

TITLE III: ADMINISTRATION

Chapter

- 30. FINANCE**
- 31. EMERGENCY MANAGEMENT**
- 32. CITY POLICIES**
- 33. INITIATIVE AND REFERENDUM PROCEDURES**
- 34. PUBLIC RECORDS**
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CHAPTER 30: FINANCE

Section

- 30.01 Rules and procedures for public contracts
- 30.02 Procurement policy
- 30.03 Adoption of Bancroft Bonding Act
- 30.04 Water System Repair and/or Replacement Fund
- 30.05 Sewer Reserve Fund

30.01 RULES AND PROCEDURES FOR PUBLIC CONTRACTS.

City Council hereby resolves:

(A) To designate the City Council as the local Contract Review Board and may hear any and all matters concerning contracting for the city while sitting in regular or special session;

(B) To declare intent to adopt local rules and procedures for certain public contracts. Such rules and procedures shall be outlined in Resolution 279-05B;

(C) To declare that department heads and the Mayor are hereby designated as purchasing agents. Purchasing agents shall use local rules adopted by resolution when applicable. Purchasing agents are delegated the following authority:

(1) Department heads and the Mayor may contract for goods for an amount up to \$500 without prior approval by the Contract Review Board;

(2) The Mayor may contract for services, including personal services, for an amount up to \$2,500 without prior approval by the Contract Review Board;

(3) The Mayor may determine when a contract may be selected through procedures for small contracts or informal selection;

(4) The Contract Review Board will determine when personal property belonging to an agent=s department is surplus city property; and

(5) The Contract Review Board will dispose of any surplus city personal property.

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(D) Any purchases over \$2,500 must be brought before the Contract Review Board.
(Res. 279-05, passed 4-14-2005)

‘ 30.02 PROCUREMENT POLICY.

(A) City Council resolves to abide by the state procurement policy, effective September 16, 1994.
(Res. passed 9-16-1994)

(B) The city will utilize its discretion and apply Oregon Administrative Rule 125-310-020 as authorized by O.R.S. 200.090, 279.840, and O.R.S. Chs. 279A-279C for certain contracts not exceeding \$25,000.
(Res. 01/97-1, passed 1-9-1997)

‘ 30.03 ADOPTION OF BANCROFT BONDING ACT.

Whenever the Council causes any local improvement to be constructed or made and has assessed the costs of this improvement to the property benefitted, the owner of any property so assessed for such improvement in the sum of \$25 or more may make application to bond such assessments pursuant to O.R.S. 223.205C223.295. These provisions, known as the “Bancroft Bonding Act,” together with all acts and amendments are adopted by reference and made a part of this section.
(Ord. passed - -)

‘ 30.04 WATER SYSTEM REPAIR AND/OR REPLACEMENT FUND.

There is hereby established a fund hereinafter referred to as the Water System Repair and/or Replacement Fund.

(A) Said fund shall be established for the purposes of keeping the water system of the city in a state of good repair and compliance with state and federal laws and regulations by providing funds to repair, replace, or extend any part of the city water system.

(B) \$19,549.35 shall be placed in a certificate of deposit or interest-bearing account.

(C) A minimum of \$5,000 or a maximum of \$50,000 shall be retained in the account.

(D) Deposits into the Water System Repair and/or Replacement Fund will come from the Water Utility Fund, after all operating expenses for the water system, for the previous year, have been paid.

(E) Dependant upon the availability of funds, deposits of not less than \$500 nor more than \$5,000 may be made yearly during the second quarter of the fiscal year.

(F) Pursuant to the purpose of this resolution as stated in division (A) above, withdrawal may be made as the need arises.

(G) Any remaining monies in the Water System Repair and/or Replacement Fund shall revert to the Water Utility Fund.

(Res. 6.12.08, passed 6-12-2008)

30.05 SEWER RESERVE FUND.

There is hereby established a fund, hereafter referred to as the Sewer Reserve Fund.

(A) The Fund shall be established for the purposes of a guarantee for one year's loan payment and/or repair and/or replacement of any portion of the city sewer system, due to emergency or uncommon wear.

(B) The Fund shall be placed in a certificate of deposit or other interest-bearing account.

(C) A minimum of \$21,000 shall be retained in the account (as guarantee of one year's payment on grant/loan), for the life of the loan.

(D) The last year for the fund will be 2022, at which time the loan will be paid in full.

