

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Council Meetings
- 2.08 Department of Public Safety
- 2.12 Contract Review Board
- 2.16 Planning Commission

Chapter 2.04

CITY COUNCIL MEETINGS

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.
- 2.04.060 Ordinances and resolutions.
- 2.04.070 Sergeant at arms.

2.04.010 Regular meetings.

The council shall hold regular meetings on the first Tuesday of each month at seven-thirty p.m. in the council chambers at Town Square. When the day fixed for any regular meeting of the council falls on a day designated by law as a legal or national holiday, the meeting may be rescheduled by the council. (Ord. 137 § 1, 1984: prior code § 1-2.1)

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. (Prior code § 1-2.2)

2.04.030 Order of business.

In the conduct of business of the council, the following procedure shall be substantially followed:

- A. Roll call;
- B. Reading of the minutes of the previous meeting;
- C. Hearing of petitions from citizens;
- D. Reports of committees;
- E. Reports of city officials;
- F. Introduction, first, and second reading of ordinances;
- G. Third reading of ordinances;
- H. New business;
- I. Adjournment. (Prior code § 1-2.3)

2.04.040 Parliamentary questions.

All parliamentary questions shall be governed by Robert's Rules of Order. (Prior code § 1-2.4)

2.04.050 Presiding officer.

The presiding officer shall preserve order and decorum. He or she may speak on all questions of order in preference to any other member and he or she 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?" (Prior code § 1-2.5)

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

C. Ordinances and resolutions may be introduced by any member of the council. (Prior code § 1-2.7)

2.04.070 Sergeant at arms.

The chief of police, or such member of the police department as he or she shall designate, shall be sergeant at arms of the council. He or she shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum. (Prior code § 1-2.8)

Chapter 2.08

DEPARTMENT OF PUBLIC SAFETY

Sections:

2.08.010 Public safety department.

2.08.020 Responsibility of department.

2.08.030 Public safety officers.

2.08.040 Chief public safety officer.

2.08.050 Officer reserve department.

2.08.060 Duties of the department.

2.08.070 Rules of the department.

2.08.080 Compensation.

2.08.010 Public safety department.

A department of public safety is continued, which combines fire, police, ambulance and health services into one department. (Prior code § 1-6.1)

2.08.020 Responsibility of department.

The department has the responsibility of maintaining fire, police, ambulance and health services under the direction and supervision of the city manager, as may be provided by resolution of the council. (Amended during 2001 codification; prior code § 1-6.2)

2.08.030 Public safety officers.

Public safety officers shall be appointed by the city manager. Job descriptions, terms and responsibilities shall be provided by the city manager. Public safety officers shall have the authority granted to fire, police, ambulance and health officers by state law, the city charter and city ordinances and resolutions. (Amended during 11-01 supplement; Prior code § 1-6.3)

2.08.040 Chief public safety officer.

The head of the department shall be designated as the chief public safety officer and shall administer the department and have responsibility for fire, police, ambulance

and health service administration and enforcement under the supervision and control of the city manager. The department head shall serve at the pleasure of the city manager. (Amended during 11-01 supplement; Prior code § 1-6.4)

2.08.050 Officer reserve department.

A. The department of public safety, under the direction of the chief public safety officer, shall have authority to create and organize a public safety officer reserve department.

B. The reserve department shall be subject to the authority and control of the chief public safety officer and shall establish rules of the department, subject to the approval of the chief public safety officer. (Prior code § 1-6.5)

2.08.060 Duties of the department.

A. The reserve department shall assist public safety officers in their duties as set forth and defined by the chief public safety officer.

B. The public safety officer reserves shall be commissioned as public safety officers, pursuant to the rules and regulations of the reserve department.

C. The reserve department shall promote the interest and welfare of the public safety department.

D. The reserve public safety officers shall receive regular training under the direction and supervision of the chief public safety officer. (Prior code § 1-6.6)

2.08.070 Rules of the department.

The rules and regulations of the reserve department shall be set forth in writing and placed on file with the city recorder. (Prior code § 1-6.7)

2.08.080 Compensation.

The city manager may compensate reserve public safety officers, subject to the council's approval as designated by resolution. (Amended during 11-01 supplement; Prior code § 1-6.8)

Chapter 2.12

CONTRACT REVIEW BOARD

Sections:

- 2.12.010 Contract review board.
- 2.12.020 Definitions.
- 2.12.030 Public contracts for goods and services.
- 2.12.040 Public improvement contracts.
- 2.12.050 Offeror disqualification.
- 2.12.060 Personal services contracts.
- 2.12.070 Disposition of personal property.

