

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

COMMON COUNCIL¹

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1 . For Charter provisions on the council, see City Charter Ch. IV.

2.04.010 Regular meetings -- Time -- Place. The common council of the city shall hold its regular meetings on the second and fourth Thursday of each month, except when said day falls on a legal holiday, in which event the council shall reschedule the meeting as necessary. The time and place of the meeting shall be fixed by motion or by resolution of the council and may be changed when necessary to secure suitable quarters, but no meeting shall be held at any other time or place unless such place has been fixed by motion or resolution at a prior meeting, except by consent of all members of the council and the mayor and due notice thereof having been given to the public. (Ord. 1 §1, 1946; Amended by Ord. 195A, 1967; Amended by Ord. 1A §1, 1976; Amended by Ord. 184, 1986; Amended by Ord. 241, 1991; Amended by Ord 292, 1999).

2.04.020 Regular meetings -- Adjournment. At any regular meeting the council may adjourn to a specified time thereafter and the adjourned meeting shall be deemed a regular meeting at which all business may be transacted in the same manner and with the same effect as at a regular meeting held at the time appointed by this chapter. (Ord. 1, §2, 1946.)

2.04.030 Meetings.

(1) Special Meetings. The mayor upon his own motion may, or at the request of two (2) members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not less than 24 hours after notice is given.

(2) Emergency Meetings. An emergency meeting may be called in less than twenty-four hours notice provided the meeting minutes state the need and nature of the emergency. Emergency meetings may be called by the mayor, council president, or any two council members.

(3) Workshops. Workshop sessions shall be informal meetings for the purpose of reviewing forthcoming City Business. Where possible, workshops shall be topic specific. Sessions shall be held on a day of the week in agreement by a majority of the Council. A workshop may be called by either the Mayor, Council President, or two Council Members.

(4) Executive Sessions. Executive sessions may be held any time and shall be held in accordance with ORS 192.660. Executive sessions shall be closed sessions. Media representation shall be permitted for background information only.

(5) Open Meetings. All meetings other than Executive Sessions shall be open to the public. (Ord. 1 §3, 1946; Amended during 1979 codification) (Amended by Ord 292, 1999).

2.04.050 Mayor -- Presiding officer -- Signature required on ordinances -- Voting power. The mayor, elected as provided in Chapter 453, Oregon Laws, 1941, shall be presiding officer of the council and shall authenticate with his signature all ordinances which the council passes. (Ord. 1 §5, 1946)(Amended by Ord 292, 1999).

2.04.060 President pro tem -- Election -- Assumption of mayor's powers. In absence of the mayor the council shall elect one (1) of its members to be president pro tem, and such selection shall be shown in the minutes. The president pro tem shall assume all of the

prerogatives of the mayor during the mayor's absence. (Ord. 1 §6, 1946)(Amended by Ord 292, 1999).

2.04.070 Order of business. The order of business at each council meeting shall be in accordance with the prepared agenda. Any item may be addressed out of order at the discretion of the Mayor or Presiding Officer. (Ord. 1 §7, 1946)(Amended by Ord 292, 1999).

2.04.080 Robert's Rules of Order. All parliamentary questions which may arise before the council, not otherwise provided for, shall be determined by Robert's Rules of Order. (Ord. 1 §8, 1946)

2.04.120 Amendment and repeal of code sections. (1) This code is the general and permanent law of the city. The council may enact three (3) types of general ordinances to effect this code. Such ordinances may:

- (a) Amend the code to change existing provisions;
- (b) Add new provisions to the code; or
- (c) Repeal existing code provisions. A general ordinance shall specifically amend or repeal a particular section of this code and a general ordinance creating a new code section shall integrate the new code section into the numbering system and organization of this code. (Ord. 1 §12, 1946; Amended during 1979 codification; Amended by Ord 292, 1999).

Chapter 2.08

RECORDER-TREASURER²

Sections:

- 2.08.010 Office created -- Appointment to other city officers.
- 2.08.020 Council clerk duties.
- 2.08.030 Custodian of city funds and monies.
- 2.08.040 Checks - Record keeping.
- 2.08.050 Statement of city finances -- Preparation and presentation to council.
- 2.08.060 License Record keeping.
- 2.08.070 Examination of records and accounts.
- 2.08.080 Bond required.

2.08.010 Office created -- Appointment to other city offices. The council shall appoint and keep in office at its pleasure, a city recorder-treasurer which office is created. Such officer may, in addition to the office to which he is appointed under this chapter, be appointed to other city offices by the council. (Ord. 2 §1, 1946.)

2.08.020 Council clerk duties. It shall be the duty of the recorder-treasurer to act as clerk of the council and it shall be his duty to attend all council meetings and to keep and preserve accurate and complete records and accounts of the official actions of the council and of himself. For such purposes he shall keep a book to be known as the "Minute Book" in which shall be entered a true, accurate, and correct transcription of all the proceedings of the council. He shall keep and preserve on file in his office all original ordinances passed by the council. (Ord. 2 §2, 1946.)

2.08.030 Custodian of city funds and monies. It shall be the duty of the recorder-treasurer to receive and safely keep all of the funds and monies of the city and credit the same to such funds as the council may direct and pay out the same only upon a check signed by the mayor or other member of the council and attested by the city recorder. No claims against the city shall be paid until audited and allowed by the council. (Ord. 2 §3, 1946; Amended during 1979 codification)

2.08.040 Checks -- Record keeping. The recorder-treasurer shall keep an accurate and correct record of all checks issued, and the name of the fund on which same were drawn, in such manner as to make possible the preparation of a comprehensive statement of recapitulation showing the financial condition of the city at any time. (Ord. 2 §4, 1946; Amended during 1979 codification).

2.08.050 Statement of city finances -- Preparation and presentation to council. (1) The recorder-treasurer shall prepare and present to the council an accurate statement of the city finances

² For Charter provisions on the power and duties of the recorder, see City Charter §22; for Charter provisions regarding appointive city officers and the power of the council to combine two or more such offices, see Charter §10, for statutory provisions on appointment of municipal officers, see ORS 221.140.

for the previous month at the first regular meeting of the council each month. The statement shall show:

- (a) The amount of money received during the month previous;
 - (b) The amount of money withdrawn from each fund and the balance on hand therein;
 - (c) The total amount of money remaining in his custody at the end of said month.
- (Amended during 1979 codification: (Ord. 2 §7, 1946).