(E) Any remaining monies in the Sewer Reserve Fund after the year 2022, shall revert to the Sewer Utility Fund.

(Res. 4-5, passed 6-12-1977)

CHAPTER 31: EMERGENCY MANAGEMENT

Section

- 31.01 Emergency Operations Plan adopted
- 31.02 City representation in the Northeast Oregon Regional Natural Hazard Mitigation Plan

' 31.01 EMERGENCY OPERATIONS PLAN ADOPTED.

The Emergency Operations Plan known as "Exhibit A," attached to Resolution No. 10.11.12, is hereby approved and adopted, to take effect on October 10, 2012.
(Res. 10.11.12, passed 10-10-2012)

' 31.02 CITY REPRESENTATION IN THE NORTHEAST OREGON REGIONAL NATURAL HAZARD MITIGATION PLAN.

(A) The Common Council hereby accepts and approves of its section of the Northeast Oregon Regional Natural Hazard Mitigation Plan with future updates when funding becomes available, as a reasonable process to identify and plan for potential hazards in the city and Northeast Oregon.

(B) The agency personnel of the city are requested and instructed to pursue available funding opportunities for implementation of the plan and when funding becomes available for the actions and proposals designated therein.

(C) The city will, upon receipt of such funding or other necessary resources, seek to implement the mitigation proposals identified by the Jurisdiction=s Hazard Mitigation Planning Committee.

(D) The city will continue to participate in the updating and expansion of the Northeast Oregon Regional Natural Hazard Mitigation Plan in the years ahead when funding becomes available.

(E) The city will further seek to encourage the businesses, industries, and community groups operating within and/or for the benefit of the city to also participate in the updating and expansion of the Northeast Oregon Regional Natural Hazard Mitigation Plan in the years ahead, when funding becomes available.

(Res. 07.24.08, passed 7-24-2008)

CHAPTER 32: CITY POLICIES

Section

- 32.01 Equal employment opportunity and affirmative action policy
- 32.02 Workers' compensation coverage for volunteers
- 32.03 Driving/vehicle policy
- 32.04 Approval of emergency call-out
- 32.05 Purchases of products or services by city personnel
- 32.06 Fees for vendor information program
- 32.07 Charges for viewing or copying documents

' 32.01 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY.

It is the policy of the city to:

- (A) Afford equal opportunities for employment to all persons regardless of race, color, religion, sex, handicap, or national origin;
- (B) Say the city is an equal opportunity employer in all job announcements; and
- (C) Take affirmative action steps when necessary to assure all persons are afforded an equal opportunity to apply for city employment.
(Res. 1.10/07, passed 11-8-2007)

' 32.02 WORKERS= COMPENSATION COVERAGE FOR VOLUNTEERS.

Pursuant to O.R.S. 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed in this resolution and noted on CIS payroll schedule.

- (A) An aggregate assumed annual wage of \$2,500 will be used for volunteer, commission, and/or Council for the performance of administrative duties.
- (B) Non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code listed on the CIS Payroll Schedule for the type of work being performed using Oregon minimum wage.
- (C) Court-mandated community service workers who are sentenced by Baker County Court will

keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage.

(D) A roster of active volunteers will be kept monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit.

(Res. 5.11, passed 5-12-2011; Res. 12.01, passed 12-11-2014; Res. 04.01, passed 4-14-2016)

‘ **32.03 DRIVING/VEHICLE POLICY.**

The Driving/Vehicle Policy known as “Exhibit A,” attached to Resolution No. 10.12.12 is hereby approved and adopted, to take effect on October 10, 2012.

(Res. 10.12.12, passed 10-10-2012)

‘ **32.04 APPROVAL OF EMERGENCY CALL-OUT.**

The Mayor is the authority granting approval of emergency call-out. The Public Works Director shall consult with the Mayor for approval before going on an emergency call.

(Res. 3.06, passed 3-9-2006)

‘ **32.05 PURCHASES OF PRODUCTS OR SERVICES BY CITY PERSONNEL.**

(A) All purchases of products or services made by authorized city personnel, on the city’s behalf, shall be made only by telephone calls made at their instigation and not from telephone solicitation calls to the city.

(B) All purchases for the city, made by telephone calls placed by city personnel, shall have an itemized statement of purchases, date of order, and naming the person placing the telephone order.

(Res. 6-1/01, passed 6-21-2001)

‘ **32.06 FEES FOR VENDOR INFORMATION PROGRAM.**

(A) The city has received a software program announcing federal and state construction projects; and the city is offering the use of this program to private persons and contractors. A fair and equitable fee must be set for the use of this service.

