

## Title 2

### ADMINISTRATION AND PERSONNEL

#### Chapters:

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#### Chapter 2.04

### CITY COUNCIL

#### Sections:

- 2.04.010 Regular meetings.
- 2.04.020 Special meetings.
- 2.04.030 Order of business.
- 2.04.040 Parliamentary questions.
- 2.04.050 Presiding officer.
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- 2.04.070 Ordinances and resolutions.
- 2.04.080 Rules of the council.

#### 2.04.010 Regular meetings.

The council shall hold two regular meetings each month in the city hall. The days of the month and times shall be set by the council in a resolution duly introduced and passed by the council. When the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, the meeting shall be held at the same hour on the next succeeding weekday not a holiday. (Ord. 291 § 1, 2002)

#### 2.04.020 Special meetings.

At special meetings of the council, called in the manner provided by the charter, only the business mentioned in the notice or call of the special meeting shall be acted upon. (Ord. 291 § 2, 2002)

2.04.030 Order of business.

In the conduct of business of the council at a regularly scheduled meeting, the following procedure shall be substantially followed:

- A. Flag salute;
- B. Roll call;
- C. Consent agenda
- D. Comments from the public;
- E. Public hearings;
- F. Old business;
- G. New business;
- H. Staff reports;
- I. Mayor and city council reports;
- J. Information items;
- K. Executive sessions;
- L. Adjournment.

(Ord. 291 § 3, 2002)

2.04.040 Parliamentary questions.

All parliamentary questions shall be governed by Robert's Rules of Order. (Ord. 291 § 4, 2002)

2.04.050 Presiding officer.

The presiding officer shall preserve order and decorum. He may speak on all questions of order in preference to any other member and he shall decide on all questions of order, subject to an appeal to the council. In cases of appeal from the decision of the presiding officer, the appeal shall be stated as follows: "Shall the decision of the presiding officer stand as the decision of the council?" (Ord. 291 § 5, 2002)

2.04.060 Manner of voting.

All questions shall be voted on by affirmation except for the consent agenda, in which case the vote shall be by roll call. There shall also be a roll call vote if the presiding officer is in doubt or if a member asks for a roll call. (Ord. 291 § 6, 2002)

2.04.070 Ordinances and resolutions.

A. All ordinances shall be in writing, shall be numbered when presented on final passage, and shall be given the number following that of the last preceding ordinance.

B. All ordinances shall be recorded in a book kept for that purpose and designated "The Ordinance Book".

C. All resolutions shall be in writing and numbered consecutively in the order in which they are adopted.

D. Ordinances and resolutions may be introduced by any member of the council. (Ord. 291 § 7, 2002)

2.04.080 Rules of the council.

The council may adopt other rules of the council by resolution. (Ord. 291 § 8, 2002)

## Chapter 2.08

### CITY ADMINISTRATOR

#### Sections:

- 2.08.010 Office created.
- 2.08.020 Bond.
- 2.08.030 Powers and duties.
- 2.08.040 Record retention.

#### 2.08.010 Office created.

There is created the office of city administrator. (Ord. 304 § 1, 2002)

#### 2.08.020 Bond.

The city administrator shall give a bond and the amount of the bond shall be not less than fifty thousand dollars (\$50,000.00). The council shall determine the amount and conditions of the bond. (Ord. 304 § 2, 2002)

#### 2.08.030 Powers and duties.

The duties of the city administrator shall include the following:

A. To serve as the city's budget officer and to prepare the annual budget in compliance with ORS 294, including submitting proposals for each department for consideration by the council and budget committee;

B. To sign all orders on the treasury and act as the city's purchasing agent to such limitations as may be from time to time adopted by the council;

C. To oversee city financial administration including accounting records, investments, liens and bonds, and the collection of all sums of money due the city, whether by way of fees, liens, assessments, taxes and or other sources; and to permit the mayor or city council to examine city books, accounts, and records;

D. To prepare and present to the council an accurate statement of the city's finances for the previous month at the first regular meeting of the council each month. The statement shall show:

1. The amount of money received from all sources during the previous month.

2. The amount of money expended from each fund.

3. A schedule of all checks paid during the month, specifying the amount and number of each, and the fund out of which such amounts were paid.

