

## CHAPTER 31: CITY DEPARTMENTS AND ORGANIZATIONS

### Section

#### *Contract Review Board*

- 31.001 Findings
- 31.002 Adoption of rules
- 31.003 Definitions
- 31.004 Exemptions from competitive procurement
- 31.005 Personal services contracts rules
- 31.006 Disposition of surplus personal property
- 31.007 Negotiations

#### *City Planning Commission*

- 31.020 Establishment
- 31.021 Members; terms; qualifications; vacancies; removal
- 31.022 Officers
- 31.023 Compensation
- 31.024 Quorum
- 31.025 Employment of staff
- 31.026 Powers and duties generally
- 31.027 Review of plans
- 31.028 Approval of plans
- 31.029 Amendment of zoning and land use regulations
- 31.030 Recommendation on location of structures
- 31.031 Gifts, bequests and the like
- 31.032 Additional authority
- 31.033 Recommendations in writing
- 31.034 Expenditure of funds

#### *Urban Renewal Agency and Plan*

- 31.045 Designation
- 31.046 Urban Renewal Plan

#### *Traffic Safety Commission*

- 31.060 Establishment
- 31.061 Membership

- 31.062 Term
- 31.063 Quorum; rules, regulations and procedures
- 31.064 Compensation
- 31.065 Powers and duties
- 31.066 Reports
- 31.067 Life

*Police Department*

- 31.080 Criminal record checks

*Police Reserve*

- 31.095 Establishment
- 31.096 Authority of Council
- 31.097 Chief of Police
- 31.098 Qualifications for police reserve

***Cross-reference:***

*Park Board, see Ch. 93*

***CONTRACT REVIEW BOARD***

**§ 31.001 FINDINGS.**

(A) The 2003 State Legislature adopted HB 2341 (2003 Oregon Laws, Chapter 794) (“the Public Contracting Code”). O.R.S. Chapters 279A, 279B and 279C together constitute the Public Contracting Code. In accordance with HB 2341, the Attorney General adopted model rules (“the model rules”) to implement the Public Contracting Code. The Public Contracting Code allows the city to adopt contracting rules in areas not covered by the Public Contracting Code or the model rules.

(B) O.R.S. 279B.085 and 279C.355 authorize a contracting agency, upon adoption of appropriate findings, to establish special selection, evaluation and award procedures for, or exempt from competition, the award of a specific contract or classes of contracts.

(C) The classes of contracts identified in § 31.003 should be exempt from the competitive procurement requirements of the Public Contracting Code because strict compliance with competitive procurement requirements will result in useless expense without furthering the public policy of encouraging competition.

(D) The classes of public improvement contracts identified in § 31.003 should be exempt from the competitive bidding requirements of the Public Contracting Code because:

(1) It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts;

(2) The awarding of public improvement contracts under the exemption will result in substantial cost savings to the contracting agency or, if the contracts are for public improvements described in O.R.S. 279A.050(3)(b), to the contracting agency or the public;

(3) The informal solicitation procedure for these classes of contracts requires the contracting agency to solicit at least three written price quotes. The awarding of the contracts will take price into consideration among other factors;

(4) The informal solicitation process provides the following benefits:

(a) Reduction in staff time;

(b) Reduced bidding expenditure;

(c) Elimination of bid bond requirement and small cost of quote preparation as compared to bid preparation will result in lower quotes; and

(d) Flexibility in timing of solicitations will allow solicitation to be made during construction season when projects can be used as fill-in projects for otherwise busy contractors. This should result in lower pricing from contractors.

(5) The process requires competition because the award considers price among other factors. The size of the job makes it unlikely that contractors from outside the area would submit bids if the job was advertised;

(6) If the lowest price quote is not selected, the reasons for the award based on other factors must be recorded. This prevents selection based on favoritism. Willingness of any particular contractor to submit a quote will depend on the contractor's schedule at the time of the solicitation. It is unlikely that the same contractor will be able to submit a quote for every solicitation. The ability of the contracting agency to obtain quotes for projects with short lead times will depend on the schedules of contractors and therefore the contracting agency will not be able to obtain quotes from the same contractors over and over again; and

(7) Section 132 of Chapter 794, Oregon Laws, 2003 created this class of contracts as a special award class under the State Public Contracting Code; however, the class expires on June 30, 2009. By adopting this classification as a Contract Review Board exemption, the statutory classification will be protected from automatic repeal.

