

RESOLUTION 06-01
A RESOLUTION TO ESTABLISH THE RULES OF THE CITY COUNCIL

SECTIONS:

1. Council Meetings
2. Presiding Officer
3. Officer and Employee Duties
4. Decorum and Order
5. Duties and Privileges of Members
6. Order of Business and Agenda
7. Consideration of Business
8. Public Comments
9. Procedure for Council Meetings
10. Commissions and Lay-Committees
11. Miscellaneous
12. Saving Provision
13. Repealed Ordinances

THE CITY OF ADAMS RESOLVES AS FOLLOWS:

Section 1. COUNCIL MEETINGS:

A. Regular Council Meetings. The Council shall hold a minimum of one regular meeting each month on a day designated by the City Council. Regular meetings shall be convened in the City Council Chambers at City Hall, and shall be called to order at 7:00 pm for regular city business.

B. Executive Sessions. Executive sessions may be called by the Presiding Officer or any two members of the Council. Only Council members and persons specifically invited by the Council shall be allowed to attend executive sessions. No matter discussed during executive session may be disclosed by any person present during such session.

C. Special Meetings. Special meetings may be called by the presiding Officer, or by request of any three Council members. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor and posted in at least two town locations. Such notices may be delivered by mail or by personal delivery.

D. Emergency Meetings. An emergency meeting of the Council is a Special meeting which can be called when less than 24 hours notice can be given. The minutes need to state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency matter(s) giving rise to the need for an emergency meeting may be considered.

E. Public Attendance. All regular and special meetings shall be open to the public.

Section 2. PRESIDING OFFICER:

A. Mayor. The Mayor shall preside at all regular and special meetings, and executive sessions of the Council, and shall be the recognized head of the City for all ceremonial purposes.

B. Council President. At the first meeting of the new year after each general biennial election, the Council shall elect, by majority vote, a Council President from its membership. In the Mayor's absence from any Council meeting, the Council President shall act as the presiding officer. Whenever the Mayor is unable to perform the functions of the office, due to absence, illness or other cause, the Council President shall act as Mayor Pro Tem.

Section 3. OFFICER AND EMPLOYEE DUTIES:

A. City Recorder. The City Recorder shall be the Clerk of the Council and shall keep minutes of meetings and shall perform other duties within the function of the meetings as ordered by the Presiding Officer or other members of Council.

B. City Attorney. Requests to the City Attorney for advice requiring legal research shall not be made by a member of the council except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the staff to ascertain whether the request or action can be accomplished more cost effectively by alternate means. Exceptions to this are issues related to the performance of staff and unique and sensitive personal, yet city business-related requests. The City Attorney shall in either case provide a written response to the full council.

Section 4. DECORUM AND ORDER

A. Presiding Officer. The presiding Officer shall preserve decorum and decide all points of order, subject to appeal of the Council.

B. Councilors. Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or Rules of Council. Councilors shall when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

C. Staff and Public. Employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

D. **Removal of Any Person.** Any person who makes personal, impertinent, slanderous or unauthorized remarks, or who becomes boisterous while addressing the Council or attending a Council meeting shall be asked to remove themselves from the room when so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule. Such persons may be barred from further audience before the Council and in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.

E. Censure

1. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

2. Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegation, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of the Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

Section 5. DUTIES AND PRIVILEGES OF MEMBERS:

A. **Code of Ethics.** Councilors shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure the impartial application of the law to all citizens, and equal treatment of each citizen fore the law, without regard to race, national origin, gender, social station or economic position.

B. Debate

1. Any Councilor who has the floor shall confine themselves to the question under debate avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

2. Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council.

3. A Councilor, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he /she is speaking, in which case, he or she shall cease speaking immediately until the point is

determined If ruled to be in order, he/she shall be permitted to proceed; if ruled to be out of order he/she shall remain silent or shall alter his/her remarks as to comply with the ruling.

C. **Communication with Staff.** Any Council members shall respect the separation between policy making and administration by limiting individual contacts with city employees so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the authority of supervisors or to prevent the full council from having benefit of any information received. All written information given by the staff or designee, to one council member shall be distributed to all council members. Council members shall respect the roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of council members.

D. **Right to Appeal.** Any member may appeal to the Council for a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling but there shall be no debate on the appeal and no other member shall participate in the Discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Yes, the ruling of the chair is sustained; otherwise it is overruled.

E. **Dissent and Protest.** Any Councilor shall have the right to express dissent for or against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or objected decision.

F. **Excusal During the Meeting.** No member may leave the Council meeting while in regular session without permission from the Presiding Officer.

G. **Personal Privilege.** The right of a member to address the council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are assailed, questioned or impugned.

