

## Chapter 2

### GOVERNMENT AND ADMINISTRATION

#### MUNICIPAL SEAL

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

**2.005 City Administrator.** The city administrator is the chief administrative officer of the city and is responsible for the day-to-day management of the city and each department thereof and shall implement the duly adopted policies for the Lafayette city council. The administrator serves at the pleasure of the city council.

**2.010 Contracts for Professional Services.** The city shall contract for professional services provided by individuals who are not city employees, including the following:

- (1) City attorney;
- (2) City engineer;
- (3) City planner;
- (4) City building inspector;
- (5) Municipal court judge.

**2.025 Initiative and Referendum.** All initiative and referendum proceedings shall be filed

in accordance to Oregon Revised Statutes and processed through the office of the Yamhill County Clerk.

#### PLANNING COMMISSION

**2.050 Establishment.** The planning commission for the city is reestablished and reorganized in accordance with the provisions of sections 2.050 to 2.100.

#### 2.055 Membership.

(1) The mayor shall appoint, with the approval of the council, a planning commission consisting of seven (7) members. All members of the planning commission shall be residents of the city, except as provided in subsection (2) below, and shall be selected on the basis of their qualifications to serve in such capacity. The city administrator shall be entitled to sit with the commission and take part in its discussions or deliberations, but shall have no vote on any matter to come before the commission.

(2) In the event the Mayor and Council believe it appropriate, one (1) member of the Commission may reside outside the City's corporate limits but which area is an "area of influence" on the City. As used in this subsection "area of influence" means that area comprising the voting precinct established by the Yamhill County Elections Division which contains all or the greatest amount of land falling within the City's corporate limits.

[Amended by Ord 522 on Jan 27, 2000]

**2.060 Terms of Office.** The terms of office of all members of the planning commission who are serving at the time of adoption of the ordinance codified in sections 2.050 to 2.100 shall

terminate upon the date of their original appointment. Appointments or reappointments to the planning commission shall be made by the city council with the effective date of such appointments to be simultaneous with the effective date of the ordinance codified in sections 2.050 to 2.100. Terms of office for planning commission members shall be for a period of four years.

**2.065 Vacancies and Removal.** Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the city council after hearing for misconduct, misfeasance, malfeasance, or nonperformance of duty. A member who is absent from three consecutive meetings or more than one-half of the scheduled meetings during a one-year period without an excuse approved by the chairperson is rebuttably presumed to be in nonperformance of duty and the city council may declare the position vacant unless extenuating circumstances are determined at the hearing.

**2.070 Chairperson and Vice Chairperson.**

(1) At its first meeting following adoption of the ordinance codified in sections 2.050 to 2.100, and at its first meeting in January of each even-numbered year thereafter, the commission shall elect a chairperson and vice chairperson to serve two-year terms.

(2) The chairperson of the planning commission, or in the chairperson's absence the vice chairperson, shall have a vote only in case of a tie vote by other members of the planning commission present.

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

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

**2.075 Secretary and Staff Services.** The city administrator shall provide a secretary to the commission and such other staff and consultation services as may be appropriate, feasible, and within budgetary limitations. The secretary shall keep a record of all commission proceedings. The planning director and city administrator, or their duly authorized representative, shall attend all official planning commission meetings and shall provide technical advice and guidance to the commission. The commission shall give due consideration to such technical advice.

**2.080 Meetings.** A majority of the members of the planning commission shall constitute a quorum. A regular meeting night and time shall be established, however, the Commission will only meet when there is an agenda item to deal with. Meetings of the commission shall be open to the public. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. The chairperson upon a motion may, or at the request of three members of the commission shall, by giving notice to members of the commission, call a previously unannounced special meeting of the commission for a time not earlier than 24 hours after the notice is given.

[Amended by Ordinance 567 on April 8, 2004]

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

**2.090 Compensation.** Planning commission members shall receive no compensation for their service but shall be fully reimbursed for all duly authorized expenses.