(1993 Code, Comp. No. 1-11) (Ord. 606, passed 6-20-2005)

**§ 31.002 ADOPTION OF RULES.**

The following (hereinafter “these rules”) shall be public contracting rules for the city. Except as provided within these rules, public contracting by the city shall be governed by the Public Contracting Code and the model rules. The City Council is the city’s Contract Review Board (Board). Except as otherwise provided in these rules, the powers and duties of the Contract Review Board will be exercised by the City Council and the powers and duties given or assigned to contracting agencies will be exercised by the City Council. The City Council may, through formal action, from time to time delegate its powers to conduct certain procurements to various members of its staff.

(1993 Code, Comp. No. 1-11) (Ord. 606, passed 6-20-2005)

**§ 31.003 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words and phrases not defined herein shall have the meanings ascribed to them in the Public Contracting Code or in the model rules.

***CONTRACTING AGENCY.*** The city and includes any person authorized by the City Council to conduct a procurement on behalf of the city.

***PERSONAL SERVICES CONTRACT.*** A contract for services that require specialized technical, artistic, creative, professional or communication skills or talent, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the service depends on attributes that are unique to the service provider, other than contracts for an architect, engineer, land surveyor or provider of related services as defined in O.R.S. 279C.100. Contracts for personal services include but are not limited to the following contracts or classes of contracts:

- (1) Accountants and auditors;
- (2) Appraisers;
- (3) Computer consultants;
- (4) Lawyers;
- (5) Insurance consultants;
- (6) Training consultants;
- (7) Investigators; and

- (8) Management system consultants.

(1993 Code, Comp. No. 1-11) (Ord. 606, passed 6-20-2005)

**§ 31.004 EXEMPTIONS FROM COMPETITIVE PROCUREMENT.**

The following contracts and classes of contracts are exempt from the competitive procurement requirements of the Public Contracting Code and the model rules and may be awarded as provided herein, or otherwise in any manner which the contracting agency deems appropriate, including by direct appointment or purchase.

(A) *Contracts up to \$5,000.* Any procurement of goods or services or any combination thereof not exceeding \$5,000 may be awarded in any manner deemed practical or convenient by the contracting agency, including by direct selection or award. Staff of the contracting agency are authorized to conduct procurements on behalf of the contracting agency for goods or services or combinations thereof not exceeding \$1,000. Additional procurements shall be approved by the City Council. Procurements shall not be artificially divided or fragmented so as to constitute a smaller procurement than specified in this section.

(B) *Equipment repair.* Contracts for equipment repair or overhauling may be awarded without competition, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.

(C) *Sole source contracts.* Contracts for goods or services which are available from a single source may be awarded without competition.

(D) *Renewals.* Contracts that are being renewed in accordance with their terms are not considered to be newly awarded contracts and are not subject to competitive procurement procedures.

(E) *Temporary extensions or renewals.* Contracts for the temporary extension or renewal of a single period of one year or less of an expiring and non-renewable or recently expired contract, other than a contract for public improvements, are not subject to competitive procurement procedures.

(F) *Contracts required by emergency circumstances.*

(1) *In general.* When an official with authority to enter into a contract on behalf of the contracting agency determines that immediate execution of a contract within the official's authority is necessary to prevent substantial damage or injury to persons or property, the official may execute the contract without competitive selection and award, but, where time permits, the official shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

(2) *Reporting.* An official who enters into an emergency contract shall, as soon as possible, in light of the emergency circumstances, document the nature of the emergency, the method used for selection of the particular contractor and the reason why the selection method was deemed in the best interest of the contracting agency and the public; and notify the City Council of the facts and circumstances surrounding the emergency execution of the contract.

(3) *Emergency public improvement contracts.* A public improvement contract may only be awarded under emergency circumstances if the contracting agency has made a written declaration of emergency. Any public improvement contract award under emergency conditions must be awarded within 60 days following the declaration of an emergency unless the contracting agency grants an extension of the emergency period. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the contracting agency may waive the requirement for all or a portion of required performance and payment bonds.

