presiding officer for a one-year term. [Ord. 12-O-699 § 2.]

2.67.080 Power and duties of the budget committee.

The committee shall be responsible for reviewing the budget document. The committee may request and receive any information it requires for the revision and preparation of the budget document and may compel the attendance of any such officer or employee at its meeting as provided under ORS [294.428](#). Once satisfied with the budget document, the committee will approve the document and forward it to the city council for public hearing and adoption. [Ord. 12-O-699 § 2.]

2.67.090 Duties and responsibilities of the budget officer.

The budget officer shall be responsible for preparing and submitting the annual budget estimates and other such estimates as the city council may request and for presenting the budget document and budget message to the committee. The budget officer shall prepare budget estimates, the budget message and budget document under the direction of the city manager. [Ord. 12-O-699 § 2.]

2.67.100 Meetings and notice.

The committee shall hold one or more meetings to review and approve the budget document as provided under ORS [294.426](#). The budget committee may also meet at other times at its discretion. Budget committee meetings shall be open to the public and noticed as required under Oregon budget law. [Ord. 12-O-699 § 2.]

2.67.110 Removal/vacancies of citizen members.

~~Following a hearing, the city council may remove a citizen member for misconduct or nonperformance of duty.~~ Citizen members serve at the pleasure of city council and may be removed by a majority vote of the city council. A member who is absent from two consecutive meetings without the permission of the presiding officer is ~~rebuttably~~ presumed to be in nonperformance of duty, and the city council ~~shall~~ may declare the position vacant ~~unless finding otherwise following the hearing~~. All committee vacancies shall

be filled by appointment by the mayor with the approval of the council, for the unexpired term. [Ord. 12-O-699 § 2.]

Chapter 2.70
~~EMPLOYEE CONTRIBUTIONS TO PERS~~

Sections:

~~2.70.010—Oregon PERS employee contribution.~~

~~2.70.010 Oregon PERS employee contribution.~~

~~The required Oregon PERS employee contribution of six percent of salary is deemed to be “picked up” for purposes of Internal Revenue Code Section 414(h)(2) and is assumed and paid for purposes of ORS 238A.335(2)(b). The employee does not have the option of receiving the assumed amount directly. Employee compensation may not be reduced and the employer shall provide the additional amounts necessary to make the employee contributions. This policy is not retroactive in application. [Ord. 12-O-698 § 8; Ord. 94-O-508 § 1.]~~

Chapter 2.75

DISPOSAL OF UNCLAIMED, BAILED

AND STOLEN PROPERTY

Sections:

- 2.75.010 Unclaimed property - definition.
- 2.75.020 ~~Sale of perishable property~~ Notice and sale of unclaimed property.
- 2.75.030 ~~Fees allowed to municipal court judge and Brookings police department.~~ [repealed]
- 2.75.040 Delivery of stolen property to owner.
- 2.75.050 ~~Rights and authority converted by order of delivery.~~ [repealed]
- 2.75.060 Disposal of unclaimed stolen property. ~~of money — Sale of property.~~
- 2.75.070 Title of purchase at sale.
- 2.75.080 Crediting and appropriating proceeds of sale paid into city treasury – Rights of owner.

2.75.010 Unclaimed property - definition. “Unclaimed property” means personal property that was seized by a removing authority as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of that removing authority for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

Formatted: Font: Bold

~~If personal property deposited with the city of Brookings or any agency thereof is not claimed and taken away within one year after the time it was received, the city of Brookings may at any time thereafter proceed to sell the property in the following manner:~~

2.75.020 Notice and sale of unclaimed property.

~~A. Notice of Sale.~~ **A. Notice.** Before property ~~shall~~ may be sold pursuant to this section, ~~at least 60 a~~ minimum of 30 days’ notice of sale shall be given to any person that the city of Brookings has reason to believe has an ownership or security interest in any of the unclaimed property described in the notice. ~~The notice shall be sent by regular mail to the last known address of the person, the owner of the property, if his name and residence are known, either personally or by mail, or by leaving a notice at his residence or place of doing business, or, if the name and residence of the owner is not known, a notice shall be published and contain a description of the property.~~ In addition, the city of Brookings shall, post a notice in three public places and publish it at least once within for six successive weeks in the Curry Coastal Pilot a newspaper of general circulation in Curry County. The notice shall include a description of the unclaimed property, the address and telephone number of city hall. The last- first publication of the notice shall be at least 18-30 days prior to the time-date of sale.

