

ORDINANCE NO. 658

AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER II OF THE STAYTON CITY CODE, AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON ordains as follows:

SECTION 1: STAYTON CITY CODE SECTIONS 2.100 to 2.991 are hereby amended to read:

2.100 COUNCIL MEETINGS

1. The regular meetings of the Council shall be held on the first and third Mondays of each month at 7:30 P.M. in the Community Center, 400 W. Virginia, Stayton, Oregon or another specified location in the City. If the regular meeting day falls upon a legal holiday, the regular meeting shall be held the following day at a time and place to be determined by the Mayor.
2. Special meetings of the City Council shall be held when called by the Mayor or when three (3) City Councilors request that the Mayor call a special meeting. Notice of special meetings, including the subject, time, and place of the meeting, shall be given to all councilors then in the city. Public notice of the special meetings shall be given to the news media and interested persons and posted at Stayton City Hall twenty-four (24) hours prior to the meeting. In case of an actual emergency, a special meeting may be called and public notice given three (3) hours prior to the meeting.
3. Meetings which have been recessed may be reconvened at such times as the Council may determine.

ORDINANCE NO. 658

Amending Provisions of Chapter II of the Stayton City Code

Page 1 of 43

2.102 COUNCIL: ATTENDANCE

1. Three members of the City Council shall constitute a quorum. If a quorum is not present, the City Administrator shall immediately inform the absent members, except those known to be unavailable for the meeting, that their presence is required to enable the City Council to proceed. If the absent member or members do not appear after the notice, the Councilors present shall adjourn until a specified time and place or until the next regular meeting. In the absence of the Mayor and the council president, the remaining members shall call the meeting to order and elect a presiding officer who shall conduct the meeting.
2. If any Council member is absent from Council meetings for sixty (60) days without the consent of the Council, his office may be declared vacant by the Council and filled in the manner provided by the City Charter.

2.104 COUNCIL: COMMITTEES

All standing committees and all special committees to whom references are made shall report on matters referred to such committees to the Council as directed. Such report may be oral unless at the time the reference to such committee is made the Council directs the report to be in writing.

2.106 COUNCIL: PROCEDURE

The rules of parliamentary law and practice as compiled in Robert's Rules of Order shall govern the Council in all cases to which they are applicable.

2.130 RECORDS: RETENTION, STORAGE, AND DESTRUCTION

The City Administrator is authorized to collect, retain, store, and destroy all papers, documents, and records received in all City departments in accordance

with the guidelines set out in the "Records Management Manual for Oregon Cities," prepared by the Archives Division, Office of the Oregon Secretary of State, as now or hereafter constituted.

2.150        ELECTIONS

1. Regular City elections shall be conducted at the same time and places as ~~biennial~~ general State elections.
2. The conduct of all regular and special elections shall be in accordance with all applicable provisions of the City Charter and State election laws.

2.151        SPECIAL ELECTIONS

The Council shall provide the time, manner, and means for holding any special election. The Recorder shall give at least ten (10) days' notice of each special election in the manner provided by the action of the Council ordering the election.

2.154        POLL BOOK

The Poll Book to be used at City elections shall be the form provided by the County Clerk of Marion County, Oregon.

2.160        NOMINATION AND ELECTION OF MAYOR, COUNCIL

The Mayor and Council members shall be elected officers of the City, with elections to those positions accomplished in accordance with applicable Charter provisions and State laws.

2.170        CHARTER AMENDMENTS

Amendments to the City Charter shall be made in accordance with the provisions of ORS 221.210 and any other applicable State law.

INITIATIVE AND REFERENDUM

2.180 POWER

The power of initiative and referendum reserved to the citizens of municipalities by the State Constitution shall be exercised in the manner set forth in Sections 2.181 to 2.197.

2.181 INITIATIVE PETITION

The form of a petition for any ordinance, charter, or charter amendment by the initiative shall follow the requirements of state law.

2.182 REFERENDUM PETITIONS

The form of petition for referendum to the people on any ordinance, resolution, or other measure passed by the Council shall be as required by state law.

2.183 COPY OF MEASURE ATTACHED TO PETITION

A full and correct copy of any measure proposed to be submitted to a vote either by initiative or referendum petition shall be attached to every sheet of petitioners' signatures prior to the signing thereof by any petitioner.

2.184 AFFIDAVITS TO PETITIONS

1. Each and every sheet of every initiative or referendum petition containing signatures shall be verified on its face by the person who circulated such sheet of said petition by affidavit using the form required by state law.

2.186 SIGNATURE REQUIREMENTS

1. A referendum petition against any ordinance, resolution, or other measure passed by the Council

shall be signed by at least 10 percent of the qualified electors registered in the City.

2. An initiative petition to propose any ordinance, charter, or charter amendment shall be signed by at least 15 percent of the qualified electors registered in the City.
3. The number of qualified electors registered in the City shall be computed on the basis of the total number of votes cast for the office of Mayor at the mayoralty election most recently preceding the invoking of such initiative or referendum petition.
4. Any person who is a qualified elector registered in the City may sign a petition for the initiative or referendum, and it is unlawful for any person who is not a qualified elector to sign any such petition.
5. It is unlawful for any person to sign any name other than his own to any such petition or knowingly to sign his name more than once to the same petition for any measure to be submitted at the same election.
6. It is unlawful for any person to procure signatures to any petition by fraud or misrepresentation or falsely to make any affidavit, certification, or written statement required by Sections 2.181 to 2.197.
7. Not more than 20 signatures shall be signed to one sheet of a petition.

2.187 FILING OF INITIATIVE PETITIONS

1. Initiative petitions shall be filed with the Administrator at least 90 days before the next succeeding general election at which such proposed measure is to be submitted to a vote.

ORDINANCE NO. 658

Amending Provisions of Chapter II of the Stayton City Code

Page 5 of 43

2. The proposed date of such ~~special~~ election as noted in Subsection (1) above shall be on the next available election date in ORS 221.230 Held not sooner than the ninetieth day after the measure was filed with the City Council.

