

ADMINISTRATION CODE

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General

1.005 City Seal

The following is adopted as the official seal of the City of Gold Beach and shall be used by imprinting upon all bonds and other obligations of the City of Gold Beach.

1.010 Records

(1) Record Retention Schedule. The schedules or record retention provided in OAR chapter 166, as authorized by ORS 192.105 and 357.895, govern the retention and

disposal of all records on file in each department of the city.

1.020 Definitions

RESIDENT: An individual is a “Resident” of the City of Gold Beach for the purposes of serving on a City Commission or Committee if:

- a) The individual lives within the city limits of Gold Beach and intends to make the City of Gold Beach a fixed and permanent home; and
- b) Gold Beach is listed as the individual’s residence address for federal income tax purposes; and
- c) The records of the Curry County Tax Assessor list Gold Beach as the individual’s mailing address; and
- d) Gold Beach is listed as the individual’s residence address on their valid Oregon driver’s license or state issued identification card; and
- e) The individual is an elector as defined by Section 12 of the Gold Beach Charter.

1.030 Interpretation of Ordinances

(1) All words and phrases in ordinances of the City shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such technical or peculiar and appropriate meaning.

(2) The following grammatical rules shall apply to the ordinances of the City, unless it is apparent from the context that a different construction is intended:

- (a) Each mention of gender includes the masculine, feminine and neuter genders.
- (b) The singular number includes the plural and the plural includes the singular.
- (c) Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- (d) The words “shall” and “must” mean mandatory; the word “may” means permissive.

City Government

1.105 City Council

(1) City Council - Regular Meetings.

- (a) The Council of the City of Gold Beach shall hold one regular meeting

each month at a time and at a place that it designates and to last no longer than 10:30 p.m., unless there is unanimous consent to continue beyond that time.

(b) The regular meetings shall be held in the Council Chambers of the City Hall of the City of Gold Beach.

(2) City Council - Special and Emergency Meetings.

(a) The Mayor, Administrator, or at the request of two Council members, shall, call a special meeting of the City Council.

(b) Except upon consent of all members of the Council or in the case of an actual emergency, public notice of the meeting shall be given at least twenty-four (24) nor later than forty-eight (48) hours prior to the meeting time. This notice shall be reasonably calculated to give actual notice to interested persons of the time and place for holding the meeting. Notice shall be deemed to be sufficient if it is published in a newspaper of general circulation, in the City or posted in a conspicuous place in City Hall.

(c) The Mayor or the City Administrator shall attempt to give notice of the time and place of a special meeting to all Council members by email, telephone, or letter sent to them at their address on file in the office of the City Administrator.

(d) In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

1.110 City Administrator

(1) The Office of City Administrator and Procedures for Appointment.

(a) The City Administrator shall be appointed by the Mayor with approval of the majority vote of all incumbent members of the council.

(b) City Administrator shall receive such compensation as the City Council shall fix from time to time.

(c) At the time of appointment the person so appointed as City Administrator need not be a resident of the City of Gold Beach, Oregon, or the State of Oregon, but within six (6) months from the date of appointment, said person shall reside within fifteen (15) minutes traveling time from the location of the Gold Beach City Hall. The City Council may excuse the City Administrator from said requirement, if deemed necessary, for good and appropriate cause.

(d) No member of the city council shall be eligible to receive the appointment as city administrator during the term for which the member shall be

elected.

(e) The City Administrator shall be required to carry a bond for the faithful performance of his duties in the amount of \$50,000. The expense of said bond shall be paid from the General Fund.

(2) Duties, Powers and Authority of the City Administrator.

(a) City Administrator shall devote his/her entire time to the discharge of his/her official duties as outlined hereunder, and shall attend all meetings of the City Council, unless excused therefrom, by the Council or the Mayor. He/she shall keep the City Council advised, at all times, of the affairs and needs of the city and make reports annually, or more frequently if requested by the Council, on all the affairs and departments of the city.

(b) City Administrator shall be the chief administrative officer and head of the administrative branch of the city and shall have the right to hire, discharge and discipline all city employees and control their work. This power shall include the power to transfer an employee from one department to another. City Administrator shall supervise the departments to the end of attaining the utmost efficiency in each of them. City Administrator shall also have the power to contract for necessary services. City Administrator shall have no power to appoint or remove the Municipal Judge, or other officers appointed pursuant to Chapter III, Section 10, of the Gold Beach Charter of 1986, as such appointment and removal power is within the hands of the Mayor and City Council pursuant to the Charter. City Administrator shall have the right to control the work of such city-appointed officers.

(c) City Administrator shall enforce all codes and ordinances of the city, including the provisions of all franchises, leases, contracts, permits and privileges granted by, or running to the city.

(d) City Administrator shall act as purchasing agent for all departments of the city and all purchases shall be requisitioned and signed by him/her or his/her designee.

(e) City Administrator shall supervise the operator of all departments and public utilities owned and operated by the city, and shall have supervision powers over all city real or personal property.

(f) City Administrator or his/her designee shall act as budget officer and prepare an annual budget for presentation to the City Budget Committee and City Council.

(g) City Administrator shall supervise the expenditures of all departments, divisions or services of the city and analyze and supervise the functions, duties and activities of the various departments, boards and services of the city, and all

employees thereof, and make such recommendations to the Mayor and the City Council with reference thereto, which in his/her judgment, will result, if adopted, in greater efficiency of the overall operation of the City of Gold Beach's government.

(h) City Administrator shall develop and organize, when necessary, improvement projects and programs, and aid and assist the Mayor and City Council in the various departments and boards in carrying through to a successful conclusion.

(i) City Administrator will make and keep an inventory of all personal and real property owned by the city and advise the Mayor and Council of the purchase of new machinery, equipment or supplies, which in his/her judgment the same can be obtained under the terms and conditions which are most advantageous to the city.

(j) City Administrator shall make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel appointed or employed by the city. The City Administrator shall inform and update the Mayor and City Council in regards to his/her decisions on abolition, consolidation, transfer, removal of positions or personnel, or any other administrative decisions made by the Administrator which in his/her judgment will increase administrative efficiency. Such information reports to the Council may be made orally or in writing at the discretion of the City Administrator.

