

## Title 3

### REVENUE AND FINANCE

#### Chapters:

- 3.04 Purchasing System
- 3.08 Assessments for Local Improvements

#### Chapter 3.04

### PURCHASING SYSTEM

#### Sections:

- 3.04.010 City policy.
- 3.04.020 Definitions.
- 3.04.030 Authorized purchasing authority.
- 3.04.040 Exemptions from competitive bidding.
- 3.04.050 Emergency contracts.
- 3.04.060 Brand name specifications.
- 3.04.070 Competitive bids--Brand names--Exemptions.
- 3.04.080 Bid rejection.
- 3.04.090 Bidder disqualification.
- 3.04.100 Procurement policy.

#### 3.04.010 City policy.

It is the declared policy of the city of Mill City to accurately account for and approve the expenditures of city money for all city business. It is further the policy of the city to designate persons accountable to carry out this policy. (Ord. 305 § 1, 2002)

#### 3.04.020 Definitions.

For the purpose of this chapter, the following words and phrases mean:

“Board” means the city council of the city of Mill City acting as the local contract review board.

“City” means the city of Mill City, Oregon, as the boundaries now are and may hereafter be enlarged or altered by annexation or otherwise.

“Emergency” Means an emergency shall be deemed to exist when city monies are needed to deal with a natural disaster or emergency declared by the mayor or city council and/or to affect the repair of city property that is required to be used for the immediate preservation of the public health, safety and/or welfare.

“Informal Bid” Means the procedure whereby the city ascertains by correspondence, telephone calls, facsimile transmittal, electronic communication or by direct contact the various prices for the items involved quoted by a number of reliable firms that have the items for sale. The city administra-

tor, or his/her designee, shall be the keeper of all records and evidence of such informal bids, and after payment of same, the purchase may be made by the city administrator or designated agent.

“Public Contract” Means any purchase, lease or sale by the city of personal property, public improvements or services other than agreements which are for personal services.

“Public Improvements” Means any construction of improvements on real property by or for the city.

“Purchasing Agent” A person, designated by the council, authorized to purchase items or expend city funds for municipal purposes. Unless otherwise specified in this ordinance, the city administrator shall serve as the city’s purchasing agent.(Ord. 305 § 2, 2002)

#### 3.04.030 Authorized purchasing authority.

A. The city administrator is the authorized purchasing agent for the purchase of budgeted items or services up to and including five thousand dollars (\$5,000.00).

B. The city administrator is the authorized purchasing agent for the purchase of budgeted items or services in excess of five thousand dollars and one cent (\$5,000.01) up to and including twenty-five thousand dollars (\$25,000.00), subject to approval of the bill prior to the expenditure of funds.

C. If the city administrator is unavailable for any reason the mayor may authorize said expenditures. If both the city administrator and the mayor are unavailable, the president of the council may authorize said expenditures. If the mayor and the president of the council are unavailable, any two councilors may authorize said expenditures.

D. For non-budgeted purchases and for budgeted purchases of twenty-five thousand dollars and one cent (\$25,000.01) or more, the authorized authority shall be the city council. (Ord. 305 § 3, 2002)

#### 3.04.040 Exemptions from competitive bidding.

A. All public contracts shall be based on competitive bids except:

1. Contracts with Public Agencies. Contracts made with other public agencies or the federal government;

2. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;

3. Single Seller Contracts. Contracts for any item which is available only through one company, firm or individual;

4. Contracts under Twenty-Five Thousand Dollars (\$25,000). Contracts for the purchase or sale where the amount does not exceed twenty-five thousand dollars (\$25,000);

a. Where contracts are for more than one thousand dollars (\$1,000) but less than ten thousand dollars (\$10,000), competitive quotes, either verbal or written, may be obtained where practicable;

b. Where contracts are for ten thousand dollars (\$10,000) but less than twenty-five thousand dollars (\$25,000), at least three competitive quotes shall be obtained, where practicable. A written record shall be made containing the source and amount of the quotes received.