E. To act as administrative head and business agent of all departments of the city government, subject to the control and direction of the mayor and council;

F. To oversee the operations of city hall, including accounting, utility billing, building and planning, municipal court, risk management and general administration services, and to oversee all public works utilities owned and operated by the city and to have general supervision over all city property;

G. To prepare and furnish all reports and correspondence requested by the mayor and council. To communicate and inform the city council of general city business activities and administrative decisions at each regularly scheduled council meeting;

H. To see that all code chapters and ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed;

I. To meet with private citizens and interested groups seeking information or bringing complaints and attempt to resolve problems and complaints fairly and to report same to the mayor and council;

J. To coordinate city projects and activities with city consultants including the city attorney, city engineer, planning advisor, auditor, and other independent consultants retained by the city;

K. To work with other public entities, attend meetings as a representative of the city and maintain an up to date knowledge of federal, state and county programs and issues affecting the city, including but not limited to, grants, contracts, complaints, and compliance requirements for county, state or federal program;

L. To provide land use planning services for the city and coordinate with the city's planning advisor and planning commission and to coordinate the issuance of building permits in accordance with city and county codes;

M. To attend all city council meetings, unless excused by the mayor or city council, keep an accurate record of its proceedings, and comply with the Oregon Open Meetings Law, ORS 192.660.

N. To serve as the city's elections officer;

O. To prepare resolutions and ordinances, under the guidance from the City Attorney, and to maintain official city records and documents and comply with the Oregon Public Records Law, ORS 192.410 to ORS 192.505;

P. To have all the duties and powers of the office of city recorder as provided in the city charter and state law;

Q. To perform such other duties as may from time to time be prescribed by the council.

R. To delegate or assign his/her duties to other city employees to enhance the operation of the city government. (Ord. 304 § 3, 2002)

#### 2.08.040 Record retention.

The city administrator shall maintain city records and ensure the city complies with ORS 192, the Oregon Public Records Law and the Oregon Open Meetings Law as it relates to public records and public meetings of the city of Mill City. (Ord. 304 § 4, 2002)

## Chapter 2.12

### POLICE COMMISSIONER

#### Sections:

- 2.12.010 Office created.
- 2.12.020 Appointment.
- 2.12.030 Powers and duties.

#### 2.12.010 Office created.

There is created the office of police commissioner. (Ord. 286 § 2 (part), 2001)

#### 2.12.020 Appointment.

At the first regularly scheduled council meeting of an odd-numbered year the mayor shall appoint one of the council members to the office of police commissioner. Such commissioner shall hold such office at the pleasure of the council and shall serve without compensation.. (Ord. 286 § 2 (part), 2001)

#### 2.12.030 Powers and duties.

The duties of the police commissioner shall be as follows:

- A. To serve as the council's liaison with the Linn County Sheriff regarding the city's law enforcement services contract with the Linn County Sheriff's Department;
- B. To request special duties from the Linn County Sheriff, as conditions within the city of Mill City may necessitate;
- C. To receive reports from the Linn County Sheriff and relay those to the city council;
- D. To serve as the city council's emergency management representative;
- E. To report to the city council concerning citizen complaints regarding the level or quality of law enforcement services and to represent the city at neighborhood watch or emergency management activities. (Ord. 286 § 2 (part), 2001)

## Chapter 2.16

### BUILDING COMMISSIONER

#### Sections:

- 2.16.010 Office created.
- 2.16.020 Appointment.
- 2.16.030 Powers and duties.

#### 2.16.010 Office created.

There is created the office of building commissioner. (Ord. 286 § 3 (part), 2001)

#### 2.16.020 Appointment.

At the first regularly scheduled council meeting of an odd-numbered year the mayor shall appoint one of the council members to the office of building commissioner. Such commissioner shall hold such office at the pleasure of the council, and shall serve without compensation. (Ord. 286 § 3 (part), 2001)

#### 2.16.030 Powers and duties.

The duties of the building commissioner shall be as follows:

- A. To recommend to the council the appointment of a building inspector;
- B. To consult and coordinate with the city administrator and building inspector regarding the administration of the building inspection program and the enforcement of building codes and any other ordinances of the city related to dangerous buildings;
- C. To investigate and report to the council any and all complaints related to the city's building inspection program and/or dangerous buildings. (Ord. 286 § 3 (part), 2001)

## Chapter 2.20

### PARK COMMISSIONER

#### Sections:

- 2.20.010 Office created.
- 2.20.020 Definition.
- 2.20.030 Appointment.
- 2.20.040 Powers and duties.
- 2.20.050 Emergency maintenance in parks.