2.12.010 Contract review board.

The Boardman city council is designated as the local contract review board under the state of Oregon Public Contracting Code. The contract review board may delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, and the Boardman Municipal Code. The city manager, or his or her designated purchasing agent, is designated as the city's contracting agency for purposes of contracting powers and duties assigned to the city as a contracting agency under the Public Contracting Code. (Ord. 3-2005 (part))

2.12.020 Definitions.

As used in this chapter, the following words or phrases shall have the following meanings. All words and phrases not defined in this section shall have the meanings ascribed to them in the Public Contracting Code or the Model Rules adopted by the Oregon attorney general thereunder ("Model Rules"):

"Formal quote" means the procedure pursuant to which written offers are solicited by advertising or other writing stating the quantity and quality of goods or services to be acquired, and which offers are received by a contracting agency on or before a stated date.

"Informal quote" means the procedure pursuant to which written or verbal offers are gathered by correspondence, telephone or personal contact.

"Personal services contract" means a contract to retain the services of an independent contract, including architects, engineers, land surveying and related services. The contract shall be predominantly for services requiring special training or certification, independent judgment, skill and experience.

"Sole source of procurement" means a contract for goods or services, or a class of goods or services, available from only one source. (Ord. 3-2005 (part))

2.12.030 Public contracts for goods and services.

This section applies to public contracts that are not contracts for public improvements or contracts for personal services.

A. The following classes of public contracts are created and the procedures for awarding such contracts are determined not to encourage favoritism or substantially diminish competition and result in substantial cost savings:

1. Public Contracts Valued at Less Than Five Thousand Dollars (\$5,000.00). All public contracts for an amount which is valued at less than five thousand dollars (\$5,000.00) shall be awarded by the contracting agency based on informal quotes. In soliciting informal quotes, the contracting agency shall seek quotes for sufficiently large number of potential offers to insure sufficient competition to meet the best needs of the city. An award based on less than three quotes may be made, provided the contracting agency makes a written record of the effort to obtain quotes. Amendments to public contracts under this section may not cause the contract price to exceed six thousand dollars (\$6,000.00).

2. Public Contracts Valued at Five Thousand Dollars (\$5,000.00) Through Twenty-Five Thousand Dollars (\$25,000.00). All public contracts for an amount which is valued at less than five thousand dollars (\$5,000.00) or more, but less than twenty-five thousand dollars (\$25,000.00), shall be awarded by the contracting agency based on informal quotes. In soliciting quotes, the contracting agency shall seek quotes from a sufficiently large number of potential offerors to insure sufficient competition to meet the best interests of the city. An award based on less than three formal quotes may be made, provided the contracting agency makes a written record of the effort to obtain quotes. Amendments to public contracts under this section may not cause the contract price to exceed an amount that is greater than twenty-five (25) percent of the original contract price.

3. Public Contracts Over Twenty-Five Thousand Dollars (\$25,000.00). Public contracts in excess of twenty-five thousand dollars (\$25,000.00) in value shall be awarded by the city council based on competitive sealed bidding or competitive sealed proposals pursuant to the Public Contracting Code.

B. Exemptions. The requirements of subsection A of this section do not apply to the following classes of public contracts:

1. Sole source procurements pursuant to ORS 279B.075;
2. Emergency procurements pursuant to ORS 279B.080;
3. Purchases through federal programs pursuant to ORS 279A.180;

4. Contracts for products or supplies under five thousand dollars (\$5,000.00);
5. Amendments to contracts exceeding the limits in subsection A of this section if the city council determines that it is not reasonably feasible to require additional competitive procurement to complete the purpose of the contract;
6. The city council may exempt other public contracts or classes of public contracts from the requirements of subsection A of this section pursuant to ORS 279B.085. (Ord. 3-2005 (part))

2.12.040 Public improvement contracts.

A public improvement contract shall be defined pursuant to the Public Contracting Code. A public improvement contract does not include contracts for minor alterations, ordinary repair and maintenance of public improvements, contracts for which no funds of the city are directly or indirectly used except for participation that is incidental or related primarily to project design or inspection, and does not include any other construction contract that is not defined as a public improvement under the Public Contracting Code.

A. All public improvement contracts shall be awarded by the council based on competitive sealed bids pursuant to the Public Contracting Code.

B. Exemptions. The requirements of subsection A of this section do not apply to the following classes of public improvement contracts. The following exemptions from competitive sealed bidding are unlikely to encourage favoritism or substantially diminish competition and awarding contracts under these exemptions will result in substantial cost savings to the city or the public.

1. Public improvement contracts valued at less than five thousand dollars (\$5,000.00) may be awarded by the contracting agency based on informal quotes.

2. Public improvement contracts valued at five thousand dollars (\$5,000.00) or more, but less than twenty-five thousand dollars (\$25,000.00), may be awarded by the contracting agency based on formal quotes.

3. Emergency public improvement contracts may be exempted from competitive bidding if the contracting agency determines that an emergency exists and that conditions require the prompt execution of a contract. Emergency public improvement contracts shall be awarded in accordance with the Public Contracting Code.