2.08.060 License Record keeping. It shall also be the recorder-treasurer's duty to keep and preserve an accurate record of all licenses issued by him, together with the name of the licensee, the date and duration of the license and subject matter covered thereby and to do and perform any and all other acts or duties that may be prescribed by law or by the council. (Ord. 2 §8, 1946.)

2.08.070 Examination of records and accounts. The recorder-treasurer shall permit the mayor or any member of the council to examine his records and accounts and make an accurate account of the funds on hand at any time and such examinations may be the subject of a special report to the council. (Ord. 2 §9, 1946.)

2.08.080 Bond required. Before assuming the duties of his office, the recorder-treasurer shall post with the mayor a surety bond in the sum of four thousand (\$4,000) dollars in favor of the city, executed by himself as principal and one (1) or more qualified sureties, with qualifications of sureties of bail on arrest or by a surety company authorized to do business as a surety company in the state by the State Insurance Commissioner and continue the same in full force and effect during his incumbency which said bond shall first be approved and accepted by the council. (Ord. 2 §10, 1946.)

Chapter 2.10

City Manager

Sections:

- 2.10.010 Creation of Office.
- 2.10.020 Manner of Appointment.
- 2.10.030 Duties of City Manager.
- 2.10.040 Council Meetings.
- 2.10.050 Salary.

2.10.010 Creation of Office. There is hereby established and created the office of City Manager of the City of Sisters, Oregon. (Ord. 183, 1986)

2.10.020 Manner of Appointment. The City Manager shall be approved by a majority vote of the Common Council of the City of Sisters, following nomination by the mayor or by nomination by two members of the Common Council. The City Manager shall serve at the pleasure of the mayor and Common Council. However, the City Manager shall be removed only by the majority vote of the Common Council.

The City Manager may also be appointed to perform other duties as required by the Mayor and Common Council. In the event of other duties, the City Manager shall hold the office of City Manager and perform the administrative duties in addition to the powers and duties prescribed for the other appointed office in such manner that the efficiency and administration of the other office shall in no way be effected or diminished. (Ord. 183, 1986)

2.10.030 Duties of City Manager.

- (1) The power and duties of the City Manager shall be as follows:
 - (a) The City Manager shall have the general supervision, direction and control of all non-elective officers and public employees of the City in the exercise of their duties and of the work of all city departments other than the office at City Attorney.
 - (b) To act as administrative head of all departments of the City government subject to the control and direction of the mayor and Council.
 - (c) To act as budget officer and to prepare the annual budget for consideration by the budget committee and the Council.
 - (d) To act as purchasing agent for all departments of the City subject to the provisions of the City Charter and the contract review board.
 - (e) To act as business agent of the Council in connection with City business.

(f) To prepare and furnish all reports requested by the mayor or Council.

(g) To recommend ordinances to the Council designed to increase the efficiency of the City government.

(h) 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.

(i) To collect all sums of money due the City.

(j) To meet with private citizens and interested groups seeking information or bringing complaints and to attempt to resolve any problems tactfully and fairly.

(2) The City Manager shall have, in exercising general charge, supervision and control over all non-elective City employees, the power to appoint and remove, subject to the personnel rules, employees of the City. The City Manager shall also have general supervision and control over all non-elected or appointed officials and employees and their work, with power to transfer an employee from one department to another to the end that the utmost efficiency is attained from all departments and from the City government as a whole. The City Manager shall designate the duties of employees, the hours of their employment, and all matters pertaining to their work for the City. The Council may by motion, resolution or ordinance, provide rule under which the City Manager shall conduct the City Manager's office and affairs for the various departments of the City. Any resolution now in effect with reference to hours of work and vacation shall be binding on the City Manager. (Ord. 183, 1986; Amended by Ord 329, 2002)

2.10.040 Council Meetings. The City Manager shall sit with the Council at all meetings and at all committee meetings of the Council at which the City Manager is required to attend. The City Manager may take part in all discussions coming before the Council or the committees of the Council, but shall have no vote. (Ord. 183, 1986)

2.10.050 Salary. The salary of the City Manager shall be such as shall be from time to time fixed and determined by action of the Council. (Ord. 183, 1986)

2.10.060 Residency Requirement. The City Manager shall be required to live inside the boundaries of the Sisters School District within one year after date of hire. (Ord 329, 2002)

Chapter 2.12

CHIEF OF POLICE³

Sections:

- 2.12.010 Police department -- Officers.
- 2.12.020 Police department -- Duties and powers of chief.

2.12.010 Police department -- Officers. The chief of police shall be appointed by the common council. The chief of police, officers, and members of the police department shall receive for their services such compensation as the council may provide. (Amended during 1979 codification: Ord. 5 §1, 1946.)

2.12.020 Police department -- Duties and powers of chief. (1) The duties and powers of the chief of police shall be as follows:

(a) To have full control and direction of the police department, equipment and police personnel and have the control and disposition of such police officers as may be appointed either temporary or permanent;

(b) To preserve the peace and quiet of the city and to diligently inquire into and make complaints against all persons guilty of violation of any of the city ordinances and state laws, to prevent crimes, arrest offenders, protect the rights of persons and properties, and generally obey and enforce all the ordinances of the city and criminal laws of the state and of the United States of America;

(c) To perform such other duties as may be prescribed by ordinance or by the order of the council and to have the general authority of a police officer of the state within the boundaries of the city;

(d) To devote the time necessary to the discharge of his official duties and to keep the council advised of the affairs and needs of his office;

(e) To have general supervision and control over the employees within his department and the work of such employees;

(f) To answer directly to the City Manager, if any, or, if none, then to the councilman in charge of the department;

(g) To be the administrative head of the department and recommend to the council, when necessary to achieve a more efficient operation of the city government, the organization or

³ For Charter provisions authorizing the council to appoint additional officers of the city, see Charter §10.

reorganization of, or any change in, the department. (Amended during 1979 codification: Ord 5 §2, 1946.)

Chapter 2.16

DISPOSITION OF ABANDONED PERSONAL PROPERTY

Sections:

- 2.16.010 Abandoned personal property -- Custody -- Police report.
- 2.16.020 Abandoned personal property -- Storage.
- 2.16.030 Approval of common council for sale.
- 2.16.040 Notice of sale -- Publishing -- Contents.
- 2.16.050 Accounting on sale.
- 2.16.060 Certificate of sale.