B. Affidavit by Custodian When No Response to Notice. If the owner or person entitled to the property to be sold pursuant to this section shall not take it away and pay the charges thereon after ~~60-30~~ days' notice is given, the agency of the city of Brookings having possession thereof shall deliver to the ~~Brookings police department~~municipal court an affidavit setting forth a description of the property remaining unclaimed, the time of its reception, the publication of the notice, and whether the owner of the property is known or unknown.

C. Inventory and Order to Sell. Upon the delivery to the ~~municipal court~~Brookings police department of the affidavit as provided in subsection (B) of this section, the ~~municipal court judge shall cause the property to be examined in her presence, and a true inventory thereof to be made. She shall annex to such inventory an order under her hand that the property therein described~~property described therein may be sold at public auction or public sale by the ~~Brookings police~~ department.

D. Sale. The Brookings police department, after receiving the ~~affidavit inventory and order~~ provided for in subsection (C) of this section, shall ~~give 10 days' notice of the sale by posting written notices thereof in three or more places within the city of Brookings, and sell the property at public auction or public sale. auction to the highest bidder in the same manner as provided by law for sales under execution from justice court.~~

E. Delivery of Proceeds ~~to Municipal Court~~. Upon completing the sale provided for in subsection (D) of this section and after deducting its fees, the Brookings police department shall ~~endorse, upon the order provided for in subsection (C) of this section, a return of proceedings. The Brookings police department shall deliver the order to the municipal court judge, together with the inventory and the net~~ proceeds of the sale, together with a statement containing a description of the property sold, the gross amount of the sale, and the costs, charges and expenses after deducting their fees, to the city finance director.

F. Disposal if not sold. If, upon completing the sale provided for in subsection (D) of this section, property remains unclaimed and unsold, the Brookings police department may dispose of such property by any method it deems suitable based upon the nature and condition of the property.

~~F. Disposal of Proceeds by Municipal Court. From the proceeds of the sale provided for in subsection (E) of this section, the municipal court judge shall pay all legal charges that have incurred in relation to the property, or a ratable portion of each charge if the proceeds of the sale are not sufficient to pay all the charges; and further, the balance, if any, shall be immediately paid over to the city finance director, and a statement delivered therewith containing a description of the property sold, the gross amount of the sale, and the costs, charges and expenses paid to each person.~~

G. Procedure by City Finance Director. The city finance director shall make an entry of the amount received by him or her and the time when received, ~~and shall file in his office that statement delivered to him by the municipal court judge pursuant to subsection (F) of this section.~~

H. Payment to Person Proving Ownership. If the owner of the property sold, or his legal representative, furnishes satisfactory evidence to the city finance director of his or her ownership of the property deposited in the city treasury pursuant to subsection (F) of this section, he or she shall be entitled to receive from the treasurer the amount deposited with him. Any such claim must be made within one year of the date of sale. [Ord. 80-O-343 § 1.]

~~**2.75.020 Sale of perishable property.**~~

~~Perishable property, if not reclaimed within 30 days after it was left, may be sold by giving 10 days' notice thereof. The sale shall be conducted and the proceeds of the sale shall be applied as provided in BMC 2.75.010. Any property in the state of decay or manifestly liable to immediately become decayed, may, after inspection, be summarily sold by order of the municipal court judge, as provided in BMC 2.75.010(C). [Ord. 80-O-343 § 2.]~~

~~**2.75.030 Fees allowed to municipal court judge and Brookings police department.**~~

~~The municipal court judge shall receive \$9.00 for each day's service rendered pursuant to BMC 2.75.010 and 2.75.020; and the Brookings police department shall receive the same fees as are allowed by law for sales upon an execution, and \$0.50 per folio for making an inventory of property. [Ord. 80-O-343 § 3.]~~

2.75.040 Delivery of stolen property to owner.

~~A. On satisfactory proof of the title of the owner of the property, the municipal court judge, who examines the charge against the person accused of the crime, shall order it to be delivered to the owner or his duly authorized agent, on paying the reasonable and necessary expenses incurred in this preservation, which shall be ascertained and certified by the municipal court judge.~~

~~B. If property that is the subject of a theft has not been delivered to the owner, the court before which a trial is had for the stealing thereof, may, on like proof and condition, order its delivery to the owner or his agent. [Ord. 80-O-343 § 4.]~~

