

Title 2

Administration and Personnel

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Chapter 2.05

Council Rules

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2.05.010 Authority.

A. The charter of the city of Lyons in Chapter IV, Section 13, Meetings, specifies: "It (the Lyons City Council) shall adopt rules for the governance of its members and proceedings."

B. The rules adopted in this chapter shall be in effect upon their adoption by the council and until such time as they are amended, added to, deleted or replaced in the manner prescribed by these rules.

C. These rules apply equally to the mayor and city councilors.

D. These rules are to be observed in addition to and may not be contradictory to the current city charter. [Ord. G1-2012 § 1, 2012.]

2.05.020 The mayor and council.

A. The mayor and city council (hereafter, council) are the policy making body of the city.

B. Councilors have no authority when acting as individuals except as authorized in individual commissionership and/or liaison descriptions. Authority to make decisions and/or create policy for the city resides solely with the majority vote of the council. Council decisions which are not unanimous are still the official policy of the city. [Ord. G1-2012 § 2, 2012.]

2.05.030 Council meetings.

A. The council shall hold regular monthly meetings at a time and at a place which it designates. Unless otherwise provided, regular meetings will be held at the Lyons City Hall in the council chambers.

B. The time and date of the regular council meetings may be changed and/or canceled due to special circumstances, to facilitate work sessions or in order to have a quorum of councilors at the meeting. Regular meeting notice requirements shall be followed.

C. 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 business may be transacted in the same manner and with the same force and effect as at a regular meeting held at the appointed time.

D. Special meetings as defined by ORS 192.640(3) of the council may be called at any time at the request of two members of the council, by the mayor (or the mayor pro tem in the mayor's absence), or at the request of the city recorder, by giving notice of the meeting to the council members and the public at least 24 hours in advance.

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

F. Workshop or training meetings of the council may be held at the convenience of the council at a time and location when as many members as possible can attend. These meetings may be held for council goal setting, new councilor training, or longer workshops for planning programs or projects. Any goals arrived at by any process must be confirmed in public at a regular council meeting.

G. Executive sessions may be held by the council pursuant to ORS 192.640, 192.650, 192.660 and 192.670. Staff members may be permitted to attend with the approval of council. Normally the city recorder is expected to attend.

H. Public meetings of the council shall be held in accordance with ORS 192.610 through 192.710.

All regular and special meetings will be open to the public (excluding executive sessions). When appropriate, the public will be provided an opportunity for comment.

I. Councilors shall inform the mayor or city recorder if unable to attend any council meeting or function. The mayor will inform the city recorder if unable to attend any council meeting or function.

J. Meeting minutes shall be kept in accordance with the Attorney General's Public Records and Meetings Manual. The minutes of the last regular meeting(s) and the minutes of adjourned or special meetings, if any, shall be reviewed, corrected as necessary, and approved as part of the consent agenda.

K. The absence of a member of the council shall be recorded in the minutes as either excused or unexcused. Council members who have provided advance notification of their intended absence to the city are deemed to be excused. [Ord. G2-2015 §§ 1 – 3, 2015; Ord. G1-2012 § 3, 2012.]

2.05.040 Agenda and order of business.

A. An agenda for each regular council meeting shall be prepared by the city recorder. The council may direct, by consensus, that specific items be included on the agenda. The procedure for a councilor to place an item on the agenda is as follows:

1. A councilor may request an item be placed on a future agenda by submitting the proposed topic for consideration during that specifically designated portion of the council meeting. Upon consensus of the council, the item will be prepared for the next agenda.

2. For items approved by the council, the city recorder or other designated personnel will provide a report on the proposed item at the next regularly scheduled council meeting or such other meeting agenda as determined by the council.

B. Staff will strive to make council books available to councilors three business days prior to the meeting or as soon as practical.

C. The normal order of business for a regular council meeting shall be as determined by the mayor.

D. Although the normal order of business for a regular council meeting usually follows a set format, the mayor may consider agenda items out of order as he/she deems necessary to facilitate the efficient management of the meeting. The agenda

may also be modified by the mayor or by vote of the council to allow the public to be aware of decision(s) rendered without undue delay. For example, an item may be moved for action immediately rather than waiting for it to come up as an action item later in the meeting.