5. Personal Service Contracts. The following are personal service contracts:

a. Contracts for service performed as an independent contractor in the professional capacity, including but not limit to the services of an accountant, attorney, architect, land use planning consul-

tant, computer services consultant, physician or dentist, registered professional engineer or surveyor, appraiser, passenger aircraft pilot, aerial photographer, timber cruiser, or broadcaster;

b. Contracts for services as an artist in the performing or fine arts, including but not limited to photographer, filmmaker, graphic artist, painter, weaver or sculptor;

c. Contracts for services of a creative or research oriented consultant;

d. Contracts for services of a consultant;

e. Contracts for educational and human custodial care services.

6. Contracts for Price Regulated Items. Contracts for the purchase of goods or services where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority;

7. Allocated Petroleum Products. Contracts for the purchase of petroleum products if such purchase is required to be made from a particular supplier as a result of a federal allocation or if purchase from other than an established supplier could jeopardize an allocation or future supply of such petroleum products;

8. Copyrighted Materials. Contracts for the purchase of copyrighted materials where there is only one supplier available;

9. Advertising Contracts. Contracts for the purchase of advertising, including that intended for the purpose of giving public notice;

10. Investment Contracts. Contracts for the purpose of investment of public funds or the borrowing of funds;

11. Requirements Contracts. Purchase of goods or services from a supplier when the price of the goods and services has been established under a previously competitive bid requirements contract whereby it is agreed to purchase requirements or an anticipated need at a predetermined price;

12. Data Processing Contracts. Contracts for the purchase or acquisition of data processing (hardware, software or related services) may be let without competitive bid subject to the following conditions:

a. Prior to selection of the contractor, reasonable efforts have been made to solicit proposals from vendors who provide the needed hardware, software or services;

b. The contractor is selected on the basis of the most competitive offer in both the cost and quality of the product to be purchased or acquired;

c. Whenever a contract for data processing let pursuant to this exemption exceeds ten thousand dollars (\$10,000), a written report shall be submitted to the council. The report shall include:

i. the name of the company and, if applicable, the name of the retail vendor; and

ii. the reasons why competitive bidding was not appropriate; and

iii. a description of the reasons why the contractor was selected and other proposals rejected.

13. Insurance Contracts.

a. Contracts for the purchase of insurance where the public agency either 1) appoints an agent of record to perform insurance services on its behalf, or 2) solicits proposals from insurance agents for the purpose of acquiring specific insurance contracts.

b. Contracts for employee benefit insurance.

14. Contract Amendments. Any contract amendment, including change orders, extra work, field orders, or other changes in the original specifications which changes the original contract price or alters the work to be performed, may be made with the contractor subject to the following conditions:

- a. The original contract imposes a binding obligation on the parties covering the terms and conditions regarding change in the work; or
- b. The amended contract does not substantially alter the scope or the nature of the project; or
- c. If the amendment has the effect of substantially altering the scope or nature of the project, the amount of aggregate cost changes resulting from all amendments creating such new obligations shall not exceed twenty (20) percent of the initial cost.

15. Equipment Maintenance. Contracts for the purchase of services, equipment or supplies for maintenance, repair, or conversion of existing equipment are exempt if required for the efficient utilization of the equipment. Where practicable, competitive quotes shall be obtained;

16. Asphaltic Concrete and Rock. Contracts for the purchase of asphaltic concrete and rock where the material is used for maintenance. Where practicable, competitive quotes shall be obtained;

17. Bids Obtained by the State Government for the Same Materials. Contracts for the purchase of materials where competitive bids for the same materials have been obtained by the state of Oregon, and the contract is awarded to the same party that the state dealt with, and the price of the materials is the same or lower than that paid by the state;

18. Sale of Personal Property. Personal property may be disposed of without competitive bidding under any of the following conditions:

- a. There are specific statutory or ordinance procedures for the sale of the type of property involved, and the property is disposed of according to those procedures; or
- b. The property has a value of less than one thousand dollars (\$1000) (unless otherwise provided by statute or ordinance); or
- c. The public contracting officer finds that competitive bids would be inappropriate for the type of property involved; or
- d. The public contracting officer finds that another local non-profit or governmental agency can use the personal property; or
- e. The property is traded in as part of a purchase of a new purchase.