(G) *State law exemptions.* There shall be an exemption for any other contract or class of contracts exempted by the Public Contracting Code or the model rules.

(H) *Other exemptions adopted in future.* There shall be an exemption for any other contract or class of contracts expressly exempted from competitive procurement requirements pursuant to procedures permitted by the Public Contracting Code or the model rules.

(I) *Public improvements.* Public improvement contracts estimated by the contracting agency not to exceed \$100,000, or not to exceed \$50,000 in the case of a contract for a highway, bridge or other transportation project, may be awarded by competitive quotes under the following procedures.

(1) The contracting agency shall informally solicit at least three price quotes from prospective contractors. If three prospective contractors are not available, then fewer quotes may be solicited, and the contracting agency shall maintain records of the attempts to obtain quotes.

(2) The contracting agency shall award the contract to the prospective contractor whose quote will best serve the interests of the contracting agency, taking into account price and other applicable factors, such as experience, specific expertise, past record of performance and conduct, availability, familiarity with local area and access to local resources, project understanding, contractor capacity and contractor responsibility. If the contract is not awarded on the basis of the lowest price, the contracting agency shall make a written record of the basis for the award.

(3) A procurement may not be artificially divided or fragmented to qualify for the informal contract award procedures provided by this section.  
(1993 Code, Comp. No. 1-11) (Ord. 606, passed 6-20-2005)

### **§ 31.005 PERSONAL SERVICES CONTRACTS RULES.**

Personal services contracts (other than a personal services contract for an architect, engineer, land surveyor or provider of related services) are subject to the rules established by this section.

(A) All personal services contracts shall contain all contract provisions mandated by state law. These provisions may be incorporated in the personal services contract by reference to state law, unless state law provides otherwise. The attorney for the contracting agency when requested will prepare model contract provisions for use in personal services contracts.

(B) The following procedures shall be observed in the selection of personal services contractors.

(1) For personal services contracts involving an anticipated fee of \$20,000 or less per annum, the contracting agency may negotiate a contract for those services with any qualified contractor the contracting agency selects.

(2) For personal services contracts involving an anticipated fee of more than \$20,000 per annum, the contracting agency shall solicit prospective contractors who shall appear to have at least minimum qualifications for the proposed assignment, notify each prospective contractor in reasonable detail of the proposed assignment and determine the prospective contractor's interest and ability to perform the proposed assignment.

(3) The contracting agency may arrange for any or all interested prospective contractors to be interviewed for the assignment by an appropriate employee or by an interview committee.

(4) Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the contracting agency shall select the prospective contractor and shall prepare a personal services contract.

(C) Some or all of the following criteria shall be considered in the evaluation and selection of a personal services contractor:

(1) Experience in the type of work to be performed;

(2) Familiarity with the local area and access to local resources;

(3) Capacity and capability to perform the work, including any specialized services within the time limitations for the work;

(4) Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules and contract administration, where applicable; and

(5) Any other factors relevant to the particular contract.

(D) The above provisions regarding selection procedures and criteria do not apply to renewals, amendments or modifications of existing personal services contracts.

(E) The selection procedures described in this section may be waived by the contracting agency at its discretion where an emergency exists that could not have been reasonably foreseen and requires a prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of the selection procedures.

(1993 Code, Comp. No. 1-11) (Ord. 606, passed 6-20-2005)

**§ 31.006 DISPOSITION OF SURPLUS PERSONAL PROPERTY.**

Disposition of surplus personal property may be made, at the discretion of the contracting agency, under provisions of the Public Contracting Code or the model rules or under the provisions of this section.

(A) Surplus property is property owned by the contracting agency, such as office furniture, computers, equipment and vehicles, but excluding real property, that the contracting agency determines is surplus and no longer useful to the contracting agency.

(B) Surplus property may be sold or disposed of in any manner deemed appropriate by the contracting agency, including but not limited to the informal solicitation of bids, or through an auction, including an online auction, or the contracting agency may authorize the property to be donated, or to be destroyed. The contracting agency has the discretion whether or not to advertise the sale of surplus property in a newspaper of general circulation.

(C) All proceeds of sale shall be paid to the contracting agency's General Fund.