Section 6. ORDER OF BUSINESS

A. **Order of Business.** The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business.

1. Call to order
2. Roll call
3. Read agenda
4. Recognition of visitors-public comments
5. Approval of minutes

6. Resolutions for money transfers
7. Approval of bills
8. Staff Reports
9. Code enforcer
10. Old business
including prior items table
11. New business
12. Council committee reports
13. Adjournment

B. Agendas

1. Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any person, but such items shall be presented to the City Recorder in writing at least four days prior to the meeting at which they are to be discussed.

2. Agendas for regular meetings shall be accompanied by a summary of upcoming business, copy of previous month's minutes, financial report for previous month, and any other informational material relevant to such Council meeting. Agenda packets shall be distributed to the Council at least four days prior to the meeting.

3. New business brought before the Council in a meeting may be referred to future Council meetings for consideration or discussion.

C. Additions to Agenda. A request to add an item for council consideration to the Council agenda may be presented at the Council meeting, but shall require a majority concurrence of the members present to be so added.

D. Special Orders of Business. Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items.

Section 7. CONSIDERATION OF BUSINESS:

A. Quorum. A majority of the council shall constitute a quorum to do business. A lesser number of council members may meet to authorize payment of regular bills and expenses. All other business shall be tabled.

B. Voting. Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice, provided that, upon demand by any member of the Council, a roll vote shall be made upon any question before the Council. No Councilor may explain the reasons for his/her vote during the roll call.

C. Procedure Generally. When the question has been called for the Presiding Officer

shall first ask for the yes votes, followed by the No votes. After a vote has been taken the Presiding Officer shall announce the results of the vote.

D. **Voting Required.** The concurrence of a majority of those present and voting at a meeting, provided that a quorum is present, is required to determine any matter before the council. Each councilor present must vote on all questions before the council unless the member has a conflict of interest which would disqualify the member from voting. If a member abstains, the reasons for the abstention shall be entered in the record.

E. **Minimum Votes Required in Certain Situations.** The passage of any ordinance shall require the affirmative vote of at least a majority of the whole Council.

F. **The Vote.** In case of a tie in the votes of any proposal, the Mayor shall break the tie.

Section 8. PUBLIC COMMENT:

A. **Policy.** The Council recognizes that public input into the governmental process is a valuable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desire to speak before the Council shall have the duty to exercise this right in a manner that furthers the greater public interest.

B. **Public Comment Generally.** Any member of the general public wishing to address the Council a matter of public concern may do so by using the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of three minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time or may request further information be presented to the Council on such date and in such manner as it deems appropriate. The right to discuss the business before the councils reserved exclusively for the mayor, councilors, staff and the city attorney, with the following exceptions:

1. Public hearings; and
2. Citizens wishing to speak on non-agenda items.

The Presiding Officer shall recognize any city staff member of the audience for discussion of any matter before the council. No person shall be permitted to speak or present evidence until recognized by the Presiding Officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the Presiding Officer. In the case of questions, the Presiding Officer will request input from the appropriate sources (staff, council, or presenters). No person shall represent irrelevant, immaterial or unduly repetitious testimony or evidence provided, however, the reports and documents prepared by city personnel shall be deemed relevant material and the weight or competency thereof shall be determined by

the council.

C. **Persons Sharing Common Concerns.** If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petition, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.

D. **Roster.** All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the City Recorder, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.

E. **Complaints and suggestions to the Council.** When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

1. If legislative, and a complaint about the letter or intent of the legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, staff or a committee for study and recommendation.

2. If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy, the Presiding Officer shall then refer the complaint directly to the affected committee chairman for review, if the complaint has not already been reviewed. The Council may direct the committee chairman to report to the Council when the review has been made.

Section 9. PROCEDURE FOR COUNCIL MEETINGS

A. **Rules of Order.** Unless otherwise provided by State of Oregon, Department of Justice, Attorney General's Public Records and Meeting Manual or the these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order.

B. **Construction of Rules of Order.** The Council has an obligation to the citizens to be clear and simple in its procedures and the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose and Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole and confuse the audience at public meetings and the citizens in general

C. **Convening the Meeting.** At the time appointed, the Presiding Officer shall chair a

at the hour scheduled for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.

D. Requirement of a Second Before Debate. No motion shall be debated until it has been seconded and announced by the Presiding Officer.

E. Motions Reduced to Writing. Any Councilor may request that a motion be reduced to writing and read by the City Recorder.

F. Citizens Participation. Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof.

G. Precedence of Motions. When a question is before the Council, no motion shall be entertained except:

1. to abide by the rules
2. to adjourn
3. to lay on the table
4. for the previous question
5. to postpone to a certain date
6. to refer
7. to amend
8. to postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.