**2.095 Consideration of Qualifications for Membership.** In selecting individuals for

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

**2.100 Conflict of Interest.** A member of a planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

## **BUDGET COMMITTEE**

**2.125 Budget Committee--Appointments.** The budget committee shall be established as provided by state law.

**2.130 Vacancies.** Vacancies on the Budget Committee will be filled as follows:

(1) Any vacancy on the Budget Committee will be advertised by posting within the community, and any person currently residing

within the city limits of Lafayette may apply in writing to the City Administrator to be considered for appointment.

(2) Appointments shall be made by the Mayor in a public meeting, subject to the approval of the Council, for a term of three (3) years or for the unexpired term of any vacant position. Staggered terms will be established.

(3) The person so appointed shall remain on the committee until the end of the term to which they were appointed, unless they submit a written resignation which is accepted by the Mayor and Council, or unless they are removed from the committee by a motion and affirmative vote of the Mayor and Council at a public meeting when it is found that the appointee has accumulated three unexcused absences from any scheduled Budget Hearings.

[Amended by Ordinance 567 on April 8, 2004]

## **STANDING COMMITTEES**

**2.140 Standing Committees.** The city council is authorized to establish Standing Committees by resolution where the city finds that a public project or subject is of sufficient importance to the public interest and is of an ongoing nature such that the council would benefit from the creation of a permanent advisory body. The powers of a Standing Committee shall be determined by the Resolution creating the committee. [Added by Ord No 509 on Feb 11, 1999]

## **LOCAL CONTRACT REVIEW BOARD**

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

**2.205 Contract Review Board.** The city council is designated as the Local Contract Review Board for the city of Lafayette. The board

shall adopt rules by resolution relating to the public bidding process and public contracts.

**2.210 Organization.**

(1) The mayor shall act as chairperson of the board. The president of the council shall act as the vice chairperson.

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

(3) Meetings shall be called in the same manner as a council meeting.

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

**2.215 Authority to Obligate the City.** The city council shall approve all public contracts and personal services contracts except as otherwise provided in section 2.220.

**2.220 Delegation of Authority to Obligate City.** The city administrator may enter into a public contract or personal services contract which does not exceed fifteen thousand dollars (\$15,000) without specific council approval provided the obligation is part of an adopted budget, the rules of the board are satisfied by written findings, and record is made of the transaction which shows compliance with the rules. This delegation of authority shall be subject to the limitations of section 2.225.

[Amended by Ord 519 on Dec 9, 1999]

**2.225 Limitation on Expenditures.** The delegated authority to obligate the city shall be subject to the following limitations:

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

(2) The item or contract shall not be a component of a project except in the case of a project which involves a personal services con-

tract and a public contract. In this situation, the personal services contract portion shall be considered a single complete project and the public contract portion shall be considered a single complete project.

[Sections 2.250 through 2.470 repealed by Ordinance 567 on April 8, 2004]

**MEASURE 37 PROCEDURE**

**2.300 Purpose.**

The purpose of this ordinance is to adopt policies and procedures for the City's implementation of Ballot Measure 37 (the "Measure"), which is effective December 2, 2004.

**2.305 Policy.**

It is unlikely that the City will have adequate financial resources to pay claims filed with the City pursuant to the Measure, although the City reserves the right to do so in particular cases. It is the City's policy that such claims be negotiated with claimants to achieve resolution suitable to the City, claimants, and, if possible, other affected property owners. It is also the policy of the City that the resolution of Ballot Measure 37 claims be public to assure public understanding of the requirements and consequences of the Measure.

**2.310 Procedure.**

(1) In processing a claim filed pursuant to the Measure, the City will follow the following procedures:

(a) **Form of Claims.** A claim pursuant to the Measure may be filed in any form. A standard form shall be prepared and provided to claimants by the City Administrator, which, if used, will facilitate and expedite consideration of claims. For purposes of this ordinance, a

claim shall apply only to a single parcel of real property.