(k) City Administrator shall perform such other duties as may be required of him/her by the Mayor and City Council, not inconsistent with the laws of the State of Oregon, and the provisions of the Charter and Codes and Ordinances of the City of Gold Beach.

(l) The City Administrator shall endeavor at all times to exercise the highest degree of tact, patience and professional courtesy in his/her contacts with the public and personnel employed by the city, to the end that the highest possible standards of public service shall be maintained.

(3) Legislative Policy Making Prohibited. The City Administrator shall not exercise any legislative making policy or legislative functions, nor attempt to commit or to bind the Mayor or City Council to any action, plan or program regarding legislative policy or legislative functions, and such shall remain exclusively the province of the city.

(4) Removal of City Administrator. The City Administrator may be removed, with or without cause at any time, by majority vote of all incumbent members of the Council. The action of the City Council in removing the City Administrator shall be final.

(5) Salary and Benefits. The salary and benefits of the City Administrator shall be set by the City Council within the annual budget of the City of Gold Beach and may be revised from time to time by the City Council in its discretion and legislative function.

1.118 Authority of City Council when Position of City Administrator is Vacant.

In the event that the office of the city administrator becomes vacant and the mayor has not appointed an interim city administrator, the City Council by majority vote may exercise the hiring authority normally granted to the city administrator to fill vacant city positions at the department head level.

1.120 City Planning Commission.

(1) Creation. A City Planning Commission consisting of five (5) members is hereby created.

(2) Appointment and Term of Office. The Mayor shall appoint the members of the Planning Commission with the approval of the City Council. The members of the Planning Commission shall meet all of the requirements of ORS 227.030 and at least four (4) of the members shall be residents of the city. One member may be selected from outside the city, but shall reside within the city urban growth boundary as that term is defined in the City Comprehensive Plan.

(3) Term of Office. Each member shall serve a term of four (4) years.

(4) Liaison. The City Council may appoint one of its members to be a liaison between the City Council and the Planning Commission. Said liaison shall be in addition to the five commission members and shall be permitted to engage in discussion of all matters coming before the Commission but shall be a nonvoting and nonauthoritative party at the Planning Commission's meetings and hearings.

(5) Vacancy and Removal. Any member of the Planning Commission who is absent from three (3) consecutive regular Planning Commission meetings without just cause, or who engages in misconduct or nonperformance of duty, may be removed by the Mayor and Council after hearing. The hearing shall be conducted by the Mayor at a special City Council meeting called for that purpose and the decision of the Mayor and Council shall be final. Thereafter, the Mayor shall appoint, with the approval of the City Council, a replacement member to fill that position. All Planning Commission members shall notify the Planning Department Staff Person ten (10) days prior to any regular meeting, of an intended absence from that meeting. Failure to so notify may be cause for removal by the Mayor.

(6) Member's Conflict of Interest. A member of the Planning Commission shall not participate in any commission proceeding or action in which he may have a conflict of interest as defined by ORS 224.135. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

(7) Compensation. Members of the Planning Commission shall serve without compensation. Preauthorized, reasonable and necessary expenditures may be reimbursed by the City subject to City reimbursement policy.

(8) Budget. There shall be included in the budget of the City of Gold Beach an amount to pay the reasonable and necessary expenses of the Planning Commission during the

succeeding year.

(9) Officers. The Planning Commission shall choose its own Chairman and Vice Chairman from its own members and each shall serve as long as the commission wishes. Planning Commission shall implement the duties outlined below.

(a) It shall be the duty of the Chairman to preside over all regular and special meetings of the commission, to sign any documents necessary and exercise the commission's powers.

(b) It shall be the duty of the Vice Chairman to exercise powers of the Chairman when the Chairman is absent.

(c) If the Chairman or Vice Chairman are both absent, a temporary Chairman shall be appointed by a majority of the members present, provided that a quorum is present.

(d) The Planning Staff shall keep written minutes and audio recordings of Planning Commission meetings.

(10) Meetings. The Planning Commission shall hold one meeting a month at the Gold Beach City Hall. A special meeting may be called by the written requests of a quorum of the Planning Commission members. The time, place and agenda of all Planning Commission meetings shall be given proper public notice.

(11) Quorum and Voting. For the commission to act at any regular or special meeting, it shall be necessary that three of the members thereof be present. For a motion, resolution or recommendation to be approved by the commission, it shall be necessary that a majority of the members present at the meeting vote affirmatively for said motion, resolution or recommendation. Any commission member serving as an officer shall have a vote equal to all other members of the commission.

(12) Powers and Duties. The City Planning Commission shall have the following powers and duties:

(a) All of the powers and duties set forth in ORS 227.090.

(b) The commission shall consider the comprehensive planning problems of the City of Gold Beach, and shall review the layout and the proposed location of streets, parks and playgrounds, and all other installations or improvements that is believed advisable and beneficial, and shall outline the means and details of obtaining or making said improvements. The commission shall make written reports to the City Council and submit its proposals and decisions to the City Council in writing.

(c) The Gold Beach City Council hereby directs and appoints as hearing officer the Gold Beach Planning Commission and does delegate to said commission

all powers and duties as prescribed in ORS 227.165.

(d) The Planning Commission shall have the authority to administer the City of Gold Beach Comprehensive Plan, subdivision ordinance, zoning ordinance, major and minor partitions, off street parking ordinance, annexation ordinance, and dedication and vacations of lands for public use. The Planning Commission shall review and investigate public testimony where necessary on any such actions, and thereafter, make a written report and recommendation to the City Council. The Planning Commission may also recommend to the City Council any amendments in the above described ordinances, or suggest any new ordinances to the City Council in regards to land use planning.

(e) The Planning Commission shall make and alter rules and regulations for its internal governing and procedure consistent with the laws of this state, and the codes, ordinances and city charter of the City of Gold Beach.