2.188 FILING OF REFERENDUM PETITIONS

1. Referendum petitions shall be filed with the Administrator within 30 days of approval of the measure in question by the Mayor, or, if the measure was passed over the Mayor's veto, within 30 days after enactment of such measure.
2. Nothing shall be done to carry out the provisions of any ordinance passed over the Mayor's veto until the time for filing of such a petition will have the effect of suspending the operation of such measure until the matter is submitted for a vote at the next general ~~biennial~~ election, and the verdict determined and proclaimed as provided in Section 2.195.

2.189 EXEMPTIONS FROM REFERENDUM POWERS

Measures necessary for the immediate preservation of the peace, health, safety, or general welfare of the City and its inhabitants are not subject to the referendum. In any such emergency measure, there shall be a separate section setting forth the reasons why such measure should become operative immediately, and any such emergency measure shall be approved by the affirmative vote of three-fourths of the members of the Council and shall also be approved by the Mayor.

2.190 CERTIFICATION OF PETITIONS

1. Upon the filing of any initiative or referendum petition, the City Administrator shall, within five (5) days of such filing, compare the signatures of the electors signing the petition with the signatures on file in the voting records of the County Clerk, and shall attach to said

petition his certificate, substantially as follows:

STATE OF OREGON )  
County of Marion )  
City of Stayton )

I, \_\_\_\_\_, City Administrator for the City of Stayton, hereby certify that I have compared the signatures on (number of sheets) sheets of the referendum (initiative) petition attached hereto with the signatures of said electors as they appear on the registration cards, books, and blanks on file in the office of the County Clerk, and based upon such record, I hereby certify that the signatures of (names of signers) are genuine. I further certify that the signatures of (names of signers) numbering (number of signatures not genuine) are not genuine.

\_\_\_\_\_  
City Administrator

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_,  
19\_.

2. Every such certificate is prima facie evidence of the facts stated therein and of the qualifications of the electors whose signatures are certified genuine. The City Administrator shall consider and count only those signatures which he is able to certify as genuine.
3. The certification of signature on petitions may be performed by the county clerk in lieu of the City Administrator, provided the certification complies with Subsection 1 and 2 above and is performed at the request of the City Administrator.

2.191 BALLOT TITLES AND NUMBERS

1. When any petition for initiative or referendum is filed with the City Administrator and the City Administrator has certified the sufficiency of the petition and signatures as provided in Section 2.190, he shall submit to the City Attorney a copy of such measure.
2. Within five (5) days the City Attorney shall provide and return to the City Administrator a ballot title for such measure and a copy to chief petitioner. In making the ballot title, the City Attorney shall to the best of his ability give a true and impartial statement of the purpose of the measure and use such language that the ballot title shall not be argument for or be liable to create prejudice against such measure.
3. Any qualified voter dissatisfied with the ballot title prepared by the City Attorney may appeal within five (5) days after the ballot title is returned to the City Administrator. Such appeal shall be in writing to the Council, asking a different title and stating why the title prepared by the City Attorney is improper.
4. At its next regular or special meeting, the Council shall afford any person protesting the ballot title a hearing, and shall by resolution either approve the title prepared by the City Attorney or shall prescribe another ballot title.
5. Should the next regular or special meeting of the Council occur more than three (3) days after the filing of any appeal, the Mayor shall call a special Council meeting to consider the matter, to be held within five (5) days of the filing of the appeal.
6. The title as approved or prescribed by the Council shall be the title placed on the ballot. Such title shall in no case exceed 100 words and, as

ORDINANCE NO. 658

Amending Provisions of Chapter II of the Stayton City Code

Page 8 of 43



far as possible, shall not resemble any other ballot title filed for any measure.

2.192 ELECTION NOTICES

1. If any of the measures provided for in Sections 2.181 to 2.197 will be voted on at a general primary election, the notice of such election shall, in addition to other required information, give notice of the submission of any pending, proposed, or referred measures, listing the numbers and titles thereof.
2. Whenever any initiative or referendum measure is submitted to the voters at any general election, the notice of such election shall, in addition to other required information, give notice of the submission of any pending, proposed, or referred measures, listing the numbers and titles thereof.
3. Whenever any initiative or referendum measure is submitted to the voters at any general election, the City Administrator shall publish such measure in full, together with the ballot title and number, in a newspaper of general circulation within the City for two consecutive publications. Such publications shall not be made less than ten (10) days nor more than 30 days prior to such election.

2.194 CANVASS OF VOTES

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the County Clerk shall apply. In each special City election, the returns therefrom shall be filed with the Recorder on or before noon of the day following, and upon receipt of election results the Council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the Council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office,

the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the Recorder shall make and sign a certificate of election of each person elected and deliver the certificate so made to him within one (1) day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained therein.

2.196        APPLICATION OF STATE LAW

State laws providing for carrying into effect the initiative and referendum in respect to municipal legislation shall be followed in the City in every particular, except as provided differently in Sections 2.181 to 2.197.

2.197        RESERVING COUNCIL POWERS

Nothing in Section 2.181 to 2.197 prohibits the Council from adopting an ordinance and submitting it to the qualified electors registered in the city, by ordinance or resolution, at any or general election, nor from so submitting any charter or charter amendment. If such submitting ordinance or resolution does not fully prescribe the time, place, and manner of conducting any such election, the provisions of Sections 2.181 to 2.197, insofar as not in conflict with such submitting ordinance or resolution, shall govern.

PERSONAL PROPERTY DISPOSITION

2.230        CUSTODY OF PROPERTY

Whenever any personal property other than motor vehicles or animals is taken into custody of any department by reason of seizure, abandonment, or for any other reason, the personal property shall be held by the Police Department at the expense of the owner or person lawfully entitled to possession thereof.

2.231      SURRENDER TO TRUE OWNER

Within 180 days after such property is taken into possession, except when confiscated or currently held as evidence, the owner or person lawfully entitled to possession may reclaim the same upon application to the Police Department, submission of satisfactory proof of ownership or right to possession, and payment of charges and expenses, if any, incurred in the storage, preservation, and custody of the property.