(B) Any person may look at the information without taking any information from it.

(C) Any person may use the program and information imparted therewith for a cost of \$2, plus \$0.25 per page of information printed for their use.

(D) Monies shall be paid to the order of "City of Halfway" and a receipt shall be issued to the payer for such payment.

(Res. 12/96-3, passed 12-13-1996)

' 32.07 CHARGES FOR VIEWING OR COPYING DOCUMENTS.

(A) Any person, persons, club, company, agency, or organization will be charged, in advance, \$10 per hour, for staff time in responding to unusual requests for viewing or copies of documents requiring staff time to locate, copy, or monitor viewing.

(B) The City Council hereby further resolves, that this charge will accompany any charge the city requires for requested copies of documents and all copies of requested documents be clearly marked ACOPY@ on each page copied.

(Res. passed 6-10-1999)

Cross-reference:

Public records, see Chapter 34

CHAPTER 33: INITIATIVE AND REFERENDUM PROCEDURES

Section

- 33.01 Form of petition for ordinance or amendment to the Charter proposed by the initiative
- 33.02 Form of petition for referendum to the people on any ordinance passed by City Council
- 33.03 Form of verification
- 33.04 Sufficiency of forms
- 33.05 Maximum number of signatures; title and text of measure required on each sheet
- 33.06 Duties of Recorder
- 33.07 Numbers of voters required on petitions
- 33.08 Amendment to Charter may be proposed and submitted to voters without petition
- 33.09 Ballot title
- 33.10 Publication required for special election
- 33.11 Illegal signatures
- 33.12 Manner of voting upon measures
- 33.13 Publication of adoption of measure
- 33.14 Signed petitions to be filed with Recorder; effect of passed ordinances
- 33.15 Conflicting ordinances

- 33.99 Penalty

33.01 FORM OF PETITION FOR ORDINANCE OR AMENDMENT TO THE CHARTER PROPOSED BY THE INITIATIVE.

The following shall be substantially the form of a petition for any ordinance or amendment to the Charter proposed by the initiative.

WARNING

It is a felony for any one to sign any Initiative or Referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he or she is not a legal voter.

' 33.05 MAXIMUM NUMBER OF SIGNATURES; TITLE AND TEXT OF MEASURE REQUIRED ON EACH SHEET.

Not more than 20 signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure demanded for submission by the initiative or referendum petition, as the case may be, shall be attached to each sheet circulated for signature, and such full and correct copy of the title and text shall be shown to the voter before his or her signature is attached.

(Ord. 148, passed 10-8-1925)

' 33.06 DUTIES OF RECORDER.

The City Recorder shall accept for filing any petition for the initiative or for the referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the County Clerk of Baker County, Oregon, and if a sufficient number of qualified voters be found to have signed said petition, he or she shall file same within ten days after presentation thereof to him or her.

(Ord. 148, passed 10-8-1925)

' 33.07 NUMBERS OF VOTERS REQUIRED ON PETITIONS.

Initiative petition for any proposed ordinance, Charter amendment, or measure shall be signed by a number of legal voters equal to 15% of the votes cast for Mayor at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the City Council shall be signed by a number of legal voters equal to 10% of the votes cast for Mayor at the last regular preceding municipal elections.

(Ord. 148, passed 10-8-1925)

' 33.08 AMENDMENT TO CHARTER MAY BE PROPOSED AND SUBMITTED TO VOTERS WITHOUT PETITION.

(A) An amendment to the Charter of the city may be proposed and submitted to the legal voters thereof by resolution of the City Council without an initiative petition; said resolution shall be filed with the Recorder for submission not later than 15 days before the election at which it is to be voted upon and no amendment to the Charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters thereof said municipality.

(B) When an amendment to the Charter of the city may be proposed and submitted to the legal voters thereof by resolution of the City Council without an initiative petition, the said resolution shall therein state the date of the regular municipal election, or the date of a special election at which said resolution will be submitted to be voted on.

(Ord. 148, passed 10-8-1925)

' 33.09 BALLOT TITLE.