(D) All personal property sold pursuant to this section shall be sold as-is without any warranty, either express or implied, of any kind, including but not limited to warranties of title or fitness for any purpose. Upon receiving payment for the personal property from the purchaser, a person or company conducting the sale shall execute an appropriate bill of sale, which shall recite that the sale is without warranty, as provided in this division (D).

(1993 Code, Comp. No. 1-11) (Ord. 606, passed 6-20-2005)

**§ 31.007 NEGOTIATIONS.**

If bids or quotes are solicited for a public improvement contract, and all bids or quotes exceed the budget for the project, the contracting agency may, prior to contract award, negotiate for a price within the project budget under the following procedures.

(A) Negotiations will begin with the lowest responsive and responsible bidder or proposer. If negotiations are not successful, then the contracting agency may begin negotiations with the second lowest responsive, responsible bidder or proposer, and so on.

(B) Negotiations may include value engineering and other options to attempt to bring the project cost within the budgeted amount.

(C) A contract may not be awarded under this section if the scope of the project is significantly changed from the description in the original solicitation or bid documents.

(D) The contracting agency will adhere to the provisions of O.R.S. 279C.340 in applying this section.

(1993 Code, Comp. No. 1-11) (Ord. 606, passed 6-20-2005)

***CITY PLANNING COMMISSION*****§ 31.020 ESTABLISHMENT.**

There is hereby created a City Planning Commission for this city.  
(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.021 MEMBERS; TERMS; QUALIFICATIONS; VACANCIES; REMOVAL.**

The City Planning Commission shall consist of seven members, not less than six of whom shall be residents of the city. Not more than one of the members may be a resident of the urban growth area outside the city. Members of the Planning Commission shall be appointed by the City Council for a term of four years. No member shall be an employee or officer of the city, but the City Building Inspector and City Manager shall be entitled to sit with the Commission, take part in its discussion, but shall not have the right to vote. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the City Council for the unexpired term of the predecessor in office. No more than two members shall be engaged 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 is engaged 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.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974; Ord. 427, passed 9-19-1988; Ord. 442, passed 9-5-1989; Ord. 651, passed 12-20-2010)

**§ 31.022 OFFICERS.**

The City Planning Commission, at its first meeting, shall elect a President and a Vice President, who shall be members appointed by the City Council, and who shall hold office during the pleasure of the Commission.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.023 COMPENSATION.**

Members of the City Planning Commission shall receive no compensation. The City Planning Commission shall elect a Secretary, who need not be a member of the Commission. The Secretary shall keep an accurate record of all proceedings of the Commission, and the Commission shall, on October 1 of each year, make and file with the City Council a report of all of the transactions of the Commission.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.024 QUORUM.**

A majority of the Planning Commission shall constitute a quorum. The City Planning Commission may make and alter rules and regulations for its government and procedure consistent with the laws of the state and with the City Charter and ordinances, and shall meet at least once a month at times and places as may be fixed by the Commission. Special meetings may be called at any time by the President or by three members by written notice served upon each member of the Commission at least 24 hours before the time specified for the proposed meeting.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974; Ord. 442, passed 9-5-1989)

**§ 31.025 EMPLOYMENT OF STAFF.**

The City Planning Commission shall have power and authority to employ consulting advice on municipal problems, a Secretary and any clerks as may be necessary, and to pay for their services and for any other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the Commission, out of funds as are theretofore placed at the disposal of the Commission by the City Council.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.026 POWERS AND DUTIES GENERALLY.**

It shall be the duty of the City Planning Commission, and it shall have the power, except as otherwise provided by law, to recommend and make suggestions to the City Council and to all other public authorities concerning the laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, the establishment of setback lines, the 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 regulation 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 to all public utilities and transportation facilities; to do and perform any and all other acts and things necessary or proper to carry out the provisions of this subchapter; and, in general, to study and to propose any measures as may be advisable for the promotion of the public interest, health, moral, safety, comfort, convenience and welfare of the city and of the area within the urban growth boundary.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974; Ord. 442, passed 9-5-1989)

**§ 31.027 REVIEW OF PLANS.**

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 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 Engineer or other proper municipal officer; and a report thereon from the Commission secured in writing before approval shall be given by the proper municipal official. (1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.028 APPROVAL OF PLANS.**