#### 2.20.010 Office created.

There is created the office of park commissioner. (Ord. 286 § 4 (part), 2001)

#### 2.20.020 Definition.

As used in this chapter, the word “park” means any parcel of land or area within or without the city limits of the city designated as a park or off-street pedestrian or bicycle trail by ordinance or resolution of the city. (Ord. 286 § 4 (part), 2001)

#### 2.20.030 Appointment.

At the first regularly scheduled council meeting of an odd-numbered year the mayor shall appoint one of the council members to the office of park commissioner. Such commissioner shall hold such office at the pleasure of the council and shall serve without compensation. (Ord. 286 § 4 (part), 2001)

#### 2.20.040 Powers and duties.

The duties of the park commissioner shall be as follows:

A. To counsel, assist and advise the city council, the planning commission and such other bodies, groups or officials as may be interested in the public parks of the city, on all matters relating to the acquisition, development and disposition of the public parks, and shall assist the city council, the city administrator and other officials, bodies and groups, in the formation of an orderly program for the development and maintenance of the city parks;

B. To organize and supervise programs designed to carry out the policies of the city as expressed by the city council concerning the creation, development and maintenance of city parks;

C. To inspect the city parks from time to time and advise the council as to the condition of said parks and to recommend any improvements and repairs as the park commissioner deems necessary;

D. To consult and coordinate with the city administrator and the public works supervisor regarding the repair, maintenance and improvement of the city parks and off-street pedestrian and bicycle trails;

E. To identify and utilize volunteers for the maintenance, operation or improvement of the city parks and off-street pedestrian and bicycle trails. (Ord. 286 § 4 (part), 2001)

#### 2.20.050 Emergency maintenance in parks.

A. If in the opinion of the park commissioner a condition has arisen within any city park or parks and the condition is of such a nature that the city may be subjected to liability by reasons of such condition before the next regular meeting of the city council, the park commissioner may, in his discretion, direct the city administrator and/or public works supervisor to either:

1. Erect necessary warning signs; and/or
2. Close the park(s) to the public; and/or
3. Make such repairs to correct the dangerous condition as the circumstances necessitates.

B. The park commissioner is hereby authorized to obligate the city to pay expenses incurred therein in accordance with city purchasing policies. (Ord. 286 § 4 (part), 2001)

## Chapter 2.24

### WATER AND WASTEWATER COMMISSIONER

#### Sections:

- 2.24.010 Office created.
- 2.24.020 Appointment.
- 2.24.030 Powers and duties.

#### 2.24.010 Office created.

There is created the dual office of water and wastewater commissioner. (Ord. 286 § 5 (part), 2001)

#### 2.24.020 Appointment.

At the first regularly scheduled council meeting of an odd-numbered year the mayor shall appoint one of the council members to the office of water and wastewater commissioner. Such commissioner shall hold such office at the pleasure of the council and shall serve without compensation. (Ord. 286 § 5 (part), 2001)

#### 2.24.030 Powers and duties.

A. The duties of the water and wastewater commissioner shall be as follows:

1. To cause, by appropriate means, the inspection of the wastewater and water systems of the city in accordance with existing laws and advise the council as to the condition of the systems and recommend such improvements as deemed advisable;

2. To consult and coordinate with the city administrator and the public works supervisor regarding the repair, maintenance and improvement of the city water and wastewater system;

3. To consult and coordinate with the city administrator and the public works supervisor to insure that all city ordinances governing the operation of the systems are complied with;

4. To consult and coordinate with the city administrator and the public works supervisor and report to the council from time to time regarding the city's compliance with state and federal laws regulating the operation and maintenance of the systems;