B. The Contract Review Board may, by resolution, exempt other contracts from competitive bidding if it finds:

1. It is unlikely that such exemption will encourage favoritism or substantially diminish competition in awarding the contract; or
2. The exemption will result in substantial cost savings. In making such finding the board may consider the type, cost, amount of the contract, number of persons available to bid, and such other factors as the board may deem appropriate; or
3. The exemption is requested to enable the city to enter into a cooperative project with another governmental entity, school or non-profit organization.(Ord. 305 § 4, 2002)

3.04.050 Emergency contracts;

A. A contract may also be exempted from competitive bidding if the board by unanimous vote determines that emergency conditions require prompt execution of the contract. A determination of

such an emergency shall be entered into the record of the meeting at which the determination is made.

B. In the event of a natural disaster or emergency where the emergency conditions require immediate action the authorized purchasing authority may expend or obligate the city to expend city monies in what-ever amount is necessary to remedy the emergency situation without approval of the city council of the city of Mill City so long as the mayor and city council are notified of the expenditures.(Ord. 305 § 5, 2002)

#### 3.04.060 Brand name specifications.

A. Specifications for contracts shall not require any product by an brand name or mark, nor the product of any particular manufacturer or seller, unless the product of any particular manufacturer or seller is exempted from the requirement by the board under this section; however, this section shall not be construed to prevent reference in the specification to a particular product as a description of the type of item required.

B. The board may by resolution exempt certain products or classes of products upon any of the following findings:

1. It is unlikely that such exemption will encourage favoritism in the awarding of the contract or substantially diminish competition;
2. The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings;
3. There is only one manufacturer or seller of quality required.(Ord. 305 § 6, 2002)

#### 3.04.070 Competitive bids--Brand names--Exemptions.

Whenever the board is considering exemption of the requirement for competitive bids or brand name specifications, it shall provide a notice to the public and an opportunity for a public hearing, in accordance with ORS 279.015(3), on whether the exemption should be allowed.(Ord. 305 § 7, 2002)

#### 3.04.080 Bid rejection.

The council or an official designated by the council may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.(Ord. 305 § 8, 2002)

#### 3.04.090 Bidder disqualification.

A. Grounds. The council or an official designated by the council may disqualify any person as a bidder on a contract if:

1. A person does not have sufficient financial ability to perform the contract. Evidence that the person can obtain a surety bond in the amount and type required shall be sufficient to establish financial ability;
2. The person does not have equipment available to perform the work specified in the contract;
3. The person does not have personnel or sufficient experience to perform the contract;
4. The person has repeatedly breached contractual obligations to public and private contracting agencies.

B. Appeal of Bidder Disqualification. A person who has been disqualified as a bidder may appeal such disqualification to the board as provided in this section.

1. The person(s) shall, within three business days after receipt of the notice of disqualification, notify the city administrator in writing that he/she wishes to appeal his/her disqualification.

2. Immediately upon receipt of such notice, the city administrator shall inform the board.

3. Upon receipt of the notice of appeal, the board shall notify the person appealing of the time and place of the hearing.

4. The board shall conduct the hearing according to the provisions of ORS 279.045 (3), decide the appeal within ten (10) days after receiving the notification, and set forth in writing the reasons for its decision.(Ord. 305 § 9, 2002)

#### 3.04.100 Procurement policy.

A. The city shall comply with the Oregon Attorney General's Model Public Contract Rules for procurement of professional services and construction of public improvements as set forth in Oregon Administrative Rules:

1. Chapter 125, Division 20 regarding personal services contracts; and

2. Chapter 125, Division 65 regarding consultant selection procedures for architects, engineers and related professional consultants; and

3. Chapter 137, Division 30 regarding public procurement rules; and

4. Chapter 137, Division 35 regarding consultant selection for architectural and engineering personal services contracts; and