~~**2.75.050 Rights and authority converted by order of delivery.**~~

~~The order provided for in BMC 2.75.080 entitles the owner or his agent to demand and receive the possession of the property from the officer having it in custody and authorizes such officer to deliver it accordingly, but it does not affect the rights of third persons. [Ord. 80-O-343 § 5.]~~

2.75.060 Disposal of unclaimed stolen property ~~of money — Sale of property.~~

If stolen property is not claimed by the owner within 60 days from the conviction of the person charged with the theft, the officer having it in custody shall, if it is money, pay it into the city treasury. If it is other property, it shall be sold as otherwise provided in this chapter. ~~he shall sell it as upon an execution and, after paying the expenses of the sale and preservation of the property, which shall be ascertained and certified by the clerk of the municipal court, pay the proceeds into the city treasury.~~ [Ord. 80-O-343 § 6.]

2.75.070 Title of purchase at sale.

The sale of property pursuant to ~~BMC 2.75.060~~ this chapter conveys a good title to the purchaser as against any person. [Ord. 80-O-343 § 7.]

2.75.080 Crediting and appropriating proceeds of sale paid into city treasury – Rights of owner.

Money paid into the city treasury pursuant to BMC 2.75.060 shall be credited and appropriated as a fine imposed upon a person convicted of a theft; but, the owner of the property, at any time within one year of the conviction, upon making satisfactory proof of ownership before the municipal court, may, by the order of such court, have the proceeds repaid to him from the city treasury. [Ord. 80-O-343 § 8.]

2.75.090 Rights and authority converted by order of delivery.

The order provided for in BMC 2.75.080 entitles the owner or his or her agent to demand and receive the possession of the property from the officer having it in custody and authorizes such officer to deliver it accordingly, but it does not affect the rights of third persons. [Ord. 80-O-343 § 5.]

Formatted: Font: Bold

Formatted: Font: Bold

Chapter 2.85

SALE OF CITY OWNED REAL PROPERTY

Sections:

- 2.85.010 Purpose.
- 2.85.020 Decision to sell real property.
- 2.85.030 Procedure to sell real property.
- 2.85.040 Proposals for purchase of property.
- 2.85.050 Opening of proposals.
- 2.85.060 Negotiations.
- 2.85.070 Public hearing.
- 2.85.080 Rejection of all proposals.
- 2.85.090 Continued marketing of real property interest after rejection of all proposals.
- 2.85.100 Application of this chapter.

This chapter is created to provide a procedure by which the city sells real property owned by the city which has been determined to no longer have public need. This chapter may be known as "Procedures to Sell City Owned Real Property." It is intended that the provisions of this chapter shall supplement the requirements of Oregon law in the sale of city owned real property. In the event that any provision of this chapter shall conflict with state law, state law shall control. [Ord. 12-O-700 § 2.]

2.85.020 Decision to sell real property.

In the event that the city council should decide that a parcel or parcels of real property owned by the city are no longer needed for a public use, the council may order that the property be sold pursuant to the procedures of this chapter. The decision of the council to order the property sold shall be made at a regular or special meeting of the city council, and shall be based upon evidence and recommendations gathered by city staff. Unless otherwise required by the council, no public hearing shall be required for the council to make a determination that the real property is not needed for public use or to decide to sell the real property, subject to the public hearing procedures required by Oregon law and this chapter. [Ord. 12-O-700 § 2.]

2.85.030 Procedure to sell real property.

If the city council decides to sell real property pursuant to this chapter, the city ~~administrator~~manager, or the city ~~administrator's~~manager's designee, shall prepare a request for bids to buy the subject real property. A notice shall be published of the proposed disposition of city real property interest. Such notice shall be published in one or more newspapers of general circulation in Curry County, and in any other publication which the city administrator deems advisable, considering any unique circumstance surrounding the subject real property. The notice shall be published not less than once a week, for three successive weeks. The published notification shall include the following:

A. A general description of the city real property interest subject to disposition, including a legal description;

B. The minimum asking price. The minimum asking price shall be determined after considering an appraisal of the real property or other information which the city ~~administrator~~manager deems appropriate, including a consideration of the costs of sale of the property;

C. The name and address of the person to contact to obtain any additional information concerning the city real property interest;

D. A request for proposals, including the address to which the proposal must be delivered and the date and time the proposal is due, which shall not be less than 30 days from the date of the first notice;