E. Any councilor may request, if responsible for an agenda item, postponement of the item to a later meeting if the councilor cannot be present at the meeting at which the item is scheduled. Any councilor can introduce a motion to request that an item be postponed to the following meeting or tabled until an agreed upon point in time. Further postponement requires a majority vote of the councilors present. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 4, 2012.]

2.05.050 Procedure for council meetings.

A. The current edition of Robert's Rules of Order (as may be revised from time to time) shall be used as a general guide for conduct of council meetings. Any parliamentary questions which may arise before the council, not otherwise provided for, shall be determined by Robert's Rules of Order.

B. The council agrees to be clear and simple in its procedures and considerations of decisions before it.

C. Council meetings shall be chaired by the mayor. If the mayor is not present, the mayor pro tem shall function as the presiding officer. If neither the mayor nor the mayor pro tem is present, the meeting will be rescheduled if possible. If an emergency requires that the meeting be held, the city recorder shall call the meeting to order and those council members present shall elect a presiding officer for that meeting. At any meeting, the mayor may appoint another member of the council to serve as presiding officer for part or all of the meeting.

D. Every councilor desiring to speak should first address the presiding officer, and await recognition to obtain the floor. No persons other than members of the council and the person having the floor shall enter into any discussion, either directly, indirectly, or through a member of the council without the permission of the presiding officer.

E. No motion shall be debated, except by the maker, until it has been seconded and announced by the presiding officer.

F. Members of the public desiring to address the mayor and council during the public comment portion of a regular council meeting shall first complete the request to give testimony form. The form shall be simple in format requiring the speaker's name, the group the speaker represents (if applicable), the speaker's address, and a description of the issue to be discussed. The forms shall be submitted to the mayor or city staff prior to commencement of the meeting. This procedure will allow the mayor to plan for and provide adequate time for each speaker during the meeting. During public comments, members of the public will be recognized by the mayor from the information supplied on the testimony form. After taking their position at the testimony desk, the speaker shall state their name and address for the record. Each person shall have up to three minutes to present their comments, with the total time for public forum not to exceed 30 minutes. Groups with like comments should choose a spokesperson who will present their joint remarks.

G. Councilors should refer questions or complaints by the public to the city recorder for their disposition. If they are not satisfied with the results, they should submit a letter to the city, requesting that they be placed on a council agenda. In the alternative, they may present their issue during the public comments portion of a council meeting after presenting a completed request to give testimony form as set forth above. If the matter requires further research or document preparation, the matter may be postponed to a future meeting for discussion.

H. Comments by members of the public shall be made during the public comments sections of the agenda. All remarks and questions shall be addressed to the council as a whole and not to individual council members. Any remarks and questions regarding personnel or administration of the city may be referred to the city recorder by the presiding officer. The presiding officer may redirect other questions to a city councilor or the city recorder, as appropriate.

I. Every councilor may address questions directly to the city recorder, who may either answer the inquiry or designate a staff member to do so. Councilors are encouraged to present their questions to the city recorder prior to the meeting for clarification whenever possible.

J. Prior to a vote, the presiding officer shall restate the motion or have the maker of the motion restate it to assure clarity.

K. When a quorum is present, a majority of the council present and voting shall decide a motion. A councilor who is present but abstains from voting is still counted in the quorum. A councilor may be present either in person or telephonically.

L. It is the duty of every council member present, unless confronted with an actual conflict of interest or excused by a majority of the council, to vote when a question is taken.

M. In every case in which a councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes.

If an actual conflict of interest exists, the council member, after disclosing the nature of the conflict, may remove themselves from the council table and shall refrain from participation in both the discussion and the vote on the issue.

If a potential conflict of interest exists, the councilor may participate in the discussion and may vote after declaring the nature of the conflict.

1. An actual conflict of interest is any action, decision, or recommendation that could grant a personal financial benefit to the councilor or help the councilor avoid a personal financial detriment. This same standard applies to relatives of the councilor or any business with which the councilor or councilor's relative is associated (ORS 244.020(1)).

2. A potential conflict of interest is defined as any action, decision, or recommendation which will have a personal financial benefit to the councilor or allow the councilor to avoid a personal financial detriment. This standard also applies to relatives of the councilor or any business with which the councilor or councilor's relative is associated (ORS 244.020(14)).

N. The vote on every motion shall be taken either by voice vote or by polling of individual councilors and shall be entered into the meeting minutes. Any other questions before council shall not require a recorded vote unless requested by a council member. A member's explanation of their vote shall not be in order during the actual vote.

