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2.001. Hours During Which City Offices to be Open. Except on Saturdays, Sundays, and legal holidays, all City officers, except the Municipal Judge, shall keep their offices open to the public from 8:00 a.m. to 12:00 noon, and from 1:00 p.m. to 5:00 p.m.; provided, however, that the City Manager may, for the convenience of the public or when public need requires, designate other hours when the offices are open for business. The police and fire departments shall be open and available to the public at all times. (Ord No. 4716; Ord No. 3269; Ord No. 51-96; Ord No. 42-09)

2.005. Minimum Time Officers and Employees to Devote to Duties. All full-time City officers and employees shall devote at least eight hours each day or, if authorized by the employee's department head forty hours per week according to a "flex-time" schedule, to the performance of their duties, but the hours of service of members of the police and fire departments shall be as fixed by the City Manager or the chiefs of such departments. (Ord No. 4716; Ord No. 51-96; Ord No. 42-09)

2.010. Councilors Pro Tempore Generally. Whenever a councilor is absent from the city for more than thirty days, the council may appoint a councilor pro tempore to serve during such absence. Whenever a councilor desires a leave of absence from the city, the council may grant the same and, in the event the extent of the absence shall exceed thirty days and the councilor informs the council of that fact, the council immediately may appoint a councilor pro tempore to serve during such absence. (Ord No. 4451; Ord No. 51-96; Ord No. 42-09)

2.015. Temporary Appointive Officers and Member of Commission and Boards. Whenever any appointive officer of the city or a member of any commission or board shall be absent from the city for more than thirty days, the council, or the authority having the power to appoint the officer absent, may appoint an officer or commissioner pro tempore to serve during such absence. (Ord No. 4451; Ord No. 42-09)

2.020. Temporary Appointments in Cases of Disability. Whenever any officer of the city, including the mayor and members of the council, or any member of any board or commission of the city, because of illness or injury becomes incapacitated or unable to perform the duties of office, and such facts shall be made to appear by the affidavit of one or more physicians, duly licensed by the state board of medical examiners to practice in this state, and filed in the office of the city recorder, the council or officer having the power to fill a vacancy in the office may appoint some competent and qualified person who shall serve until the termination of such incapacity shall have been evidenced in the same manner such incapacity was originally evidenced, or until the expiration of the term of office, whichever shall occur first. No pro tempore councilor shall be appointed under this section until the regular councilor shall have been incapacitated thirty days. (Ord No. 4451; Ord No. 51-96; Ord No. 42-09)

2.025. Temporary Appointment; Qualifications, Terms, Etc. A person given a temporary or pro tempore appointment to any office, board, or commission shall have the qualifications required by law, charter, or ordinance of persons seeking or holding the position for which the temporary appointment is made, shall take an oath of office and give bond where that is required, shall receive such compensation as the council may provide, shall perform the duties of the officer or commission in whose stead he serves, and shall deliver to his principal the office and the property and records thereof whenever the absence or incapacity of the principal terminates. Any such temporary or pro tempore office or commissioner shall serve until the termination of the absence or disability of the officer or commissioner in whose stead he was named, or until the expiration of the term of office of such officer or commissioner, whichever shall first occur, or until the pro tempore officer or commissioner is removed. (Ord No. 4451; Ord No. 42-09)

2.030. Duties as Mayor Pro Tempore. Whenever the mayor is absent from a council meeting, the president shall preside and, whenever the mayor is unable, on account of absence from the city or disability, to perform the functions of this office, the president of the council shall act as mayor pro tempore; provided, however, that, in case of death, resignation, or otherwise the office of mayor becomes vacant, the president of the council shall not automatically become mayor, but shall act as such until a mayor is appointed or elected to fulfill the unexpired term.

Within the meaning of this section, the mayor shall not be deemed incapacitated on account of injury or illness or inability to perform the duties of office unless such fact shall be made to appear by the affidavit of one or more physicians, duly licensed by the state board of medical examiners to practice in this state, and filed in the office of the city recorder, and the termination of such incapacity on the part of the mayor may be evidenced in the same manner. (Ord No. 4476; Ord No. 51-96; Ord No. 42-09)

2.035. Office of Hearings Officer Created; Qualifications; Duties and Powers.

(a) There is hereby created the position of Hearings Officer. The City Council shall appoint one or more qualified persons to serve as Hearings Officer, who shall serve at the pleasure of the City Council. The Hearings Officer shall have the authority to hear any matter committed to the Hearings Officer by the Salem Revised Code, or referred to the Hearings Officer by the City Council.

(b) Hearings Officers shall be members in good standing of the Oregon State Bar.

(c) Hearings Officers shall have the power to conduct quasi-judicial hearings, to serve as the expedited land division referee, to administer oaths or affirmations, to serve as a special master and make findings of fact in matters referred by the City Council, to prepare a record of quasi-judicial proceedings, and to make findings of fact and conclusions of law in all quasi-judicial proceedings heard by the Hearings Officer. (Ord No. 42-75; Ord No. 51-96; Ord No. 42-09)

CITY MANAGER

2.200. Office of City Manager; Rulemaking; Delegation of Authority.

(a) The City Manager shall administer and provide for the enforcement of the provisions of the Salem Revised Code, and shall have the authority to adopt rules and procedures necessary for its proper administration.

(b) The City Manager is hereby delegated the authority to negotiate and consummate the following real estate transactions without further action by the City Council:

(1) The acquisition of easements and right-of-way for streets, trails, and utilities, if the acquisition has been authorized in the approved City budget.

(2) The acceptance of dedications or donations of property to the City, if acquisition of the property is part of an approved City budget, master plan, or other similar document,

and the acceptance does not create an ongoing financial obligation or other liability to the City.

(3) Quitclaim deeds releasing easements held by the City that are no longer needed for public purpose.

(4) The grant of temporary or permanent easements across City-owned real property if the easement will not unreasonably disrupt current or future public use of the property.

(5) Leases, where the form of lease has been subject to prior approval by the City Council, and there is no modification of the rent or any other material term or condition in the lease.

(c) The authority delegated under subsection (b) of this section may not be sub-delegated if the value of the interest in real estate to be acquired or transferred exceeds \$10,000, or if the acquisition is not part of an approved City budget, master plan, or other similar document.

(Ord No. 42-09)

2.205. Deputy City Manager; Creation. There is hereby created the position of Deputy City Manager, who shall be appointed by, responsible to and removable by the City Manager. The Deputy City Manager shall perform such duties as are assigned or delegated by the City Manager, imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 46-08; Ord No. 42-09)

2.210. Salem Public Library Division Created; Administration of Division. There is hereby created a Salem Public Library Division within the Office of the City Manager. The Salem Public Library Division shall be headed by the Library Services Manager, who shall be appointed by, responsible to and removable by the Deputy City Manager. The Library Services Manager shall perform such duties as may be assigned by the Deputy City Manager, imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 51-96; Ord No. 42-09)

2.215. Liquor License Application Review.

(a) The City Council hereby delegates to the City Manager the authority granted to the City Council pursuant to ORS 471.166 to investigate and review applications for the issuance of new liquor licenses and renewals of liquor licenses, and to make recommendations to the Oregon Liquor Control Commission.