All plans, plats or replats of land laid out in lots or plats within the city, including streets, alleys and other portions of the same intended to be dedicated land to public use outside the limits of the city but within the urban growth boundary shall first be submitted to the Planning Commission and approved by it before they shall be recorded.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974; Ord. 442, passed 9-5-1989)

**§ 31.029 AMENDMENT OF ZONING AND LAND USE REGULATIONS.**

The authority to establish, amend or repeal zoning and land use regulations as provided for in § 31.026, and as enumerated in the zoning ordinance and the subdivision ordinance, shall rest with the City Council.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974; Ord. 442, passed 9-5-1989)

**§ 31.030 RECOMMENDATION ON LOCATION OF STRUCTURES.**

The City Planning Commission may make recommendations to any person, copartnership, corporation or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by or for the person, copartnership, corporation or public authority; provided, however, the recommendation shall not have the force or effect of a law or ordinance, except when so prescribed by the laws of the state or by public authority having charge of the construction, placing or designing of buildings or other structures and improvements may call upon the City Planning Commission for a report thereon.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.031 GIFTS, BEQUESTS AND THE LIKE.**

The City Council may receive gifts, bequests or devises of property to carry out any of the purposes of this act, and shall have control and disposition over the same.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974; Ord. 442, passed 9-5-1989)

**§ 31.032 ADDITIONAL AUTHORITY.**

The City Planning Commission shall also have all the powers which are now or may hereafter be given to it under the general laws of the state.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.033 RECOMMENDATIONS IN WRITING.**

All recommendations made to the Council by the Commission shall be in writing.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

**§ 31.034 EXPENDITURE OF FUNDS.**

The City Planning Commission shall have no authority to make any expenditure on behalf of the city or to obligate the city for the payment of any sums of money except as herein provided, and then only after the City Council of the city shall have first authorized the expenditures for that purpose from time to time by appropriate ordinance (or resolution), which ordinance (or resolution) shall provide the administration method by which funds shall be drawn and expended.

(1993 Code, Comp. No. 1-5) (Ord. 166, passed 1-21-1974)

***URBAN RENEWAL AGENCY AND PLAN*****§ 31.045 DESIGNATION.**

(A) Based upon the findings marked Exhibit A, attached to Ordinance 623 and incorporated by reference as fully set forth herein, the City Council of this city, hereinafter referred to as the city, hereby finds and declares that blighted areas, as defined in O.R.S. 457.010, exist within the city.

(B) The City Council declares and recognizes that there is a need for an Urban Renewal Agency to function within the city.

(C) Pursuant to O.R.S. 457.045(3), all of the rights, powers, duties, privileges and immunities granted to and vested in an Urban Renewal Agency by the laws of this state shall be exercised by and vested in the City Council of this city; provided, however, that any act of the governing body acting as the Urban Renewal Agency shall be and shall be considered the act of the Urban Renewal Agency only and not of the City Council.

(D) The corporate name of the agency provided by this section shall be and the agency shall be known as “The Urban Renewal Agency of the City of Winston.”

(E) The term of office of each member of the Urban Renewal Agency shall be concurrent with each member’s individual term of office as a member of the City Council.  
(Ord. 623, passed 10-23-2006)

**§ 31.046 URBAN RENEWAL PLAN.**

(A) *Findings.*

(1) The area described in the City Urban Renewal Plan is blighted.

(2) Rehabilitation and redevelopment is necessary to protect the public health, safety or welfare of the city.

(3) The City Urban Renewal Plan conforms to the city’s Comprehensive Plan as a whole and provides an outline for accomplishing the projects that the City Urban Renewal Plan proposes.

(4) Provisions have been made to house displaced persons within their financial means and in accordance with state statutes.

(5) No real property has been identified for acquisition at this time, and therefore no findings of necessity have been made at this time.

(6) The adoption and carrying out of the Urban Renewal Plan is economically sound and feasible.

(7) The city shall assume and complete any activities prescribed it by the Urban Renewal Plan.

(8) The City Council hereby incorporates by reference the City Urban Renewal Plan, attached to Ordinance 624 as Exhibit A, as support for its above-mentioned findings.