5. To investigate and report to the council any and all complaints related to the water system, wastewater system or code enforcement of a health, safety or sanitary nature and to take enforcement

action through appropriate channels as deemed necessary by the council in accordance with existing ordinances;

6. In the event that any portion of the facilities of either the water or wastewater systems of the city, a defect shall come into existence or a condition shall arise, which could not reasonably have been anticipated and provided against and which is of such a nature that the city may be subjected to liability by reason of such defect or condition before the next regular meeting of the city council, the commissioner may direct the city administrator and/or public works supervisor to initiate action to make emergency repairs as needed in accordance with existing ordinances regarding health, safety, and welfare to the end that the city shall not be subject to such liability.

B. The water and wastewater commissioner is hereby authorized to obligate the city to pay expenses incurred therein. (Ord. 286 § 5 (part), 2001)

## Chapter 2.28

### STREET COMMISSIONER

#### Sections:

- 2.28.010 Office created.
- 2.28.020 Appointment.
- 2.28.030 Powers and duties.

#### 2.28.010 Office created.

There is created the office of street commissioner. (Ord. 286 § 1 (part), 2001)

#### 2.28.020 Appointment.

At the first regularly scheduled council meeting of an odd-numbered year the mayor shall appoint one of the council members to the office of street commissioner. Such commissioner shall hold such office at the pleasure of the council, and shall serve without compensation. (Ord. 286 § 1 (part), 2001)

#### 2.28.030 Powers and duties.

A. The powers and duties of the street commissioner shall be as follows:

1. To inspect the streets of the city from time to time and advise the council as to the condition of said streets and recommend such improvements and repairs as the street commissioner deems advisable;

2. To consult and coordinate with the city administrator and the public works supervisor regarding the repair, maintenance and improvement of the city streets, sidewalks, alleys, bridges and street signs;

3. To consult and coordinate with the city administrator, public works supervisor and city engineer regarding the city's public works standards and specifications and to recommend any changes to the council;

4. In the event that in any of the streets in the city a defect shall come into existence or a condition shall arise which defect or condition could not reasonably have been anticipated and provided against, and which is of such a nature that the city may be subjected to liability by reason of such defect or condition before the next regular meeting of the city council, the street commissioner may, in his discretion, to the end that the city shall not be subjected to such liability, direct the city administrator and/or public works supervisor to either:

a. Erect necessary warning signs and/or barricades; and/or

b. Close the streets to the public; and/or

c. Make such repairs to correct the dangerous condition as the circumstances necessitate.

B. The street commissioner is hereby authorized to obligate the city to pay expenses incurred therein in accordance with city purchasing policies. (Ord. 286 § 1 (part), 2001)

## Chapter 2.32

## PLANNING COMMISSION

### Sections:

- 2.32.010 Creation--Term of office.
- 2.32.020 Qualifications.
- 2.32.030 Powers and duties.
- 2.32.040 Election of chairperson and vice-chairperson.
- 2.32.050 Secretary.
- 2.32.060 Meetings.
- 2.32.070 Adoption of state statutes.

### 2.32.010 Creation--Term of office.

A. The Mill City planning commission is created. The commission shall consist of seven members to be appointed by the city council.

B. The term of office of the appointed members shall be three years or until their successors are appointed and qualified, and their terms shall be staggered so that the term of office of not more than three positions will expire in the same year. The terms of commissioners in office at the effective date of the ordinance codified in this chapter shall not terminate, but they shall serve out their respective terms unless sooner removed as may be provided by city ordinance or other laws. Any vacancy in the commission shall be filled by appointment made by the council for the unexpired portion of the term. (Ord. 241 § 1, 1991)

### 2.32.020 Qualifications.

No fewer than five members shall be residents of the city. There may be up to two members who are from outside the city so long as their legal residence is within two miles of the corporate limits of the city. Each member of the commission shall be a qualified elector within the meaning of the State Constitution. (Ord. 241 § 2, 1991)

### 2.32.030 Powers and duties.

A. The planning commission shall base its decisions relating to land use, public facilities, transportation, housing and related matters on the Mill City comprehensive plan and upon land development ordinances intended to implement the plan.