(b) When making a recommendation to the Oregon Liquor Control Commission, the City Manager shall review the application for compliance with ORS Chapter 471 and the criteria established by Oregon Liquor Control Commission administrative rules. The City Manager may conduct such an investigation as the City Manager deems necessary to determine whether a favorable or unfavorable recommendation should be made to the Oregon Liquor Control Commission, and may request an extension of time from the Oregon Liquor Control Commission to consider the application.

(c) Notice of the City Manager's decision shall be provided to the applicant, each City Councilor, and the chair of the neighborhood association for the geographical area within which the licensed premises lies, no later than five business days before the recommendation is to be provided to the Oregon Liquor Control Commission. Notice may be by personal delivery, first class mail, facsimile transmission, or electronic mail. Notice to the applicant shall be sent to the applicant's address stated in the application. If the City Manager's decision is to provide an unfavorable recommendation, the notice shall state the grounds for the unfavorable recommendation, and advise the applicant that the City Manager's decision may be appealed to the City Council by filing a written notice of appeal with the City Recorder within five business days of the date of the City Manager's decision.

(d) If, before the date the decision is to be provided to the Oregon Liquor Control Commission, the City Manager receives a request for appeal from an unfavorable

recommendation by the applicant, or an objection to a favorable or unfavorable recommendation from a City Councilor or the chair of the neighborhood association for the geographical area within which the licensed premises lies, the City Manager shall schedule a public hearing before the City Council on the application.

(e) Notice of the hearing shall be published in a newspaper of general circulation in the city. The notice shall specify the time, date, and location of the hearing and the business name and address of the applicant, and shall contain a statement that public testimony may be given for or against the application and that written comments may be submitted to the City Recorder at any time prior to the hearing.

(f) Notice of the hearing shall be provided to the applicant and the chair of the neighborhood association for the geographical area within which the licensed premises lies, no later than five business days prior to the hearing. Notice may be by personal delivery, first class mail, or electronic mail. Notice to the applicant shall be sent to the applicant's address stated in the application, and shall be deemed provided upon mailing. In addition to the information required under this subsection, the notice shall contain a statement that the applicant may be represented by legal counsel at the hearing, which shall be provided at the applicant's sole expense.

(g) The hearing shall be conducted according to the procedures for hearings established by City Council Rules for quasi-judicial hearings. In determining whether to make an unfavorable recommendation to the Oregon Liquor Control Commission, the City Council shall apply the criteria established by ORS Chapter 471 and the criteria established by Oregon Liquor Control Commission administrative rules. (Ord No. 48-09)

CITY ATTORNEY

2.300. Office of City Attorney Created; Administration of Department. There is hereby created a legal department of the City of Salem. The legal department shall be headed by a City Attorney, who shall be appointed by, responsible to and removable by the City Manager. The City Attorney shall perform such duties as are imposed by law, by this Code, by any other ordinance of the City of Salem, or by the City Manager. (Ord No. 3370; Ord No. 4275; Ord No. 51-96; Ord No. 42-09)

2.305. Assistant, Generally. The city attorney shall have one or more assistants, appointed by the city attorney, who shall perform such duties of the city attorney as the latter may direct. (Ord No. 4275; Ord No. 51-96; Ord No. 42-09)

2.310. To be Law Officer. The city attorney shall be the law officer of the city. (Ord No. 4275; Ord No. 51-96; Ord No. 42-09)

2.315. To be Member of State Bar. The city attorney and assistant city attorneys shall be members in good standing of the Oregon State Bar. (Ord No. 4275; Ord No. 51-96; Ord No. 42-09)

2.320. Duties Relative to Suits and Other Proceedings. The city attorney shall appear, commence, prosecute, or defend for the city all causes or proceedings in any court in which the city is a party or interested when, in the city attorney's discretion, the same may be necessary or advisable, and shall, when requested by the council, the city manager, or any board or commission of the city by charter having the power to direct the city attorney, appear, commence, prosecute, or defend any action, suit, matter, cause, or proceeding in any court or before any commission or officer in which the city is a party or has an interest. (Ord No. 4275; Ord No. 51-96; Ord No. 42-09)

2.325. Civil Forfeiture Counsel. The city attorney is hereby appointed forfeiture counsel to represent the City of Salem in any forfeiture of property seized by or through the assistance of the Salem Police Department or city attorney. (Ord No. 11-90; Ord No. 42-09)

2.330. Duty to give Opinion and Advice.

(a) The city attorney shall, when requested by the mayor, the council, the city manager, the head of any department of the city government or by any board or commission of the city, give an opinion upon any question in which the city has an interest, and shall, when requested, give legal advice to the council or any of such officers, boards, or commissions.

(b) The city attorney may, when requested by the council, the city manager, or the head of any department of the city government, and upon approval by the city manager, give legal advice to a committee established by the requestor. As used in this subsection, a committee is a standing or special committee advisory to the requestor and containing individuals other than members of council. (Ord No. 4275; Ord No. 51-96; Ord No. 28-2002; Ord No. 42-09)

2.335. Preparation of Contracts, Bonds, Etc. The city attorney shall, when requested to do so by the council, the city manager, or any board or commission, prepare contracts, bonds, forms, and other proceedings which may be requested for the use of the city, or any department or officer thereof. (Ord No. 4275; Ord No. 51-96; Ord No. 42-09)

2.340. Preparation of Bills for Ordinances. The city attorney shall prepare bills for ordinances, when requested by the council or any member thereof or by the city manager. (Ord No. 4275; Ord No. 51-96; Ord No. 42-09)

2.345. Attendance at Council Meetings. The city attorney shall attend the meeting of the council. (Ord No. 4275; Ord 42-09)

2.350. Office of City Recorder Created; Duties; Authority.

(a) There is hereby created within the legal department of the City of Salem the office of city recorder. The city recorder shall perform such duties as are imposed by law, by this Code, or by the city attorney. The city recorder shall be appointed by, responsible to and removable by the city attorney. The city recorder may, with approval of the city attorney, designate a deputy city recorder, who shall perform such duties as the city recorder or city attorney may direct.

(b) Clerk of the Council. The city recorder shall attend meetings of the council; keep accurate minutes of the proceedings of the council; file and keep all papers and books connected with the business of the council not specifically assigned to the custody of some other officer, and submit documents and records to the inspection of the mayor or any member of the council when requested.

(c) Records Custodian. The city recorder shall be the records custodian for the City of Salem, and, in the exercise of such duties, shall:

(1) Maintain, monitor and update a city-wide records retention schedule;

(2) Review requests for new records equipment;

(3) Assist in establishing and oversee the maintenance of storage facilities;

(4) Keep updated on public records law and procedures and educate department supervisors in any changes.

(5) Accept and process public records requests submitted to the city recorder, and assist or advise other departments in processing public records requests;

(6) Maintain and retain public records according to schedules promulgated by the Oregon state archivist; and

(7) Engage in such other duties as may be required by Oregon public records law.

(d) Codification of Ordinances.

(1) The city recorder shall record all ordinances enacted in the ordinance book, and shall publish, distribute, and establish policies for codifying, indexing and revising the Salem Revised Code.