2.232      SALE PROCEDURE

1. As often as is deemed necessary, the Police Chief shall sell at public auction any unclaimed property which has been held for not less than 180 days and any property which has been confiscated and not ordered destroyed, except such property held as evidence in any legal or court proceeding. Notice of the time and place of sale shall be given once by publication of a classified advertisement in a newspaper of general circulation in the City, not less than five (5) nor more than ten (10) days before the date of sale, and by posting such notice in three (3) public places within the City, not less than five (5) days before the sale. The notice shall contain a general description of the property to be sold.
2. All sales of such property shall be for cash to the highest bidder. The proceeds shall be paid to the City Administrator, to be credited to the General Fund.
3. If no bids are entered for the property, or if the highest bid entered is less than the costs incurred by the City, the Police Chief may enter a bid on behalf of the City in an amount equal to such costs. If bid on by the City, the property shall become the property of the City as compensation for the costs incurred, or if of no use or value to the City shall be disposed of in such manner as the City Administrator directs.

ORDINANCE NO. 658

Amending Provisions of Chapter II of the Stayton City Code

Page 11 of 43

4. Sales under this section shall be without the right of redemption from the purchaser.

2.233 CERTIFICATE OF SALE

1. At the time of the payment of the purchase price, the Police Chief shall execute a certificate of sale in duplicate, the original of which is to be delivered to the purchaser and a copy of which is to be kept on file in the City Administrator's office. The certificate shall contain the date of sale, the consideration paid, a brief description of the property, and a stipulation that the City does not warrant the condition or title of such property other than the return of the purchase price in case the title is for any reason invalid.
2. The certificate of sale shall be substantially in the following form:

CERTIFICATE OF SALE

This is to certify that under the applicable provisions of the Stayton Code and pursuant to due notice of time and place of sale, I did, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, sell at public auction to \_\_\_\_\_ for the sum of \$\_\_\_\_\_ cash, he being the highest and best bidder and that being the highest and best sum bid, the following described personal property: \_\_\_\_\_  
(brief description of property)  
And, in consideration of payment of said sum, receipt of which is

hereby acknowledged, I have this day delivered to said purchaser the property herein described.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
Police Chief

\_\_\_\_\_  
Purchaser

NOTE: The City of Stayton assumes no responsibility as to condition of the title of the above described property. In case this sale shall for any reason be invalid, the liability of the City is limited to return of the purchase price.

2.234      PAYMENT TO TRUE OWNER

At any time within one year after such sale, the owner of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to him out of the General Fund, upon making application therefore to the City Council and presenting satisfactory proof of ownership. The balance shall be computed as any remainder from the purchase price after the cost of the sale and the expense incurred in the preservation, storage, and custody of the property have been deducted.

2.235      DANGEROUS OR PERISHABLE PROPERTY

Any property coming into possession of the Police Chief which he determines to be dangerous or perishable may be disposed of immediately, without notice, in such manner as he determines to be in the public interest.

2.236        SALE OF CITY-OWNED SURPLUS PROPERTY

City-owned personal property, which is declared to be unnecessary and surplus to the operation of the City by the City Council, may be disposed of by the sale procedure set forth in Section 2.232 to 2.233 of this Code.

PERSONNEL REGULATIONS

2.260        CITY OFFICERS

For the purpose of Sections 2.260 to 2.284, Council members, the Mayor, the Municipal Judge, and the City Administrator are deemed to be the officers of this city.

2.262        CITY EMPLOYEES

For the limited purpose of Sections 2.260 to 2.284, the Police Chief and the holder of any other position not set out in Section 2.260 are each deemed to be an employee of the City, and not an officer thereof.

2.263        OTHER OFFICERS

Pursuant to the City Charter, additional officers of the City may be appointed as the Council deems necessary. Each of these other officers shall be appointed and may be removed by the Mayor with the consent of the majority of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officers, except the Municipal Judge in the exercise of his judicial functions.

2.264        FIDELITY BONDS FOR CITY EMPLOYEES AND OFFICERS

1. All City employees and officers shall be covered by an insurance policy which provides at least \$100,000 fidelity bond for each employee or officer engaged in the good faith performance of his job.

2. The bonds furnished in accordance with Subsection (1) above shall be furnished at the City's sole expense.

2.265 QUALIFICATIONS OF CITY EMPLOYEES

Employees of the City are not required to meet the qualifications of officers of the City and shall meet only those qualifications as the Council may establish.

2.268 PERSONNEL POLICIES: ADOPTION OF MANUAL

A Personnel Manual, outlining personnel rules, policies, and procedures for the City shall be hereby adopted by separate resolution. The Council may, from time to time, review the Manual and develop new or modified policies and programs. A copy of the Personnel Manual shall be kept in the office of the City Administrator.

2.270 ADMINISTRATION

Subject to Council review, the personnel policies and programs established by this Code shall be administered by the City Administrator and he will be responsible for carrying out the provisions of Sections 2.260 to 2.284.

2.282 POLITICAL OR RELIGIOUS DISCRIMINATION

No City employee or person seeking such employment shall be employed, promoted, demoted, dismissed, denied employment, or in any way favored or discriminated against because of political opinions or affiliations or because of race, sex, or religious belief.

2.284 TECHNICAL PERSONNEL SERVICES

The Council may contract or direct the City Administrator to contract with qualified personnel for professional services.

BOARDS AND COMMISSIONS

2.350 CONTRACT REVIEW BOARD: DESIGNATION OF BOARD

The Council is hereby designated as the Local Contract Review Board and relative to contract concerns of this City, shall have all the powers granted to the State Public Contract Review Board.