O. A motion fails in the event of a tie vote.

P. A councilor who votes on the prevailing side of a motion may move for reconsideration of a vote. This motion must occur during the meeting or at the next scheduled council meeting. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 5, 2012.]

2.05.060 Decorum and order.

A. The presiding officer shall preserve decorum and decide all points of order, subject to appeal to the council.

B. The councilors shall help the presiding officer preserve decorum during council meetings and shall not, by conversation or other action, delay, interrupt or disrupt the proceedings or refuse to follow the directions of the presiding officer or these council rules. Councilors shall, when addressing staff, fellow council members or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attack, shall not impugn the motives of any speaker or fellow councilor, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

C. Members of the administrative staff, employees of the city and other persons attending council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the council.

D. Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the council or attending a council meeting may be removed from the room, after fair warning if the presiding officer so directs without a majority vote of the council present. In the case that the presiding officer should fail to act, any member of the council may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of the council present, the person or persons shall be removed as if the presiding officer so directed. Stamping of the feet, whistles, yells, cursing, clapping or other displays of a disruptive or disrespectful nature are similarly not permitted and will not be tolerated.

E. If a meeting is disrupted by members of the audience, the presiding officer may order that the council chamber be cleared and a recess called until order is restored. If it is not possible to restore order, the meeting can be closed and rescheduled

for another date and time. [Ord. G1-2012 § 6, 2012.]

2.05.070 Censure.

A. The council has the inherent right to make and enforce its own rules and to ensure compliance with the laws generally applicable to public bodies. Should a councilor act in any manner constituting a substantial violation of these rules or other general laws, the council, by majority vote, may discipline that councilor to the extent provided by law up to and including public reprimand.

B. If a councilor is subject to an inquiry, that councilor shall be notified of the inquiry prior to its initiation unless otherwise prohibited by law.

C. To exercise such inherent right of inquiry, council has the right to gather the facts pertinent to the issue. Such inquiries shall be referred to the council, either in open meeting or in executive session, to discuss any finding(s) that reasonable grounds exist that a substantial violation has occurred. The accused councilor has the right to request the meeting be held in either public or in executive session and will be given the opportunity to defend their actions.

D. No individual councilor shall have the right to make public, or assist in making public, any information obtained through such investigation. [Ord. G1-2012 § 7, 2012.]

2.05.080 Code of ethics.

A. Councilors shall comply with all applicable provisions of the state of Oregon's Government Ethics Laws, as established in ORS Chapter 244 and incorporated herein by reference.

B. Councilors are encouraged to conduct themselves so as to bring credit upon the city as a whole, and to set an example of good moral and ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, when taking action as a member of the council, and refrain from actions benefiting any individual or special interest group at the expense of the city as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen, without regard to race, national origin, sex, age, social station, or economic position.

C. If the mayor or any councilor represents the city before another public body, governmental agency, community organization or with the media, the mayor or councilor should always present the majority position of the council. Personal opinions and comments may be expressed only if clarification is included that these statements do not represent the position of the city council. Communication of personal opinions and comments should not be accompanied with a statement of the author's status as a member of the council. [Ord. G1-2012 § 8, 2012.]

2.05.090 Council relations with city staff.

A. There will be mutual respect from both councilors and staff of their respective roles and responsibilities when and if expressing criticism in a public meeting.

B. Council actions include ordinance enactment, resolutions, motions, consensus, administrative rules and orders, special investigations, approval of appointments, public hearings, budget process, legislative audits, review of administrative rules and agency reporting requirements. While council is the decision making body, the staff is responsible for recommending, implementing and administering policies, goals and day to day operations.

C. During a council meeting, all requests for information are to go directly to the presiding officer or the city recorder. At other times, if the request for information would entail an effort that would require time to be spent in researching and/or preparing a response, the request goes directly to the city recorder. The city recorder will direct the requests to staff, the city attorney or deal with them as appropriate. Questions or complaints regarding staff go directly to the city recorder or the mayor.

D. Councilors may seek information from staff members regarding the operations within the purview of their position, but shall not attempt to change or interfere with the operation or practice of any employee except by directing their concerns to the city recorder. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 9, 2012.]

2.05.100 Committees.

A. The mayor with consent of the council may establish by resolution an ad hoc or standing com-

mittee to perform specified investigatory or advisory functions. Any authority granted to such committee shall be clearly delegated in the resolution creating the committee.