- (2) In preparing ordinances for codification and distribution, the city recorder may, after consultation with the city attorney and notice to the council, renumber sections and parts of sections for consistency; change reference numbers to agree with renumbered ordinances, sections or other parts; delete references to repealed sections; substitute the proper subsection, section or chapter or other division numbers; change capitalization and spelling for the purpose of uniformity; and correct manifest clerical, grammatical or typographical errors, but shall not, in the exercise of such authority, alter the sense, meaning, effect or substance of any ordinance.
- (e) Administrative Rulemaking. The city recorder may adopt such rules as are necessary to carry out the duties and authority conferred under this section. (Formerly 2.200, 2.210, 2.220 and 2.1232, Ord No. 17-2003; Ord No. 42-09)

ADMINISTRATIVE SERVICES DEPARTMENT

2.355. Administrative Services Department; Creation. There is hereby created the Administrative Services Department for the City of Salem. The functions of the Administrative Services Department shall include the provision of products, services, and support to the operations of city government, and such other functions as may be assigned to the Administrative Services Department by the City Manager. (Ord No. 31-06; Ord No. 42-09)

2.360. Administrative Services Director. The Administrative Services Department shall be headed by the Administrative Services Director, who shall be appointed by, responsible to, and removable by the City Manager. The Administrative Services Director shall perform such duties as may be assigned by the City Manager, imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 31-06; Ord No. 42-09)

2.365. Administrative Services Director to be Finance Director. The Administrative Services Director shall, in addition to such other duties as may be assigned by the City Manager, be the Finance Director for the City of Salem, and shall receive, account for, manage, and safely keep all moneys belonging to the City and shall, subject to approval by the City Manager, authorize the lawful disbursements thereof. In the exercise of such duties, the Administrative Services Director shall, in addition to such other duties imposed by the City Manager, the Salem Revised Code, or other applicable law:

- (a) Maintain assets, liabilities, reserves, surpluses, and cash balances and revenues in separate accounting entities termed "funds";
- (b) Maintain records of all receipts and expenditures according to generally accepted accounting principles for governmental units;
- (c) Pay all bonds, warrants, bond coupons and certificates of participation in the order of their presentation;
- (d) Invest surplus money of the City in securities specified in ORS 294.035-294.046 and with the local government investment pool under ORS 294.805-294.895;
- (e) Maintain a docket of City liens, recording all special assessments, taxes, judgments and other charges by the City that liens upon property;
- (f) Provide, at the request of the City Manager, reports on the amount of deposits in custodian or depository banks;
- (g) Receive and maintain all receipts issued by custodian banks or depository banks;
- (h) Delegate to designees the authority to issue disbursements and to sign checks on behalf of the City;
- (i) Adopt administrative rules to carry out the duties as the City's chief financial officer;
- (j) Comply, or ensure compliance with, all laws applicable to the public financial

administration of the City, including, but not limited to, Title 28 of the Oregon Revised Statutes. (Ord No. 31-06; Ord No. 42-09)

2.370. Bond Required.

(a) The Administrative Services Director shall, before entering upon the duties of office, execute a bond in such sums as the City Manager may fix, with a surety or sureties approved by the City Manager, conditioned upon the faithful performance of the duties of Finance Director.

(b) The Administrative Services Director may designate employees, or classes of employees to execute a bond in such sums as the City Manager may fix, with a surety or sureties approved by the City Manager, conditioned upon the faithful performance of the duties of office. (Ord No. 31-06; Ord No. 42-09)

2.375. Receipt and Payment of Money. All banks designated by the Administrative Services Director as depository banks are hereby authorized to honor checks for the payment of money drawn by the City of Salem as maker. All such designated depository banks shall be entitled to honor and to charge the City of Salem for all such checks regardless of by whom and by what means the facsimile signature is affixed if the facsimile signature is identical to the facsimile specimen duly certified or filed with the depository bank by the Administrative Services Director. (Ord No. 31-06; Ord No. 42-09)

2.380. Purchasing Administrator.

(a) The Administrative Services Director, or the Director's designee, shall be the Purchasing Administrator for the City of Salem. The Purchasing Administrator shall perform such duties as may be required by the City Manager, or as may be prescribed by the City of Salem Public Contracting Rules, by the Salem Revised Code, or by other applicable law.

(b) Contractor Disclosure. The Purchasing Administrator shall include in all invitations to bid, prepared by the Purchasing Administrator, the requirement that prior to contract award, the low bidder shall provide answers to the following five questions:

(1) Within the last three years, have you, your company, or any officers, agents or employees working for you or your company been found by any agency or court to be in violation of any governmental environmental rule, regulation, ordinance or statute, whether local, state or federal? Include any resolution or settlement of any allegation of such a violation by civil compromise, settlement, consent decree, mutual agreement and order (MAO) or otherwise. If so, please explain in detail.

(2) Within the last three years, have you, your company or any officers, agents or employees working for you or your company been convicted or found at fault for any personal injury or property damage as a result of a product liability claim relating to any product that will be provided under this solicitation? If so, please explain in detail.

(3) Within the last three years, have you, your company or any officers, agents or employees working for you or your company been found in violation of any rule, regulation, ordinance or statute, whether local, state or federal, respecting wages, prevailing wages requirements, or conditions of employment? If so, please explain in detail.

(4) During the last year, did you or your company provide employees with bona fide health and retirement plans? Failure to do so will not disqualify you from consideration.

(5) Do you, or does your company, participate in a training program related to your trade? Failure to do so will not disqualify you from consideration.

(c) The Purchasing Administrator may adopt rules necessary to carry out the provisions of this section. (Ord No. 61-2002; Ord No. 80-2002; Ord No. 81-2002; Ord No. 23-2003; Ord No. 33-2003; Ord No. 37-2003; Ord No. 32-05; Ord No. 31-06; Ord No. 42-09)

COMMUNITY DEVELOPMENT DEPARTMENT

2.385. Community Development Department; Creation. There is hereby created the Community Development Department for the City of Salem. The functions of the Community Development Department shall include land use, building and safety, code enforcement, and such other functions as may be assigned to the Community Development Department by the City Manager. (Ord No. 125-73; Ord No. 71-74; Ord No. 51-96; Ord No. 46-08; Ord 42-09)

2.390. Community Development Director. The Community Development Department shall be headed by the Community Development Director, who shall be appointed by, responsible to, and removable by the City Manager. The Community Development Director shall perform such duties as may be assigned by the City Manager, imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 125-73; Ord No. 71-74; Ord No. 51-96; Ord No. 46-08; Ord 42-09)

2.395. Planning Division; Planning Administrator. There is hereby created the Planning Division within the Community Development Department. The Planning Division shall be headed by the Planning Administrator, who shall be appointed by, responsible to, and removable by the Community Development Director. The Planning Administrator shall perform such duties as may be assigned by the Community Development Director imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 71-74; Ord No. 186-82; Ord No. 51-96; Ord No. 42-09)

2.400. Building and Safety Division; Building Official. There is hereby created a Building and Safety Division within the Community Development Department. The Building and Safety Division shall be headed by the Building Official, who shall be appointed by, responsible to, and removable by the Community Development Director. The Building Official shall administer SRC Chapter 56, and shall perform such duties as may be assigned by the Community Development Director, imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 72-74; Ord No. 42-09)

FIRE DEPARTMENT

2.405. Fire Department; Creation. There is hereby created the Salem Fire Department. The functions of the Fire Department shall include the provision of fire and life safety to the residents of the city, and such other duties consistent therewith as may assigned to the Fire Department by the City Manager. (Ord No. 51-96; Ord No. 42-09)