2.351 CONTRACT REVIEW BOARD: DEFINITIONS

For the purpose of Sections 2.350 and 2.395, the following words and phrases mean:

1. Board: The Local Contract Review Board as established in Section 2.350.
2. Informal Bid: An informal bid is the procedure whereby the City Administrator ascertains by correspondence, telephone calls, or by direct contact, the various prices for the items involved quoted by a number of reliable firms that have the items for sale. The City Administrator shall be the keeper of all records and evidence of such informal bids; and after payment of same, the purchase may be made by the City Administrator or his designated agent.
3. Public Contract: Any purchase, lease or sale by the City of personal property, public improvements or services other than agreements which are for personal service.
4. Public Improvement: Any construction of improvements on real property by or for the City.

2.355 CONTRACT REVIEW BOARD: COMPETITIVE BID EXEMPTIONS

1. All public contracts shall be based on competitive bids except:
  - a. Contracts with Public Agencies: Contracts made with or the cost of which is provided by



other public agencies or the federal government;

- b. Single Seller Contracts: Contracts for any item which is available only through one company, firm, or individual;
- c. Contracts Under \$10,000: Contracts for purchase or sale where the amount does not exceed \$10,000.
  - i. Where contracts are for more than \$5,000, at least three (3) competitive quotes shall be obtained where practicable. A written record shall be made containing the source and amount of the quotes received.
  - ii. Where contracts are for more than \$500 but less than \$5,000, competitive quotes may be obtained where practicable.
- d. Personal Service Contracts: The following are personal service contracts:
  - i. Contracts for service performed as an independent contractor in the professional capacity, including but not limited to the services of an accountant, attorney; architectural or land use planning consultant; physician or dentist; registered professional engineer; appraiser or surveyor; passenger aircraft pilot, aerial photographer; timber cruiser; or broadcaster.
  - ii. Contracts for services as an artist in performing or fine arts, including but not limited to photographer, film-maker, painter, weaver, or sculptor.
  - iii. Contracts for services of a specialized, creative, and research oriented, non-commercial nature.

- iv. Contracts for services as a consultant.
- v. Contracts for educational and human custodial care services.
- e. **Contracts for Price Regulated Items:** Contracts for the purchase of goods or services where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority.
- f. **Allocated Petroleum Products:** Contracts for the purchase of petroleum products if such purchase is required to be made from a particular supplier as a result of a federal allocation or if purchase from other than an established supplier could jeopardize an allocation or future supply of such petroleum products.
- g. **Copyrighted Materials:** Contracts for the purchase of copyrighted materials where there is only one supplier available.
- h. **Advertising Contracts:** Contracts for the purchase of advertising, including that intended for the purpose of giving public notice.
- i. **Investment Contracts:** Contracts for the purpose of investment of public funds or the borrowing of funds.
- j. **Requirements Contracts:** Purchases of goods or services from a supplier when the price of the goods and services has been established under a previously competitive bid requirements contract whereby it is agreed to purchase requirements or an anticipated need at a predetermined price.

- k. Data Processing Contracts: Contracts for purchase or acquisition of data processing (hardware or software) may be let without competitive bid subject to the following conditions:
  - i. Prior to selection of the contractor, reasonable efforts have been made to solicit proposals from all known vendors.
  - ii. The contractor is selected on the basis of the most competitive offer in both the cost and quality of the product to be purchased or acquired.
  - iii. Whenever a contract for data processing let pursuant to this exemption exceeds \$5,000, a written report shall be submitted to the Board. The report shall include:
    - a) the name of the company and, if applicable, the name of the retail vendor;
    - b) the reasons why competitive bidding was not appropriate; and
    - c) a description of the reasons why the contractor was selected and other proposals rejected.
- l. Insurance Contracts:
  - i. Contracts for purchase of insurance where the public agency either 1) appoints an agent of record to perform insurance services on its behalf, or 2) solicits proposals from insurance agents for the purpose of acquiring specific insurance contracts.

- ii. Contracts for employee benefit insurance.
- m. Contract Amendments: Any contract amendment, including change orders, extra work, field orders, or other change in the original specifications which changes the original contract price or alters the work to be performed, may be made with the contractor subject to the following conditions:
  - i. The original contract imposes a binding obligation on the parties covering the terms and conditions regarding change in the work;
  - ii. The amended contract does not substantially alter the scope or nature of the project; or
  - iii. If the amendment has the effect of substantially altering the scope or nature of the project, the amount of aggregate cost change resulting from all amendments creating such new obligations shall not exceed 10 percent of the initial cost.
- n. Equipment Maintenance: Contracts for the purchase of services, equipment or supplies for maintenance, repair, or conversion of existing equipment are exempt if required for the efficient utilization of the equipment. Where practicable, competitive quotes shall be obtained.
- o. Asphaltic Concrete and Rock: Contracts for the purchase of asphaltic concrete and rock where the material is to be used for maintenance. Where practicable, competitive quotes shall be obtained.
- p. Bids Obtained by the State for Same Materials: Contracts for the purchase of

materials where competitive bids for the same materials have been obtained by the State of Oregon, and the contract is awarded to the same party that the State dealt with, and the price of the materials is the same or lower than that paid by the State.

- q. Sale of Personal Property: Personal property may be disposed of without competitive bidding under any of the following conditions:
  - i. There are specific statutory or ordinance procedures for the sale of the type of property involved, and the property is disposed of according to those procedures;
  - ii. The property has a value of less than \$500 (unless otherwise provided by statute or ordinance); or
  - iii. The public contracting officer finds that competitive bids would be inappropriate for the type of property involved. A report of all sales made under this subsection shall be made to the Board and shall include the reasons that competitive bids were deemed inappropriate.
- 2. The Contract Review Board may, by resolution, exempt other contracts from competitive bidding if it finds:
  - a. Lack of bids will not result in favoritism or substantially diminish competition in awarding the contract; and
  - b. The exemption will result in substantial cost savings. In making such findings the Board may consider the type, cost, amount of the contract, number of persons available to bid,

and such other factors as the Board may deem appropriate.

2.357 CONTRACT REVIEW BOARD: EMERGENCY CONTRACTS

A contract may also be exempted from competitive bidding if the Board by unanimous vote determines that emergency conditions require prompt execution of the contract. A determination of such an emergency shall be entered into the record of the meeting at which the determination is made.