(13) Effective Recommendation. All written recommendations of the Planning Commission to the City Council shall be binding as a final decision, unless within thirty (30) days after commission decision, the City Council on its own motion, with written notice to the Planning Commission and all affected parties, decides to review the Planning Commission's action; or unless an appeal of said action is filed pursuant to the appropriate ordinance under which any hearing and decision was held. "Affected parties" is defined as the applicant, or any person receiving written notification of a Planning Commission hearing and any parties submitting written or oral testimony at the Planning Commission hearing on the particular subject.

1.125 Local Budget Committee

(1) Mayor. The Mayor shall participate in the budget process as an ex-officio member of the budget committee, but shall have no vote in the decisions of the budget committee.

(2) Membership, Appointment and Term of Office. The Budget Committee membership, appointment and term of office are subject to the provisions of ORS 294.414. The committee shall consist of the five (5) members of the City Council and five (5) additional members who shall be appointed by the City Council. The appointive members of the Budget Committee shall be electors of the City and shall not be officers, agents or employees of the City of Gold Beach. If less than five (5) electors are willing to serve, the City Council and any electors who are willing to serve shall be the Budget Committee. If no electors are willing to serve, the City Council shall be the Budget Committee. Each City Council member shall serve as a Budget Committee member for his/her term of office. Each appointed elector shall serve a term of three (3) years which term shall be staggered so that approximately one-third (1/3) of the terms of the appointive members end each year.

(3) Vacancy and Removal. If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion

of the term for which the member was appointed, the Mayor, with approval of the Council, shall fill the vacancy by appointment for the unexpired term.

If the number of City Council members is reduced or increased by law or charter amendment, the City Council shall reduce or increase the number of appointive members of the Budget Committee so that the number thereof shall be equal to but not greater than the number of members of the City Council. In the event of a reduction, the City Council may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three equal or approximately equal groups as to terms. In the event of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three equal or approximately equal groups as to terms.

(4) Compensation. Members of the Budget Committee shall serve without compensation. Preauthorized, reasonable and necessary expenditures may be reimbursed by the City subject to City reimbursement policy.

(5) Officers. The Budget Committee shall at its first meeting after its appointment elect a chairperson, a vice-chairperson and a secretary from among its members and each shall serve as long as the Committee wishes.

(6) Meetings. The Budget Committee shall meet from time to time at its discretion. All meetings of the Budget Committee shall be open to the public.

Elections

1.205 Election Precincts

(1) Precinct Boundaries. For election purposes the City of Gold Beach shall be divided into such precincts as are formed from time to time by the Curry County clerk for state general elections.

(2) Qualified Voters. All persons registered to vote with the county clerk of Curry County, and residing in the city of Gold Beach, shall be qualified voters at all city elections.

(3) The Curry County Elections Department shall conduct all city elections and the general laws of the state shall apply to notice of city elections, the conduct of city elections, recounts of the returns therefore and contests therefore.

(4) The filing fee for candidacy to the city offices of Mayor or Councilor is set by Resolution adopted by the Gold Beach City Council.

(5) State Election Laws. All matters relating to election procedure not expressly

set forth in the charter of the City of Gold Beach, Section 1.210, or this section shall be governed by the election laws of the State of Oregon.

1.210 Initiative and Referendum

(1) Introductory Provisions.

(a) Definitions. As used in this Section:

(i) The term “measure” means: a legislative enactment by the common council not necessary for the immediate preservation of the public peace, health and safety; a part of such an enactment; or a proposed legislative enactment for the city.

(ii) The term “voter” means a legal voter of the City.

(iii) The term “petition” means an initiative or referendum petition for ordering a measure to be submitted to the voters.

(iv) The term “refer” means to write, type, or print.

(v) The term “write” means to write, type, or print.

(b) This Code section provides a complete procedure for the voters to exercise their initiative and referendum powers which, unless specifically stated to the contrary, is intended to be supplementary to and not in conflict with the procedures set forth by ORS 250.005, et seq.

(2) Initiative

(a) Manner of proposing measure. The manner of proposing a measure by the initiative shall be to deposit at the office of the City Administrator a duly prepared petition ordering the measure to be submitted to the voters.

(b) Form of petition. The initiative petition shall be in the form prescribed by the Secretary of State pursuant to ORS 250.015.

(c) Presentation of Measure to City Council. If the initiative petition contains the required number of verified signatures, the City elections officer shall file the initiated measure with the City Council at its next regular meeting.

(d) Submission of Measure to Voters. The City Administrator shall cause to be submitted to voters at the time provided by Section 1.310(6) a charter or charter amendment proposed by the initiative and any other initiative measure not enacted by the City Council within thirty (30) days after its proposal.

(3) Referendum

(a) Manner of referring measure. The manner of referring a measure shall be:

(i) For a person to deposit at the office of the recorder a duly prepared referendum petition for the measure, or

(ii) For the common council to order the submission of the measure to the voters.

(b) Form of petition. The referendum petition shall be in the form prescribed by the Secretary of State pursuant to ORS 250.015.

(c) Time for referring measure to petition. No referendum petition shall be deemed duly prepared unless it, and the signatures requisite to its being deemed fully prepared, are deposited at the office of the City Administrator within thirty (30) days after the City Council enacts the measure.

(d) Time for Council to refer measure. The City Council may refer a measure only at the session at which it enacts the measure.

(e) Submission of measure to voters. The City Administrator shall cause a referred measure to be submitted to the voters at the time fixed by this section.

(4) Petition.

(a) Presentation for checking, specifications, and preparation of titles. No petition shall be deemed duly prepared unless:

(i) Prior to its circulation, a copy of it is deposited at the office of the recorder, and

(ii) It is in the form required by the Secretary of State pursuant to ORS 250.015, and

(iii) As circulated, it complies with the requirements of state law, the specifications listed below and contains the ballot title, either that prepared initially or that approved or prescribed on appeal, required by this code for the measure for which it is being circulated.

(b) Checking, specifications, and preparation of titles. When a copy of a petition to be circulated is deposited at the office of the City Administrator, the City Administrator shall immediately:

(i) Check it for the legal sufficiency of the form in which it appears;

(ii) Advise the person depositing it whether it is legally sufficient in form, and if it is not so, how to make it so;

(iii) Transmit the copy to the city attorney for preparation of a ballot title.