2.16.010 Abandoned personal property -- Custody -- Police report. Whenever personal property of any kind is seized by the city, or any of its officers or agents, or whenever such property is surrendered to the city, or any of its officers or agents, by the owner or custodian thereof, or whenever such property is abandoned by the owner or the custodian thereof and the city, or any of its officers or agents come into possession thereof, a report thereof which describes such property, the date of its acquisition, the place of its acquisition, and the person or persons from whom it was acquired, if any, shall be made to the chief of police by the officer or agent taking said property into his custody. (Ord. 101 §1, 1978.)

2.16.020 Abandoned personal property -- Storage. All personal property referred to in Section 2.16.010 shall be stored in a reasonably safe and secure location at the expense of the person lawfully entitled to the possession thereof. (Ord. 101 §2, 1978.)

2.16.030 Approval of common council for sale. When the chief of police deems it appropriate to dispose of such property (excepting vehicles registered with the motor vehicles division of the state), he shall prepare a detailed list of the property to be disposed of and an estimate of the value of each item and deliver such list to the city recorder. Within thirty (30) days after receipt of such list, the common council shall approve or disapprove of the disposition of such property by endorsing such approval or disapproval on such list and delivering it to the chief of police. (Ord. 101 §3, 1978.)

2.16.040 Notice of sale -- Publishing -- Contents. Following the approval by the common council of the disposition of such property by the chief of police, the chief of police shall proceed to sell such property at public auction for the highest and best price obtainable. Notice of the time and place of such auction shall be given by one (1) public notice in a newspaper of general circulation in the city not less than five (5) days, nor more than ten (10) days before the date of sale. The notice shall also contain a description of each item of property to be sold. (Ord. 101 §4, 1978.)

2.16.050 Accounting on sale. The chief of police shall render an account of each sale to the city recorder within ten (10) days of the date of sale covering the items sold, the price received therefor, and to whom sold. The proceeds of each sale shall be applied first to the expenses of such sale and the balance remaining, if any, shall be deposited to the general fund of the city. (Ord. 101,

§5, 1978.)

2.16.060 Certificate of sale. At the time of the payment of the purchase price of any item sold at such auction, the chief of police shall execute a certificate of sale and deliver the same to the purchaser. Said certificate shall contain the date of sale, the price paid, a brief description of the property, and a stipulation that the city does not warrant the condition or title of such property. (Ord. 101 §6, 1978.)

Chapter 2.20

MUNICIPAL JUDGE⁴

Sections:

- 2.20.010 Office created -- Appointment to other city offices.
- 2.20.020 Jurisdiction -- Proceedings procedure.
- 2.20.030 Warrant for arrest -- Form.
- 2.20.040 Municipal court proceedings -- Payment of fines, costs and disbursements.

2.20.010 Office created -- Appointment to other city offices. The council shall appoint and keep in office at its pleasure a city judge, which office is created. The city judge may, in addition to the office to which he is appointed under this chapter, be appointed to other city offices by the council. Ord. 4 §1, 1946.)

2.20.020 Jurisdiction -- Proceedings procedure.

(1) A city judge shall be the judge of the municipal court and shall have jurisdiction over all of the offenses against the city for violation of any ordinances thereof.

(2) All proceedings issued by him shall run in the name of the city and shall be dated the day issued, signed by the city judge and directed to the chief of police or any city police officer or, in case of the inability of said officer or officers to act therein, then to the sheriff or any deputy sheriff of the county. (Ord. 4 §2, 1946.)

2.20.030 Warrant for arrest -- Form. The form of a warrant for arrest shall be substantially as follows:

STATE OF OREGON)
 County of Deschutes) ss.
 City of Sisters)

To the chief of police of the City of Sisters or _____:

"WHEREAS _____ has this day complained in writing under oath to the undersigned City Judge of the City of Sisters, that on the ____ day of _____, 19__, in said city, one _____ did violate ordinance no. _____ in said city by _- _____ (enter substance of complaint).

"THEREFORE, in the name of the City of Sisters, you are hereby commanded to forthwith arrest the said _____ and bring him before me to be dealt with according to law.

⁴ For Charter provisions on the powers and duties of the municipal judge, see Charter §21; for statutory provisions on the appointment of the municipal judge, see ORS 221.140.

"Given under my hand and seal of the City of Sisters, Oregon, this _____ day of _____, 19__.

City Judge

(SEAL)
(Ord. 4 §3, 1946.)

2.20.040 Municipal court proceedings -- Payment of fines, costs, and disbursements. All proceedings in the municipal court for violation of city ordinances shall be governed by the laws of the state for similar proceedings in the justices of the peace courts. All fines, costs and disbursements involved in criminal proceedings shall be paid to the recorder-treasurer, under receipt for the same. (Ord. 4 §4, 1946.)

Chapter 2.24

MUNICIPAL COURT⁵

Sections:

- 2.24.010 Judge -- Business hours -- Assistance by police chief.
- 2.24.020 Jurisdiction.
- 2.24.030 Applicability of state laws.
- 2.24.040 Right to trial by jury.
(Repealed by Ord. 269, 1995)
- 2.24.050 Trial jury -- Panel number -- Verdicts.
(Repealed by Ord. 269, 1995)
- 2.24.060 Trial jury -- Selection -- Compensation.
(Repealed by Ord. 269, 1995)
- 2.24.070 Jury list -- Preparation -- Contents.
(Repealed by Ord. 269, 1995)
- 2.24.080 Court costs.
- 2.24.090 Sentencing.
- 2.24.100 Nonpayment of fines and costs.

2.24.010 Judge -- Business hours -- Assistance by police chief.

(1) The municipal judge shall be the chief judicial officer of the city. The court shall be open for the transaction of judicial business during the usual business hours of each day; provided, however, that trial of any cause may be at any hour and day except Sunday, and that complaint may be filed and warrant may issue and be served from the court on any day.

(2) The police chief shall assist the municipal judge in the service of the subpoenas, notices of jury duty and such other orders of the court as are necessary for the proper conduct thereof. (Added during 1979 codification.)

2.24.020 Jurisdiction. A municipal judge shall exercise original and exclusive jurisdiction of all violations and defenses 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 the Statutes of the state.

2.24.030 Applicability of state laws. Except as otherwise provided by the Ordinance or Charter, proceedings in 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 powers, function and

⁵ For statutory provisions on juries, see ORS Ch. 10; for provisions on trial by jury in criminal cases, see ORS 221.349.

jurisdiction of municipal courts according to the laws contained in ORS Chapter 221 and ORS Chapter 153. (Amended by Ord. 269, 1995)

2.24.080 Court costs.

(1) There shall be assessed an amount of \$30.00 (thirty) dollars as Court costs in each case on the matters brought before the municipal court.