5. Chapter 137, Division 40 regarding public improvement contracts; and

6. Chapter 137, Division 45 regarding review of public contracts.

B. References to an agency or the state of Oregon shall mean the city of Mill City. References to the Attorney General shall mean city attorney. References to any state agency or department personnel shall mean the city administrator. If there are conflicts between this ordinance and the Oregon Administrative Rules, this ordinance shall prevail. (Ord. 305 § 10, 2002)

### Chapter 3.08

#### ASSESSMENTS FOR LOCAL IMPROVEMENTS

##### Sections:

3.08.010 Definitions.

3.08.020 Declaration of intention--Report from city engineer--Recommendations.

3.08.030 Council consideration of engineer's report.

3.08.040 Notice of hearing on council-approved engineer's report.

3.08.050 Hearing.

3.08.060 Manner of doing work--Contracts--Bids--Bonds.

3.08.070 Special hearing when low bid substantially exceeds engineer's estimate.

3.08.080 Assessment ordinance.

3.08.090 Method of assessment--Alternative methods of financing.

- 3.08.100 Appeal.
- 3.08.110 Lien recording--Interest--Foreclosure.
- 3.08.120 Notice of assessment--Bonding.
- 3.08.130 Errors in assessment calculations.
- 3.08.140 Deficit assessment.
- 3.08.150 Rebate.
- 3.08.160 Abandonment of proceedings.
- 3.08.170 Curative provisions.
- 3.08.180 Reassessment.

3.08.010 Definitions.

A. Whenever the term “owner” is used in this chapter in relation to the ownership of real property, such term means the record holder of the legal title to the land in question, except that, if there is a purchaser of the land whose interest therein is evidenced by a recorded contract for the sale thereof or by a written verified statement by the record holder of the legal title to the land duly filed with the recorder of the city, then such purchaser shall be deemed the “owner”.

B. Whenever the term “city engineer” is used in this chapter, such term refers to the duly appointed incumbent of the office of city engineer or street commissioner of the city, if such an office shall exist and is then occupied. If such office shall not exist or shall be vacant, the council shall designate an engineer or firm of engineers in connection with any proposed improvements, in which event the term “city engineer” shall be held to refer to the engineer or firm of engineers so designated. (Ord. 50 § 1, 1954)

3.08.020 Declaration of intention--Report from city engineer--Recommendations.

Whenever the council shall decide to make street, sewer, sidewalk or other public improvements to be paid for the whole or in part by special assessments according to benefits, the council shall by motion declare its intention to initiate such improvement and direct the city engineer to make a survey and written report of such project and file the same with the city recorder within the time set forth by the council in the motion. Such report shall contain:

- A. A plat or map showing the general nature, location and extent of the proposed improvements and the lands to be assessed to pay all or any part of the costs thereof;
- B. Plans, specifications, and estimates of the work to be done;
- C. An estimate of the probable cost of the improvement including legal, administrative, and engineering costs attributable thereto;
- D. A recommendation as to the method of assessment to be used to arrive at a fair apportionment of the whole or any portion of the cost of the improvement to the property specially benefited, which recommendation shall be in accordance with the provisions of Section 3.08.090 of this chapter;
- E. An estimate of the unit cost of the improvement to the specially benefited properties derived from applying the recommended assessment method to the estimated cost of the improvement;
- F. A description of the location and assessed value of each lot, tract, or parcel of land, or portion thereof, to be specially benefited by the improvement, with the names of the record owners thereof, and when readily available, the names of other owners thereof as herein defined;

- G. A statement showing outstanding assessments against property to be assessed;
- H. Any other information required by the council. (Ord. 50 § 2, 1954)

3.08.030 Council consideration of engineer's report.

After the city engineer's report has been filed with the city recorder, the council shall consider the report. The council may approve the report as submitted or may amend and approve the report as amended. The council may direct the city engineer or furnish the council with a further report or information, or, on the basis of the engineer's report, the council may by motion record its intention to abandon the improvement. (Ord. 50 § 3, 1954)

3.08.040 Notice of hearing on council-approved engineer's report.

After the council has approved the engineer's report as submitted or as amended by the council:

A. It shall direct the city recorder to cause to be published forthwith once each week for two successive weeks in a newspaper of general circulation, printed and published in Mill City, a notice stating:

1. That the report, or amended report, of the city engineer as approved by the council, is on file in the city recorder's office, subject to examination, giving the date, not earlier than ten (10) days immediately following the first publication of notice when any objections thereto will be considered by the council at a public hearing;

2. That written remonstrances may be filed against the proposed improvement at the office of the city recorder not later than the scheduled time for the council hearing of objections to the proposed improvement;

3. That the improvements, except for a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, will be suspended for six months if there is presented a valid remonstrance of the owners of two-thirds of the property to be specially assessed;

4. A description of the boundaries of the district to be specially benefited by the improvements, giving the names of the record owners thereof, and, when readily available, the names of other owners thereof, as defined herein;

5. The estimated total cost of the improvement which is to be paid for by special assessment of the benefited property;

6. The city engineer's estimated unit cost of the improvement to the specially benefited property clearly indicating that this is an estimate and not an assessment.

B. It shall also direct the city recorder to send forthwith by registered mail the same notice, at his or her last known address, to each record owner, and, when readily known, to each owner, as defined herein, of property to be specially benefited by the proposed improvement;

C. It may, in its discretion, direct the city recorder, upon the basis of the council-approved engineer's report, to advertise for bids and designate the time at which such bids shall be opened, which time may be the time of the aforesaid hearing; provided that no contract shall be let until after any objections to the council-approved engineer's report are heard by the council, and provided that, in letting of any such contract, the provisions of Section 3.08.060 shall be followed by the council. (Ord. 194 § 1, 1985; Ord. 50 § 4, 1954)

3.08.050 Hearing.

At the hearing, the council shall hear oral objections to the proposed improvement and shall consider any written remonstrances. If the written remonstrances are less than the amount required to suspend the proposed improvement, the council may by motion, at the time of the hearing or within sixty (60) days thereafter, order the improvement to proceed. (Ord. 194 § 2, 1985; Ord. 50 § 5, 1954)

3.08.060 Manner of doing work--Contracts--Bids--Bonds.

The council shall provide by resolution the time and manner of doing the work of an improvement and may provide for the city to do the work, or it may award the work on contract. In the event that the work is done under contract, bids shall be received after advertisement for such time as the council may determine on all such work the estimated cost of which is more than one thousand dollars (\$1,000.00). The contract shall be let to the lowest responsible bidder, provided that the council shall have the right to reject all bids when they are deemed unreasonable or unsatisfactory. The council shall provide for taking security by bond for the faithful performance of any contract let under its authority; and the provisions thereof, in case of default, shall be enforced by action in the name of the city. (Ord. 194 § 3, 1985; Ord. 50 § 6, 1954)

3.08.070 Special hearing when low bid substantially exceeds engineer's estimate.

If the council finds upon opening bids for the work of such improvement that the lowest responsible bid substantially exceeds the engineer's estimate, it may, in its discretion, hold a special hearing of objections to proceeding with the improvement on the basis of such bid and may direct the city recorder to publish reasonable notice thereof in the newspaper of general circulation, printed and published in the city. (Ord. 50 § 7, 1954)

3.08.080 Assessment ordinance.

A. If the council determines that the public improvement shall be made, when the estimated cost is determined on the basis of the contract award or city departmental cost or after the work is done and the cost has been actually determined, the council shall decide whether the benefited property shall bear all or a portion of the cost. The recorder or other persons designated by the council shall prepare the proposed assessment for each lot within the assessment district and file the assessments in the recorder's office.

B. Notice of the proposed assessment shall be mailed to the owner of each lot proposed to be assessed at the address shown on the county tax assessor's roll. The notice shall state the amount of assessment proposed on the property and fix a date by which time objections shall be filed with the recorder. An objection shall state the grounds for the objection.

C. At the hearing the council shall:

1. Consider objections and may adopt, correct, modify, or revise the assessment against each lot in the district according to special and peculiar benefits accruing to it from the improvement;
2. By ordinance, spread the assessment. (Ord. 194 § 4, 1985; Ord. 50 § 8, 1954)

3.08.090 Method of assessment--Alternative methods of financing.

The council, in adopting a method of assessment of the cost of the improvement, may:

A. Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived.