(b) **Fees.** If a claimant seeks consideration of a claim pursuant to this ordinance, the claim must be accompanied by an application fee to reimburse the City for the cost of processing the claim. Said fee shall be set by a Resolution of the Council. If the fee is not paid, the procedures established by this resolution shall not apply to the claim unless determined otherwise by the City Administrator.

(c) **Filing Official.** Claims authorized by the Measure shall be filed with the City Administrator.

(d) **Supporting Information.** Processing a claim will be facilitated and expedited by submission by claimant to the City of the following information:

- i. Identification of the affected parcel of property, including a legal description.
- ii. Evidence of property ownership, including prior ownership by family members.
- iii. Evidence of current fair market value of the affected parcel of property.
- iv. Evidence of decrease of fair market value of the affected parcel of property due to a land use restriction adopted or enforced by the City and

applying to the affected parcel of property. Submission to the City from claimant of an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon will be necessary before the City can determine if compensation under the Measure is justified.

- v. The amount of the claim.
- vi. The specific land use regulation or restriction which causes a decrease in fair market value of the property.
- vii. Names and addresses of surrounding property owners within 300 feet of the property, which is the subject of the claim, who might be affected by development of the property for which the claim is filed.
- viii. Copies of any leases or Covenants, Conditions and Restrictions (CCRs), if any, applicable to the affected property.

(e) **Eligibility of Claim.**

Upon receipt of a claim, the City Administrator shall determine if the claim complies with the eligibility criteria prescribed in Ballot Measure 37. If the claim is eligible, the claimant shall be invited to participate in the negotiation

process described herein. If the claim is determined ineligible, the claimant shall be notified thereof, and no negotiation process shall commence unless determined otherwise by the City Administrator. Upon determination of ineligibility, the application fee shall be returned to the claimant less \$200 for the cost of determining eligibility.

(f) **Negotiation.** Upon receipt of a claim and prescribed fee, and determination of claim eligibility, the City Administrator shall arrange with the claimant a meeting(s) to gather additional information from the claimant, discuss alternatives and negotiate a mutually acceptable resolution of the claim. If the claimant declines to participate in such negotiations or to provide requested supporting information, the City Administrator may terminate negotiations and report such termination to the Council.

(g) **Settlement Proposal.** The objective of negotiations shall be agreement between the claimant and the City Administrator on a Settlement Proposal. Such proposal shall be reduced to written form and initialed by the parties. The proposal shall be submitted to the City Council for its consideration. The proposal may contain conditions for waiver or modification of land use regulations, payment of compensation, acquisition of the property, or any combination thereof, and may include other terms and conditions agreed to by the claimant and City Administrator. The Settlement Proposal shall not be binding on the City or claimant until Council approval.

(h) **Failure to Settle.** In the event that a Settlement Proposal is not

agreed to between the City Administrator and the claimant, pursuant to Section 3(g) of this ordinance, within 90 days from the date the claim was filed, or in the event that the claimant declines to participate in negotiations or provide supporting information pursuant to Section 3 of this ordinance, the City Administrator shall report that fact to the Council together with a recommendation for further processing of and response to the claim as required by the Measure.

(i) **Council Consideration.** Upon submission of a Settlement Proposal to the City Council, a public hearing shall be scheduled before the Council to consider the proposal. Notice shall be given to surrounding affected property owners by mail, but failure of such notice shall not invalidate or otherwise affect a settlement of the claim. Public notice shall also be given as determined by the City Administrator. The hearing shall be legislative in nature and any interested person may participate subject to regulations determined by the Mayor. Upon conclusion of the hearing, the Council may approve, deny or adopt alterations to the proposal. Nothing in this section shall preclude the Council from holding an executive session to consider a Settlement Proposal or other matter regarding a claim filed pursuant to this ordinance.