B. The planning commission shall conduct an overall review of the Mill City comprehensive plan at the time of periodic review as scheduled by the state, or as directed by the city council and shall recommend to the city council, amendments to the plan.

C. The planning commission shall recommend, after public hearing, to the city council specific amendments to the Mill City comprehensive plan that may be proposed from time to time by the public, the planning commission, or the city council. The amendments shall be based upon further studies or changed community priorities or conditions.

D. The planning commission shall formulate and recommend to the city council, various programs, policies and ordinances intended to implement the Mill City comprehensive plan.

E. The planning commission shall prepare or cause to have prepared, various studies and plans related to community or neighborhood development problems, issues, and needs.

F. On request, the planning commission shall review and submit recommendations to the city council regarding city boundary changes or any public program for the acquisition and development of public facilities and transportation.

G. The planning commission shall review and take final action on all proposed subdivisions and partitions as provided for in the Mill City subdivision ordinance codified in Title 16 of this code.

H. The planning commission shall conduct hearings, prepare and maintain accurate minutes and records of these hearings, and perform other duties relating to the city's land development ordinances, including zoning and subdivision regulations, as may be prescribed by state law and city ordinance.

I. At the request of the city council, the planning commission shall perform other duties related to some aspect of community planning and development.

J. The planning commission shall submit an annual report to the city council, by the first day of February each year, on the activities and proposed activities of the planning commission.

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

L. The planning commission shall encourage cooperation and coordination with public and semi-public agencies, civic and private organizations and other individuals and groups having an interest in the development of the city and its surrounding area.

M. The planning commission shall also have all the powers which are now, or may hereafter be given to it, under the general laws of the state, or the charters or ordinances of the city. (Ord. 241 § 3, 1991)

#### 2.32.040 Election of chairperson and vice-chairperson.

The commission, at its first regular meeting in July, shall elect a chairperson and a vice-chairperson who shall hold office for one year. The commission shall elect a chairperson and vice-chairperson each year thereafter. (Ord. 241 § 4, 1991)

#### 2.32.050 Secretary.

The commission shall appoint a secretary who need not be a member of the commission. The secretary shall keep an accurate record of all commission proceedings. (Ord. 241 § 5, 1991)

#### 2.32.060 Meetings.

A. Four members of the planning commission appointed by the city council shall constitute a quorum.

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

C. The planning commission shall meet at least once a month, at such time and place as may be fixed. All meetings of the planning 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 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 planning commission at least twenty-four (24) hours before the time specified for the proposed meeting. Notice of a previously unannounced meeting shall be provided to the news media at least twenty-four (24) hours prior to the meeting. (Ord. 241 § 6, 1991)

2.32.070 Adoption of state statutes.

ORS Chapter 227, as amended, which are not in conflict with any portion of this chapter, are adopted by this reference and made a part of this chapter. (Ord. 241 § 7, 1991)

## Chapter 2.36

### CONTRACT REVIEW BOARD

#### Sections:

2.36.010 Creation.

2.36.020 Designation.

2.36.010 Creation.

The city contract review board is created. (Ord. 133 § 1, 1976)

2.36.020 Designation.

Pursuant to 1975 Oregon Laws, Chapter 771, the city council shall be designated as the contract review board. The board shall have all the authority, responsibilities and powers as authorized by Oregon Laws 1975, Chapter 771. (Amended during 2003 codification; Ord. 133 § 2, 1976)

## Chapter 2.40

### JURY TRIALS

#### Sections:

- 2.40.010 Right to trial by jury and deposit for jury fee.
- 2.40.020 Number of jurors.
- 2.40.030 Term of court.
- 2.40.040 Jury list.
- 2.40.050 Jury panels.
- 2.40.060 Additional jurors.
- 2.40.070 Determining eligibility of jurors--Eligibility form--Effect of false statements or failure to respond.
- 2.40.080 Selection of trial jury.
- 2.40.090 Exemptions from jury duty.
- 2.40.100 Disqualification of jurors.
- 2.40.110 Powers of the municipal judge.
- 2.40.120 Conduct of trials.
- 2.40.130 Verdicts.
- 2.40.140 Payment of jurors.
- 2.40.150 Costs and disbursements.