B. Use any method of apportioning the sum to be assessed as is just and reasonable between the properties determined to be specially benefited.

C. Authorize payment by the city of all or any part of the cost of any such improvement when, in the opinion of the council, on account of topographical or physical conditions, unusual or excessive public travel, or other character of the work involved, or when the council otherwise believes the situation warrants it, provided the method selected creates a reasonable relation between the benefits derived by the property specially assessed and the benefits derived by the city as a whole.

Nothing herein contained shall preclude the council from using other available means of financing improvements, including federal or state grants-in-aid, sewer service or other types of service charges, revenue bonds, general obligation bonds, or other legal means of finance. In the event any of such other means of finance are used, the council may, in its discretion, levy special assessments hereunder according to benefits to cover any part of the costs of the improvement not covered by such means. (Ord. 50 § 9, 1954)

#### 3.08.100 Appeal.

Any person feeling aggrieved by assessments made as herein provided may, within twenty (20) days from the passage of the ordinance levying the assessment by the council, appeal therefrom to the circuit court of the state of Oregon for Marion-Linn County. Such appeal and the requirements and formalities thereof shall be heard, governed, and determined and the judgment thereon rendered and enforced so far as is practical in the manner provided for appeals from assessments contained in Chapter 223, Oregon Revised Statutes, and any amendments thereto. The result of such appeal shall be a final and conclusive determination of the matter of such assessment, except for the city's right of reassessment as provided herein. (Ord. 94 (part), 1966; Ord. 50 § 10, 1954)

#### 3.08.110 Lien recording--Interest--Foreclosure.

After the ordinance levying assessments has been passed, the city recorder shall enter in the docket of city liens a statement of the respective amounts assessed upon each lot, tract, or parcel of land, a description of the improvement, names of the property owners, and the date of the assessment ordinance. On entry in the lien docket, the amounts shall be a lien and charged upon the respective lots, tracts, and parcels of land that have been assessed for improvement. Such liens shall be first and prior to all other liens or encumbrances thereon, insofar as the laws of the state allow. Interest shall be charged at the rate of ten (10) percent per year until paid on all amounts not paid within thirty (30) days from the date of such entry, or entry corrected pursuant to Section 3.08.130. The city may proceed to foreclose or enforce any lien to which it shall be entitled pursuant to the provisions of this chapter at any time after thirty (30) days from the date on which the assessment, or assessment corrected pursuant to Section 3.08.130, was entered in the lien docket, in the manner provided for the foreclosure or enforcement of liens by the general laws of the state. (Ord. 194 § 5, 1985; Ord. 50 § 11, 1954)

3.08.120 Notice of assessment--Bonding.

Within ten (10) days after the ordinance levying assessments has been passed, the recorder shall send by registered mail, to his or her last known address, a notice of assessment to the record owner and, so far as readily known, to the owner as hereafter defined, of each lot, tract, or parcel of land assessed. This notice shall state the time within which such assessments must be paid or bonded and that assessments which are not paid or bonded within the time stated in the notice shall bear interest at six percent per year and that the property so assessed is subject to foreclosure if such assessments are not paid or bonded within the time stated in the notice. Such record owner or other owner as herein defined may make application to bond such assessment pursuant to the provisions of ORS 223.205--223.300, which is known as the Bancroft Bonding Act, as now constituted or hereafter amended. (Ord. 94 (part), 1966; Ord. 50 § 12, 1954)

3.08.130 Errors in assessment calculations.

Claimed errors in the calculation of assessments shall be called to the attention of the city recorder prior to any payment on account thereof. The city recorder shall determine whether there is an error in fact. If the city recorder finds that there is an error in fact, he or she shall recommend to the council an amendment to the assessment ordinance to correct the error. Upon the enactment of such an amendment by the council, the city recorder shall make the necessary correction in the docket of city liens and send by registered mail to the last known address of the owner a corrected notice of the assessment. (Ord. 50 § 13, 1954)