H. Motions to be Stated by the Presiding Officer/ Withdrawal. When a motion is made and seconded, it shall be stated by the originator or the Presiding Officer before debate. A motion may not be withdrawn without the consent of the member seconding it.

I. Motion to Adjourn-When Not in Order-When not Debatable. A motion to adjourn will be in order at any time except as follows:

1. when made as an interruption of a member while speaking
2. when the previous question has been ordered
3. when a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

J. Motion to Lay on the Table. A motion to lay on the table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

K. Division of Question. The presiding Officer may, upon request of the members, divide a question that contains two or more divisionable propositions.

L. Motion to Postpone. All motions to postpone, except to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

M. Suspension of Rules. No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

N. Adjourned Meetings. Upon motions and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day, or for more than one day, provided that no adjournment shall be a period longer than until the next regular meeting thereafter.

Section 10. LIAISONS AND LAY COMMITTEES

A. Departmental Liaisons. The mayor may appoint a City Councilor as a liaison to the Library Board and the Planning Commission

B. Guidance and Support. Each liaison shall, as needed, support and assist the members regarding implementation and fulfillment of Council authorized policies, and be available for consultation with and reports from the chairperson. The liaison shall introduce any chairpersons sponsored legislation to the Council.

C. Evaluations. The City Council shall evaluate the administrative and maintenance positions performance each January for the purpose of objectively assisting performance during the preceding year. Results shall be reviewed by and discussed with the employee.

D. Hiring. The Council shall be involved in the selection process of all staff hired. An oral interview board shall be assigned for the purpose of interviewing applicants, which shall consist of at least two councilmen, the liaison and be chaired by the mayor or designee. Upon final recommendation, the Council shall take action to ratify that recommendation.

E. Citizens Complaint, Commendation, Other Responsibilities. The Council shall assist in citizen complaints and commendations of city employees.

Section 11. MISCELLANEOUS:

A. Amendments to Council Rules. Amendments to these rules shall be made by resolutions.

B. Anonymous Communications. Anonymous and unsigned communications shall not be introduced in Council meetings.

Section 12. SAVING PROVISIONS: If any section, sentence, or any other part of the resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining parts thereof.

PASSED BY THE COMMON COUNCIL, *January 30*, 2006.

Alberta Sciallen
Recorder

Gatred L. Byrse
Mayor

RESOLUTION NO. 06-02

BE IT RESOLVED that the following transfers occur:

ADMINISTRATIVE

Transfer To:	Office Expenditures	2,000.00
Transfer From:	Operating Contingency	2,000.00

WATER

Transfer To:	Payroll Taxes	300.00
Transfer From:	Insurance	300.00

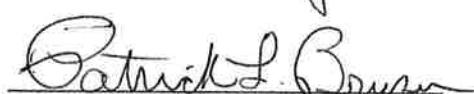
STREETS

Transfer To:	Payroll Taxes	150.00
Transfer From	Miscellaneous	150.00

The purpose of this resolution is to transfer funds for unexpected expenses.

ADOPTED by the Common Council this 14 day of February, 2006.


Recorder


Mayor

RESOLUTION NO. 06-03

BE IT RESOLVED that the following transfers occur:

ADMINISTRATIVE

Transfer From Transfer to Library Fund \$1,500.00

Transfer to: Library Fund \$1,500.00

PARK

Transfer From Transfer to City Equipment Fund \$4,000.00

Transfer to: City Equipment Fund \$4,000.00

LIBRARY

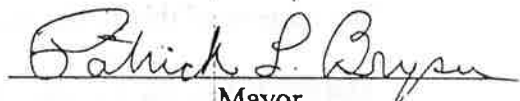
Transfer From Transfer to Library Capital Fund \$ 500.00

Transfer to: Library Capital Fund \$ 500.00

The purpose of this resolution is to transfer monies as budgeted.

ADOPTED by the Common Council this 14 day of February, 2006.


Recorder


Mayor

RESOLUTION NO. 06-04

BE IT RESOLVED that the following transfers occur:

ADMINISTRATIVE

Transfer To: Water 50.00

Transfer From: Post Office Box Rent 50.00

LIBRARY

Transfer To: Communications 50.00

Transfer From: Equipment Maintenance 50.00

STREETS

Transfer To: Contractual Service 500.00

Transfer From: Equipment Maintenance 500.00

The purpose of this resolution is to transfer funds for unexpected expenses.

ADOPTED by the Common Council this 11th day of April, 2006.

Daniel L. Bryson
~~Recorder~~
Mayor

Julietta Linnallen
~~Mayor~~
Recorder

RESOLUTION NO. 06-05

BE IT RESOLVED that the following transfers occur:

ADMINISTRATIVE

Transfer To: Water

100.00

Transfer From: Employee Training

100.00

The purpose of this resolution is to transfer funds for unexpected expenses.