2.410. Fire Chief. The Fire Department shall be headed by a Fire Chief, who shall be appointed by, responsible to and removable by the City Manager. The Fire Chief shall perform such duties as may be assigned by the City Manager, are imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 51-96; Ord No. 42-09)

HUMAN RESOURCES DEPARTMENT

2.415. Human Resources Department; Creation. There is hereby created the Human Resources Department for the City of Salem. The functions of the Human Resources Department shall include the provision of personnel services and support to the operations of city government, and such other functions as may be assigned to the Human Resources Department by the City Manager. (Ord No. 81-67; Ord No. 51-96; Ord No. 46-08; Ord No. 42-09)

2.420. Human Resources Director. The Human Resources Department shall be headed by the Human Resources Director, who shall be appointed by, responsible to and removable by the City Manager. The Human Resources Director shall perform such duties as may be assigned by the City Manager, imposed by the Salem Revised Code, or imposed by other applicable law. The Human Resources Director shall:

- (a) Administer the City's human resources program and personnel rules.
- (b) Meet from time to time with representatives of the City employees to consider information as well as suggestions and recommendations regarding the personnel policies and practices of the City. (Ord No. 81-67; Ord No. 51-96; Ord No. 46-08; Ord No. 42-09)

2.425. Personnel Rules. The Human Resources Director shall prepare personnel rules, and necessary amendments or revisions thereof, for approval by the City Manager. Any rule which will have any financial impact shall first be approved by the City Council. Personnel rules include, but are not limited to the following:

- (a) A position classification plan, including provisions for reclassifications and for employees to appeal the allocation of their position to a particular class.
- (b) A compensation plan including provisions for in-range salary adjustments and overtime compensation.
- (c) Provisions for the appointment, reappointment, and promotion of employees which shall include the use of various screening and selection techniques to obtain the best qualified persons available; provided that there shall be no discrimination against any person seeking employment because of any considerations of political or religious affiliation or belief, nonaffiliation or nonbelief, or because of race, sex, or military status.
- (d) Provisions for preference in promotions to present career employees.
- (e) Provisions for a probationary period for new employees or promoted employees during which they may be discharged or demoted without appeal, and for an extension of the probationary period.
- (f) Provisions that the continued employment of every employee shall be conditioned on good behavior and the satisfactory performance of duties and that an employee may be disciplined by suspension, demotion, dismissal, or other appropriate action and providing for the appeal of disciplinary actions by career employees.
- (g) Provisions for the manner in which lay-offs shall be made whenever there is a lack of work or inadequate budget resources that require reductions in the number of employees.
- (h) Provisions for a grievance procedure.
- (i) Provisions covering the accrual and use of sick leave and vacation time and relating to holidays and days off.
- (j) Provisions relating to fringe benefit programs including health insurance, retirement, training, and other fringe benefit programs determined to be necessary and desirable for the general welfare of the employees.
- (k) Provisions covering the adoption, amendment, and addition of personnel rules.
- (l) Such other matters as may be deemed desirable in order to provide a modern human resources program. (Ord No. 81-67; Ord No. 51-96; Ord No. 42-09)

2.430. Merit System. Pursuant to Sections 28-47 of the Salem City Charter, the provisions of this section shall apply to the Fire Service for the City of Salem. Subject to Sections 28-47 of the Salem City Charter, the Human Resources Director shall implement the merit system provision of the City Charter to achieve for the Fire Service the following objectives:

- (a) Provide and maintain a system of personnel administration including appeal procedures in which the appointment of persons in, and the dismissal of persons from employment in the Fire Service shall be effected on the basis of merit and fitness.
- (b) Establish and maintain a position classification plan which shall group all positions in employment in the Fire Service into classes based upon their duties, authorities, and responsibilities.
- (c) Provide for a compensation plan for employees in the Fire Service which shall include for each class a minimum and maximum rate and such intermediate rates as are considered

necessary and equitable.

(d) Provide just and equitable incentives and conditions of employment in the Fire Service to promote efficiency, economy, and public responsiveness in the operation of the city government.

(e) Provide that the tenure of employees in the Fire Service covered by Sections 28-47 of the Salem City Charter and this section shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work, and the availability of funds. (Ord No. 81-67; Ord No. 51-96; Ord No. 42-09)

2.435. Career Service and Exempt Service Positions. All offices and positions of the City shall be classified as career service or exempt service.

(a) The career service shall be comprised of all budgeted offices and positions not classified as exempt service.

(b) The exempt service is:

(1) All elected officials and members of boards and commissions;

(2) The City Manager and immediate assistants to the City Manager;

(3) The City Attorney;

(4) Heads of City departments;

(5) Persons serving the City as independent contractors;

(6) Consultants and counsel rendering temporary professional service;

(7) Volunteer personnel and personnel appointed to serve without pay;

(8) Persons employed to render the City expert service of occasional character;

(9) Positions involving seasonal, temporary, or part-time employment as defined in the personnel rules. (Ord No. 81-67; Ord No. 51-96; Ord No. 30-97; Ord No. 42-09)

INFORMATION TECHNOLOGY DEPARTMENT

2.440. Information Technology Department; Creation. There is hereby created the Information Technology Department for the City of Salem. The duties of the Information Technology Department shall include provision of information technology products, services, and support to the operations of city government, and such other functions as may be assigned to the Information Technology Department by the City Manager. (Ord No. 41-06; Ord No. 42-09)

2.445. Information Technology Director. The Information Technology Department shall be headed by the Information Technology Director, who shall be appointed by, responsible to, and removable by the City Manager. The Information Technology Director shall perform such duties as may be assigned by the City Manager, imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 41-06; Ord No. 42-09)

POLICE DEPARTMENT

2.450. Police Department; Created. There is hereby created the Salem Police Department. The duties of the Salem Police Department shall include the public safety for the residents of the City, and such other functions consistent therewith as may be assigned to the Salem Police Department by the City Manager. (Ord No. 51-96; Ord No. 42-09)

2.455. Police Chief. The Police Department shall be headed by the a-Chief of Police, who shall be appointed by, responsible to and removable by the City Manager. The Chief of Police shall perform such duties as may be assigned by the City Manager, imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 51-96; Ord No. 42-09)

2.460. Chief of Police; Oath of Office. Before entering into service as the Chief of Police, the person appointed thereto shall subscribe to an oath or affirmation of office, to the effect that the appointee will support the constitution and laws of the United States, and of the State of Oregon, and of the Charter and ordinances of the City of Salem, and will faithfully perform the duties of such office. (Ord No. 3387; Ord No. 93-91; Ord No. 30-97; Ord No. 42-09)

2.465. Powers and Duties, Generally. The Chief of Police shall exercise the powers and duties conferred upon the Office of Police Chief in such manner as will best preserve the peace and serve the interests of the City. (Ord No. 3387; Ord No. 42-09)

2.470. Police Officers, Generally. It shall be the duty of all police officers to aid the chief of police in preserving the peace and good order of the city; to patrol the city; and, in addition to the duties imposed upon them by the state law as peace officers, they shall make arrests for violations of city ordinances; attend the municipal court when necessary; and, generally attend to the duties common to police officers in incorporated cities. In the discharge of all their duties, they shall be under the control and direction of the chief of police. (Ord No. 3387; Ord No. 30-97; Ord No. 42-09)