3.08.140 Deficit assessment.

If assessment is made before the total costs of the improvements are known, and it is found that the amount assessed is insufficient to defray the expenses of the improvement, the council may by motion declare such deficit and prepare a proposed deficit assessment. The council shall set a time for a hearing of objections to such deficit assessment and shall direct the city recorder to publish reasonable notice thereof in a newspaper of general circulation printed and published in Mill City. The council, upon hearing, shall make a just and equitable deficit assessment by ordinance. Such deficit assessment shall be consolidated with the assessment in the lien docket in accordance with the provisions of Section 3.08.110. Thereafter, the provisions of Sections 3.08.120 and 3.08.130 shall be applicable with regard to such deficit assessment. (Ord. 50 § 14, 1954)

3.08.150 Rebate.

If, upon the completion of the project, it is found that any sum theretofore assessed therefor upon any property is more than sufficient to pay the cost thereof, the council must ascertain and declare the same by ordinance and, when so declared, it must be entered in the docket of city liens as a credit upon the appropriate assessment. If any such assessment has been paid, the person who paid the same, or his or her legal representative, shall be entitled to the payment of any portion of the rebate credit which exceeds the assessment by a warrant on the city treasury. (Ord. 50 § 15, 1954)

3.08.160 Abandonment of proceedings.

The council shall have full power and authority to abandon and rescind proceedings for improvements hereunder at any time prior to the final consummation of such proceedings and, if liens have been assessed upon any property under this procedure, they shall be canceled, and any payments made thereon shall be refunded to the payor, his or her assigns, or legal representatives. (Ord. 50 § 16, 1954)

3.08.170 Curative provisions.

No improvement assessment shall be invalid by reason of a failure to give, in any report, in the proposed assessment, in the assessment ordinance or ordinances, in the lien docket or elsewhere in the proceedings, the name of the owner of any lot, tract, or parcel of land or part thereof, or the name of any person having a lien upon or interest in such property, or by reason of any error, mistake, delay, omission, irregularity, or other act, jurisdictional or otherwise, in any of the proceedings or steps hereinabove specified, unless it appears that the assessment as made, insofar as it affects the person complaining, is unfair and unjust, and the council shall have power and authority to remedy and correct all such matters by suitable action and proceedings. (Ord. 50 § 17, 1954)

3.08.180 Reassessment.

Whenever an assessment, deficit assessment, or reassessment for any improvement which has been or may be hereafter made by the city has been or shall be hereafter set aside, annulled, declared, or rendered void or its enforcement refuted by any court of competent jurisdiction, whether directly or by virtue of any decision of such court, or when the council shall be in doubt as to the validity of such assessment, deficit assessment, reassessment, or any part thereof, the council may make a new assessment or reassessment. Such reassessment shall be made in the manner provided by Chapter 223, Oregon Revised Statutes, and any amendment thereto. (Ord. 94 (part), 1966; Ord. 50 § 18, 1954)

## Chapter 3.12

### EQUIPMENT PURCHASE FUND

#### Sections:

3.12.010 Fund established.

3.12.020 Source of fund.

3.12.030 Purpose.

3.12.040 Expenditures.

3.12.010 Fund established.

There is established a sinking fund which shall be known as the "equipment purchase fund" and which fund shall be kept separate from all other funds of the city. (Ord. 58 § 1, 1955)

3.12.020 Source of fund.

The equipment purchase fund shall consist of the unexpended balance in the street fund as budgeted for the fiscal year 1954-55, and such other amounts as the city council may from time to time deposit in such fund. (Ord. 58 § 2, 1955)

3.12.030 Purpose.

The equipment purchase fund shall be used for the purpose of repair, replacement, or acquisition of new equipment when, in the opinion of the council, it is deemed necessary for adequate city maintenance. (Ord. 63, 1959; Ord. 58 § 3, 1955)

3.12.040 Expenditures.

The city council may, from time to time, at its discretion expend the equipment purchase fund, but all such expenditures shall be for the purposes specified in Section 3.12.030 of this chapter. (Ord. 58 § 4, 1955)