(2) Court costs shall be assessed against each defendant being cited into municipal court for any violation of this Code or City Ordinances or state offense which may be prosecuted in municipal court, whether defendant appears, fails to appear, or is convicted after a trial, except violations of Chapter 6.04 and violations of the Code pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to force the defendant's appearance.

(3) Court costs shall be separate and distinct from any fine or other penalty imposed for any violation prosecuted in the municipal code. They shall be considered statutory in nature and may not be suspended or otherwise disposed of. The municipal court judge, upon good cause shown, may suspend or defer court costs in the appropriate case. Monies collected as court costs as in this Code provided shall be disposed of and handled in the manner in which other fines and penalties occurring from other matters in municipal court are disposed of.

(4) All defendants posting bail shall be required upon their conviction, to post the additional sum of court costs as in this section provided. In the event of a trial on the merits of the case resulting in acquittal or upon a dismissal of the case for any cause, the court costs shall be reimbursed to the defendant. (Amended by Ord. 143, 1981, Amended by Ord. 269, 1995.)

2.24.090 Sentencing.

(1) The municipal judge may, as a condition of sentence after conviction, order that any such defendant convicted of any municipal ordinance or state or county statute subject to the jurisdiction of the Court, pay any such fine and/or court costs as mandated by said statute or ordinance.

(2) 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 by the judge, the defendant shall pay the fine immediately. (Amended by Ord. 269, 1995)

2.24.100 Nonpayment of fines and costs.

(1) When a defendant sentenced to pay a fine defaults in the payment thereof, or any installment, the court on motion of the city attorney shall commence proceedings to impose punitive sanctions for contempt as provided in ORS 33.065. The contempt proceedings shall be governed by the procedures established in ORS Chapter 33.

(2) In the case where the defendant has been convicted of a traffic violation pursuant to ORS 153.630 and has failed to pay the fine as ordered by the court, the defendant shall be personally liable to the City pursuant to ORS 153.635 and the City shall have judgment against the defendant in the amount of the fine plus interest from the date of the conviction. The City may use any legal remedy available to collect said judgment.

(3) If defendant fails to pay any fine ordered by the Court pursuant to the defendant's conviction of any municipal ordinance, the City may enter the amount of the fine plus interest as a civil judgment. The City may use any legal remedy necessary to collect said judgment.

(4) Upon the defendant's failure to pay a fine for violation of a traffic offense as defined in ORS 153.500, et seq., the municipal court shall notify the Department of Motor Vehicles of said failure to pay the fine as required by the Court and defendant's driving privileges may be suspended pursuant to ORS Chapter 809 et seq. (Amended by Ord. 269, 1995)

Chapter 2.28

PLANNING COMMISSION⁶

Sections:

2.28.010	Created.
2.28.020	Composition -- Appointment -- Terms -- Vacancy filling.
2.28.030	President and vice president -- Election.
2.28.040	Reimbursement for expenses -- Records of proceedings.
2.28.050	Quorum -- Governing rules and regulations -- Meetings.
2.28.060	Powers and duties.
2.28.070	Plans submitted by City Manager -- Written report by commission.
2.28.080	Plans submitted by city recorder -- Consideration and report by commission.
2.28.090	Receiving of gifts, bequests or devises of property.
2.28.100	Recommendations to council to be in writing.
2.28.110	Expenditures.

2.28.010 Created. There is created a city planning commission for the city. (Ord. 82-A §1, 1974.)

2.28.020 Composition -- Appointment -- Terms -- Vacancy filling.

(1) The city planning commission shall consist of seven (7) members to be appointed by the mayor, with the consent of the council.

(2) Not more than two (2) planning commission members shall be nonresidents of the city. Any nonresident planning commission members must reside within the Sisters School District boundaries. Not more than two (2) planning commission members may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. Not more than two (2) of the seven (7) members of the city planning commission may be city officers who shall serve as ex officio nonvoting members.

(3) At the first meeting of the commission, the seven (7) voting appointed members shall choose their terms of office by lots as follows: two (2) for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and one (1) for four (4) years.

(4) Successors to the term of office of voting members of the commission shall be for four (4) years.

⁶ For statutory provisions on city planning commissions, see ORS 227.010 et seq.

(5) Ex officio nonvoting members shall serve at the pleasure of the mayor.

(6) Any vacancy in office shall be filled by the mayor, with the consent of the council, for the unexpired portion of the term of the member whose office became vacant.

(7) A member of the planning commission may be removed by the city council, after hearing, for misconduct or nonperformance of duty. (Ord. 82-B, §1, 1975; Ord. 82-A §2, 1974; Ord 343, 2004.)

2.28.030 Chair and vice-chair -- Election. The city planning commission, at its first meeting after the effective date of the ordinance codified in this chapter, shall elect a chair and vice-chair who shall be voting members and who shall hold office during the pleasure of the commission. (Ord. 82-A §3, 1974; Amended by Ord. 82-B, 1974; Ord 343, 2004.)

2.28.040 Reimbursement for expenses -- Records of proceedings. Members of the city planning commission shall receive no compensation, but shall be reimbursed for duly authorized expenses. The city planning commission shall keep an accurate record of all proceedings of the commission and the commission shall make and file with the common council minutes of all transactions of the commission. (Ord. 82-A §4, 1974.)

2.28.050 Quorum -- Governing rules and regulations -- Meetings. Four (4) members of the city planning commission shall constitute a quorum. The city planning commission may make and alter rules and regulations for its government and procedure consistent with laws of this state and with city charter and ordinances. The city planning commission shall meet once a month as needed or as directed by the council. (Ord. 82-A §5, 1974; Ord 343, 2004.)

2.28.060 Powers and duties. It shall be the duty of the city planning commission, and they shall have power except as otherwise provided by law, to recommend and make suggestions to the common council and to all other public authorities concerning the laying out, widening, extending, parking, locating, and vacating of streets, sidewalks, and boulevards, and relief of traffic congestion, the betterment of housing and sanitation conditions, and the establishment of zones and districts limiting the use, height, area, and bulk of buildings and structures; to recommend to the city council and all other public authorities plans for the regulations of the future growth, development, and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots, and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants, sanitation, proper service of all public utilities, harbor, shipping, and transportation facilities; to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city, and of the area for six (6) miles adjacent thereto. (Ord. 82-A §6, 1974.)

2.28.070 Plans submitted by City Manager -- Written report by commission. All maps, plats, and replats of land laid out in building lots and the streets, alleys, or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon

or adjacent thereto and located within the city limits, and all plans or plats for vacating or laying out, widening, extending, parking, and locating streets or plans for public buildings, shall first be submitted to the city planning commission by the City Manager or representative and a report thereon from the commission secured in writing before approval shall be given by city officials. (Ord. 82-A §7, 1974.)