2.475. Police Officers; Oath of Office. Before entering into service, each police officer shall subscribe to an oath or affirmation of office, to the effect the person will support the constitution and laws of the United States, and of the State of Oregon, and of the Charter and ordinances of the City of Salem, and will faithfully perform the duties of such office. (Ord No. 42-09)

2.480. Establishment of Police Reserves. The council hereby authorizes and establishes a reserve police force in addition to the regular police force, the personnel of which are to be appointed by the chief of police. Such persons shall be citizens of the United States, residents of the State of Oregon, 21 years of age or over, of good moral character, and shall meet such physical, educational, and training requirements as the chief of police may impose. (Ord No. 51-71; Ord No. 42-09)

2.485. Police Reserves as Peace Officers. Reserve police officers shall have the power, authority, and responsibility of peace officers under the laws of the State of Oregon. They may wear a uniform and display a badge similar to those worn by regular police officers except that such uniform and badge shall clearly indicate by appropriate markings that the wearer is a reserve police officer. (Ord No. 51-71; Ord No. 30-97; Ord 42-09)

2.490. Oath of Office; Removal. Upon appointment, each reserve police officer shall subscribe an oath of office. A reserve police officer shall be subject to removal by the chief of police without any proceedings or hearing. (Ord No. 51-71; Ord No. 30-97; Ord 42-09)

2.495. Reserve Police Officers not to be Compensated. Reserve police officers shall receive no salary, wage, or other direct compensation for their regular services, except they shall not by this section be denied compensation as set by law or ordinance for their attendance as witnesses at any hearing; and further excepting that such reserve police officers may receive reasonable compensation for special assignments beyond their regular service where such assignment and compensation is approved in advance by the chief of police. (Ord No. 51-71; Ord No. 30-97; Ord 42-09)

2.500. City Employee as Reserve Police Officer. Any employee of the City of Salem may be appointed to the position of Reserve Police Officer. As provided in SRC 2.480 for specialized assignments, provided the officer's duties in connection therewith do not involve full-time enforcement of the general criminal laws of the State of Oregon and ordinances of the City of Salem, even though such assignments may from time to time involve limited law or ordinance enforcement duties and

functions. Nothing in SRC 2.495 shall prohibit such employees from receiving their regular salary in connection with their employment, and insofar as they may act as peace officers they shall act under the direction and authority of the Chief of Police. (Ord No. 51-71; Ord No. 42-09)

DEPARTMENT OF PUBLIC WORKS

2.505. Public Works Department; Creation. There is hereby created the Public Works Department of the City of Salem. The duties of the Public Works Department shall include engineering services, operation and management of municipal utilities, public facilities and parks construction and management, and such other functions as may be assigned to the Public Works Department by the City Manager. (Ord No. 5672; Ord No. 72-74; Ord No. 51-96; Ord No. 42-09)

2.510. Public Works Director. The Public Works Department shall be headed by the Public Works Director, who shall be appointed by, responsible to and removable by the City Manager. The Public Works Director shall perform such duties as may be assigned by the City Manager, are imposed by the Salem Revised Code, or imposed by other applicable law. (Ord No. 5672; Ord No. 72-74; Ord No. 51-96; Ord No. 42-09)

URBAN DEVELOPMENT DEPARTMENT

2.515. Urban Development Department; Creation. There is hereby created the Urban Development Department for the City of Salem. The functions of the Urban Development Department shall include urban revitalization activity and economic development services, and such other functions as may assigned to the Urban Development Department by the City Manager. The duties of the Urban Development Department include, but are not limited to:

- (a) Administration of urban revitalization, conservation, and rehabilitation activities and services by the City;
- (b) Preparation of applications for, and the administration of, state or federal grants and aid for community development, redevelopment, and urban improvement activity;
- (c) Provision of relocation services to displaced persons and businesses, as required by state and federal law;
- (d) Administration of intergovernmental agreements entered into to further and carry out the purposes set forth in this section. (Ord. No. 55-05; Ord No. 42-09)

2.520. Urban Development Director. The Urban Development Department shall be headed by the Urban Development Director, who shall be appointed by, responsible to, and removable by the City Manager. The Urban Development Director shall perform such duties as may be assigned by the City Manager, are imposed by the Salem Revised Code, or imposed by other applicable law. (Ord. No. 55-05; Ord No. 42-09)

2.525. Airport Division; Airport Administrator. There is hereby created an Airport Division within the Urban Development Department. The Airport Division shall be headed by an Airport Administrator who shall be appointed by, responsible to, and removable by the Urban Development Director. The Airport Administrator shall:

- (a) Supervise the operation and maintenance of airports owned or operated by the City.
- (b) Enforce all ordinances and rules and regulations applicable to aircraft and aviation at airports owned or operated by the City.
- (c) Collect all moneys due the City from the operation of the airports owned or operated by the City.
- (d) Keep the City Manager, Urban Development Director, and the Airport Advisory Commission fully informed about the operation and the condition of airports owned or operated by the City.

(e) Perform such other duties and possess such qualification as may be imposed by law, by the Salem Revised Code, or by the City Manager or the Urban Development Director. (Ord No. 101-67; Ord No. 93-82; Ord No. 58-88; Ord No. 10-93; Ord No. 51-96; Ord No. 42-09)

BOARDS AND COMMISSIONS

2.530 Definitions. As used in SRC 2.530-2.655 the following mean:

- (a) Board or Commission means a group of persons to whom the City Council has given official authorization to perform certain functions or to undertake certain duties.
- (b) Budget Committee means the body established pursuant to ORS 294.336 to review and recommend the City's budget.
- (c) Committee means a group of persons to whom consideration of a matter has been committed by the City Council. (Ord No. 42-09)

2.535. Creation. All boards and commissions shall be created by ordinance or resolution of the City Council. The resolution or ordinance creating a board or commission shall specify whether the Mayor or the City Council appoints the members. For purposes of SRC 2.530-2.655, the Budget Committee shall be deemed a board or commission. Committees may be created by ordinance, resolution, or motion of the City Council, and shall be either standing committees or ad hoc committees. (Ord No. 42-09)

2.540. Appointments.

- (a) The Mayor shall appoint the members of all committees.
- (b) The Mayor shall appoint the members of boards and commissions if so provided in the ordinance or resolution creating the board or commission.
- (c) The City Council shall appoint the members of boards and commissions if so provided in the ordinance or resolution creating the board or commission, or if the ordinance or resolution is silent as to appointment authority. (Ord No. 10-93; Ord No. 51-96; Ord No. 67-96; Ord No. 26-2002; Ord No. 42-09)

2.545. Authority of Boards and Commissions.

- (a) Unless the ordinance or resolution creating the board or commission specifically provides, boards and commissions are only advisory to the City Council.
- (b) No board or commission shall take, advocate, promote or oppose positions on issues or advocate, promote, endorse or oppose candidates for public office or matters to be voted on by the electors pursuant to the initiative and referendum power. Boards and commissions may make recommendations to the City Council regarding positions on issues affecting the City.
- (c) No board or commission shall hold a public hearing upon its own motion on a matter if the City Council or another board or commission is required to conduct a public hearing on the same matter. (Ord No. 10-93; Ord No. 42-09)