2.360 CONTRACT REVIEW BOARD: BRAND NAME SPECIFICATION

1. Specifications for contracts shall not require any product by any brand name or mark, nor the product of any particular manufacturer or seller, unless the product of any particular manufacturer or seller is exempted from the requirement by the Board under this section. However, this section shall not be construed to prevent reference in the specification to a particular product as a description of the type of item required.
2. The Board may by resolution exempt certain products or classes of products upon any of the following findings:
  - a. It is unlikely that such exemption will encourage favoritism in the awarding of the contract or substantially diminish competition.
  - b. The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings.
  - c. There is only one manufacturer or seller of quality required.

2.362 CONTRACT REVIEW BOARD: EXEMPTION HEARING

Whenever the Board is considering exemption of the requirement for competitive bids or brand names specifications, it shall provide a notice to the public and an opportunity for a public hearing on whether the exemption should be allowed.

2.365 CONTRACT REVIEW BOARD: BID REJECTION

The Council or an official designated by the Council may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.

2.367 CONTRACT REVIEW BOARD: BIDDER DISQUALIFICATION

The Council or an official designated by the Council may disqualify any person as a bidder on a contract if:

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

2.370 CONTRACT REVIEW BOARD: APPEAL OF DISQUALIFICATION

A person who has been disqualified as a bidder may appeal such disqualification to the Board as provided in this section.

1. The persons shall, within three (3) business days after receipt of notice of disqualification, notify the City Administrator in writing that he wishes to appeal his disqualification.
2. Immediately upon receipt of such notice, the City Administrator shall inform the Board.
3. Upon receipt of the notice of appeal, the Board shall notify the person appealing of the time and place of the hearing.
4. The Board shall conduct the hearing according to the provisions of ORS 279.045(3), decide the appeal within ten (10) days after receiving the notification, and set forth in writing the reasons for its decision.

2.375 CONTRACT REVIEW BOARD: ADDITIONAL AUTHORITY

In addition to the powers and duties established by Sections 2.350 and 2.395, the Board shall have such additional powers as authorized by State law.

2.420 LIBRARY: ESTABLISHED

There is hereby established under the provisions of Oregon law a public library for the City, which shall be known as "Stayton Public Library."

2.421 LIBRARY: GENERAL PURPOSE

The purpose of the public library is to provide and make accessible library and information services to persons of all ages who are residents of the Stayton area.

2.425 LIBRARY: AUTHORITY OF COUNCIL

The Council shall have the authority to:

1. Establish, equip, and maintain a public library and to contract with an established public library or with a private society or corporation owning



and controlling a secular or nonsectarian library, to provide free use of the library for City residents, and to establish rates for non-resident use under such terms and conditions as may be agreed upon.

2. Contract with one or more units of local government as provided by Oregon law to jointly establish a public library service or share in the use of facilities, under such terms and conditions as may be agreed upon.
3. Enter into an interstate library agreement pursuant to the Interstate Library Compact as adopted by Oregon law.
4. Contract with the trustees of the State Library for assistance in establishing, improving, or extending public library services, under such terms and conditions as may be agreed upon.

2.430      LIBRARY BOARD: ESTABLISHED

There is hereby established a Board of Directors known as the Stayton Public Library Board, which shall oversee the general operation of the public library.

2.431      LIBRARY BOARD: COMPOSITION, TERMS OF OFFICE

1. The Library Board shall consist of five (5) members who shall serve from July 1st in the year of their appointment by the Mayor.
2. One member of the Board shall initially hold office for one (1) year, one member for two (2) years, one member for three (3) years, and two members for four (4) years. At the expiration of any members' term, the Mayor shall appoint a new member or may reappoint a member for a four-year term. If a vacancy occurs, the Mayor shall appoint a new member for the unexpired term.
3. No person shall hold appointment as a member for more than two (2) full consecutive terms, but any

person may be appointed again to the Board after an interval of one (1) year.

4. Vacancies and Removal: Appointment to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the Mayor and Council for misconduct or misperformance of duty. A member who is absent for three (3) consecutive meetings without an excused absence approved by the Library Board shall be presumed to be in nonperformance of duty and the Mayor and City Council shall declare the position vacant. Recommendations for misconduct or nonperformance of duty shall be made in writing from the Library Board to the Mayor and Council.
5. One member of the Library Board may be appointed at large from the area served by the Stayton Public Library.

2.432 LIBRARY BOARD: OFFICERS

At its first annual meeting, the Library Board shall elect a president, a vice president, and a secretary from among its members who shall serve for a term of one (1) year. The Board may also elect members to fill any additional positions as deemed necessary to assist in the operations of the Board.

2.433 LIBRARY BOARD: DUTIES AND POWERS

The duties and powers of the Library Board shall be as follows:

1. Formulate rules and policies for the operation of the Library.
2. Make recommendations to the Council for the appointment, pay, and discharge of all employees necessary for the operation of the library.
3. Accept any real or personal property or funds donated to the library and recommend to the

Council the method of control or disposal of such property, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the City of Stayton for library purposes only.

4. Review the purchase of books, office equipment, building maintenance, and general operation expenses as provided in the budget adopted by the Council.
5. Enter into such other activities as the Council may assign.

2.434 LIBRARY BOARD: ANNUAL REPORTS

The Library Board shall make an annual report to the State Library and to the Council on a form supplied by the State Library.

2.435 LIBRARY: METHODS OF FINANCING

1. The library operation shall be funded through the budget of the City, receipts from library operations, special tax levies, and donations of real or personal property.
2. The Council may levy annually and cause to be collected as other general taxes are collected, a tax upon the taxable property in the City to provide a Library Fund to be used exclusively to maintain the library.
3. The Council may levy and cause to be collected a special tax upon the taxable property in the City or contract bonded indebtedness under the provisions of Oregon law to provide a Public Library Building Fund to be used exclusively to purchase real property for public library purposes and for the erection and equipping of public library buildings, including branch library buildings.