2.28.080 Plans submitted by city recorder -- Consideration and report by commission. All plans, plats, or replats of lands laid out in lots or plats, including the streets, alleys, and other portions of the same, intended to be dedicated to public or private use, and all plats or deeds dedicating land to public use without the city and within six (6) miles of the city, shall be first submitted to the city planning commission and approved by it before they shall be recorded. Copies of all ordinances for the establishment of the boundaries of any zone or of all ordinances for establishment of the boundaries of any zone or district provided by Section 2.28.060, and all ordinances regulating or limiting the use, height, area, bulk and construction of buildings to be submitted to the council, shall, before the same are presented to the council, be first submitted by the city recorder to the city planning commission for recommendation and the city recorder immediately so notify the council, and said commission shall make its recommendation thereon in writing to the council; provided, that the city planning commission shall first hold a public hearing and make a careful and appropriate investigation thereon; before final action shall be taken by the common council or any department of the city government on the location or design of any public building, bridge, statute, park, parkway, boulevard, playground, or public grounds, the same may be submitted to the city planning commission for consideration and report. (Ord. 82-A §8, 1974.)

2.28.090 Receiving of gifts, bequests, or devises of property. The city planning commission may receive gifts, bequests, or devises of property to carry out any of the purposes of this chapter, which property shall be set over to the city to be used by it in furtherance of the purposes of the gift, bequest or devise and of this chapter pursuant to the recommendations of the planning commission. (Ord. 82-A §9, 1974.)

2.28.100 Recommendations to council to be in writing. All recommendations made to the council by the city planning commission shall be submitted in writing. (Ord. 82-A §10, 1974.)

2.28.110 Expenditures. The city planning commission shall have no authority to make any expenditures on behalf of the city, or to obligate the city for the payment of any sums of money, except as the common council of the city shall have authorized such expenditures. (Ord. 82-A §11, 1974.)

2.28.120 Conflicts of Interest.

(1) Planning commission members shall not participate in any planning commission proceeding or action in which they hold a direct or substantial financial interest, or when a member's immediate family holds such interest. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment. (Ord 343, 2004)

Planning commission members shall disclose any actual or potential conflict of interest in any action before the planning commission at the meeting where the action is to be taken. Planning commission members shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other interested parties to an application before the planning commission. Ex-parte contacts shall not invalidate a final decision or action of the planning commission, provided that the planning commission member receiving the contact discloses the existence of the ex-parte contact and further discloses the substance of the ex-parte communication where the planning commission action will be considered or taken. (Ord 343, 2004)

Chapter 2.23

CONTRACT REVIEW BOARD⁷

Sections:

2.23.010	Definitions.
2.32.020	Contract Review Board
2.32.022	Contracting Agency
2.32.024	Model Rules
2.32.026	City Manager Contracting Authority
2.32.030	Competitive Bids Exemption.
2.32.070	Bid Rejection.
2.32.080	Bidder Disqualification.
2.32.090	Appeal of Disqualification.
2.32.100	Additional Authority.
2.32.110	Surplus Property
2.32.120	Personal Service Contracts

2.32.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the following meanings:

- (1) "Board" means the local contract review board as established in Section 2.32.020.
- (2) "Informal price quote" means the procedure whereby the City Manager ascertains by correspondence, telephone calls, or by direct contact the various prices for the items involved, quoted by a number of reliable firms that shall have the item for sale. The City Manager shall maintain all records and evidence of such informal bids
- (3) "Public contract" means any purchase, lease, or sale by the city of personal property, public improvements or services other than agreements, which are exclusively for personal services.
- (4) "Public improvement" means any construction or improvements on real property by or for the city. (Ord 353, 2005)

2.32.020 Contract Review Board. The City Council of the City of Sisters is designated as the Local Contract Review Board. The Local Contract Review Board may delegate its powers and responsibilities consistent with ORS 279A, 279B, and 279C, the Oregon Public Contracting Code, the Attorney General's Model Rules, and the Sisters Municipal Code. (Ord 353, 2005)

2.32.022 Contracting Agency. The City Manager is designated as the City's Contracting Agency and is further designated as the Purchasing Agent for the City of Sisters. The City Manager, or the

⁷ For statutory provisions on local contract review boards, see ORS 279.055.

Manager's designee is delegated and is authorized to exercise all authorities granted by ORS 279A, 279B, and 279C, the Attorney General's Model Rules, and by ordinance or resolution. (Ord 353, 2005)

2.32.024 Model Rules. Except as provided in this chapter, or by subsequent ordinance or resolution, the Model Rules adopted by the Attorney General under ORS 279A, 279B, and 279C, as they now exist, and as they may be amended in the future, are hereby adopted as the City's public contracting rules. (Ord 353, 2005)

2.32.026 City Manager Contracting Authority. The City Manager shall have contracting authority as follows:

(1) Small Procurements. To enter into contracts for procurement of goods or services not to exceed \$5,000 by any manner deemed practical or convenient by the City Manager, including by direct selection or award.

(2) Intermediate procurements. To enter into contracts for procurement of goods or services not to exceed \$15,000 by seeking at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The City Manager shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer may be accepted, but the City Manager shall make a written record of the effort made to obtain the quotes or proposals.

(3) Sole Source. To enter into contracts for goods or services without competition when the Board determines in writing and in accordance with any applicable rules that the goods or services, or class of goods or services, are available from only one source.

(4) Emergency Procurements. To enter into contracts for the emergency procurement of goods or services when an emergency exists. The City Manager shall document the nature of the emergency and describe the method used for the selection of the particular contractor. (Ord 353, 2005)

2.32.030 Competitive bids exemption. All public contracts and public improvements shall be based on competitive bids, except:

(1) Purchase through federal programs as provided by ORS 279A.180 or otherwise made with or the cost of which is provided by other public agencies or the federal government;

(2) Contracts for any item that is available only through one company, firm or individual, with the determination of a sole source based on written findings consistent with state law;

(3) Contracts for any purchase, the amount of which is greater than fifteen thousand dollars (\$15,000) and less than fifty thousand dollars (\$50,000), may be made by an informal

quote where the local contract review board has determined that the awarding of the contract without competitive bidding will result in cost savings.

(4) Emergency contracts provided that the Board complies with any requirements of ORS 2790A, 279B, 279C and the Model Rules in making the exemption.