2.550. Attendance. If a member of a board, commission or committee fails to attend at least seventy-five percent of the meetings within a consecutive six-month period, the following procedure shall be followed:

- (a) The City Manager shall inquire to determine the cause of nonattendance. If the cause of nonattendance is not of an excusable and temporary nature, including but not limited to illness, vacation or work, the City Manager shall remind the member that commitment to attendance is a key responsibility of membership.
- (b) If the member fails to attend at least seventy-five percent of the meetings within the next following six-month period, the Mayor shall ask the member to resign.
- (c) If the member refuses to resign upon request under subsection (b) of this section, the

Mayor shall forward a report to the City Council recommending that the member be removed pursuant to SRC 2.555. Nothing in this section shall limit, or shall be deemed to limit, the City Council's authority to remove a member under SRC 2.555. (Ord No. 10-94; Ord No. 42-09)

2.555. Removing Board, Commission, or Committee Members.

(a) Except as may otherwise be required by law, members of boards, commissions and committees serve at the pleasure of the City Council, and a member of any board, commission, or committee may be removed therefrom upon majority vote of the City Council.

(b) The City Council may, before acting on removing a member of any board, commission, or committee, afford to such member a hearing upon request. (Ord No. 10-84; Ord No. 110-85; Ord No. 10-94; Ord No. 51-96; Ord No. 42-09)

2.650. Completing Unexpired Term. Notwithstanding any other ordinance or resolution of the city, an individual who is appointed to complete an unexpired term of a member of a board, commission or committee shall be considered to have served one full term when at least two-thirds of the unexpired term remains on the date of appointment and the individual completes the unexpired term. (Ord No. 10-94; Ord No. 42-09)

2.651. Board or Commission Military Leave; Pro Tem Appointment.

(a) As used in this section:

(1) The term "Uniformed Services" means the Armed Forces of the United States; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency or the Governor in time of state emergency.

(2) The term "serve" or "service" means the performance of duty on a voluntary or involuntary basis in a Uniformed Service and includes active duty, active duty for training, initial active duty for training, inactive duty training, or full-time National Guard duty.

(b) Any member of a board or commission shall be allowed a leave of absence from the person's duties as a member of the board or commission to serve in the Uniformed Services. The leave of absence shall be allowed upon the person notifying the City of the person's intent to take a leave of absence, and shall extend for the time the person is engaged in service; provided, such leave of absence shall not extend beyond the person's regular term of appointment to the board or commission.

(c) When the person allowed the leave of absence returns from service in the Uniformed Services, the person shall notify the City in writing within thirty days of the date their service ends and provide the City with a date certain, not to exceed thirty days from the date of the notification to the City, upon which the person intends to resume the person's appointment. The person shall thereupon resume the person's duties on the board or commission for the remainder of the person's term.

(d) **Pro Tem Appointment.** Upon receiving notice that a member of a board or commission intends to take a leave of absence, the appointing authority may make a pro tem appointment to fill the person's position on the board or commission for the duration of the leave of absence. The member pro tem shall serve until the person returns from the leave of absence, or until the expiration of the term of appointment, whichever occurs first. The process for the pro tem appointment shall follow the same appointment process used for regular appointments to vacancies on the board or commission for which the leave was granted. The pro tem member shall have the same powers and duties as any regular member of the board or commission. (Ord No. 21-11)

2.655. Bylaws. Boards and commissions may adopt bylaws for their government and procedure consistent with the laws of the State of Oregon and with the charter and ordinances of the City of Salem. Where not inconsistent with such bylaws or where such bylaws are not adopted, ROBERT'S RULES OF ORDER NEWLY REVISED (10th Ed., 2000), shall apply. (Ord No. 63-95A; Ord No. 58-2002; Ord No. 42-09)

EMERGENCY MANAGEMENT

2.660. Creation of Emergency Management Agency; Definitions.

- (a) Pursuant to ORS 401.305 there is hereby created within the City an Emergency Management Agency to be under the direction of the Emergency Program Manager.
- (b) The Emergency Management Agency shall, in addition to the Emergency Program Manager, be staffed by such employees of the various departments of the City as may be designated by the Emergency Program Manager pursuant to the plan adopted pursuant to SRC 2.675.
- (c) The definitions set forth in ORS 401.025 apply to terms used in SRC 2.460-2.480.
- (d) The Emergency Program Manager shall be the City Manager or, in the absence of the City Manager, the person designated to succeed the City Manager in the plan adopted under SRC 2.675. (Ord No. 50-88; Ord No. 51-96; Ord No. 8-98; Ord No. 42-09)

2.665. Powers of Agency. The provisions of ORS Chapter 401 relating to emergency management and services are intended to enable local response to emergencies notwithstanding provisions of local charter and ordinance which would otherwise inhibit such response. The emergency management agency shall, therefore, have and exercise all powers granted to such agencies under applicable provisions of ORS Chapter 401, notwithstanding any contrary provision of the Salem Revised Code or the Charter of the City of Salem. (Ord No. 50-88; Ord No. 42-09)

2.670. Declaration of a State of Emergency.

- (a) The emergency program manager is authorized to determine and declare a state of emergency to exist when an emergency has occurred or is threatened to occur within the city.
- (b) The declaration shall do all of the following:
 - (1) State the nature of the emergency.
 - (2) Describe the location or geographic area affected.
 - (3) Describe emergency conditions or threatened emergency conditions.
 - (4) Describe damage or potential damage, if any.
 - (5) Describe the resources committed and actions initiated by the city to alleviate the situation. (Ord No. 8-98; Ord No. 42-09)

2.675. Emergency Management Plan.

- (a) The city manager shall adopt, and may revise from time to time, a plan for response to emergencies directly or indirectly involving the city; and for provision of emergency services, both directly and in coordination with other public and private agencies.
- (b) Such plan shall include provisions for temporary reassignment of city personnel, equipment and supplies to emergency services functions under lines of authority designated in the plan; for the emergency acquisition of necessary equipment, materials and services; and for the assignment of duties relating to pre-planning, training, and on-going support for the emergency management agency.
- (c) Upon adoption of and any amendment to the plan, the emergency program manager shall file a copy with the city recorder for the information of the council. (Ord No. 50-88; Ord No. 8-98; Ord No. 42-09)

2.680. Emergency Orders.

(a) Whenever a state of emergency is declared to exist within the City, the Emergency Program Manager is empowered to order any of the following measures when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency:

- (1) Redirecting City funds for emergency use and suspending standard City procurement procedures.
- (2) Establishing a curfew which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.
- (3) Prohibiting or limiting the number of persons who may gather or congregate upon any public street, public place, or any outdoor place.
- (4) Barricading streets, prohibiting vehicular or pedestrian traffic, or regulating such traffic on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances.
- (5) Mandatory evacuation of persons, which shall be enforceable by peace officers, fire officials, and firefighters.
- (6) Curtailing or suspending commercial activity.
- (7) Such other measures as are necessary for the protection of the public health, safety or welfare, or for the recovery from the emergency.

(b) The City Manager may delegate authority to order the measures described in subsections (a) (4) and (5) of this section to City personnel in the plan adopted as provided in SRC 2.675.

(c) Within ten days of the date of the order, any person aggrieved by an emergency order may request a hearing before the Municipal Court to determine whether issuance of the order was an abuse of discretion. The Municipal Court shall hear the matter within thirty days of the request for hearing.