#### 2.40.010 Right to trial by jury and deposit for jury fee.

A person charged with any offense defined and made punishable by imprisonment in the county jail shall have the right to trial by jury upon giving notice to the municipal judge, in writing, at least thirty (30) days prior to the trial date set by the municipal court. (Ord. 303 § 1, 2002)

#### 2.40.020 Number of jurors.

The jury shall consist of six persons sworn to try the cause for which they are called; and selected as provided by this ordinance. (Ord. 303 § 2, 2002)

#### 2.40.030 Term of court.

The terms of municipal court shall be for a period of one year, beginning on January 1 of each year. (Ord. 303 § 3, 2002)

#### 2.40.040 Jury list.

In December of each year, the court clerk shall prepare a preliminary jury list, by lot, of two hundred (200) names of persons taken from the latest tax roll and registration books used at the last city election. The City Administrator, or the designated court clerk, in preparing the preliminary jury list, shall place thereon only those names of persons who are known or believed to be possessed of the qualifications prescribed in ORS 10.030. (Ord. 303 § 4, 2002)

2.40.050 Jury panels.

The jury panel for each term shall be selected within a reasonable amount of time after a person has requested a jury trial. The court clerk shall select twenty-five (25) names of persons, by lot, from the preliminary jury list, to serve as a jury panel for that particular trial. No person shall be required to serve more than one trial during any calendar year. The jury panel shall be selected by the court clerk in the presence of the municipal judge. No challenge shall be made or allowed to the panel and substantial compliance with this ordinance for selecting the panel is sufficient.(Ord. 303 § 5, 2002)

2.40.060 Additional jurors.

When an additional number of jurors is needed for jury service or if there is an immediate need for additional jurors, additional jurors may be selected or summoned by the municipal judge as provided for in ORS 10.235.(Ord. 303 § 6, 2002)

2.40.070 Determining eligibility of jurors--Eligibility form--Effect of false statements or failure to respond.

The municipal judge and court clerk shall determine the eligibility of jurors as provided for in ORS 10.245 and may take action as provided for in ORS 10.245 if a person summoned for jury duty provides false statements or fails to respond. (Ord. 303 § 7, 2002)

2.40.080 Selection of trial jury.

When a jury is demanded in the municipal court and any applicable fee is paid, the municipal judge shall draw from the jury box, in the presence of both parties, twelve (12) ballots or any greater number if necessary, until the names of twelve (12) persons who are deemed able to attend at the time and place required, are obtained. The municipal judge shall make and sign a list of the twelve (12) names drawn. The city and the defendant by their representatives shall select a jury by each striking from the list three names alternately, commencing with the defendant. The remaining six shall be summoned as jurors in the cause.(Ord. 303 § 8, 2002)

2.40.090 Exemptions from jury duty.

If it appears to the municipal judge that a person whose name is drawn is dead or resides outside the city, the ballot must be destroyed. If it appears to the municipal judge, or the judge has good reason to believe, that a person whose name is drawn is temporarily absent from the city or is unwell, or so engaged as to be unable to attend at the time and place required without great inconvenience, the ballot shall be laid aside, without the name thereon being entered on the list drawn, and returned to the jury box when the drawing is completed. Except as provided in this section, a person whose name is drawn is deemed able to attend. (Ord. 303 § 9, 2002)

2.40.100 Disqualification of jurors.

The six persons drawn and summoned as provided by this ordinance shall constitute the jury for the trial for the cause then pending before the municipal court of the city. Neither party shall be entitled to a peremptory challenge as to any of said six jurors but, if any of the six jurors are found to be

disqualified by challenge for cause, their places on the jury shall be filled by drawing from the jury box by the municipal judge and are subject to disqualification for cause.(Ord. 303 § 10, 2002)

2.40.110 Powers of the municipal judge.

The municipal judge shall have all inherent and statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The law enforcement authority shall assist the judge in the serving of subpoenas, notices of jury duty, and such other orders of the court as are necessary for its proper conduct. The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror by a fine of not more than one thousand dollars (\$1000) or by imprisonment for not more than thirty (30) days, or both. (Ord. 303 § 11, 2002)