2.440        LIBRARY: ABOLISHING OR WITHDRAWING

Once the Council has established a public library under the laws of Oregon, it shall not abolish or withdraw support from such library without first holding at least two (2) public hearings on the matter at least ninety (90) days apart. The Council shall give notice as provided by law.

2.450        PLANNING COMMISSION: ESTABLISHED

There is hereby created a City Planning Commission, referred to as "the Commission" in Sections 2.450 to 2.465.

2.455        PLANNING COMMISSION: COMPOSITION, TERMS, AND OFFICERS

1.    The Commission shall consist of nine (9) members appointed by the Mayor. Not more than two (2) members may be City officers who, if appointed by the Mayor, shall serve as ex officio, non-voting members. Not more than two (2) members may reside outside the city limits and not within another city limits.
2.    Commissioners shall hold office for three (3) years on staggered terms. Any vacancy shall be filled by the Mayor for the unexpired portion of the term.
3.    If any Commission member is absent from three (3) or more consecutive regular meetings without excuse from the Commission, the Commission Chair shall declare the position vacant and notify the Mayor to appoint someone to fill the unexpired portion of the term.
4.    At the annual meeting in January, the Commission shall elect its own chair and vice-chair, who shall be voting members of the Commission, and who shall hold office at the pleasure of the Commission.

5. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

2.457 PLANNING COMMISSION: RULES AND REGULATIONS

1. Five members of the Commission, including the Chair, shall constitute a quorum, but a lesser number may adjourn the meeting to a later date.
2. The Commission may make and alter rules and regulations for its government procedure consistent with the laws of this State, with the City Charter, and with City ordinances and this Code.
3. The Commission shall meet at least once a month.
4. Special meetings may be called at any time by the Chair of the Commission or by any three (3) members by giving notice to each member of the Commission and to the media at least twenty-four (24) hours before the time specified for the proposed meeting.
5. An informed public, aware of the deliberations and decisions of the City of Stayton, is beneficial to the community; therefore, the Planning Commission shall comply with the Oregon Open Meetings Law ORS 192.610 to 192.710. All parliamentary questions which arise, not otherwise provided by rules adopted by the City, shall be governed by Roberts' Rules of Order.
6. The Council shall assign to the Commission a location in which to hold its meetings, transact its business, and keep its records. A secretary shall be appointed by the City Administrator and shall keep an accurate record of all Commission proceedings.
7. All recommendations made to the Council by the Commission shall be in writing.

2.460 PLANNING COMMISSION: DUTIES AND POWERS

1. The Commission has power and authority as follows:
  - a. To employ consulting advice on municipal problems, a secretary and such clerks as may be necessary, and to pay for their services and for such other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members, out of such funds as are placed at the disposal of the Commission by the Council.
  - b. To make recommendations and suggestions to the Council, other public officials, and individuals concerning any matter relating to community planning development.
2. The Commission shall also have all the powers which are now or which hereafter may be granted to it by ordinance of this City or by general laws of the State, including but not limited to ORS Chapter 92 and ORS Chapter 227.
3. The Council and administrative officers shall procure the recommendations of the Commission where so required by State laws or City ordinances.

2.461 TRAINING AND EDUCATION

1. It shall be the responsibility of the City Council to make sure that all of the Commission members receive education on the planning laws of the State of Oregon, County of Marion, County of Linn, and City of Stayton within 30 days of January appointment.
2. Planning commission members shall be provided planning and zoning ordinances of the City such as, but not limited to, ORS Chapters 92 and 227.

2.465 PLANNING COMMISSION: EXPENDITURES

The Commission shall have no authority to make expenditures on behalf of the City or to obligate the City for the payment of any sums of money, except as provided specifically in Sections 2.450 to 2.464, and then only after the Council first authorizes such expenditures by appropriate ordinance or resolution, which ordinance or resolution shall provide the administrative method by which such funds shall be drawn and expended.

2.550        PUBLIC SAFETY COMMISSION: COMPOSITION AND TERMS

1.    A Public Safety Commission may be appointed which consists of three (3) members: one to be a Councilman selected by the Council, the second to be a Councilman appointed by the Mayor subject to the Council's approval, and the third to be a citizen of at least six-months' residence in the City and not a Councilman or other City official, to be appointed by the Mayor subject to the approval of the Council.
2.    Each shall serve for the period of his elective office or a term of two (2) years, whichever is shorter, and until his successor is duly elected or appointed and qualified.

2.555        PUBLIC SAFETY COMMISSION: CHAIRMAN

The chairman of the Public Safety Commission shall be a duly elected, qualified, and acting member of the Council.

2.560        PUBLIC SAFETY COMMISSION: POWERS

Subject to the approval of the Mayor and the Council, the Commission shall have power to recommend necessary regulations and ordinances in relation to the general welfare of the City concerning police and-fire problems and the proper functions of the departments.

OFFICERS AND DEPARTMENTS

2.620        ADMINISTRATOR: POSITION CREATED

There is hereby created the office of City Administrator for the City of Stayton, with the appointee of such office having general supervision, direction, and control over all non-elective officers and employees in the exercise of their duties and of work of all City departments, other than the office of the Municipal Judge and City Attorney, which is specifically exempt from the control of the Administrator.

2.623        ADMINISTRATOR: APPOINTMENT

The Administrator shall be appointed by the Mayor subject to the approval of the Council. The Administrator shall be chosen without regard to political considerations and solely with reference to executive and administrative qualifications.

2.625        ADMINISTRATOR: STATUS OF POSITION

1.    The Council desires to provide the City Administrator with sufficient powers to enable him to handle the administrative affairs of the City in the most efficient and expeditious manner possible in accordance with the existing charter and pursuant to any limitation in existing charter and pursuant to any limitation in existing and subsequent ordinances of the City.
2.    The authority as generally set out in subsection (1) above, is subject to complete control of the Mayor and Council, who shall continue to exercise and have primary responsibility for the affairs of City government as set out in the City charter.