(d) Failure to obey an emergency order is a misdemeanor. (Ord No. 8-98; Ord No. 42-09)

REAL PROPERTY RELOCATION

2.785. Real Property Relocation Benefits and Assistance.

(a) Whenever a program or project is undertaken by the City that will result in the acquisition of real property, persons who are displaced by the acquisition shall be provided fair and reasonable relocation payments and assistance as required by ORS 35.510(1). In addition, the City shall provide such other programs, assistance, payments, and reimbursement as required by ORS 35.510(2)-(6).

(b) Except as otherwise provided in this section, in providing payments, reimbursement and assistance for relocation resulting from the acquisition of real property, the City Manager shall follow the procedures established by Code of Federal Regulations, Part 49 §§24.1- 24.603.

(c) Any person who applies for relocation benefits or assistance shall receive a written decision from the Urban Development Director awarding or denying benefits. The decision shall be mailed to the person, by first class mail, postage prepaid, or delivered by personal service. The notice of decision awarding or denying benefits shall contain the following:

- (1) A statement of the amount awarded;
- (2) A statement of any findings of fact made in arriving at the decision;
- (3) A reference to the legal authority that is the basis for award of relocation benefits;
- (4) A statement of the person's right to appeal the decision of the Director;
- (5) A statement of the authority under which the appeal will be held.

(d) Appeals of final decisions by the Urban Development Director are contested cases as defined in SRC 20J.020. The applicant may appeal the final decision by filing a notice of appeal by following the procedures set forth in SRC 20J.220. The appeal shall be held according to procedures set forth in SRC Chapter 20J. (Ord No. 39-76; Ord No. 42-09)

MULTIPLE-UNIT HOUSING TAX INCENTIVE PROGRAM

2.790. Generally.

(a) The provisions of ORS 307.600 to 307.691 are hereby adopted to stimulate the construction, or addition of or conversion to multiple-unit housing in the designated core area of the City of Salem; and to improve the balance between the residential and commercial nature of the area; and it is found that multiple-unit housing meeting the qualifications of ORS 307.606(4) would not otherwise be built in the designated core area without the benefits provided by ORS 307.600 to 307.691.

(b) The tax exemption may be approved for up to ten consecutive years beginning July 1 of the tax year after completion of construction.

(c) "Applicant" as used in SRC 2.790-2.835 shall mean the person seeking the property tax exemption provided by this Chapter. (Ord No. 71-76; Ord No. 55-96; Ord No. 10-06; Ord No. 42-09)

2.800. Eligible Property. To be eligible for the property tax exemption provided by SRC 2.790-2.835 a structure must:

(a) Be dwelling units, not designed or used as transient accommodations and not including hotels and motels but including such design elements benefitting the public as described in SRC 2.790-2.835 and approved by the City Council.

(b) Be housing which is constructed after January 1, 2012, and completed on or before January 1, 2022.

(c) Be located within the designated core area, to wit:

Beginning at the point of intersection of the east bank of the Willamette River and the westerly projection of the south right-of-way line of Academy Street Northeast; thence easterly along the westerly projection of the south right-of-way line of Academy Street Northeast to the intersection with the west right-of-way line of Water Street Northeast; thence southerly along the west right-of-way line of Water Street Northeast to the intersection with the south right-of-way line of South Street Northeast; thence easterly along the south right-of-way line of South Street Northeast to the intersection with the west right-of-way line of Front Street Northeast; thence southerly along the west right-of-way line of Front Street Northeast to the intersection with the westerly extension of the South Line of Lot 7, Block 21, North Salem Addition, as recorded in Volume 1, Page 34, Book of Town Plats, City of Salem, Marion County, Oregon; thence easterly along the westerly extension of the South Line and the easterly extension of said line to a point on the West Line of Church Street; said point being the midpoint of Block 48, North Salem Addition; southerly along the west right-of-way line of Church Street Northeast to the intersection with the north right-of-way line of Gaines Street Northeast; thence westerly along the north right-of-way line of Gaines Street Northeast to the intersection of the west right-of-way line of the North-South Alley running between Fifth Street Northeast and Church Street Northeast; thence southerly along the west right-of-way line of Said Alley to the intersection of the south right-of-way line of Market Street Northeast; thence westerly along the south right-of-way line of Market Street Northeast to the intersection of the west right-of-way line of Fifth Street Northeast; thence southerly along the west right-of-way line of Fifth Street NE to the intersection with the south right-of-way line of D Street Northeast; thence easterly along the south right-of-way line of D Street Northeast to the intersection with the west right-of-way line of Fourteenth Street Northeast; thence southerly along the west right-of-way line of Fourteenth Street to the intersection with the north right-of-way line of Mission Street Southeast; thence westerly along the north right-of-way line of Mission Street Southeast to the intersection with the east line of Winter Street Southeast; thence northerly along the east right-of-way line of Winter Street Southeast to the intersection with the north right-of-way line of Bellevue Street Southeast; thence westerly along the north right-of-way line of Bellevue Street Southeast to the

intersection with the east right-of-way line of Church Street Southeast; thence northerly along the east right-of-way line of Church Street Southeast to the intersection with the north right-of-way line of Trade Street Southeast; thence westerly along the north right-of-way line of Trade Street Southeast to the intersection with the west right-of-way line of Commercial Street Southeast; thence southerly along the west right-of-way line of Commercial Street Southeast to the intersection with the westerly projection of the north right-of-way line of Mission Street Southeast; thence westerly along the westerly projection of the north right-of-way line of Mission Street Southeast to the intersection with the east bank of the Willamette River and Willamette Slough; thence northerly along the east bank of the Willamette River and the Willamette Slough to the point of beginning. (Ord No. 71-76; Ord No. 56-80; Ord No. 150-84; Ord No. 55-96; Ord No. 20-99; Ord No. 10-06; Ord No. 42-09; Ord No. 35-11)

2.805. Preapplication Conference.

(a) The applicant shall request that the Urban Development Director schedule a preapplication conference no later than September 1 of the calendar year immediately prior to the first assessment year for which the exemption is requested. Each applicant shall submit in writing, on forms furnished by the Urban Development Director, the following information:

- (1) The applicant's name, address, and telephone number.
- (2) A preliminary sketch, drawn to approximate scale of one inch equals twenty feet, which shows the site plan and major features of the proposed development.
- (3) A written statement which generally describes the location of the proposed development; the number, size, and type of dwelling units; dimensions of structures; public and private access; parking and circulation plans; landscaping; uses; and a description of the public benefit(s) the applicant proposes to include in the project.

(b) Prior to the preapplication conference the Urban Development Department shall review the information supplied by the applicant and contact, for purposes of facilitating the application process, advisory bodies, departments, or agencies which may be affected by or have an interest in the proposed development.