(c) Requisite number of signatures. The number of signatures on a petition requisite to its being deemed duly prepared shall be, for an initiative petition, fifteen (15) percent, and for a referendum petition, ten (10) percent of the electors registered in the City at the time the prospective petition is filed.

(d) Attachment of measure to sheets for signatures. No signature on a petition sheet shall be counted unless attached to it at the time of the signing of the signature is a copy of the measure to which the petition refers.

(e) Verification of signatures. No signature on a petition sheet shall be counted unless the person who circulates the sheet verifies it by an affidavit in the following form:

State of Oregon)
County of Curry) ss
City of Gold Beach)

I, _____, being first duly sworn, state that each signer of this sheet signed it in my presence, and that I believe that he/she stated his/her name and address correctly on the sheet and is a legal voter of the City of Gold Beach, Oregon.

Address of Affiant: _____

Subscribed and sworn to before me this _____ day of _____, 20__.

My Commission Expires:

(f) Certification of signatures. Within five (5) business days after a duly prepared petition is deposited at the office of the City Administrator, the City Administrator shall cause to be verified the number and genuineness of the signatures and voting qualifications of the persons signing the petition by reference to the registration books in the office of county clerk of Curry County. If a sufficient number of qualified voters signed the petition, the City Administrator shall file the same with the City Council within ten (10) business days after verification.

(5) Ballot Title.

(a) Preparation of ballot title.

(i) The ballot title for a measure ordered by the common council, or proposed to be ordered by a petition, to be submitted to the voters shall be prepared and in the hands of the City Administrator within five (5) days after the council orders the submission or after a copy of the petition is first deposited at the office of the City Administrator.

(ii) When the common council orders submission of a measure to the voters, or when a petition for ordering submission of a measure to the voters is first deposited at the office of the recorder, the city attorney shall, within the aforesaid period of time, prepare the title and cause the said title so prepared to be filed in the record of the matter.

(iii) A voter who has signed the petition and who is dissatisfied with the title, prepared and filed as aforesaid, within five (5) days after it has been filed by the city attorney as aforesaid, may appeal to the City Council of a written appeal deposited at the office of the City Administrator asking for a different ballot title for the measure and therein stating why the title prepared and filed is unsatisfactory.

(iv) Within three (3) days after the deposit of the appeal at the office of the City Administrator, the City Council shall, either in regular or special session, afford the appellant a hearing and either approve the title or prescribe another ballot title for the measure. The title thus adopted shall be the ballot title for the measure.

(b) Requisites of ballot title. The ballot title shall be in the form prescribed by ORS 250.035 to 250.038.

(6) Election.

(a) Time to vote on measure. The time for voting on a measure which is not adopted by the City Council or which is required to be submitted to the voters shall be set forth in ORS 250.325.

(7) Effect on Measures.

(a) Proclamation of Mayor.

(i) Immediately upon the completion of the canvass of the voters on a measure submitted to the voters pursuant to this section, the Mayor shall issue a proclamation:

(aa) Recapitulating the vote on measure,

(bb) Declaring whether the vote shows a majority of those who voted on the measure to be in favor of it, and

(cc) In case the vote shows a majority of them to be in favor of the measure, announcing it to be effective from the date of the vote.

(ii) The City Administrator shall give public notice of the proclamation by:

(aa) Publishing it once in a newspaper of general circulation in the City, or

(bb) Posting copies of it in five (5) public places in the City, including city hall.

(iii) The proclamation shall be filed with the measure.

(b) Effective date of measure. A measure submitted to the voters pursuant to this Code shall take effect only when approved by a majority of the voters voting upon it.

(c) Measures subject to referendum. A measure, so long as it is subject to the referendum, shall have no effect.

(d) Conflicting measures. Of conflicting measures approved by the voters at an election, the one receiving the greater number of affirmative votes shall be paramount.

(8) Criminal Provisions.

(a) Unlawful acts. No person other than a voter shall sign his name to a petition; sign a petition with a name not his own; or sign his name to a petition with knowledge that he has previously signed his name to the petition. No person shall knowingly circulate or deposit at the office of the City Administrator a petition which to his knowledge contains a signature signed in violation of this Code. No person shall procure or attempt to procure a signature to a petition by fraud. No person shall make a statement which he knows to be false concerning a petition. No person shall make a document for which this Code provides which contains a false statement.

Courts

1.305 Powers and Duties of Municipal Judge.

(1) Municipal Court; Municipal Judge as Administrative Head of Municipal Court.

The Gold Beach Municipal Court is the tribunal exercising power for the enforcement

of the ordinances of the City of Gold Beach and such other enforcement power as may be conferred by the state of Oregon. The municipal judge is the presiding judge of the court and the court's administrative head, and shall exercise administrative authority and supervision over the municipal court consistent with the Charter of the City of Gold Beach, the U.S. Constitution, the Oregon Constitution, and any other applicable laws and ordinances. To facilitate the exercise of that administrative authority and supervision, the municipal judge may:

- (a) Make rules and issue orders appropriate to that exercise;
- (b) Require appropriate reports from staff of the municipal court;
- (c) Establish time standards for disposition of cases;
- (d) Propose a budget for the municipal court; and
- (e) Undertake any other action authorized by law necessary to effectuate the purposes of the municipal court and the office of municipal judge.

(2) Qualifications of Municipal Judge; Selection; Term of Appointment; Removal; Compensation.

(a) Unless otherwise approved by a majority of the Council, the municipal judge shall be a person of good character, shall be a citizen of the United States, and shall be a resident of the state of Oregon. The municipal judge may be, but is not required to be, an attorney. If the municipal judge is an attorney, then the municipal judge shall be a member in good standing of the Oregon State Bar Association.

(b) The municipal judge shall be appointed by majority vote of all sitting councilors. The term of appointment shall be one year. The person appointed to fill the office may be reappointed for any number of terms, provided such reappointment is confirmed by vote of the City Council as provided in this section.

(c) The municipal judge may be removed at any time by a majority vote of all sitting City Council members.