ADOPTED by the Common Council this 9th day of May, 2006.

Gilberta Liguallen
Recorder

Dave Holme
Mayor Pro Tem

RESOLUTION NO. 06-06

BE IT RESOLVED that the following transfer occur:

WATER

Transfer To: Debt Reserve Loan Acct. 2,500.00

Transfer From: Transfer to Debt Service 2,500.00

The purpose of this resolution is to transfer funds as budgeted.

ADOPTED by the Common Council this 9th day of May, 2006.


Recorder


Mayor *Pro Tem*

RESOLUTION 06-08

BE IT RESOLVED that the City of Adams resolves as follows:

SECTION 1. Pursuant to ORS 221.770, the city hereby elects to receive state revenue for fiscal year 2006 - 2007.

Passed by the Common Council the 13th day of June, 2006.

Approved by the Mayor this 13th day of June, 2006.

Mayor Patrick L. Bryson

Attest Liberta Sewallen

I certify that a public hearing before the Budget Committee was held on March 6, + May 1, 2006 and a public hearing before the City Council was held on June 13, 2006, giving citizens an opportunity to comment on use of State Revenue Sharing.

Liberta Sewallen
City Recorder

RESOLUTION NO. 06-09

LOCAL PUBLIC CONTRACT REVIEW BOARD

FOR

City of Adams
[Insert name of public body]

WHEREAS, new legislation of the State of Oregon has amended the public contracting laws applicable in this State, and the Attorney General of the State of Oregon has amended the Model Public Contracting Rules, and

WHEREAS, in light of the foregoing, Oregon law requires that local public bodies review and amend where necessary their own rules governing public contracting:

IT IS, THEREFORE, RESOLVED AS FOLLOWS:

I. Former rules repealed. All public contracting rules previously adopted by this local public contract review board are repealed.

II. Goods, services, and construction contracts. Except as otherwise provided for in this resolution, the following portions of the Oregon Attorney General's Model Public Contract Rules, 2006 version shall be the rules governing public contract issues for this public body, effective immediately:

1. OAR 137-046-0100 through 137-046-0480;
2. OAR 137-047-0000 through 137-047-0810; and
3. OAR 137-049-0100 through 137-049-0910.

III. Personal service contracts. As to contracting for personal services, except where other procedures are required by state or federal law, the following rules are adopted effective immediately:

1. Definitions.

A. For purposes of these public contracting rules a "personal service contract" shall include a contract that:

- (1) Calls for specialized skills, knowledge, or resources, or the application of technical or scientific expertise, or the

exercise of professional, artistic or management discretion or judgment, or the exercise of business acumen, or

(2) Calls for personal services performed as an independent contractor in a professional capacity, including, but not limited to, the services of an accountant, attorney, architect, land use planning consultant, engineer, physician or dentist, landscape architect, appraiser, land surveyor, data processing consultant, or other person or business of professional expertise, or

(3) Calls for human custodial care services, educational services, transportation services, mental or physical health services, social services, or child care services, or

(4) Calls for the exercise of artistic skills, or

(5) Calls for the employment of a contractor where the personal qualifications of the contractor, or of the contractor's employees, including the credentials, experience, and judgment of such persons, is the prominent factor in the selection process.

The term "personal service contract" shall include such other contracts which on a case by case basis this contract review board may determine constitutes a personal service contract as broadly as such term may be interpreted without violating ORS Chapter 279A, 279B, or 279C, however, in no case shall a "personal service contract" include a contract which is primarily for the purpose of buying products, personal property, equipment, supplies, or materials.

B. For the purposes of these rules, the term "Consultant" shall mean the provider or prospective provider of personal services under a personal service contract.

2. Purpose.

The purpose of these rules is to specify the policies and procedures of this contract review board regarding selection of consultants to perform personal services. It is the policy of this board to select as expeditiously as possible the most qualified consultants based on the consultants' demonstrated competence and qualifications to perform the professional services required at a fair and reasonable price, and to discourage favoritism.

3. Direct appointment procedure.

The following procedures may be used for all consultants unless specifically provided otherwise:

A. Procedure. A qualified consultant may be appointed directly from a list of a minimum of three (if three can be identified) consultants offering the necessary services that the public contract review board reasonably can identify through any reasonable means.

B. Criteria. A direct appointment pursuant to these rules shall be competitive to the extent practicable and may be based on criteria which include but are not limited to:

(1) The consultant which best satisfies the purpose of these rules as stated in Section 2 hereof;

(2) The consultant's availability, capabilities, staffing, experience, prior experience on projects for the public body, and compensation requirements;

(3) The project's location; and

(4) Any information received relevant to other criteria deemed relevant under the circumstances.