- a. The contracting agency shall provide the council with a written statement indicating the nature of the emergency and stating with particularity the emergency conditions and why they pose an imminent threat to public health, safety or welfare. The contracting agency shall not declare the same emergency more than two times in any ninety (90) day period.

4. By resolution, the city council may exempt from competitive bidding a public improvement contract or class of public improvement contracts not otherwise exempt under this section pursuant to the procedure in the Public Contracting Code. When an exemption allows for award of a contract through competitive proposals, the provisions of ORS 279C.400 through 279C.410 shall apply.

C. The city may undertake to construct a public improvement using its own equipment and personnel if doing so will result in the least cost to the city or public. If the city decides to construct a public improvement estimated to cost more than one hundred twenty-five thousand dollars (\$125,000.00) using its own personnel and equipment, the city shall prepare adequate plans and specifications and the estimated unit cost of each classification of work, and maintain an accurate accounting in accordance with ORS 279C.305.

D. If all responsive offers on a public improvement contract exceed the budget for the project, the contracting agency may, prior to contract award, negotiate for a price within the budget under the following procedures:

1. Negotiations shall start with the lowest responsive, responsible offer. If negotiations are not successful, then the contracting agency may negotiate with the second lowest responsive, responsible offer, and so on.

2. Negotiations may include value engineering and other options to attempt to bring the project costs within the budgeted amount.

3. A contract may not be awarded under this section if the scope of the project is significantly changed from the description of the original solicitation documents.

4. The records of an offeror used in contract negotiations under this section are not subject to public inspection until after the negotiated contract has been awarded, or the negotiation process has been terminated. (Ord. 3-2005 (part))

2.12.050 Offeror disqualification.

A. The council or contracting agency, whoever is awarding a public contract, may disqualify any person as an offeror on a contract if:

1. The person does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

2. The person does not have available equipment to perform the contract;

3. The person does not have key personnel of sufficient experience to perform the contract; or

4. The person has breached previous contractual obligations.

B. The provisions of the Public Contracting Code regarding disqualification of persons shall apply in addition to this section with respect to public improvement contracts.

C. A person who has been disqualified as an offeror may appeal the disqualification to the city council in accordance with the procedures in Chapter 279C of the Public Contracting Code. (Ord. 3-2005 (part))

2.12.060 Personal services contracts.

A. The following procedures shall apply to the award of personal services contracts:

1. Five Thousand Dollars (\$5,000.00) Through Ten Thousand Dollars (\$10,000.00). For personal services contracts involving an anticipated fee of five thousand dollars (\$5,000.00) or more, and less than ten thousand dollars (\$10,000.00) per fiscal year, the contracting agency shall solicit by written invitation or advertisement offers for personal services in sufficient number to provide a choice for the city from among qualified service providers. The contracting agency shall determine the selection criteria to be included in the written invitation or advertisement and shall have authority to negotiate and enter into a contract.

2. For personal services contracts to which subsection (A)(1) of this section does not apply and having an anticipated fee of ten thousand dollars (\$10,000.00) or more, the city council shall award the contract based on the procedure and selection criteria adopted by the city council before offers are solicited.

3. Except as otherwise provided in the Public Contracting Code, for all other personal services contracts, including amendments to and annual renewals of existing contracts and emergencies, the contracting agency may enter into the contract without a solicitation of offers. A personal services contract shall not be artificially divided or fragmented to qualify for the award procedures provided by this subsection.

B. The following criteria shall be considered in the evaluation and selection of a personal services contractor. This section does not preclude the use of other additional criteria:

1. Specialized experience in the type of work to be performed;
2. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;
3. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;

4. Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable;
5. Utilization of locally procured goods, services, or personnel;
6. Other services provided by the contractor not specifically listed in the request for proposal;
7. Other criteria specially listed in the solicitation document on a case by case basis. (Ord. 3-2005 (part))

2.12.070 Disposition of personal property.

A. Disposition of surplus property may be made, at the discretion of the city manager, or his or her designee, who shall have the authority to determine when personal property owned by the city is surplus.

B. The city manager shall select the method of disposal which maximizes the value the city will realize from disposal of the surplus property. Surplus property shall be disposed of as follows:

1. Sold to the highest qualified bidder meeting the sale terms when the value of each item so offered is less than two thousand dollars (\$2,000.00), and the sale has been advertised at least one week prior to the sale;
2. Traded in on the purchase of replacement equipment or supplies;
3. Sold at public auction advertised at least once in a newspaper of general circulation in the Boardman area not less than one week prior to the auction. The published notice shall specify the time, place and terms upon which the personal property shall be offered and a general description of the personal property to be sold;
4. Sold at a fixed price retail if doing so will result in substantially greater revenue to the city; or
5. Contracted for use, operation or maintenance by one or more private or public entities. Prior to approval of such a contract, the city manager shall determine that the contract will promote the economic development of the city.