(d) Compensation for services provided by the Municipal Judge shall be established by majority vote of the City Council.

(3) Absence or Vacancy in Office of Municipal Judge.

(a) When the municipal judge is incapacitated or otherwise absent, is disqualified for prejudice, or when there is a vacancy in the office, the City Council may appoint any person who meets the qualifications for appointment as municipal judge (Section 2.1) to serve as municipal judge pro tempore. The municipal judge pro tempore may perform the functions of the municipal judge, may hear proceedings and may enter any judgment,

order, or decree with the same force and effect as if done by the municipal judge.

(b) Any appointment under this section shall be made by resolution of the City Council, which shall designate the duration of the appointment.

(c) No action or proceeding pending in municipal court shall be affected by the vacancy or absence of the municipal judge.

(4) Powers of the Municipal Court.

The municipal court shall have such powers as is conferred upon municipal courts under the Oregon Constitution, the Charter of the City of Gold Beach, and Oregon law. By way of illustration, but not limitation, the municipal court has the power:

(a) To enter judgments, orders and decrees necessary to effectuate the exercise of its power to enforce the ordinances of the city as well as to enforce any infractions or violations authorized to come before the municipal court pursuant to the Oregon Revised Statutes regarding traffic violations.

(b) To compel compliance with and obedience to its judgments, orders, and decrees in or out of court.

(c) To preserve and enforce order in its immediate presence and in the proceedings before it and to control, in the furtherance of justice, the conduct of the court's ministerial officers and parties and witnesses connected with any proceeding before it.

(d) After finding of guilt, to impose a fine up to the limit allowed by the statutory authority, city ordinance, and/or Oregon Revised Statutes as violated by any defendant and may require defendant to pay such fines within appropriate periods as well as the reasonable costs incurred as a consequence of court proceedings.

(e) To compel the attendance of persons to testify in any proceeding pending in municipal court.

(f) To administer oaths in any pending proceeding, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

(g) To adjourn any proceeding before the court from time to time as may be necessary, unless otherwise expressly prohibited by city ordinance or state law.

(5) Sessions of Court; Place of holding Court; Scheduling; Legal Holidays.

(a) Sessions of municipal court shall be public, and shall be held in the City of Gold Beach Council Chambers.

(b) Municipal court shall be held on the second and last Wednesday of

each month or such other dates as may be designated by the court. If the day appointed for holding court is a legal holiday, the court shall be held the next Wednesday following which is not also a legal holiday.

(c) Municipal court may be held and judicial business may be transacted on any day other than Saturdays, Sundays, and legal holidays, except that the court may exercise the powers of a magistrate on any day.

(d) The municipal court shall be in session only for such time as may be necessary to complete the judicial business of the city.

(6) Local Rules of Procedure.

The municipal judge may adopt local rules for the conduct of the municipal court that are not inconsistent with the rules of procedure established by this ordinance or any rules made applicable to a municipal court by state law.

(7) Time for Decision.

Any question submitted to the court shall be decided and the decision rendered within thirty (30) days after submission, unless prevented by sickness or unavoidable casualty; provided that the time may be extended by stipulation in writing signed by the parties and filed with the court before the expiration of the thirty-day period.

(8) Contempt of Court.

The court may exercise power to punish contempt in the manner provided by ORS 33.015-33.155.

(9) Disqualification.

The municipal judge shall not hear any proceeding if any party moves the court for a change of judge on grounds of prejudice against the party or the party's attorney. The motion shall be supported by an affidavit by the party, under oath, stating that the municipal judge is prejudiced against the party or the party's attorney, stating with particularity the fact or facts supporting the existence of prejudice, stating the party cannot or reasonably believes the party cannot have a fair and impartial hearing before the judge, and that the motion to disqualify is not filed for the purpose of delay. Upon receipt of the motion, the municipal judge shall grant the motion if grounds for disqualification actually exist. Failure to allege specific facts supporting the existence of prejudice shall result in a denial of the motion. The motion shall be filed not less than two weeks before the party's first appearance, and failure to do so shall result in a waiver of a right to seek disqualification. No party shall file more than one motion to disqualify in any proceeding.

(10) Administrative Search Warrants.

(a) Authorization. The municipal judge is authorized to issue administrative search warrants authorizing the inspection or investigation at a designated location upon application by the City Attorney, Building Official, Police Chief or Fire Chief, or their duly authorized representatives, acting in the course of their official duties, whenever an inspection or investigation of any place is required or authorized by any municipal ordinance or regulation.

(b) Grounds for Issuance.

(i) An administrative search warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant hereunder, the ordinance or regulation requiring or authorizing the inspection or investigation, the location to be inspected or investigated, and the purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without a warrant.

(ii) Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to the location or there is probable cause to believe that a condition of nonconformity with a health, public protection or safety ordinance, regulation, rule, standard or order exists with respect to the particular location, or an investigation is reasonably believed to be necessary in order to determine or verify the condition of the location.

(c) Procedure for Issuing Search Warrant.

(i) Before issuing any administrative search warrant, the municipal judge shall examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

(ii) If the municipal judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, he or she may issue the warrant, particularly describing the same and identifying the title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m. or where the municipal judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

(d) Execution of Search Warrant.

(i) Except as otherwise provided in this section, in executing an administrative search warrant, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to the occupant or person in possession of the location designated in the warrant and shall show him or her

the warrant or copy thereof upon request.

(ii) In executing an administrative search warrant, the person authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in subsection (1) of this section, but may promptly enter the designated location, if, at the time of execution, the location is unoccupied or not in the possession of any person or is reasonably believed to be in such condition.

(iii) A public safety officer may be requested to assist in the execution of the administrative search warrant.

(iv) An administrative search warrant must be executed and returned to the municipal judge by whom it was issued within 10 days from its date, unless the municipal judge, before the expiration of such time, extends the time for five days by endorsement thereon. After expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

1.310 Interpretation and Rules of Construction.

(1) Definitions.

As used in this code, the following mean:

(a) Building Official: The City Planner or his or her designee, assigned to enforce the uniform, specialty, and other building codes.