C. Exceptions.

(1) In the event that a qualified consultant has been providing personal services to the public body on a regular or periodic basis, and if in the opinion of the public body the services have been provided competently and at a cost that is fair and reasonable to the public body, the selection of that consultant for continuing services may continue indefinitely without the invocation of additional selection procedures.

(2) If the charter or other document establishing the existence of the public body or providing for its governance requires that a particular office holder be designated by the public body and provides the manner in which the appointment shall be made, then the appointment shall be made in accordance with such governing document.

(3) Notwithstanding any other provision of this resolution, the direct appointment procedure without the application of Sections III(3)(A) and (B) may be used when circumstances which could not reasonably have been foreseen create a substantial risk of loss, damage, interruption of service or threat to the public health or safety and require the prompt performance of the services to remedy the situation.

(4) The direct appointment procedure may be used for architects, engineers, land surveyors, and consultants for related services when the project consists of work which has been

substantially described, planned or otherwise previously studied or rendered in an earlier contract, as in a continuation of a project, and the consultant, or his or her firm, being newly hired was the same that conducted the prior services.

4. Architectural, engineering, land surveying and related services.

A. Statement of general policy. It is the policy of this public body that the most informal selection procedures for personal service contracts be utilized if to do so does not violate any term of this resolution or the terms of any applicable and overriding federal or state law (such as ORS 279C.110(2)). If in a given instance a federal or state law requires informal selection procedures over direct appointment, or formal selection procedures over informal procedures, the following procedures shall apply, unless other procedures are required by law:

B. Informal selection procedures.

(1) Informal selection procedures shall be followed when the contract for personal services is for architectural, engineering, land surveying or related services, and when federal or state law so requires and does not allow local agencies to use less formal selection procedures.

(2) In the event informal selection procedures are required, then OAR 137-048-0210 is hereby adopted for such purposes, and the terms used therein shall have the meaning set forth in OAR 137-048.

C. Formal selection procedures.

(1) Formal selection procedures shall be followed when the contract for personal services is for architectural, engineering, land surveying or related services, and when federal or state law so requires and does not allow local agencies to use less formal selection procedures.

(2) In the event formal selection procedures are required, then OAR 137-048-0220 is hereby adopted for such purposes, and the terms used therein shall have the meaning set forth in OAR 137-048.

5. Protest procedures.

All protests of solicitation or selection procedures are limited as follows:

A. Solicitation protests. Prospective consultants may submit a written protest, or request for change, of particular solicitation provisions, specifications, or contract terms and

conditions to the contract review board no later than seven days prior to the close of the solicitation. Such protest or request for change shall include the reasons for the protest or requests, and any proposed changes to the solicitation provisions, specifications, or contract terms and conditions. No protest against the selection of a consultant or award of consultant contract, because of the content of solicitation provisions, specifications, or contract terms and conditions, shall be considered after the deadline established for submitting such protests.

B. Selection protest: Unless a different deadline is specified in the request for proposal, if one is used in the selection process, a consultant who has submitted a proposal and claims to have been adversely affected or aggrieved by the selection of a competing consultant, shall have seven calendar days after selection to submit a written protest of the selection to contract review board. It shall be the responsibility of consultants who submit proposals to become aware as to the selection date. A protester must state the error or errors committed by the contract review board in making its selection and why the protester believes that it should have been selected.

C. All actions of the contract review board in the solicitation and selection of the consultant or personal service provider shall be based upon the sound discretion of the public contract review board except as may be expressly provided otherwise in these rules or by applicable laws. Any judicial review of the contract review board shall be based solely upon an error of law or a violation of these rules which the protester can demonstrate prevented the protester from being the selected provider. The burden of proof is on the protester by the preponderance of the evidence. On judicial review the court shall defer to the contract review board on all questions involving agency judgment and discretion.

RESOLVED AND ADOPTED this 13th day of June, 2006.

LOCAL PUBLIC CONTRACT REVIEW BOARD FOR

City of Adams
[Insert name of public body]

BY Patrick L. Bayson

COREY, BYLER, REW, LORENZEN & HOJEM, L.L.P.
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TELEPHONE (541) 276-3331
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GEORGE H. COREY, RETIRED
LAWRENCE B. REW, RETIRED
ROBERT E. O'ROURKE, RETIRED
STEPHEN M. BLOOM, RETIRED
ALEX M. BYLER, DECEASED

May 8, 2006

Mr. Jim Keene, Superintendent
Pendleton School District 16R
1207 Southwest Frazer Avenue
Pendleton, Oregon 97801

Ms. Delphine Palmer, City Manager
City of Milton-Freewater
P. O. Box 6
Milton-Freewater, Oregon 97862