E. A requirement that a security deposit in the amount and form required by this chapter be submitted with the proposal;

F. A reservation of the right of the city to accept or reject any proposal; and

G. Any other information the city ~~administrator~~manager deems desirable to include in the notice.

In addition to the above notice requirements, the city ~~administrator~~manager shall also cause notices to be sent, containing the same information as required above, to the owners of real property directly adjoining the city owned real property proposed to be sold. Such notices shall be sent by regular mail to the person, persons or entity listed in the records of Curry County, Oregon purporting to be the owner in fee title to the real property directly adjoining the city owned property to be sold. Failure of any person or entity with an ownership interest in said adjoining real property to receive the notice of the proposed

sale of the subject city owned real property shall not invalidate or impede any subsequent sale of the city owned real property. [Ord. 12-O-700 § 2.]

2.85.040 Proposals for purchase of property.

A. All proposals submitted in response to the published notice described in BMC 2.85.030 shall be accompanied by a deposit, in the form of:

1. A certified check; or
2. Sufficient bond furnished by a surety company authorized to do business in this state, in favor of the city of Brookings in a sum not less than 10 percent of the total amount of the value of the proposal.

B. Deposits will be refunded to all unsuccessful proposers after:

1. The closing of the sale to a successful proposer; or
2. Rejection of all proposals.

C. Each proposal shall clearly set forth the amount offered for the purchase of the city owned real property, and shall include the following additional matters:

1. Any conditions upon the proposer's offer to acquire the city's real property interest; and
2. Any other information the proposer believes is relevant to its proposal.

D. If the city ~~administrator-manager~~ finds any proposal to be ambiguous, the city ~~administrator-manager~~ may request that the proposer submit further information in order to clarify the proposer's proposal. If the city ~~administrator-manager~~ does not request any such clarification, the ambiguous proposal may be rejected. [Ord. 12-O-700 § 2.]

2.85.050 Opening of proposals.

After the date and time for submitting proposals have passed, the city ~~administrator~~ manager shall open all proposals that have been timely delivered and that have the required deposit. All responsive proposals shall be evaluated by the city ~~administrator~~ manager, or his designee, in order to determine the proposal most advantageous to the city. The city ~~administrator~~ manager may make recommendations to the city council concerning the transfer of the city's interest in the subject real property. The city council, as provided in this chapter, after public notice and hearing may determine if the proposal is most advantageous to the city. The determination of the most advantageous proposal by the city council shall be final and conclusive and shall not be subject to review by any court. [Ord. 12-O-700 § 2.]

2.85.060 Negotiations.

The city ~~administrator~~ manager shall notify the apparent successful proposer and may negotiate to determine if the transfer can be consummated, subject to the final approval of the city council. If such negotiations are unsuccessful, the city ~~administrator~~ manager shall notify the next highest ranking acceptable proposer and may similarly attempt to negotiate the disposition of the city real property interest. [Ord. 12-O-700 § 2.]

2.85.070 Public hearing.

The city council shall hold a public hearing on the proposed disposition of the city real property interest prior to the sale. Notice of the proposed sale shall be published in a newspaper of general circulation in the city.

A. The notice shall be published at least once during the week prior to the public hearing required in this section. The notice shall comply with the provisions of ORS 221.725 and shall state the time and place of the public hearing, a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property. Proof of publication of the notice may be made as provided by ORS 193.070.

B. Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing herein prevents the city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

C. The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

D. Nothing in this section shall prevent the city council from adopting an alternative procedure for the sale of city real property, after public notice and hearing, as provided by ORS 221.727. [Ord. 12-O-700 § 2.]

2.85.080 Rejection of all proposals.

The city council, in its sole discretion, may reject any or all proposals. [Ord. 12-O-700 § 2.]

2.85.090 Continued marketing of real property interest after rejection of all proposals.

If all proposals are rejected, the city may market and sell the real property interest in any manner the city council deems appropriate, subject to the public hearing provisions of BMC 2.85.070, including by and through a real estate licensee; provided, that:

A. Any resulting agreement of sale must be approved by the city council as required by state law.

B. If no agreement of sale is executed within 18 months of the publication of the first public notice of sale described in BMC 2.85.030, no agreement of sale may be accepted without again first publishing a public notice of sale and complying with the provisions of this chapter. [Ord. 12-O-700 § 2.]

2.85.100 Application of this chapter.

This chapter shall apply to sales and leases of city owned real property, only, after the effective date of this chapter. [Ord. 12-O-700 § 2.]