(b) Code: The City of Gold Beach municipal Code and Ordinances.

(c) Codes Enforcement Officer: Any person designated by the City Administrator to undertake enforcement of any city ordinance.

(d) Person: An individual, association, corporation, partnership, trust or any other entity at law or in fact.

(e) Fire Department Official: The City of Gold Beach Fire Chief or his or her designee.

(f) Public Safety Officer: The City of Gold Beach Chief of Police or his or her designee.

(2) Interpretation of Ordinances.

(a) All words and phrases in ordinances of the City shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such technical or peculiar and appropriate

meaning.

(b) The following grammatical rules shall apply to the ordinances of the City, unless it is apparent from the context that a different construction is intended:

(e) Each mention of gender includes the masculine, feminine and neuter genders.

(f) The singular number includes the plural and the plural includes the singular.

(g) Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(h) The words “shall” and “must” mean mandatory; the word “may” means permissive.

(3) Computation of Time.

Except when otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or holiday, in which case it shall also be excluded.

(4) Construction.

The ordinances of the city shall be construed with a view to effect their objectives and to promote justice.

(5) Effect of Repeal of Repealing Ordinance.

Whenever an ordinance which repeals a former ordinance is repealed, either expressly or by implication, the former ordinance shall not thereby be revived unless it is expressly so provided.

(6) Prohibited Acts Include Causing and Permitting.

Whenever the ordinances of the city make an act or omission unlawful, such ordinance shall include as unlawful the act or omission of causing, aiding, abetting, or concealing such act or omission.

(7) Violations Outside City Limits.

An act made unlawful by any ordinance of the city shall constitute a violation when committed on any property owned or controlled by the city, even though outside the city's corporate limits.

(8) Continuing Violations.

Whenever an act is prohibited or declared to be unlawful or the doing of an act is required or the failure to do an act is declared to be unlawful, each day the violation persists shall constitute a separate and distinct violation.

(9) Liability.

(a) A person is guilty of a violation if the act or omission is committed by his or her own conduct or by the conduct of another person for which the person is liable, or both.

(i) A person is liable for the conduct of another person if:

(aa) The person is made liable by the ordinance defining the violation; or

(bb) With the intent to promote or facilitate the commission of the violation, the person solicits or commands such other person to commit the violation, or aids or abets or agrees or attempts to aid or abet such other person in planning or committing the violation, or having a legal duty to prevent the commission of the violation fails to make the effort the person is required to make.

(ii) In the prosecution for a violation in which liability is based upon the conduct of another person, it is no defense that such other person has not been prosecuted for or convicted of any violation based upon the conduct in question or has been convicted of a different violation.

(b) When an act is required, such that it may be done by an agent as well as the principal, such requirement shall be construed to include all such acts performed by the agent, acting under either authorized or apparent authority.

(c) In addition to the liability of a corporation, firm, partnership, association, or joint stock company otherwise imposed by the ordinances of this city, such an organization is guilty of a violation if;

(i) The conduct constituting the violation is engaged in by an officer, employee or agent of the organization acting within the course and scope of their office, employment or agency; or

(ii) The conduct constituting the violation is knowingly tolerated by the officers, employees or agents of the organization.

(iii) A person is liable for conduct constituting a violation which he or she performs or causes to be performed in the name of or in behalf of a corporation, firm, partnership, association, or joint stock company to the same extent as if such conduct were performed in his or her individual capacity.

(10) Classification of Offenses; Penalties.

(a) Unless otherwise provided by law or ordinance, all violations of city ordinances are classified as infractions.

(b) If provided for in the ordinance defining the violation, the court may order restitution in addition to any penalty or fine. The court may order community service in lieu of a penalty or fine if the defendant demonstrates a manifest and documented inability to pay.

(c) The amounts for fines and penalties shall be set and from time to time adjusted by resolution of the City Council. At the time any such fine and penalty amounts are so adjusted, previous fines and penalties will be automatically repealed whether previously set by ordinance or resolution.

1.315 Court Rules and Procedure.

(1) Citation; Complaint; Summons.

(a) A citation substantially conforming to the requirements of this section may be used for citing violations of city code and ordinance.

(b) A citation shall contain the following:

(i) Complaint.

(ii) Department record.

(iii) Summons

(c) A summons shall contain the following information:

(i) The name of the court; the name of the person or persons cited; the date on which the citation was issued; the name of the complainant; and the time at which the person cited is to appear in court.

(ii) A statement or designation of the violation in such manner as can be readily understood by a person making a reasonable effort to do so and the date and place the violation is alleged to have occurred.

(iii) A notice to the person or persons cited that a complaint will be filed with the court based on the violation.

(iv) The maximum amount of penalty or bail, if any, fixed for the violation, and a statement notifying the person that a money judgment may be entered up to the maximum amount of the penalty or the cost of nuisance abatement, along with other costs allowed by law if the defendant fails to appear.

(d) A complaint shall contain the following information:

(i) The name of the court; the name of the city in whose name action is being brought; and the name of the defendant or defendants.

(ii) A statement or designation of the violation in such a manner as can be readily understood by a person making a reasonable effort to do so and the time and place of the alleged violation.

(iii) A verification that the complainant swears or affirms that he or she has reasonable grounds to believe, and does believe, that the person or persons cited have violated a provision of the code.

(e) The citation may also contain additional information as may be appropriate for administrative departments of the city, including an indication of whether a written warning was previously issued.

(2) Persons Authorized to Issue Citations; Complaints by Private Citizens.

(b) A citation may be issued by the Codes Enforcement Officer, Public Safety Officer or Fire Department Official if he or she has reasonable grounds to believe that the person or persons to be charged are in actual violation of a provision, other than a criminal provision, of the code. A citation may be issued by the Public Safety Officer if the officer has probable cause to believe that the person to be charged with the violation is in violation of a criminal provision of the code.

(c) Any person may seek to have the city issue a citation for violation of the code by filing a complaint with the Codes Enforcement Officer, Public Safety Officer, or Fire Department Official if such violation is a violation of a criminal provision of the code, alleging under oath and upon personal knowledge material facts which, if proven, would constitute a violation, provided that such person can testify at trial to material facts in the case.