Mr. Jerry Wilson, Superintendent
Hermiston School District 8R
341 Northeast Third Street
Hermiston, Oregon 97838

Ms. Rena' Morrow, City Manager
City of Haines
P. O. Box 208
Haines, Oregon 97833

Dr. Dale Nees, Superintendent
Stanfield School District 61R
1120 North Main Street
Stanfield, Oregon 97875

Mr. Patrick Bryson, Mayor
City of Adams
P. O. Box 4
Adams, Oregon 97810

Mr. Dan Korber, Superintendent
Ukiah School District 80R
P. O. Box 218
Ukiah, Oregon 978

City Council
City of Granite
HCR 87, Box 1
Granite, Oregon 97877

Mr. Gordon Munck, Superintendent
Pilot Rock School District 2R
P. O. Box BB
Pilot Rock, Oregon 97868

Mr. Kim Puzey
Port of Umatilla
P. O. Box 879
Umatilla, Oregon 97882

Mr. Brian Say, Superintendent
Umatilla School District 6R
1460 Seventh Street
Umatilla, Oregon 97882

Mr. Richard Rende
Port of Arlington
P. O. Box 279
Arlington, Oregon 97812

Ms. Bryn Browning, Superintendent
Ione School District
P. O. Box 167
Ione, Oregon 97843

Mr. Mark Burrows, Superintendent
Morrow County School District
P. O. Box 368
Lexington, Oregon 97839

Mr. George Murdock, Superintendent
Umatilla-Morrow ESD
2001 Southwest Nye
Pendleton, Oregon 97801

Mr. Chuck Vickery, Acting Mayor
City of Athena
P. O. Box 686
Athena, Oregon 97813

Mr. Jim Keene, et al
May 8, 2006
Page Two

Ms. Barb Byerly, Mayor
City of Weston
P. O. Box 579
Weston, Oregon 97886

Mr. John Turner, President
Blue Mountain Community College
P. O. Box 100
Pendleton, Oregon 97801

Mr. Joe Wrabek, City Administrator
City of Union
P. O. Box 529
Union, Oregon 97883

Mr. Larry Sandlin
Columbia Improvement District
P. O. Box 47
Boardman, Oregon 97818

Mr. Chuck Wilcox
Hermiston Irrigation District
366 East Hurlburt
Hermiston, Oregon 97838

Mr. Mike Wick, Manager
Westland Irrigation District
P. O. Box 944
Hermiston, Oregon 97838

Mr. Clint Barber, Mayor
City of Ukiah
P. O. Box 265
Ukiah, Oregon 97880

Re: Public Contracting Laws

Dear Folks:

The attorney general for the State of Oregon has finally published the 2006 public contracting manual. The new model rules have taken into account the latest legislative changes to the Oregon public contracting laws.

By law, local public bodies are required to review their rules when the attorney general modifies the model rules. I have prepared a new resolution for those of you who choose to simply adopt the model public contracting rules, as amended. My resolution also continues with substantially the same provisions for personal service contracts as I mentioned in the past resolutions I prepared.

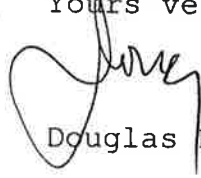
Regarding the personal services contracts, I clarified that informal and formal selection procedures for personal service contracts were required only when federal or state law overrode local law. Otherwise, very informal and direct solicitation is freely allowed.

You should note that pursuant to ORS 279C.110, more formal selection for personal services contracts are required when (1) the local agency receives money from the State Highway Fund or a grant or loan from the state that will be used to pay for any portion of the design and construction of the project, (2) the total amount of any grants, loans or monies from the State Highway Fund and from the state for the project exceeds 10 percent of the value of the project, and (3) the value of the project exceeds \$900,000.00.

Mr. Jim Keene, et al
May 8, 2006
Page Three

I should advise that "one size does not necessarily fit all." Some of you may have particular needs, which I don't know about, that would suggest that you could, or should, consider alteration of the attorney general's model rules. That is your prerogative providing that whatever rules you do individually adopt do not violate any portion of ORS Chapter 279. Also, you have options under the law to delegate certain public contracting functions to an individual on the administrative staff so that purchases under certain dollar amounts can be procured without always going back to your local contract review board. There are also options available for bonding. If any of you want any individual advice or rules in these regards, please do contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "Douglas E. Hojem", written over a circular stamp or mark.

Douglas E. Hojem

DEH/sl

RESOLUTION NO. 06-10

BE IT RESOLVED that the city close out the "Make A Difference Day Adams" bank account in the amount of \$1,318.43 and transfer that amount to the City Recreational Capital Fund.