(j) **Criteria.** In determining whether to enter into a Settlement Agreement granting compensation and/or waiving or modifying land use regulations, or in determining a claim in absence of a Settlement Agreement, the criteria for such determination shall be whether the public interest would be bet-

ter served by compensating the claimant or waiving or modifying an applicable land use regulation.

**2.315 Settlement.** Settlement of a claim shall be a Settlement Agreement in writing in a form approved by the City Attorney, and shall be executed by the claimant, the City Administrator on behalf of the Council, and any other necessary parties. A settlement shall be conclusive of all Ballot Measure 37 claims pertaining to the parcel of property subject to the claim, and the Settlement Agreement shall so provide.

**2.320 Recordation.** Upon approval of a settlement by the Council and execution of the Settlement Agreement by the City, the claimant and any other necessary parties, the Settlement Agreement or memorandum thereof shall be recorded by the City in the county deed records, including a legal description.

[Sections 2.300-2.320 added by Ordinance 573 on December 9, 2004]

## **POWERS OF THE MUNICIPAL JUDGE.**

**2.600 Powers and Duties.** The municipal judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The city administrator or such individual authorized by him/her to act on behalf of the city shall assist the judge in the serving of subpoenas and such other orders of the court as are necessary for the proper conduct thereof.

## **EMERGENCY PLANNING**

**2.700 Title.** Sections 2.700 to 2.745 shall be known as the "emergency planning chapter" and may be so cited and pleaded and is referred to herein as "this chapter."

**2.705 Purpose.** The purpose of this chapter is to define the authority and responsibility for emergency planning to provide a procedure to minimize injury to persons and property and to preserve the established civil authority in the event a state of emergency exists within the city.

**2.710 Definition of Emergency.** For the purposes of this chapter, "emergency" means any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering, or financial loss to the extent that extraordinary measures must be taken to protect the public health, safety and welfare. Such events shall include, but not be limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills of oil or other hazardous substances, disease, blight, infestation, utility or transportation service disruptions, civil disturbance, riot, sabotage and war.

**2.715 Authority of City.** Under the provisions of ORS Chapter 401 and applicable municipal charter provisions, the authority and responsibility to organize for and respond to emergency situations is vested in each political subdivision of the state. ORS Chapter 401 further authorizes the governing body or executive officer of each city to establish an emergency management agency to perform emergency program management functions, to include, but not limited to, program development, fiscal management, coordination with nongovernmental agencies and organizations, public information, personnel training and development and implementation of exercises to test the system.

**2.720 Declaration of Emergency.**

(1) When, in the judgment of the city council, a state of emergency exists, it shall declare in writing and publicize the existence of the emergency. If circumstances prohibit the timely action of the city council, the mayor may

declare a state of emergency, provided that the approval of a majority of the city council is sought and obtained at the first available opportunity.

(2) Upon that declaration, the mayor is empowered to assume centralized control of and have authority over all departments, divisions and offices of the city in order to implement the provisions of this chapter. The state of emergency declared pursuant to this section shall specify the area(s) which warrant the exercise of emergency controls. The mayor shall terminate the state of emergency when the emergency no longer exists or the threat of an emergency has passed.

**2.725 Succession of Authority.**

(1) In the event the mayor is unavailable or unable to perform his/her duties under this chapter, the duties shall be performed by:

- (a) President of the council;
- (b) City administrator;
- (c) Fire chief.

(2) All references to the mayor in this chapter shall be deemed to refer to the successor referred to in this section.

**2.730 Regulation and Control.** Whenever a state of emergency has been declared to exist within the city, the city council is empowered to order and enforce the measures listed in this section. However, if circumstances prohibit the timely action of the city council, the mayor may order the following measures provided that approval from a majority of the city council is sought and obtained at the first available opportunity, or the mayor's order will become null and void.