(5) Any other contract (including sole source and brand name specification contracts) where the public interest would be promoted by exemption the contract from the competitive bidding process, provided that the Board complies with any requirements of ORS 2790A, 279B, 279C and the Model Rules in making the exemption.

(6) Any other contract exempted by state law or the Model Rules. (Ord 353, 2005)

2.32.070 Bid rejection. The board 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. (Ord 353, 2005)

2.32.080 Bidder disqualification. The board may disqualify any bidder on a contract if:

(1) The bidder does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

(2) The bidder does not have equipment available to perform the contract; or

(3) The bidder does not have personnel of sufficient experience to perform the contract; or

(4) The bidder has breached contractual obligations to public and private contracting agencies.

(5) For such other reasons as may be allowed by statute or rule. (Ord 353, 2005)

2.32.090 Appeal of disqualification. A bidder who has been disqualified may appeal such disqualification to the board as follows:

(1) The bidder shall, within three (3) business days from receipt of notice of disqualification, notify the City Manager in writing that they wish to appeal the disqualification.

(2) Upon receipt of such written notice of appeal, the City Manager 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 statutory requirement and decide the appeal within ten (10) days after receiving the notification and shall set forth in writing the reasons for its decisions. (Ord 353, 2005)

2.32.100 Additional authority. In addition to the powers and duties established by this chapter, the board shall have such additional powers as authorized by state law and administrative rule. (Ord 353, 2005)

2.32.110 Surplus Property: The City Manager shall have the authority to dispose of surplus property by any means determined to be in the best interest of the City, including but not limited to, transfer to other departments, government agencies, non-profit organizations, sale, trade, auction, or destruction, provided however that disposal of personal property have a residual value of more than \$1,000 shall be subject to authorization by the Board. (Ord 353, 2005)

2.32.120 Personal Services Contracts:

Personal services contracts are those that require specialized technical, creative, professional or communication skills and knowledge, and that the quality of services depends on attributes that are unique to the service provider. Such services include architects, engineers, attorneys, auditors and other licensed professionals, artists, computer programmers, consultants, property managers and such other services as may be designated as personal services by the Board.

The City Manager is authorized to set the selection criteria for any personal services contract. However, the criteria should included consideration of the contractor's education, experience, and capability to perform the work. (Ord 353, 2005)

Chapter 2.36

VOLUNTEER FIRE AND AMBULANCE DEPARTMENT⁸

Sections:

- 2.36.010 Created -- Purpose.
- 2.36.020 Board of directors -- Composition -- Election -- Terms -- Fire chief's election and duties.
- 2.36.030 Board of directors -- Powers and duties.
- 2.36.040 Fire department -- Duties and powers of chief.
- 2.36.050 Fire department -- Duties and powers of assistant chiefs and captains.
- 2.36.060 Fire department -- Duties and powers of secretary.
- 2.36.070 Fire department -- Duties and powers of treasurer.
- 2.36.080 Fire department -- Adoption of rules and regulations.
- 2.36.090 Fire department -- Compensation.
- 2.36.100 Meetings -- Quorum.
- 2.36.110 Membership -- Qualifications.
- 2.36.120 Membership -- Applicant requirements.
- 2.36.130 Membership -- Suspension or dismissal.
- 2.36.140 Membership -- Additional rules and regulations.
- 2.36.150 Members -- Duties.
- 2.36.160 Regulations generally.
- 2.36.170 Equipment and apparatus.
- 2.36.180 Fees.
- 2.36.190 Special accounts.
- 2.36.200 Response to emergency alarms by policemen.
- 2.36.210 Violation -- Penalty

2.36.010 Created--Purpose. The department created by this chapter shall be known and designated as the city volunteer fire and ambulance department. The purposes of this department shall be the prevention and extinguishing of fires and protection of life and property within the city and surrounding area and providing of emergency medical services and transportation to medical services and transportation to medical facilities within the city and surrounding area. (Ord. 100 §1, 1978).

2.36.020 Board of directors--Composition--Election--Terms--Fire chief's election and duties.

(1) The city volunteer fire and ambulance department shall consist of seven (7) member board of directors and such other individuals as may acquire membership in the departments provided for by this chapter.

⁸ For statutory provisions on protection from fire, see ORS Ch. 476.

(2) The board of directors shall consist of a fire chief, assistant chief, two (2) captains, a secretary, a treasurer and a lieutenant. The board of directors shall be elected by members of the department, subject to approval by the common council for a term of two (2) years and tenure of office shall depend upon good conduct and efficiency, except that the fire chief shall be appointed and removed by the common council with the recommendation of the department. The fire chief shall be removed only for just cause and after public hearing before the common council. Board members shall serve without compensation.

(3) The fire chief shall be held accountable for the department and shall make written and verbal reports as the council may require. All of the department and members of the board of directors shall be accountable to the fire chief only.

(4) The directors shall be elected by ballot except for the fire chief who shall be appointed as provided in subsection B of this section, each active member in good standing being entitled to one vote with a majority of the votes cast being required for election. Nominations shall be held on the first Tuesday in December, with elections on the second Tuesday in December and installation on the first Tuesday in January of each and every year where an election is appropriate or as soon thereafter as reasonably possible.

(5) No person shall hold more than one (1) office per term. (Ord. 100 §2 (part), 1978).

2.36.030 Board of directors--Powers and duties.

(1) The board shall have the powers and duties specified in this chapter and all powers necessary or proper to enable it to take possession and charge of, manage, operate and maintain the fire and ambulance service and fixtures and equipment attached or belonging thereto; and in the exercise of such powers and duties, but without limitation on the foregoing:

(a) To make rules and regulations governing the management and operation of the department, subject to the approval of the common council;

(b) To recommend to the council reasonable rates, adequate for operation and maintenance of the department, for a fair and adequate reserve for replacement, including the time and manner for payment of such rates, and to do any other act or make any other regulations necessary or convenient for the management and operation of said department, subject to approval by the common council. (Ord 100 §2 (part), 1978).