2.40.120 Conduct of trials.

Trials shall be conducted as trials in justice courts and the rules of evidence shall be the same as in state courts and shall include applicable state statutes regarding the introduction or admission of evidence.(Ord. 303 § 12, 2002)

2.40.130 Verdicts.

All six jurors sworn to try a cause must concur to render a verdict. (Ord. 303 § 13, 2002)

2.40.140 Payment of jurors.

Those jurors notified and who appear at trial shall receive compensation from the city in the amount of ten dollars (\$10.00) for each day of attendance upon the municipal court. (Ord. 303 § 14, 2002)

2.40.150 Costs and disbursements.

In all cases tried before a jury in the municipal court the municipal judge shall add the costs and disbursements to the fine, penalty, or sentence imposed in a sum not less than five dollars (\$5.00).(Ord. 303 § 15, 2002)

## Chapter 2.44

### COMPREHENSIVE PLAN AMENDMENT

#### Sections:

- 2.44.010 Purpose.
- 2.44.020 Definitions.
- 2.44.030 Application.
- 2.44.040 Filing.
- 2.44.050 Notice.
- 2.44.060 Explanation in public hearing notice.
- 2.44.070 Hearings.
- 2.44.080 Approval.
- 2.44.090 Review.

#### 2.44.010 Purpose.

The purpose of this chapter is to provide procedures and criteria for the amendment of the Mill City comprehensive plan. (Ord. 251 § 1, 1994)

#### 2.44.020 Definitions.

As used in this chapter:

“Commission” means the planning commission of the city of Mill City, Oregon.

“Comprehensive plan” means the comprehensive plan of the city of Mill City, Oregon, as passed by ordinance of the city council and subsequent amendments thereto.

“Council” means the city council of the city of Mill City, Oregon. (Ord. 251 § 2, 1994)

#### 2.44.030 Application.

Application for amendment of the comprehensive plan may be initiated by:

- A. The council;
- B. The commission;
- C. A special district or school district, if the amendment is requested for land within the district boundaries;
- D. A property owner or a group of property owners, or the authorized agent of the property owner(s) for property which is owned by the property owner(s);
- E. A person residing in or owning property within the Mill City urban growth boundary may initiate an amendment to the text of the comprehensive plan;
- F. Linn County, if the amendment request pertains to property in Linn County and within the Mill City urban growth boundary but outside the city limits of Mill City, or if the request is for an amendment to the urban growth boundary;
- G. Marion County, if the amendment request pertains to property in Marion County and within the Mill City urban growth boundary, but outside the city limits of Mill City, or if the request is for an amendment to the urban growth boundary. (Ord. 251 § 3, 1994)

2.44.040 Filing.

Application for amendment of the comprehensive plan shall be filed on a form provided by the city, according to the provisions of this chapter.

A. An application for an amendment to the comprehensive plan shall be submitted to the city a minimum of forty-two (42) days in advance of the public hearing to be held by the commission.

B. The fees assessed for a comprehensive plan amendment application shall be determined by resolution adopted by the council.

C. An application for amendment of the comprehensive plan may be initiated to amend the plan map for a particular parcel or number of parcels, to amend the plan text, or to amend a combination of the plan map and text.

1. A request to amend the plan map designation for a parcel or parcels to two or more map designations shall require two or more separate applications, although such applications may be consolidated into a single hearing. Approval of one application shall not mandate approval of the other application;

2. A request to amend both the plan map and text shall require separate applications although such applications may be consolidated into a single hearing. Approval of one application shall not mandate approval of the other application. (Ord. 251 § 4, 1994)

2.44.050 Notice.

Notice of a public hearing before both the commission and the council on a proposed comprehensive plan amendment shall be published in a newspaper of local circulation and mailed to owners of property located within five hundred (500) feet of the proposed map amendment.

A. Notice shall be mailed by first class mail to the affected owners at the address shown on the last available complete tax assessment roll not less than twenty-one (21) days and not more than twenty-eight (28) days prior to the date scheduled for public hearing.

B. Failure of the property owner to receive notice of public hearing shall not invalidate a recommendation by the commission or a final decision by the council.