(d) Any person who, in connection with the issuance of a citation or the filing of a complaint under this subsection, knowingly certifies falsely to matters set forth therein shall be subject to a penalty upon conviction of \$1,000.00

(3) Delivery and Filing of the Summons and Complaint.

The Codes Enforcement Officer, Public Safety Officer or Fire Department Official, as the case may be, shall cause summons to be served on the person cited and shall file the complaint along with proof of service of the summons with the court.

(4) Right to Counsel.

(a) A defendant may be represented by counsel at any trial for a violation, but defense counsel shall not be provided at public expense.

(b) At the defendant's first appearance in municipal court, the defendant shall be informed by the court of his or her right to have counsel before pleading to the violation and shall be asked if he or she wishes to obtain counsel before pleading.

(c) At any trial for an infraction, the city attorney may aid the Codes Enforcement Officer, Public Safety Officer or Fire Department Official in preparing evidence and obtaining witnesses, but shall not appear unless the defendant retains counsel. The court shall give the city attorney timely notice if defense counsel is to appear at trial.

(5) First Appearance; Return of Summons.

The defendant shall:

(a) Either appear in court at the time indicated in the summons; or

(b) Prior to such time, deliver to the court the summons together with the amount of the penalty or bail, if any, set forth in the summons, along with a request for a hearing or a written statement in explanation or mitigation; or

(c) Prior to such time, deliver the summons together with a waiver of hearing and plea of guilty, along with the penalty or bail set forth in the summons.

(6) Effect of Defendant's Written Statement in Explanation or Mitigation.

(a) If the defendant submits a written statement in explanation or mitigation and does not request a hearing, the statement shall constitute a waiver of hearing, a consent to judgment by the court and assessment of penalty, if, based on the written statement and testimony or written statements of other witnesses, if any, the court finds the defendant violated the provision of the Code with which the defendant has been charged.

(b) If the defendant submits a request for a hearing along with the written statement in explanation or mitigation and requests a hearing, the court shall fix the date and time for hearing and shall mail notice to the defendant at least fifteen days in advance of the hearing.

(7) Court-Ordered Hearing; Judgment on Failure to Appear.

(a) In any proceeding where the defendant fails to appear, the court may, at its discretion, direct a hearing be held.

(b) The court may proceed to make a determination without a hearing in the following circumstances:

(i) The defendant fails to appear at the time, date and place specified in the citation and a hearing is not required under ordinance or statute.

(ii) The defendant appeared at the time, date and place specified in the citation and requested a hearing or was ordered by the court to appear at a subsequent hearing, and the person fails to appear at the time, date, and place set for the hearing or subsequent hearing on the matter.

(iii) A determination under this section shall be based on the citation and on any evidence the court may, in its discretion, determine to be appropriate.

(iv) Upon making a determination under this section, the court may enter judgment and may impose the penalty, along with a money judgment for costs, assessments and any restitution authorized by ordinance or law.

a. If the court orders restitution, the court need not make a determination of the defendant's ability to pay. The defendant may seek review of his or her ability to pay by filing a written request with the court within one year after entry of judgment. The court shall set a hearing on the matter, and may reduce the amount restitution ordered if the defendant establishes at the hearing that he or she is unable to pay the restitution in whole or in part.

(c) If judgment is entered under this section after the defendant has failed to appear, on motion by the defendant and upon such terms as are just, the court may relieve the defendant from the judgment, upon showing that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. The motion must be made within a reasonable time, but in no event more than one year after entry of judgment in the matter, unless the judgment is for the abatement of a nuisance in which case the motion must be made prior to the time the city has expended funds to abate the nuisance.

(d) No judgment may be entered under this section for failure to appear unless the summons contained a statement notifying the defendant that a money judgment may be entered against the defendant up to the maximum amount of the penalty, along with other costs allowed by law if the defendant fails to appear.

(8) First Appearance.

At the time of first appearance, the court shall apprise the defendant of the nature of the alleged violation, and advise the defendant that he or she may plead guilty or not guilty, plead guilty with matters in mitigation, as the case may be. Upon a plea of guilty, or a plea of guilty with matters in mitigation, judgment shall be entered. Upon a plea of not guilty, the court shall set a trial date.

(9) Discovery.

(a) Upon request by the defendant the Codes Enforcement Officer, Public

Safety Officer or Fire Department Official shall disclose to the defendant the following material and information within his or her possession and control.

(i) The names and addresses of persons whom the city intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements made by such persons.

(ii) Any written or recorded statements or memoranda of any oral statements made by the defendant or co-defendant if the trial is to be a joint trial.

(iii) Any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons, which the city intends to offer into evidence at trial.

(iv) Any books, papers, documents, photographs, or tangible objects which the city intends to offer into evidence at trial or which were obtained from or belong to the defendant.

(b) Upon request by the city, the defendant shall disclose to the city the following material and information within the possession and control of the defendant:

(i) The names and addresses of persons whom the defendant intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements of such persons.

(ii) Any written or recorded statements, videotapes, or memoranda of any oral statements made by the defendant or co-defendant if the trial is to a joint trial.

(iii) Any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons, which the defendant intends to offer into evidence at trial.

(iv) Any books, papers, documents, photographs, or tangible objects that the defendant intends to offer into evidence at trial.

(c) All discovery requests shall be made not less than fifteen days, and all discovery completed not less than ten days, prior to trial on the matter.

(d) The following material and information shall not be subject to discovery under this section;

(i) Work product, legal research, records, correspondence, reports or memoranda to the extent that they contain opinions, theories or conclusion of city attorney, the Codes Enforcement Officer, Public Safety Officer, Fire Department Official or other city official in connection with the investigation, prosecution of the violation, or such documents to the extent they contain opinions, theories or conclusions of the defendant or defendant's

attorney in connection with the defense of the violation.

(ii) The identity of a confidential informant where disclosure of the identity of the informant is exempt under Oregon law and failure to disclose the identity of the informant will not infringe on the constitutional rights of the defendant.