2.36.040 Fire department--Duties and powers of chief.

(1) The duties and powers of the chief of the fire department shall be as follows:

(a) To have full control and direction of the apparatus and forces of the fire department when in attendance at a fire, as well as the policemen and citizens summoned to assist the department. On such occasions, he shall have the same authority as the police chief to enforce orders, make arrests and maintain order;

(b) To be fire marshal of the city and to perform all the duties of that office as required by ordinances of the city, orders of the mayor and council and laws of the state;

(c) To devote the time necessary to the discharge of this official duties and keep the council advised of the affairs and needs of his office;

(d) To have general supervision and control over the employees within his department and the work of such employees;

(e) To be answerable directly to the City Manager, if any, or, if none, then to the councilman in charge of the department;

(f) To be the administrative head of the department and recommend to the council, when necessary to achieve a more effective operation of the city government, the organization, reorganization of any change in the department;

(g) To order, upon the advice of the mayor, when present at a fire, or on his own motion when the mayor is absent, the removal or destruction of any building, structure, erection or fence whenever necessary to avert the progress of or to extinguish any fire with which the department is contending. No personal liability on the part of the city or the chief shall result from such order lawfully given. (Added during 1979 codification).

2.36.050 Fire department--Duties and powers of assistant chiefs and captains.

(1) The duties and powers of the assistant chiefs and captains of the fire department shall be as follows:

(a) To act for and have the powers of the chief, according to their rank, whenever the chief is absent or unable to act, and in such event, they shall perform all duties and possess all the powers of the fire chief during such absence;

(b) To assist the chief and be subject to his orders;

(c) To have general supervision, under the chief, of the apparatus, vehicles and housings of the department;

(d) To be deputy fire marshals and assist the chief in the performance of the duties of that office. (Added during 1979 codification).

2.36070 Fire department--Duties and powers of treasurer.

(1) The duties and powers of the treasurer of the fire department shall be as follows:

(a) To keep the accounts of the department and to keep a correct statement of the finances of the department in a book provided for that purpose;

(b) To collect all money due the department, report the financial condition of the department and to perform such other services and duties as the department may direct. (Added

during 1979 codification).

2.36.080 Fire department--Adoption of rules and regulations. The fire department may adopt such constitution, bylaws, rules and regulations for its government as will best service the discipline and effectiveness of the department, but such constitution, bylaws, rules and regulations must not be inconsistent with the laws of the state or of the ordinances of the city, and shall in every case be submitted to the council for approval or revision before their adoption by the department. When thus approved, they shall have the force and effect of ordinances, resolutions and orders of the council. (Added during 1979 codification).

2.36.090 Fire Department--Compensation. The officers and members of the fire department shall receive for their services such compensation as the council may provide. (Added during 1979 codification).

2.36.100 Meetings-Quorum.

(1) The board of directors shall meet at least once a month at such time and place as may be designated by the board of directors or fire chief. The regular meetings of the department shall be held every Tuesday, except that no meetings shall be held on legal holidays. The second and fourth Tuesdays of the month shall be designated ambulance training. The remaining Tuesdays shall be designated for fire training. Meetings shall begin at seven (7) p.m. and will last no longer than three (3) hours.

(2) The majority of those members in attendance at a regularly scheduled meeting, or at a nonregular meeting called with at least five (5) days' prior written notice, shall constitute a quorum. (Ord. 100 §4, 1978).

2.36.120 Membership--Applicant requirements. All applicants for membership must be proposed at a regular business meeting by a member of the board of directors and voted upon by the membership and initiated. All applicants must attend six (6) consecutive meetings, fires or ambulance calls to obtain a badge and the department shall have the power to assess an initiation fee sufficient to cover badges, insurance and other personal accessories. No member shall expect any pay or salary for the performance of regular duties at fires, ambulance calls or drills. (Ord. 100 §5 (part), 1978).

2.36.130 Membership--Suspension or dismissal. Any member of the department may be suspended or dismissed from the department by the fire chief at any time he may deem such action necessary for the good of the department. Any member of the department may be removed for poor attendance by a vote of the department, or if four(4) or more consecutive meetings are missed without just cause, or if a member violates any of the duties of members as hereinafter set forth. On written request of such member to the common council, the member shall be given a public hearing on the charges brought by the fire chief or department. (Ord. 100 §5 (part), 1978).

2.36.140 Membership--Additional rules and regulations.

(1) The department, subject to approval by the common council, may make such other

rules and regulations pertaining to membership as may be deemed just and proper.

(2) Applicants shall receive a copy of the ordinance codified in this chapter and the rules and regulations of the department.

(3) An EMT member may be any interested person who holds a current Oregon State Health Division certificate as an EMT I or better.

(4) An associate membership may be obtained by any person interested in betterment of the city volunteer fire and ambulance department.

(5) Any member may withdraw from the department by returning all property belonging to the department and notifying the fire chief or assistant fire chief in writing of his or her resignation.

(6) A member may be reinstated after leaving the Sisters' area for a period of time, not to exceed two (2) years, without reserving the probationary period. (Ord. 100 §5 (part), 1978).

2.36.150 Members-Duties. It shall be the duty of all firefighters to answer all general alarms. It shall be the duty of all members to attend all the appropriate meetings and drills and emergency calls unless unavoidably detained. Firefighters shall remain at the scene of the fire until they have been excused by a senior officer. Any member under the age of twenty-one (21) must abstain from the possession and use of all alcoholic beverages during the handling and serving of any department function. (Ord. 100 §6, 1978).

2.36.160 Regulations generally.

(1) Each member of the department shall be issued a badge designating his or her rank.

(2) All motor equipment and all personal cars of the department members shall comply with the Oregon law as to right-of-way of the emergency vehicles in responding to an alarm.

(3) No person shall drive a vehicle over a fire hose except upon specific orders from the fire chief or other officer in charge where the hose is used.

(4) No person shall park any vehicle or otherwise cause any obstruction to be placed in front of an entrance to any fire station or other place where fire apparatus is stored, or within ten (10) feet of any fire hydrant or cistern.

(5) No person shall maliciously turn in or cause to be turned in any false alarm. (Ord. 100 §7, 1978).

2.36.170 Equipment and apparatus.

(1) The department shall be equipped with such apparatus and other equipment as may

be required from time to time to maintain it sufficiently and properly protect life and property from fire and properly provide emergency medical services and transportation to medical facilities. Recommendations for apparatus and equipment needed shall be made by the fire chief and after approval by the common council shall be purchased in such manner as may be designated by the common council.

(2) All equipment of the department shall be safely and conveniently housed at such places as may be designated by the common council.

(3) Suitable arrangements shall be provided for citizens to request assistance or turn in an alarm, and for notification of all members of the department so that they may promptly respond to such requests and alarms.

(4) No person shall use any fire apparatus, ambulance apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away and conceal any article used in any way by the department.