The purpose of this resolution is to close out the "Make A Difference Day Adams" account as the project is now finished.

Motion passed by the Common council June 13, 2006.

Alberta Swallen
Recorder

Patrick L. Bryson
Mayor

RESOLUTION 06-11

BE IT RESOLVED that the following wages be paid per month:

Recorder/Water Clerk	\$1,722.00
Assistant Recorder/Water Clerk (3 months probation)	\$ 600.00
Maintenance Person	\$2,129.00

and that the following hourly rate be paid:

Librarian	\$ 11.25
Assistant Recorder/Water Clerk	\$ 10.25

The purpose is to set the wages as they were budgeted for the fiscal year 2006-2007.

Passed by the Common Council July 18, 2006.


Recorder


Mayor

RESOLUTION 06-12

BE IT RESOLVED that the City of Adams has received the following unanticipated grant funds from the Umatilla County Special Library District for the Adams Public Library in the amount of \$1,834.00.

NOW THEREFORE, be it resolved that the following amounts be appropriated for this current fiscal year ending June 30, 2007.

Library Supplies and Materials	\$ 514.00
Library Books	150.00
Librarian Wages	<u>1,170.00</u>
Total	\$1,834.00

PASSED BY THE COMMON COUNCIL, September 19, 2006.

ADOPTED by the Common Council this 19 day of September, 2006.

Liberta Sevalen
Recorder

Dave Holmes
Mayor *pro tem*

**Umatilla County Special Library District & Adams Public Library
Grant Agreement: Autzen & Collins "Up & Away" Grants**

This is an agreement between **Umatilla County Special Library District** and the **Adams Public Library**.

Contract:

Umatilla County Special Library District:

- 1.1 The Umatilla County Special Library District will serve as the fiscal agent.
- 1.2 The District will send \$1,834 to Adams Public Library for 06-07 Up & Away program funding from the Collins Foundation (\$1,584) and Autzen Foundation (\$250) for Activity Materials \$514, Direct Programming \$1,170 and Free Books \$150. Budget expenditure modifications must be approved in advance by the District.
- 1.3 The District will provide Adams Public Library with a project mentor to assist with project planning, development and oversight.

Adams Public Library:


- 2.1 The Adams Public Library will be held fiscally responsible for providing services according to grant requirements as designated by the District; maintaining accurate fiscal records pertaining to their share of grant funds that conform to generally accepted accounting principles being complaint with all county and state audit accounting procedures and requirements; and presenting programs and activities based on best practices in early literacy.
- 2.2 Reports will be submitted as outlined in the grants or designated by the District to the Project Coordinator or to the Umatilla County Special Library District Project Mentor that include program usage numbers and statistics; outcome measurements; and progress toward objectives as outlined in the grants or designated by the District.
- 2.3 Financial reports as designated by the District or the grant will be submitted to Umatilla County Special Library District.

General Terms:

- 3.1 No alternative or variations in the terms of this agreement will be made, unless stipulated in writing and signed by all parties.
- 3.2 The parties agree that no person shall, on grounds of race, color, creed, or national origin, or sex be excluded from or denied participation in, or otherwise subjected to discrimination under any activity performed under this agreement.
- 3.3 Each party will assume accountability and responsibility for their share of the grant.




Ken Reading, UCSLD Administrator



Date



Adams Public Library



Date

RESOLUTION NO. 06-13

BE IT RESOLVED that the following transfer occurs:

PARK

Transfer From, Transfer to Recreational Capital Fund	\$6,000.00
Transfer to: Park Recreational Capital Fund	\$6,000.00

The purpose of this resolution is to transfer funds for unexpected expenses.

ADOPTED by the Common Council this 19 day of September, 2006.



Recorder



Mayor pro tem

RESOLUTION NO. 06-14

BE IT RESOLVED that the City of Adams has received the following unanticipated grant funds from the Wildhorse Foundation in the amount of \$5,000 for a shelter in the park.

NOW THEREFORE, be it resolved that the following amount be appropriated for this current fiscal year ending June 30, 2007.

Park Recreational Capital Fund \$5,000.00

PASSED BY THE COMMON COUNCIL, September 19, 2006

ADOPTED by the Common Council this 19 day of September, 2006.



Recorder



Mayor Pro Tem

RESOLUTION NO. 06-15

BE IT RESOLVED that the following transfers occur:

ADMINISTRATIVE

Transfer To: Miscellaneous

\$750.00


Transfer From: Operating Contingency

\$750.00

The purpose of this resolution is to transfer funds for unexpected expenses.

ADOPTED by the Common Council this 10th day of November, 2006.