C. Sales of surplus personal property may be conducted electronically.

D. All personal property sold pursuant to this section shall be sold "as is" without any warranty, either expressed or implied, of any kind, including, but not limited to warranties of title or fitness for any purpose. Upon receiving payment for the personal property from the successful bidder, the appropriate bill of sale shall be executed stating the sale is without warranty as provided in this subsection. (Ord. 3-2005 (part))

Chapter 2.16

PLANNING COMMISSION

Sections:

- 2.16.010 Established.
- 2.16.020 Members.
- 2.16.030 Terms of office.
- 2.16.040 Election of officers.
- 2.16.050 Election of secretary.
- 2.16.060 Quorum--Rules and regulations--Meeting times.
- 2.16.070 Removal of members.
- 2.16.080 Membership restrictions.
- 2.16.090 Employment of staff.
- 2.16.100 Powers of the commission.
- 2.16.110 Recommendations in writing.
- 2.16.120 Expenditure restrictions.

2.16.010 Established.

There is reestablished a city planning commission for the city.
(Prior code § 1-3.1)

2.16.020 Members.

The commission shall consist of seven members to be appointed by the council and the mayor and city engineer as ex-officio nonvoting members. Commission members shall receive no compensation. Individual positions on the commission are not geographically designated. The members presently serving shall continue until the expiration of their regular term. (Ord. 4-2004 § A: prior code § 1-3.2)

2.16.030 Terms of office.

A. The terms of the seven appointed members of the commission shall expire as follows:

1. Position 1 expires December 31, 2004;
2. Position 2 expires December 31, 2004;
3. Position 3 expires December 31, 2004;
4. Position 4 expires December 31, 2005;

5. Position 5 expires December 31, 2005;
6. Position 6 expires December 31, 2006;
7. Position 7 expires December 31, 2006.

B. Successors shall hold office for three years, commencing on January 1st following expiration of the previous term. Any vacancy shall be filled by the council for the unexpired portion of the term. (Ord. 4-2004 § B: prior code § 1-3.3)

2.16.040 Election of officers.

The commission, at its first meeting, shall elect a president and vice-president, who shall be members appointed by the mayor and who shall hold office during the pleasure of the commission. (Prior code § 1-3.4)

2.16.050 Election of secretary.

The commission shall elect a secretary who need not be a member of the commission. The secretary shall keep an accurate record of all commission proceedings. The commission shall on the first day of October of each year make and file a report of all its transactions with the city council. (Prior code § 1-3.5)

2.16.060 Quorum--Rules and regulations--Meeting times.

A majority of the voting members of the commission shall constitute a quorum. The commission may make and alter rules and regulations for its government and procedure consistent with laws of this state and with the city charter and ordinances. It shall meet at least once a month, at such times and places as may be fixed by the commission. Special meetings may be called at any time by the president or by five members by written notice served upon each member of the commission at least three hours before the time specified for the proposed meeting. (Prior code § 1-3.6)

2.16.070 Removal of members.

Members of the commission may be removed by the city council subsequent to a hearing for misconduct or nonperformance of duty. (Prior code § 1-3.7)

2.16.080 Membership restrictions.

Not fewer than six of the commission shall reside within the city limits of the city of Boardman. No more than two voting members shall be engaged 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 therein. No more

than two voting members shall be engaged in the same kind of business, trade, profession or occupation. (Ord. 4-2004 § C: prior code § 1-3.8)

2.16.090 Employment of staff.

The commission may employ consulting advice on municipal problems, a secretary and such clerks as may be necessary; and pay for their services, and for such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the commission, out of funds at the disposal of the commission, as authorized by the city council. The commission may set reasonable charges and fees for services to defray its expenses. (Prior code § 1-3.9)

2.16.100 Powers of the commission.

The commission shall have all the powers which are now or hereafter granted to it by ordinances of this city or by general laws of the state of Oregon. The commission shall control the subdivision of land and may make recommendations to the city council, to public officials and to individuals regarding land use; location of thoroughfares, public buildings, parks and other public facilities; and, regarding any other matter relating to the planning and development of the city and the surrounding area. The commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the city council. (Prior code § 1-3.10)

2.16.110 Recommendations in writing.

All recommendations and suggestions made to the city council by the commission shall be in writing. (Prior code § 1-3.11)

2.16.120 Expenditure restrictions.

The commission shall have no authority to make expenditures on behalf of the city, or to obligate the city for the payment of any sums of money, except as provided in this chapter, and then only after the city council shall have first authorized such expenditures by appropriate ordinance (or resolution), which ordinance (or resolution) shall provide the administrative method by which such funds shall be drawn and expended. (Prior code § 1-3.12)