(A) When any measure for initiative or referendum legislation shall be filed by the Recorder after the number and genuineness of signatures thereto, as provided by ' 33.06 have been ascertained, or when any resolution of the City Council shall be filed with the Recorder as provided in ' 33.08(A) herein, the Recorder shall forthwith transmit to the Attorney of said municipality a copy of such measure, who shall within five days provide and return to the Recorder, a ballot title for such measure. The ballot title shall be printed with the number of the measure on the official ballot. In making such ballot title said Attorney shall to the best of his or her ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument for or liable to create prejudice against such measure. Any person who is dissatisfied with the ballot title provided by the said Attorney for any such measure may within five days after said ballot title is returned to the Recorder appeal to the City Council asking a different title and giving the reasons therefor, and stating why the title prepared by the Attorney is improper and the City Council shall by resolution approve the title prepared by said Attorney, or shall by resolution prescribe another title therefor and the ballot title so approved or so prescribed by the City Council shall be the title placed upon the ballot. Such ballot title shall in no case exceed 100 words, and shall not resemble in so far as possible any other ballot title filed for any measure.

(B) The Recorder of the city shall number such measures and ballot title in the most convenient and consecutive manner. The affirmative of the first measure shall be numbered 100 and the negative 101 in numerals, and the succeeding measures shall be numbered 102, 103, 104, 105, and so on. It shall be the duty of the Recorder to print said ballot titles and numbers upon the official ballot. Measures referred to the voters by petition shall be designated AReferendum ordered by petition of the people,@ measures proposed by the initiative petition shall be designated AProposed by initiative petition.@ Charter amendments submitted by the City Council without initiative petition shall be designated ACharter amendments submitted to the voters by the City Council.@

(C) When Charter amendments are to be submitted to the voters by resolution of the Council as in this section provided the Council may in said resolution provide for a ballot title for the measure so to be submitted and in the event of such provision being made by the Council the hereinabove provisions of this section relative to the filing of the measure with the City Attorney, the preparation by said Attorney of a ballot title therefor and the appeal to the Council from the ballot title so prepared shall not apply.

(Ord. 148, passed 10-8-1925)

' 33.10 PUBLICATION REQUIRED FOR SPECIAL ELECTION.

Where a special election is called, either on petition for proposed ordinances or Charter amendments by the initiative, or for submitting ordinances by the referendum, or on Charter amendments proposed by resolution of the City Council, the Recorder shall publish such proposed ordinances, referendum measure or Charter amendment with the ballot title and number in full in a newspaper published in the city, then, in a newspaper printed in Baker County and of general circulation in said city, said last mentioned newspaper to be designated by the Council in the resolution submitting such measure, for two consecutive publications within the 20 days immediately preceding the special election at which said proposed ordinance, referendum measure, or Charter amendment is to be voted on. A like rule as to publication shall be observed where proposed ordinances, referendum measure, or Charter amendments are to be submitted at the regular election.

(Ord. 148, passed 10-8-1925)

' 33.11 ILLEGAL SIGNATURES.

Legal voters of the city are qualified to sign a petition for the referendum or for the initiative of any measure which he or she is entitled to vote upon. Any person signing any name other than his or her own to a petition, or knowingly signing his or her name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of the city, or any officer or other person violating any of the provisions of this chapter, shall be subject to the penalty provided in ' 33.99.

(Ord. 148, passed 10-8-1925)

' 33.12 MANNER OF VOTING UPON MEASURES.

(A) The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting, shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed as the law adopted.

(B) The votes on measures and Charter amendments shall be counted, canvassed, and returned as votes for candidates are counted, canvassed, and returned.

(Ord. 148, passed 10-8-1925)

' 33.13 PUBLICATION OF ADOPTION OF MEASURE.

The Mayor shall within 15 days from the time of such election proclaim by publication thereof in full, once in a newspaper published in the city, or by posting printed or typewritten copies of such proclamation in at least two conspicuous places in the municipality, the adoption of such measure and amendment which shall have received the affirmative majority of the total votes cast thereon, and upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in ' 33.12(A) with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the City Council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect according to such result from the time of such proclamation.

(Ord. 148, passed 10-8-1925)

' 33.14 SIGNED PETITIONS TO BE FILED WITH RECORDER; EFFECT OF PASSED ORDINANCES.

(A) Where referendum petitions shall be signed by the required number of legal voters against any ordinance passed by the City Council, same shall be filed with the Recorder within 30 days after the passage and approval of the ordinance in question.

(B) No ordinance shall take effect and become operative until 30 days after its passage by the City Council and approval by the Mayor, or passage by a two-thirds vote the veto of the Mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency measure shall become immediately operative until same is passed by a two-thirds majority of all of the members of the City Council and also approved by the Mayor.