(e) The court may order any party who refuses to comply with a discovery request under this section to permit inspection of the material, may grant a continuance, may refuse to permit the witness to testify, may refuse to receive into evidence material not disclosed, or may enter such other order it deems appropriate under the circumstances. Upon a showing of good cause, the court may, after in camera examination, enter an order that specified disclosures be denied, restricted or deferred or make such other order it deems appropriate under the circumstances. The court shall make a record of such examination, which shall then be sealed and preserved in the records of the court, and made available to the appellate court in the event of an appeal.

(10) Trial Without Jury; Commencement; Burden of Proof; Proof of Mental State Not an Element.

(a) The trial shall be by the court without a jury, and shall not be scheduled for less than fifteen (15) days from the date of the citation, unless the defendant waives the fifteen-day period.

(b) The city shall have the burden of proving the alleged violation, other than a criminal provision of the code, by a preponderance of the evidence.

(c) A defendant may not be required to be a witness at trial.

(d) Notwithstanding any other provision of law, the court may admit the affidavit of any witness into evidence in lieu of taking testimony orally in court. The authority granted under this subsection is subject to all of the following.

(i) In order to allow testimony to be presented by affidavit, the court must adopt rules and procedures allowing for the use of affidavit (attached hereto as "Exhibit A").

(ii) The court shall allow testimony by affidavit only upon signed waiver by the defendant of the right to have the witness present for examination in court.

(iii) The court may allow testimony by affidavit under this subsection with respect to any matter including, but not limited to, matter described in ORS 40.460.

(iv) Nothing in this subsection requires the defendant or any other witness to waive the right to appear if testimony is taken by affidavit as provided by this subsection.

(e) Unless specifically set forth in the ordinance which is the basis for the

violation, proof of a culpable mental state is not an element of a violation.

(f) The determination at trial shall be on the citation and upon any evidence that the court, in its discretion, determines is appropriate. The court may make such further investigation it deems necessary to resolve the case, and may call witnesses or order the production of documents and things that pertain to the matter.

(11) Judgment as Lien.

Any judgment entered shall be a lien against any real property owned by the defendant in the city, shall be entered upon the city's lien docket and may be foreclosed according to law or ordinance.

(12) Procedure Upon Order of Nuisance Abatement.

(a) If the defendant fails to abate any nuisance within the time directed by the court, the city may cause abatement to occur and seek a money judgment as provided by this section. The court shall retain jurisdiction over the proceeding until final order is entered that the nuisance has been abated.

(b) If the defendant fails to abate a nuisance within the time period provided by the court, the city may cause the nuisance to be abated, and move the court for entry of a money judgment. Upon receipt of the city's motion, the court shall cause a Notice and Statement of Judgment to be mailed to the defendant at the defendant's address as indicated on the most recent Curry County tax roll, or personally delivered to the defendant. The Notice and Statement of Judgment shall state that objections to the judgment must be filed with the court within twenty days of the date of mailing of the Notice and Statement of Judgment or personal delivery thereof, as the case may be, and that any objection shall state with particularity the grounds for the objection. The fact that a contract was bid for nuisance abatement pursuant to Oregon public contracting law shall be irrefutable presumption as to the reasonableness of the costs of abatement.

(c) Upon receipt of a timely and properly filed objection to Notice and Statement of Judgment by the defendant, the court shall schedule a hearing on the grounds for the objection. After hearing, or after the expiration of the twenty-day period for filing objections, if no objection has been received, the court shall enter judgment for the city.

(13) Appeals.

(a) A party to a proceeding in municipal court may appeal from any judgment or other final determinative order. Any appeal from the municipal court shall be by writ of review, taken and perfected in the manner provided by ORS Chapter 34.

(b) In addition to any notices required to be served under ORS Chapter 34, notice of the appeal shall also be served upon the City Administrator.

(c) When the notice of appeal has been filed with the municipal court, the

appellate court shall have jurisdiction over the matter. Failure to serve a notice of appeal on the City Administrator shall not preclude jurisdiction in the appellate court.

(14) Severability.

The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections

(15) Rules for the Use of Affidavit in Lieu of Taking Testimony at Trial.

(a) An affidavit must be in the witness's own handwriting and shall explain the relevant events in which they were involved or which they witnessed to the best of their ability.

(b) The witness's signature on the affidavit must be certified by a Notary Public of the state of Oregon prior to submission of the affidavit to the court.

(c) A copy of the completed and notarized affidavit should be kept by the person submitting the affidavit. The original must be submitted to the municipal court.

(d) Falsified affidavits submitted to the court are subject to prosecution for perjury and a fine of up to \$1,000.00.

Personnel

1.405 Personnel Policies.

(1) Establishing Personnel Policies. The City of Gold Beach may establish personnel policies by resolution of the City Council.

City Contracts

1.600 Contract Review Board and Contracting Agency.

The Gold Beach City Council is designated as the local Contract Review Board of the City and shall have all the rights, powers, and authority necessary to carry out the provisions of ORS Chapters 279A, 279B, and 279C (the "Public Contracting Code"), City Public Contracting Rules ("City Rules") and the Gold Beach Code. The City Administrator, his or her designee, and any other purchasing agent as authorized by City policy, is hereby designated as the City's "Contracting Agency" and may exercise all authorities, powers, and duties granted to a Contracting Agency under the Public Contracting Code and City Rules, unless otherwise limited by City Ordinance, resolution, or policy.

1.605 Opting Out of the Attorney General's Model Rules

Public contracts shall be let by the City of Gold Beach in accordance with the State of Oregon Public Contracting Code and City Public Contracting Rules, to be adopted by resolution of the City Council and Local Contract Review Board if required by State law. The City hereby opts out of the Model Rules adopted by the Attorney General pursuant to ORS 279A.065, and hereafter those rules do not apply to the City.

1.610 Authority of the City Administrator

The City Administrator or his or her designee is authorized to:

- (1) Enter into City contracts not to exceed \$75,000 without additional authorization of the Local Contract Review Board.

- (2) Recommend that the Local Contract Review Board approve or disapprove contract awards in excess of \$75,000, or change orders or amendments to contracts more than \$75,000.