(9) The City Council further relies on the report on the City Urban Renewal Plan, attached to Ordinance 624 as Exhibit B, which is incorporated by reference, the report of the Planning Commission, the public hearing and the entire record before the City Council in this matter.

(B) *Conclusions.* The City Council hereby adopts and approves the City Urban Renewal Plan, pursuant to the provisions of O.R.S. Chapter 457, and directs the City Recorder to publish notice of the adoption of this section in accordance with the requirements of O.R.S. 457.115.  
(Ord. 624, passed 12-18-2006; Ord. 670, passed 6-1-2015)

***TRAFFIC SAFETY COMMISSION*****§ 31.060 ESTABLISHMENT.**

There is hereby created and established a Traffic Safety Commission.  
(1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 658, passed 10-21-2013)

**§ 31.061 MEMBERSHIP.**

The Commission shall consist of five voting members and non-voting ex officio members, which may include the City Manager, Chief of Police, Superintendent of Public Works, City Attorney, Municipal Judge, Superintendent of Schools and any other individuals as the voting members may direct. The voting members shall consist of one member from the City Council, who shall serve as Chairperson, and four members of the community at large; all of whom shall be appointed by the Mayor with confirmation by the City Council. The ex-officio member regularly attending meetings shall serve as Secretary to the Commission.

(1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 651, passed 12-20-2010; Ord. 658, passed 10-21-2013)

**§ 31.062 TERM.**

(A) The initial term of the members shall be as follows: Chairperson for two years; two members for three years; and two members for two years.

(B) Thereafter, all terms shall be for three years. All terms shall expire on December 31 of the appropriate year.

(1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 658, passed 10-21-2013)

**§ 31.063 QUORUM; RULES, REGULATIONS AND PROCEDURES.**

Three voting members of the Commission shall constitute a quorum. The Commission shall make any rules, regulations and procedures as it deems necessary; but all the rules, regulations and procedures shall be consistent with the laws of this state, the City Charter and city ordinances. The Commission shall meet as needed.

(1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 658, passed 10-21-2013)

**§ 31.064 COMPENSATION.**

Voting members of the Commission shall receive no compensation for services rendered, but may be reimbursed for any incidental expenditures approved by the Mayor and City Council. (1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 658, passed 10-21-2013)

**§ 31.065 POWERS AND DUTIES.**

(A) In general, the Commission shall act in an advisory capacity to the City Council and the City Manager in the creation, development and implementation of official traffic safety activities.

(B) In addition, the powers and duties of the Commission shall include but not be limited to the following:

(1) To serve in a liaison capacity between the city and the State Traffic Safety Commission in developing the statewide highway program and in meeting the National Highway Safety Program standards;

(2) To develop and recommend coordinated traffic safety programs;

(3) To recommend traffic safety priorities for the city;

(4) To review and recommend project applications for funding;

(5) To provide research and information to the city;

(6) To promote public acceptance of city traffic programs;

(7) To foster public knowledge and support of traffic law enforcement and traffic engineering problems and needs;

(8) To cooperate with the public and private school systems in promoting traffic safety education programs; and

(9) To make recommendations to the City Council, as the road authority, concerning the restrictions on highway use, grounds, procedures and penalties as specified in O.R.S. 810.030, as amended.

(1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 651, passed 12-20-2010; Ord. 658, passed 10-21-2013)

**§ 31.066 REPORTS.**

The Commission shall submit copies of its minutes to the City Council, and shall in February of each year make and file an annual report of its activities with the City Council, and any other reports as from time to time may be requested of it by the City Council.

(1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 658, passed 10-21-2013)

**§ 31.067 LIFE.**

The Commission shall continue in existence for a minimum of three years after the effective date of this subchapter. Thereafter, its existence shall be determined by direction from the Mayor and City Council.

(1993 Code, Comp. No. 1-14) (Ord. 464, passed 11-5-1990; Ord. 658, passed 10-21-2013)

***POLICE DEPARTMENT*****§ 31.080 CRIMINAL RECORD CHECKS.**

(A) In order for the city government to operate effectively, persons selected for employment or as a public service volunteer with the city must have the highest degree of public trust and confidence.