Recorder


Mayor

RESOLUTION NO. 06-16

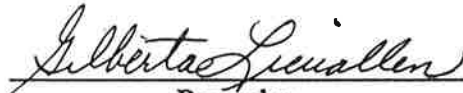
BE IT RESOLVED that the City of Adams has received the following unanticipated grant funds from the Ash Grove Charitable Foundation in the amount of \$1,000 for the skate park.

NOW THEREFORE, be it resolved that the following amount be appropriated for this current fiscal year ending June 30, 2007.

Park Recreational Capital Fund	\$1,000.00
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PASSED BY THE COMMON COUNCIL, Nov. 10, 2006

ADOPTED by the Common Council this 10 day of November, 2006.


Recorder


Mayor

**RESOLUTION OF THE CITY OF ADAMS OR APPROVING THE TRANSFER OF
THE CABLE FRANCHISE**

WHEREAS, Falcon Video Communications, L.P. ("Franchisee") owns, operates and maintains a cable television system (the "System") in the City of Adams OR ("Franchise Authority") pursuant to a valid franchise agreement (the "Franchise");

WHEREAS, Rapid Communications LLC ("Rapid") entered into an Asset Purchase Agreement dated September 29, 2006 (the "Agreement") with Charter Communications Operating, LLC, pursuant to which the Franchisee proposes to sell and assign to Rapid the System and the Franchise (the "Transfer");

WHEREAS, Franchisee and Rapid have requested consent of the Franchise Authority to the Transfer in accordance with the requirements of the Franchise, have filed an FCC Form 394 with the Franchise Authority, and have provided all information required by applicable law (collectively, the "Transfer Application");

WHEREAS, the Franchise Authority has investigated the qualifications of Rapid and finds it to be a suitable transferee; and

**NOW THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS
FOLLOWS:**

SECTION 1. The Franchise Authority hereby consents to the Transfer, to the extent required by the terms of the Franchise.

SECTION 2. The Franchise Authority confirms that (a) the Franchise is currently in full force and effect and the Franchisee is the duly authorized holder of the Franchise; (b) Franchisee has properly invoked its franchise renewal rights under Section 626 of the Cable Communications Policy Act of 1984, as amended, if applicable (c) the Franchise represents the entire understanding of the parties and Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise, and (d) Franchisee is materially in compliance with the provisions of the Franchise and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights thereunder.

SECTION 3. The Franchise Authority consents to and approves Rapid's granting a security interest in all of Rapid's rights, powers and privileges under the Franchise and all of its other properties to such lender or lenders (as may be designated by Rapid) for financing purposes, under which such lender or lenders shall have the rights and remedies of a secured party under the applicable Uniform Commercial Code.

SECTION 4. This Resolution shall take effect immediately.

SECTION 5. The Franchise Authority releases Franchisee, effective upon the closing of the transaction as described in the Agreement (the "Closing Date"), from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Rapid shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

SECTION 6. This Resolution shall have the force of a continuing agreement with Franchisee and Rapid, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Rapid.

PASSED, ADOPTED AND APPROVED this 14th day of November, 2006.

City of Adams OR

By: Mayer
Name: Robert J. Bryson
Title: _____

ATTEST:

Leelyn Johnson, Clerk
City/City/Village Clerk

RESOLUTION NO. 06-18

BE IT RESOLVED that the following transfers occur:

PARK

Transfer To: Park Contractual Service \$3,000.00

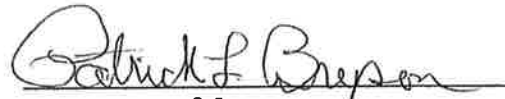
Transfer From: Operating Contingency \$3,000.00

The purpose of this resolution is to transfer funds for unexpected expenses.

ADOPTED by the Common Council this 14th day of November, 2006.



Recorder Pro Tem



Mayor

RESOLUTION NO. 06-19

BE IT RESOLVED that the following transfers occur:

STREETS

Transfer To:	Materials & Supplies	\$6,000.00
	Contractual Services	4,000.00

Transfer From:	Street Improvements	\$10,000.00
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The purpose of this resolution is to transfer funds for unexpected expenses.

ADOPTED by the Common Council this 12 day of December, 2006.

Gilberta Lescallen
Recorder

Dave Halmer
Mayor Pro Tem

RESOLUTION NO. 06-20

BE IT RESOLVED that the City of Adams has received the following unanticipated grant funds from Umatilla County in the amount of \$1,000 for Audio-Visual Equipment and Supplies.

NOW THEREFORE, be it resolved that the following amount be appropriated for this current fiscal year ending June 30, 2007.


Library Capital Fund	\$898.00
Library Supplies	102.00

PASSED BY THE COMMON COUNCIL, December 12, 2006

ADOPTED by the Common Council this 12th day of December, 2006



Recorder



Mayor Pro Tem