2.630      ADMINISTRATOR: DUTIES AND POWERS

The duties and powers of the City Administrator are as follows:

1. To prepare the annual budget including proposals for each department for consideration by the Council and Budget Committee.
2. To act as Purchasing Agent to such limitations as may be from time to time adopted by the Council, but in no event shall the Administrator bind the City for any non-budgeted purchase without prior Council approval.
3. To act as administrative head and business agent of all departments of the City government, subject to the control and direction of the Mayor and Council.
4. To prepare and furnish all reports requested by the Mayor and Council.
5. To see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed.
6. To collect all sums of money due the City, whether by way of fees, liens, assessments, taxes, special assessments, or any other source whatsoever.
7. To supervise the operations of all public works utilities owned and operated by the City and to have general supervision over all City property.
8. To meet with private citizens and interested groups seeking information or bringing complaints and attempt to resolve problems and complaints fairly and to report same to the Mayor and Council.

9. To devote his entire time to the discharge of official duties, attend all meetings of the Council, unless excused therefore by the Council or Mayor, and shall have the right to take part in all discussions coming before the Council, but shall have no vote therein.
10. To have all the duties and powers of the office of City Recorder as provided in the City Charter and State law.

2.633 ADMINISTRATOR: EMPLOYEES

1. The Administrator has, in exercising general charge, supervision and control over all non-elective City employees and their work with the exception of the Municipal Judge and the City Attorney.
2. The Council may, by motion, resolution, or ordinance, provide rules under which the Administrator shall exercise such general supervision.

2.635 ADMINISTRATOR: EXPENDITURE OF PUBLIC FUNDS

No individual Council member may, in any manner, directly or indirectly, require the City Administrator to undertake projects requiring the expenditure of City funds or materials. The Administrator shall undertake such projects only upon majority vote of the Council.

2.637 ADMINISTRATOR: COMPENSATION

The salary of the City Administrator shall be such sum as shall be from time to time determined by majority Council action.

2.640 ADMINISTRATOR: REMOVAL FROM OFFICE

1. The Administrator may be removed from office by the Mayor with the consent of the majority of the Council upon thirty (30) days' written notice setting forth the reasons for removal.

2. The Administrator shall also give the Council thirty (30) days' written notice of resignation from office.

2.660 CITY ATTORNEY: APPOINTMENT AND DUTIES

1. There shall be appointed by the Mayor and approved by the Council one or more attorneys who shall attend all actions, suits, and legal proceedings in which the City may be interested, to advise the Council or its members when required on any legal questions that may arise which involve the interests of the City, and to draft ordinances when directed by the Council.
2. The City Attorney shall also perform such other legal services as may be required by the City Charter or may be requested by the Council from time to time.
3. The City Attorney shall receive for his services an amount agreed upon between himself and the Council.

2.775 MUNICIPAL COURT: JUDGE, BUSINESS HOURS, ASSISTANCE

1. The Municipal Judge shall be the chief judicial officers of the City. A City employee, designated as Court Clerk, shall be available for the transaction of court business during the usual business hours of each day and at least one day each week the Municipal Judge shall conduct a court session. Trial of any cause may be filed and warrant may be issued and served from the court on any day.
2. The Police Chief shall assist the Municipal Judge in the service of subpoenas, notice of jury duty, and such other orders of the court as are necessary for the proper conduct thereof.
3. In the absence of the regular Municipal Judge, the City Administrator, or a person designated by the Administrator or the regular Municipal Judge,

shall be Judge Pro Tem, with all powers of the Municipal Judge.

2.776 MUNICIPAL COURT: JURISDICTION

The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes, offenses, and violations defined and made punishable by this Code or any other ordinance of the City, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by this Code or other ordinances of the City, and all State offenses which may be brought in Municipal Court; and, in addition to the powers granted generally by the Charter, the Constitution of the State, and State statutes, shall be vested with all powers of a justice of the peace in matters civil and criminal.

2.777 MUNICIPAL COURT: APPLICABILITY OF STATE LAWS

Except as otherwise provided by ordinance or charter, proceedings in the Municipal Court for the violation of this Code or any other City ordinance shall be governed by the applicable general laws of the State governing the applicable general laws of the State governing justices of the peace and justice courts.

2.780 MUNICIPAL COURT: RIGHT TO TRIAL BY JURY

In all prosecutions for any crime or offense defined and made punishable by any jail term or by the Charter or by any City ordinance or by this Code, and tried before the municipal judge, the defendant is entitled to be tried by a jury, if he requests a jury in accordance with applicable court rules.

2.781 MUNICIPAL COURT: TRIAL JURY PANEL NUMBER, VERDICT

1. A trial jury in the Stayton Municipal Court shall consist of six (6) persons, sworn to try and to determine the questions of fact, selected and drawn as provided in Sections 2.783 to 7.785.

2. All six of the jurors sworn to try the cause must concur to render a verdict.

2.782 MUNICIPAL COURT: JUROR ELIGIBILITY

1. Any person acting as a municipal court juror must have the qualifications set out in Chapter 10, Oregon Revised Statutes, and in addition must be an inhabitant and a registered voter within the City at the time he is summoned.
2. No mayor, Council member, City officer, or City employee shall be allowed to serve as a juror during his term of office or employment.

2.783 MUNICIPAL COURT: JURY LIST

1. The City Administrator shall, at least once a year, make a list containing the names of not less than 50 nor more than 250 persons by selecting names by lot from the voter registration list used at the last preceding general City election. Said list shall be known as a "preliminary jury list."
2. The Administrator shall then delete from the preliminary jury list the names of those persons known not to be qualified by law to serve as jurors, and the remaining names shall constitute the jury list.
3. The names of those persons deleted from the preliminary jury list shall be placed on a separate list known as rejected prospective jurors, and opposite each name the reason for removing the name shall be stated.
4. The jury list shall be placed on public record in the Administrator's office within ten (10) days from the time it is prepared.