(B) All city employees and public service volunteers represent the city to its citizens. Many city employees and volunteers have responsibilities to regulate and maintain public health and safety. Some city employees have the ability and authority to bind the city contractually, have access to public lands and property, and possess access to privileged and proprietary information submitted to the city in confidence.

(C) There is a need to protect youths from harmful or dangerous encounters and to that end a review of the criminal records of those who volunteer with youth in the city is necessary and appropriate.

(D) Tow truck drivers interact with the public in stressful situations (accidents, disabled vehicles and the like) in which they can be taken advantage of by the tow truck driver. Therefore, it is necessary and appropriate that the tow truck driver's criminal record history is reviewed.

(E) Liquor license applicants are required to apply to the city for recommendation to the State Liquor Control Commission (OLCC) in their licensing process. It is necessary and appropriate that these applicants' criminal record history is reviewed in the city's recommendation process.

(F) All applicants for employment and appointed volunteers with the city will be required to authorize the city to conduct a criminal offender information check through the OSP LEDS system.

(G) A member of the Police Department trained and authorized to perform criminal history checks through the LEDS system will conduct the check on the prospective employee or volunteer and orally report to the Human Resources Department that the applicant's records indicates "no criminal record" or "criminal record." If the applicant's record is reported as "criminal record," the city will, under OAR 257-010-0025, request a written criminal history report from the OSP Identification Services Section. Human Resources will make the written criminal history record available to the appropriate official for his or her consideration in making the selection.

(H) The written criminal history record on persons that are not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-200-0090 for a period of three years and thereafter will be destroyed. The criminal history record of applicants and volunteers with a criminal history that are hired or appointed will become a part of the confidential personnel files of that employee or volunteer. Access to confidential personnel files is limited to only authorized persons who have an official need to access the files that is sanctioned by law or regulation.

(I) Nonprofit organizations serving youth in the community, including but not limited to youth baseball, youth basketball, youth soccer and youth football organizations, may request that the Police Department perform criminal history checks. Subject to workload priorities and staff availability, the Police Department may perform criminal record checks on the prospective youth volunteers. The Police Department shall confirm only if a criminal record exists, without any detail of the record. The youth volunteer organization may request criminal record history directly with the State Police pursuant to state statute and administrative rule.

(J) Criminal history checks of contracted tow truck drivers and liquor and other license applicants shall be performed by the Police Department.  
(Ord. 630, passed 4-2-2007)

### ***POLICE RESERVE***

#### **§ 31.095 ESTABLISHMENT.**

There shall be established in the city a volunteer police reserve for the city, as hereinafter noted.  
(1993 Code, Comp. No. 1-2) (Ord. 64, passed 1-4-1960)

#### **§ 31.096 AUTHORITY OF COUNCIL.**

The City Council of this city shall have full power and control of the police reserve.  
(1993 Code, Comp. No. 1-2) (Ord. 64, passed 1-4-1960)

**§ 31.097 CHIEF OF POLICE.**

The Chief of Police shall have general supervision and control of the police reserve subject to the ultimate control of the City Council.

(1993 Code, Comp. No. 1-2) (Ord. 64, passed 1-4-1960; Ord. 397, passed 4-6-1987)

**§ 31.098 QUALIFICATIONS FOR POLICE RESERVE.**

The police reserve of the city shall consist of persons over the age of 21 years, of good moral character; and qualifications shall be as they as may be adopted by resolution covering the qualification of the officers. General rules and regulations as to the application and qualification of the police reserve, hours of work, method of pay, if any, and other provisions covering the control of the body shall be as promulgated by the Chief of Police and approved by resolution of the City Council. Each person who shall apply for and be accepted as a police reserve officer of the city shall, before assuming any duties, take and subscribe the following oath of office:

I, \_\_\_\_\_, being first duly sworn on oath, say that I will support the laws and Constitution of the United States of America, and the Constitution and laws of the State of Oregon; and that I will, to the best of my ability, support and enforce and carry out, when on duty as a police reserve officer of the City of Winston, all ordinances of the City of Winston to the best of my ability, so help me, God.

(1993 Code, Comp. No. 1-2) (Ord. 64, passed 1-4-1960; Ord. 441, passed 9-5-1989)