(5) The department is authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations as necessary to carry out the purposes of the department, or to establish mutual aid systems, subject to approval of said agreement or contract by the common council, or to provide service to such other communities, organizations or individuals, as the common council may approve. No apparatus shall be hired out or permitted to leave the city, except in response to a call for aid, without the consent of the fire chief and a previously designated member of the common council. The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with any previously duly and lawfully authorized contract or agreement, or, in the absence of a previously authorized contract or agreement, when an emergency may so dictate. (Ord. 100 §9, 1978).

2.36.180 Fees. Fees to be charged for services rendered by the city's volunteer fire and ambulance department shall be set by the board of directors of the department with the approval of the common council. (Ord. 100 §10, 1978).

2.36.190 Special accounts. There shall be created a special account for the city's volunteer fire and ambulance department. All receipts from the operation of the department shall be credited to said account and it shall be used for the operation of the department and for the maintenance, repair and replacement of equipment. From time to time the common council may transfer other funds to this account. (Ord. 100 §11, 1978).

2.36.200 Response to emergency alarms by policemen. It is made the special duty of the city policeman who may be on duty and available for fire duty or emergency ambulance duty to respond to all emergency alarms and assist the department in the protection of life and property, and in regulating traffic, maintaining order, and in the observance of all sections of this chapter. (Ord. 100 §8 (part), 1978).

2.36.210 Violation--Penalty. Any person violating the provisions of this chapter shall upon

conviction in the city court of the city, or before the justice of the peace, pay a fine of not less than ten (10) dollars nor more than one hundred (100) dollars for each offense, and/or not more than five (5) days in jail. (Ord. 100 §8 (part), 1978.

Chapter 2.40

PUBLIC LIBRARY BOARD⁹

Sections:

2.40.010	Public library established -- Appointment, terms and compensation of board.
2.40.020	Custodian of library funds -- Bond requirements.
2.40.030	Board -- Organization.
2.40.040	Board -- Vacancy filling.
2.40.050	Board -- Powers and duties.
2.40.060	Board -- Annual report to council.
2.40.070	Board -- Filing of budget.
2.40.080	Library fund -- Monthly examination -- Procedure for drawing warrants.
2.40.090	Library fund -- Record keeping -- Sources -- Disbursements.

2.40.010 Public library established -- Appointment, terms, and compensation of board.

(1) There is established under the provisions of Oregon law a free, public library for the city which shall be known as "Sisters Public Library." The mayor, subject to approval of the common council, shall appoint a public library board which shall consist of five (5) members who shall hold office, one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, and two (2) for four (4) years, from July 1st in the year of their appointment until their successors are appointed. One (1) member of the public library board may be a member of the common council of the city.

(2) No member of the public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board. (Ord. 80 §1, 1971.)

2.40.020 Custodian of library funds -- Bond requirements. The treasurer of the public library shall have custody of all money, the title of which is vested by gift in the library, unless otherwise provided by the terms of the gift. Before receiving the funds of the library, the treasurer shall give a surety bond approved by the public library board, in a sum determined by the board and sufficient in amount to equal the estimated largest sum of money the treasurer will have in his custody at any time during the year next following. The bond shall be renewed from year to year, and the premium therefor shall be paid by the city. (Ord. 80 §2 (part), 1971.)

2.40.030 Board -- Organization. After appointment, the public library board shall immediately meet and organize by the election of a president and treasurer from its members and by the election or appointment of a secretary. It may employ such assistants as it deems necessary. (Ord. 80 §2 (part), 1971.)

⁹ For statutory provisions on public library systems, see ORS 357.400 et seq.

2.40.040 Board -- Vacancy filling. At the expiration of the term of a member of the public library board, the mayor, with approval of the common council, shall appoint a new member for a term of four (4) years. If a vacancy occurs, the mayor, subject to the approval of the common council, shall appoint a new member for the unexpired term. (Ord. 80 §2 (part), 1971.)

2.40.050 Board -- Powers and duties. (1) The public library board shall have all the powers which are now or hereafter provided by the ordinances of the city or by the general laws of the state, including but not limited to the following:

(a) Establish and locate a central public library with branches at such places as are deemed necessary;

(b) Contract and be contracted with, including the right to contract with counties, cities and school districts for library service, through the library boards of such counties and cities and the district school boards and expend the public library fund in carrying out the contract;

(c) Purchase, receive, possess and dispose of all real and personal property necessary for the establishment or maintenance of a public library and branch libraries, and have the supervision, care and possession of the rooms or buildings constructed, leased, or set apart for library purposes;

(d) Make bylaws, rules and regulations for their own guidance and for the government of the library not inconsistent with law;

(e) Appoint, pay and discharge all employees necessary for the operation of the library; expend all funds donated, given or appropriated, or taxes collected for the library; select and purchase books for the library, and audit all claims, accounts and vouchers in connection with the financial management of the library, limited only by the amount of the appropriation or taxes collected or funds donated, given, or otherwise secured.

(f) Exercise all such implied powers and do all things necessary for the establishment and maintenance of a public library not inconsistent with law. (Ord. 80 §3, 1971.)

2.40.060 Board -- Annual report to council. On or before July 1st of each year, the public library board shall report to the common council and to the trustees of the state library setting the condition of their trust, if any, the various sums of money received from the library funds and all other sources, how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books, the number of registered borrowers within each of the taxing districts which unite to support such library, with such other statistics, information and suggestions as they deem of general interest. (Ord. 80 §4, 1971.)

2.40.070 Board -- Filing of budget. The public library board shall file with the city, on or before April 1st of each year, a budget containing an estimate of the amount of money necessary for the public library for the ensuing fiscal year. (Ord. 80 §5, 1971.)

2.40.080 Library fund -- Monthly examination -- Procedure for drawing warrants. At least once each month the public library board shall meet, examine and audit all accounts, demands, and claims as it finds to be correct, valid, and payable out of the library fund, which it shall cause to be marked "approved", signed by the president and secretary of such board and filed with the city, with supporting vouchers. Thereupon the city recorder without further audit shall file the vouchers in the city records and draw warrants upon the library fund for the accounts, demands and claims in the same manner as other warrants are drawn. The warrants shall be paid from the library fund. No warrants shall be drawn nor any money paid from the library fund without the approval of the public library board. (Ord. 80 §6, 1971.)

2.40.090 Library fund -- Record keeping -- Sources -- Disbursements. The public library board shall keep and maintain a complete and adequate record of all funds received from rentals or other sources which funds shall be deposited by the board in a fund designated "City of Sisters library fund". Said funds shall be disbursed by the board solely for the operation and maintenance, improvement and beautification of said library. (Ord. 80 §7,1971.)