2.784 MUNICIPAL COURT: JURY BOX

The Administrator shall keep a jury box containing the names of each person contained on the list described in

Section 2.783. The names shall be written on individual pieces of paper and folded as nearly alike as practicable so that the name cannot be seen.

2.785 MUNICIPAL COURT: TRIAL JURY SELECTION, COMPEN-  
SATION

1. For each jury trial date during a court term, the municipal judge shall draw from the jury box at least twelve (12) ballots, until the names of twelve (12) persons who are deemed able to attend at the time and place required are obtained.
2. The municipal judge shall have a list of the twelve (12) names thus drawn made up, and these persons shall be summoned by mail or personal service to appear at the time of trial.
3. If, because of failure of jurors to attend or because of challenges, fewer than six (6) jurors are present and qualified to serve, the municipal judge may, with consent of the parties, allow the trial to proceed with the jurors present and qualified, or the judge may have any qualified person brought before the Court to serve as juror.
4. The manner and procedures of swearing in the jury, of questioning them, and of challenges shall be as used by the Marion County District Court.
5. Jurors who appear at the trial and serve as jurors shall receive such compensation for their services as is provided by State statute.

2.786 MUNICIPAL COURT: FAILURE OF JUROR TO ATTEND

If a person duly summoned to attend the municipal court as a juror fails to attend as required or to give a valid excuse therefor, he may be fined by the Municipal Judge in a sum not to exceed \$25.00.

2.787      MUNICIPAL COURT: COURT RULE

The Municipal Judge has the power to adopt reasonable court rules relating to the operation of the court system, which shall be binding on the parties.

2.788      MUNICIPAL COURT: COURT COSTS

1. There shall be assessed an amount of \$5.00 as court costs in each case or matter brought before the municipal court.
2. The Municipal Judge has the power to assess any other reasonable court costs against any person found guilty in a criminal or civil penalty case or against the losing party in any civil case, not exceeding any actual sum expended by the City for juror, witness, or mileage fees.
3. Court costs shall be assessed against each defendant being cited into the municipal court for any violation of this Code or City ordinance or State offense which may be prosecuted in municipal court, whether the defendant answers, fails to appear, or is convicted after a trial, except for violations of Sections 6.515 to 6.550 and violations of the Code pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to enforce the defendant's appearance.
4. Court costs shall be distinct from any fine or other penalty imposed for any violation prosecuted in the municipal court. They shall be considered statutory in nature and may not be suspended or otherwise disposed of. Monies collected as court costs under this section shall be disposed of and handled in the manner in which other fines and penalties accruing from other matters in the municipal court are disposed of.
5. All defendants posting bail shall be required, prior to their release, to post the additional sum

of court costs as provided in this section. If the defendant is acquitted after a trial on the merits or if the case is dismissed for any cause, the court costs shall be reimbursed to the defendant.

2.789 MUNICIPAL COURT: SENTENCING

1. The Municipal Judge may, as a condition of sentence, place any convicted person upon probation to the court for a period not to exceed one (1) year. The Court further may, as a condition of any penalty of imprisonment imposed, direct that the defendant be required to work upon the streets or other City projects, in which case he shall receive credit for two (2) days' imprisonment for each day so employed. The Court further may, as a condition of probation, require the defendant to work upon public property provided that the defendant may not be required to work in excess of one (1) day for each two (2) days' imprisonment provided by the maximum penalty for the offense for which he was convicted.
2. The Municipal Judge may, upon conviction of an offense bearing a penalty of imprisonment, order the convicted party imprisoned in any jail within or without the City which the City may operate or in which, by contract, the City prisoners may be housed.
3. When a defendant is sentenced to pay a fine or costs, the Court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence, the fine shall be payable immediately.
4. When a defendant sentenced to pay a fine or costs is also placed on probation or imposition or execution of a sentence is suspended, the Court may make payment of the fine or costs a condition of probation or suspension of sentence.



2.790            MUNICIPAL COURT: NONPAYMENT OF FINES OR COSTS

1.    When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the Court, on motion of the City Attorney or upon its own motion, may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.
2.    Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine, or a specified part thereof, be paid.
3.    When a fine is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine from those assets; and his failure to do so may be held to be contempt unless he makes the showing required in Subsection 2 above.
4.    The term of imprisonment for contempt for nonpayment of the fines shall be set forth in the commitment order and shall not exceed one day for each \$25.00 of the fine.
5.    A person committed for nonpayment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.
6.    If it appears to the satisfaction of the court that the default in the payment of a fine is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each install-

ment, or revoking the fine or the unpaid portion thereof in whole or in part.

7. A default in the payment of a fine or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine has actually been collected.

2.991 MUNICIPAL COURT: TRANSFER TO COUNTY JUSTICE COURT


The Council may, upon agreement, transfer any or all functions of the Municipal Court and Municipal Judge to the County Justice Court and the County Justice Court Judge as set forth in Sections 2.775 to 2.290.

SECTION 2: STAYTON CITY CODE SECTIONS 2,145, 2.670, 2.720, 2.721, 2.722, 2.725, 2.727, 2.728, 2.729, 2.730, 2.735, 2.825, and 2.826 are hereby deleted in their entirety.

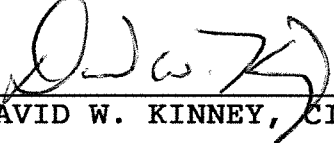
SECTION 3: IT IS HEREBY ADJUDGED AND DECLARED that existing conditions in the City of Stayton are such that this Ordinance is necessary for the immediate preservation of the peace, health, safety, and general welfare of the City and the inhabitants thereof, and an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED BY THE COMMON COUNCIL this 3rd day of JANUARY,  
1988.<sup>96</sup>

Signed by the Mayor this 9th day of JANUARY, 1988.<sup>96</sup>

  
\_\_\_\_\_  
WAYNE L. LIERMAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
DAVID W. KINNEY, CITY ADMINISTRATOR      1-4-89  
Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JANET S. McCOY, CITY ATTORNEY      1-9-89  
Date

jmc:lb(12-14-88)