(c) The applicant shall meet with staff of the Urban Development Department in the preapplication conference and discuss the applicant's proposed development. After this conference, the Urban Development Department shall provide the applicant with a written summary of the meeting, including recommendations to inform and assist the applicant in preparation of the exemption application. (Ord No. 71-76; Ord No. 71-2002; Ord No. 55-05; Ord. No. 10-06; Ord No. 42-09)

2.810. Application Procedure.

(a) The applicant shall apply to the Urban Development Department no later than December 1 of the calendar year immediately prior to the first assessment year for which the exemption is requested. The applicant shall submit an application for exemption in writing on forms furnished by the Urban Development Director which must show:

- (1) The applicant's name, address, and telephone number.
- (2) A legal description of the property and the assessor's property account number for the site, and indication of site control.
- (3) A detailed description of the project including the number, size, and type of dwelling units; dimensions of structures, parcel size, proposed lot coverage of buildings, and amount of open space; type of construction, public and private access; parking and circulation plans; landscaping; uses; a description of the public benefit(s) which the applicant proposes to include in the project; and economic feasibility studies or market analysis when appropriate.
- (4) A description of the existing use of the property including a justification for the

elimination of existing sound or rehabilitable housing.

(5) A site plan and supporting materials, drawn to a minimum scale of one inch equals twenty feet, which shows in detail the development plan of the entire project, showing streets, driveways, sidewalks, pedestrian ways, off-street parking, and loading areas, location and dimension of structures, use of land and structures, major landscaping features, and design of structures.

(6) A letter from the City Public Works Department stating that the proposed use can be served by existing sewer and water services.

(7) A description and the monetary value of any other public assistance, including but not limited to grants, loans, loan guarantees, rent subsidies, fee waivers, or other tax incentives, which the property is receiving or which the applicant plans to seek.

(b) At the time the application is submitted, applicants shall pay an application fee as prescribed by resolution of the City Council. The Urban Development Director shall pay the county assessor for each application which is approved an amount provided for in the resolution. (Ord No. 71-76; Ord No. 51-91; Ord No. 51-96; Ord No. 55-96; Ord No. 71-2002; Ord No. 55-05; Ord No. 10-06; Ord No. 42-09)

2.815. Public Benefits.

(a) In order to qualify for the exemption provided by SRC 2.790-2.835, the applicant must propose and agree to include in the proposed project one or more design elements benefitting the general public which may consist of, but not be limited to:

(1) Units at sales prices or rental rates which are accessible to a broad income range of the general public;

(2) Recreation facilities;

(3) Open spaces;

(4) Common meeting rooms;

(5) Day care facilities;

(6) Facilities supportive of the arts;

(7) Facilities for the handicapped;

(8) Service or commercial uses which are permitted and needed at the project site but not available for economic reasons;

(9) Special architectural features;

(10) Dedication of land or facilities for public use;

(11) Development or redevelopment of underutilized or blighted property;

(12) Provision of pedestrian-oriented design features;

(13) Extra costs associated with infill or redevelopment projects, such as land assembly, environmental cleanup, demolition, and infrastructure replacement or expansion;

(14) Development in structures that may include ground level commercial space;

(15) Development on sites with existing single-story commercial structures;

(16) Development on existing surface parking lots;

(17) Leadership in Energy and Environmental Design (LEED) Certification by the Green Building Council of the project;

(18) Provision of parking spaces within the structure; or

(19) Provision of amenities and/or programs supportive of the use of mass transit.

(b) Public benefits provided by this section are not necessarily required to be available to the public at large if the City Council finds the design elements proposed by the applicant provide sufficient public benefit. (Ord No. 71-76; Ord No. 51-96; Ord No. 55-96; Ord No. 55-05; Ord 10-06; Ord No. 42-09)

2.820. Change of Use. Notwithstanding the zone of the property on which the proposed project is to be located, no change of occupancy permit or building permit for change of use of dwelling units constructed under the provisions of this ordinance will be issued unless specifically authorized by the council. Such a change may be authorized by the City Council on the basis of the owner's justification of need to remove the housing resource. No such change of use will be considered within the approved ten-year exemption period. (Ord No. 71-76; Ord No. 51-96; Ord No. 55-96; Ord No. 10-06; Ord No. 42-09)

2.825. Review of the Application.

(a) The City Council may approve the application if it finds, in accordance with standards and guidelines adopted by resolution of the City Council, that:

- (1) The property is eligible as provided in SRC 2.800;
- (2) The applicant has agreed to include in the construction as a part of the multiple-unit housing one or more design elements benefitting the general public which are deemed sufficient by the City Council;
- (3) The project is in conformance with the comprehensive plan and zoning regulation; and
- (4) The public benefit the property will receive pursuant to this program will be reasonable when considered in combination with other public benefits it is receiving or for which the owner plans to apply.

(b) The City Council shall review the application within 180 days of filing and approve, deny, or approve subject to reasonable conditions, the application. Final action by the City Council shall be by resolution that shall contain the owner's name and address, a description of subject multiple-unit housing, either the legal description of the property or the assessor's property account number, and the specific conditions upon which the approval of the application is based. An application not acted upon within 180 days following the date of application shall be deemed approved.

(c) If the application is denied, a notice of denial shall be sent to the applicant within ten days following the denial. The notice shall state the reasons for denial.

(d) If the application is approved, on or before April 1 following approval, the Urban Development Director shall file with the county assessor and send to the applicant at the applicant's last known address a copy of the resolution approving the application. In addition, for each application which is approved, the Urban Development Director shall file with the county assessor on or before April 1 following approval, a document listing the same information otherwise required to be in an ordinance approving an application under this Chapter. (Ord No. 71-76; Ord No. 51-96; Ord No. 55-96; Ord No. 71-2002; Ord No. 55-05; Ord No. 10-06; Ord No. 42-09)

2.830. Termination.

(a) If, after an application has been approved, the Urban Development Director finds that construction of multiple-unit housing was not completed on or before January 1, 2022, or that any provision of SRC 2.790-2.835 is not being complied with, or any agreement made by the owner or requirement made by the City Council is not being or has not been complied with, the Urban Development Director shall send a notice of termination of the exemption to the owner's last known address.

(b) The notice of termination shall state the reasons for the proposed termination, and shall require the owner to appear before the City Council at a specific time, not less than twenty days after mailing the notice, to show cause, if any, why the exemption should not be terminated.

(c) If the owner fails to appear and show cause why the exemption should not be terminated,

the Urban Development Director shall further notify every known lender and shall allow the lender a period of not less than thirty days, beginning with the date that the notice of failure to appear and show cause is mailed to the lender, to cure any noncompliance or to provide assurance that is adequate, as determined by the Urban Development Director to assure the City that the noncompliance will be remedied.

(d) If the owner fails to appear and show cause why the exemption should not be terminated, and a lender fails to cure or give adequate assurance that any noncompliance will be cured, the City Council shall adopt a resolution stating its findings and terminating the exemption. A copy of the resolution shall be filed with the county assessor and a copy sent to the owner at the owner's last known address, and to any lender at the lender's last known address, within ten days after its adoption. (Ord No. 71-76; Ord No. 27-90; Ord No. 51-96; Ord No. 55-96; Ord No. 55-05; Ord No. 10-06; Ord No. 42-09; Ord No. 35-11)

2.835. Extensions. Notwithstanding SRC 2.830, if the City Council finds that construction, or addition of, or conversion to, the multiple-unit housing was not completed by January 1, 2022, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the City Council may extend the deadline for completion of construction for a period not to exceed twelve consecutive months. (Ord No. 71-76; Ord No. 27-90; Ord No. 7-95; Ord No. 55-96; Ord No. 10-06; Ord No. 42-09; Ord No. 35-11)