C. Notice of an application to amend the comprehensive plan shall be transmitted to all affected special or school districts, federal, state, county, and regional agencies, and city departments.

1. Such notice shall be transmitted a minimum of twenty-one (21) days prior to the date of public hearing to allow affected agencies and departments sufficient time to comment on the proposed amendment;

2. All agency and department comments received by the city shall be made a part of the hearing record, and shall be considered during the public hearing;

3. Failure of an affected agency or department to receive notice of public hearing on a proposed amendment to the comprehensive plan shall not invalidate a recommendation by the commission or a final decision by the council. (Ord. 251 § 5, 1994)

2.44.060 Explanation in public hearing notice.

The notice of public hearing provided to the applicant and to owners of property entitled to receive notice shall:

- A. Explain the nature of the application and the proposed use or uses which could be authorized.
- B. List the applicable criteria from the ordinance and the comprehensive plan that apply to the application.
- C. Set forth the street address or other geographical reference to the subject property.
- D. State the date, time and location of the hearing.
- E. State that failure of an issue to be raised in a hearing, either in person or by letter, or failure to provide sufficient specificity to afford the decision making body an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals based on that issue.
- F. Include the name and telephone number of the city staff person who can provide additional information.
- G. State that the application and all documents and evidence are available for inspection at city hall at no cost, and that these materials will be provided at a reasonable cost.
- H. Include an explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.
- I. State that a copy of the staff report, when one is prepared, will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost. (Ord. 251 § 6, 1994)

2.44.070 Hearings.

- A. The commission shall conduct a minimum of one public hearing on an application to amend the comprehensive plan.
  - 1. The commission shall render a recommendation on the proposed amendment within thirty-five (35) days of the date that the public hearing is closed;
  - 2. In issuing its recommendation, the commission may approve or deny the proposed amendment as submitted, or it may approve the amendment with modifications.
- B. The council shall conduct a minimum of one public hearing on an application to amend the comprehensive plan.
  - 1. In making a final decision on the proposed plan amendment, the council shall consider any pertinent evidence, including the testimony of the public, comments by affected agencies and departments, the city's staff report, the commission recommendations, and other such data;
  - 2. The council shall render a final decision on the application within ninety (90) days of the planning commission decision. Prior to a final hearing, the amendment shall be submitted to the Department of Land Conservation and Development, in accordance with OAR Chapter 660, Division 18;
  - 3. In issuing its final decision, the council may approve or deny the proposed amendment as submitted, or it may approve the amendment with modifications. (Ord. 251 § 7, 1994)

2.44.080 Approval.

- To approve an application for amendment of the comprehensive plan, findings shall be made that:
- A. The proposed amendment is consistent with the applicable sections of the comprehensive plan.
  - B. The proposed amendment will be reasonably compatible with the present and proposed land uses on abutting property and in the neighborhood.

C. Adequate public facilities and services are available to serve the uses allowed by the comprehensive plan amendment.

D. The transportation network in the vicinity is adequate to serve the uses allowed by the comprehensive plan amendment.

E. The site is capable of supporting the uses for which the plan amendment is intended, considering factors such as soil and foundation quality, geology, and location in a floodplain. (Ord. 251 § 8, 1994)

2.44.090 Review.

A. The city shall review the comprehensive plan and related ordinances in accordance with the periodic review schedule as established by the state.

B. The city may take action to consider amendments to any element and/or policy of the plan when the city determines that the element and/or policy is no longer applicable to the city, to other portions of the plan, or to the statewide planning goals. (Ord. 251 § 9, 1994)

## Chapter 2.48

### PERSONNEL SYSTEM

#### Sections:

2.48.010 Adoption.

2.48.020 Changes.

2.48.010 Adoption.

The City of Mill City Employee Personnel Rules 1986, along with the job descriptions and pay plan, are adopted as part of this chapter and are on file in the office of the city recorder for public inspection. (Amended during 2003 codification; Ord. 210 § 1, 1986)

2.48.020 Changes.

Changes to the Employee Personnel Rules 1986, the job descriptions and pay plan shall be made by resolution of the council of the city as such changes are deemed necessary by the council. (Ord. 210 § 2, 1986)