(1) Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;

(2) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place within the area;

(3) Barricade streets and roads, as well as access points onto streets and roads, and prohibit vehicular or pedestrian traffic, or restrict as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances;

(4) Evacuate persons from the area designated as an emergency area;

(5) Close taverns or bars and prohibit the sale of alcoholic beverages throughout the city or a portion thereof;

(6) Commit to mutual aid agreements;

(7) Suspend standard procurement procedures to obtain necessary services and/or equipment;

(8) Redirect funds for emergency use;

(9) Order such other measures as are found to be immediately necessary for the protection of life and/or property.

**2.735 Acquisition of Resources.** Under this section, the city council is authorized to extend government authority to nongovernmental resources (i.e., personnel, equipment) which may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation.

**2.740 Penalty.**

(1) Any person, firm, corporation, association or entity who violates any emergency measure taken by the city council under authority of this chapter shall be subject, upon conviction, to a fine of not more than \$500 per offense.

(2) Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

(3) Where the Oregon Revised Statutes provide for a penalty for the act, commission or omission, the penalty prescribed herein shall be no greater than prescribed by said Oregon Revised Statutes.

**2.745 Responsibility for Emergency Program Management.** For the purposes of this chapter, the person appointed by the city council as the emergency program manager shall be responsible for managing the city's emergency program. Specific duties shall include, but not be limited to, the following:

(1) To develop, update and revise the city's basic emergency operations plan;

(2) To coordinate the activities of city departments and other agencies with emergency services capabilities in the development of individual operational annexes to the basic plan;

(3) To provide for the coordination of emergency plans, programs, and operations with the county, neighboring jurisdictions, and other public and private agencies with emergency services responsibilities;

(4) To develop working agreements with the county, neighboring jurisdictions and service districts to assure coordinated response to an emergency in the city;

(5) To provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency;

(6) To provide for coordinated operations emergency conditions;

(7) To recommend to the council any ordinances or procedures which would assist the council and other city officials in the performance of their duties in preparing for, responding to, and recovering from an emergency.

## **DISPOSITION OF UNCLAIMED PROPERTY**

**2.800 Property in Police Department Possession-Disposition.** Whenever the law enforcement official of the city has any property, including money, but excluding vehicles subject to ORS 819.100 to 819.260, in his possession, the ownership of which is unknown, and which is unclaimed for a period of three months (90 days) after the property came into the possession of the police department, the city law enforcement officer shall, unless the disposition of such property is otherwise specifically provided for by law, report the fact to the city administrator and request authority to dispose of it as provided in sections 2.800 to 2.825.

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

**2.810 Conduct of Sale--Disposition of Funds.** The city law enforcement officer shall

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

**2.815 Transfer of Property to City.** In lieu of a sale of the property under the foregoing provisions of sections 2.800 to 2.825, the city law enforcement officer, with the approval of the city administrator, may transfer any portion of the unclaimed property to the city for use by the city or other governmental agencies, or by destruction after the same notice as set forth in section 2.805.

**2.820 Destruction of Contraband.** The city law enforcement officer shall cause contraband or illegal drugs, and/or substances to be destroyed at the direction of the court after such property has been provided to the courts as evidence and is no longer required by the procedure at the courts. Any unclaimed or found contraband, illegal drugs, and/or substances shall be destroyed at the direction of the city law enforcement officer and certification of destruction shall be placed in the case file jacket relating to such found or unclaimed property.

**2.825 Claim by Owner After Sale.**

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

(2) If the property is transferred to the city or other governmental agency, in lieu of sale, it may be claimed by the lawful owner thereof at any time within six months from the

transfer to the city, or other governmental agency. The city law enforcement officer and the city administrator, in disposing of property in the manner provided herein, shall not be liable to the owner thereof.

## MUNICIPAL LIEN SEARCH

**2.850 Municipal Lien Search Fee Established.** The purpose of the municipal lien search fee is to recover personnel, material and equipment costs associated with providing information and searching for municipal liens on real property. The city shall charge a fee, as set by resolution of the City Council, for each property for which a municipal lien search is to be conducted by the city upon the request of a private individual, title company or other source, and said fee shall be paid in advance.