(Ord. 148, passed 10-8-1925)

' 33.15 CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict herewith be, and the same hereby are repealed.

(Ord. 148, passed 10-8-1925)

' 33.99 PENALTY.

Whoever violates the provisions of ' 33.11 shall upon conviction thereof be punished by a fine not exceeding \$500, or by imprisonment in the city jail not exceeding six months or by both fine and imprisonment in the discretion of the municipal court.

(Ord. 148, passed 10-8-1925)

CHAPTER 34: PUBLIC RECORDS

Section

- 34.01 Mayor to authorize orderly filing system
- 34.02 Annual disposal or destruction of records
- 34.03 Schedule of record retention

' 34.01 MAYOR TO AUTHORIZE ORDERLY FILING SYSTEM.

The Mayor is authorized to cause to have all papers, documents, and records received in all city departments maintained and stored to assure an expeditious and orderly filing system. All records and documents to be stored shall be placed in transfer files or suitable containers that will ensure the safe keeping of all documents and records, and each file or container shall be clearly marked as to the type of record or document contained therein, with the date of disposal, if any, noted on each file or container.
(Ord. passed - -)

' 34.02 ANNUAL DISPOSAL OR DESTRUCTION OF RECORDS.

Upon the completion of each fiscal year and completion of an independent post audit, the Mayor is authorized to cause to have examined all records proposed for disposal or destruction by each department. Following such examination the person making such examination shall complete a certificate authorizing the destruction of such records accompanied by samplings of the type or records proposed for destruction. Such certificates shall be presented to the City Council, and if said City Council authorized the destruction of said records, such authorization shall be in the form of a resolution. Records to be disposed of shall be destroyed by burning or in such other manner that the City Manager may direct. A certificate of the records authorized to be destroyed shall be filled out and shall be in the following form:

CERTIFICATE
Records Authorized to be Destroyed

Date

I hereby certify that I have personally examined carefully the following described records and documents of the _____ Department of the City of Halfway that have been

retained in this Department for the specified length of time as required by Resolution No. of the City of Halfway, and that these records are no longer of any particular value to the City of Halfway.

Name

Title

Authorized to be destroyed this _____ day of
20____ by
Resolution No. _____ of the City of Halfway.

Mayor

ATTEST:

City Recorder
(Ord. passed - -)

34.03 SCHEDULE OF RECORD RETENTION.

Immediately after the passage of this chapter, the Mayor shall present to the City Council a resolution governing the schedule of record retention which will set forth the requirements of the retention and disposal of all files, documents, papers, and records now on file in each department of the city.
(Ord. passed - -)

CHAPTER 35: MUNICIPAL COURT

Section

- 35.01 Trial by jury
- 35.02 Place of imprisonment designated

‘ 35.01 TRIAL BY JURY.

(A) By virtue of the provisions of O.R.S. 221.354, and notwithstanding provisions of the city Charter to the contrary, in all prosecutions for any crime or offense defined and made punishable by the city Charter or by ordinance of the city the defendant shall have the right of trial by jury, of six in number. The jurors shall be selected from the tax roll and registration books used at the last city election in the city in the same manner in which juries are selected for circuit courts in the state, save and except that in the selection of prospective jurors and the preparation of the jury list, the City Recorder shall perform all of the duties prescribed for the County Clerk or Clerk of the Circuit Court and the City Recorder, the Mayor and one member of the City Council, said member to be designated by the Mayor, shall select the names of the individuals which shall comprise the jury list and said list shall be prepared by said officials within ten days following the last city election, and shall remain in effect until the next city election.

(B) Any person charged with a violation of any city ordinance or any section thereof, who desires a trial by jury, shall at the time of arraignment give notice in open court or in writing filed with the court that he or she desires a trial by jury, and at the time of giving said notice shall deposit with the City Recorder or Municipal Judge the sum of \$30 for the purpose of compensating the members of said jury, as provided by O.R.S. 221.349, and in any case where the defendant is found not guilty upon such trial by jury, the said deposit shall be returned unto said defendant by the City Recorder or Municipal Judge.
(Ord. passed - -)

‘ 35.02 PLACE OF IMPRISONMENT DESIGNATED.

Whenever any person shall be sentenced to imprisonment in jail in accordance with any ordinance of the city such person shall be imprisoned in the county jail at Baker, Oregon.
(Ord. 1-2.1, passed - -)