[Amended by Ordinance 567 on April 8, 2004]

## SURPLUS REAL PROPERTY SALES

**2.875 Qualification--Classification.** Real property qualifying for the procedure established by sections 2.875 to 2.900 is classified as follows:

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

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

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

(4) Special-case Property. Parcels that, notwithstanding subsections (1), (2) and (3) of this section, were acquired by the city for capital improvement as defined by this code and were

purchased subject to an agreement for the manner in which any surplus would be disposed.

**2.880 Disposal of Substandard Undeveloped Property.**

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

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

(3) After expiration of the period set out in subsection (2) of this section, the property shall be removed from the market. Any decision to sell a piece of property once it has been

removed from the market shall require that the entire procedure set forth in sections 2.875 to 2.900 be repeated.

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

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

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

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

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

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

(6) If an offer to sell is authorized by the council, a notice soliciting sealed bids shall be published at least once in a newspaper of general circulation in the city. One publication shall be made at least two weeks prior to the bid deadline date. The notice shall describe the property to be sold, the minimum acceptable terms of sale, the person designated to receive bids, the last date and time that bids will be received, and the date, time and place the bids will be opened. The minimum acceptable terms of sale shall specify that all bids are to be accom-

panied by a deposit in the amount of \$500 or five percent of the bid amount, whichever is larger. If the city does not accept the bid, the deposit shall be refunded. If the city accepts the bid and the purchaser neglects or refuses to comply with any terms of the sale or to make all required payments promptly, the deposit shall be forfeited by the purchaser as liquidated damages, not excluding other remedies, and disposed of in accordance with the manner approved by the city council.

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

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

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

**2.890 Initial Offering by Sealed Bids.** All properties classified as substandard undeveloped property, standard undeveloped property and developed property authorized for sale shall be initially offered on the basis of sealed bids only.

**2.895 Disposal of Special-Case Property.**

(1) Whenever a particular parcel or parcels is proposed for sale by the city, or a purchase inquiry is made, and the property is classified as special-case property, the matter shall be

set on the regular council agenda, but no public hearing is required.

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

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

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

(2) The broker's proposal shall be in writing and it shall address the selection criteria set forth in subsection (3) of this section.

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

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

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

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

**ANNEXATION FEES**

**2.950 Definitions.** As used in sections 2.950 to 2.960, the following words and phrases shall have the meanings ascribed to them in this section:

Application. A petition or any other form of initiatory action for an annexation or boundary change.

Boundary change. A major or minor boundary change.

Boundary change procedure. The procedure defined and required by ORS 199.460 to 199.510.

Boundary commission. The local boundary commission created by ORS 199.425.

**2.955 Administrative Costs of Boundary Changes.** Any applicant for a boundary change to the city, including proposed annexations, shall assume and pay or cause to be paid the city's actual costs of the boundary change procedure, including but not exclusively limited to the costs of title reports, maps, aerial photographs, engineering studies and surveys, if such are required by the city council, as well as filing fees assessed by the boundary commission, publication costs for required notices, attorneys' fees and legal expenses, and all costs of special elections if called by a referendum of the voters of the city, and the city's costs of any appeal from any final order of the boundary commission.

**2.960 Boundary Change Application Deposit Fee.** Each applicant for a boundary change shall pay to the city recorder at the time of the filing of the application for boundary change the sum of \$250 to apply on such costs. Each time the deposit is reduced to \$25 or less because of actual expenses incurred by the city for its review of the boundary change application, a supplementary deposit in the same amount will be made by the applicant. Proceedings upon the application will be suspended until the supplementary deposit has been made. Any overage shall be remitted to the applicant

without interest. The city's cost for boundary changes shall be assumed and paid by the applicant, notwithstanding the fact that the application is withdrawn by the applicant, denied by the city council, the boundary commission or a court of competent jurisdiction on appeal.