B. A committee may be appointed for the length of time necessary to accomplish their mission. The appropriate number of appointees may be determined at the time of appointment, in a manner consistent with subsection (A) of this section.

C. Council committees serve only in an advisory capacity to the city council and shall meet as directed by the council. After council direction is given, meetings may be called by the city recorder, the mayor or by the committee chairperson. A secretary shall be appointed by a majority vote of the committee at its first meeting after committee appointments are made. A majority of the members of a committee shall constitute a quorum to do business.

D. The mayor, with the consent of the council, may remove a member from any committee or commission prior to the expiration of their term of office. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings of the committee or commission, disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner, or not acting in the best interest of the citizens or city.

E. Members of the council shall not attempt to lobby or influence board, committee, task force or commission members on any items under their consideration. City advisory bodies shall make objective recommendations to the council on all issues before them. Councilors that attempt to influence board, committee, citizens committee or commission members on an item may prejudice or hinder their role in reviewing the recommendation as a member of the council and may be subject to disciplinary actions.

F. All meetings of any city boards, commissions, task forces, or council committees shall be subject to and comply with the Oregon Public Meetings Law, ORS 192.610 through 192.710. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 10, 2012.]

2.05.110 Confidentiality.

A. Councilors must keep in complete confidence all written materials and verbal information provided to them in confidence or learned in executive session, to ensure that the city's position is not compromised. No mention of confidential information read or heard shall be made to anyone other than other councilors, the city recorder, or the city attorney.

B. If the council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim of litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A councilor shall not have any contact or discussion with the other party, or their representatives involved with the issue, nor communicate any discussion conducted in executive session.

C. All public statements, information, or press releases on city matters will be handled by the mayor and/or the city recorder. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 11, 2012.]

2.05.120 Suspension or amendment of council rules.

A. Any provision of these rules not governed by state law or the city charter may be temporarily suspended by a majority vote of the council.

B. Amendments, deletions or additions to these council rules shall be by ordinance adopted by the city council. [Ord. G1-2012 § 12, 2012.]

2.05.130 Severability.

Councilors agree that if any term or provision of these rules is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the rules did not contain the particular term or provision held to be invalid. [Ord. G1-2012 § 13, 2012.]

2.05.140 Repeal.

Any other previously enacted ordinances by the city of Lyons that are in conflict with this chapter are hereby repealed. [Ord. G1-2012 § 14, 2012.]

Chapter 2.10**Emergency Management Agency**

Sections:

- 2.10.010 Emergency management agency.
- 2.10.020 Director.
- 2.10.030 Use of city facilities and services.

2.10.010 Emergency management agency.

A local organization for emergency management in the city of Lyons be and the same is hereby established to be known as the Lyons emergency management agency to perform such emergency management functions within and outside the territorial limits of Lyons as provided by the Oregon Statute, as amended. [Ord. G1-2006 § 5, 2006; Ord. G1-5 § 1, 1959.]

2.10.020 Director.

The Lyons emergency management agency shall have a director who shall be appointed by the mayor. The director shall have the duties and powers provided in Oregon Statute, and shall have direct responsibility for the organization, administration and operation of said agency, subject to the direction and control of the city council of Lyons. [Ord. G1-2006 § 5, 2006; Ord. G1-5 § 2, 1959.]

2.10.030 Use of city facilities and services.

The director of the Lyons emergency management agency will make maximum use of existing facilities and service. Upon request of the director, the city council will issue the necessary letter of instructions to expand the functions of any existing city facility or service so as to include emergency management activities. The duties of the head of any existing city facility or service shall with this order include emergency management responsibilities. [Ord. G1-2006 § 5, 2006; Ord. G1-5 § 3, 1959.]

Chapter 2.15**Library Board**

Sections:

- 2.15.010 Board members.
- 2.15.020 Terms of office.
- 2.15.030 Officers.
- 2.15.040 Vacancies and removal.
- 2.15.050 Duties and powers.
- 2.15.060 Acceptance of gifts for library purposes.
- 2.15.070 Operation and maintenance.
- 2.15.080 Internal administrative policies and procedures.
- 2.15.090 Prohibited actions and penalties.

2.15.010 Board members.

A. The library board shall consist of five members who are appointed by the Lyons city council. All board members shall be required to reside within a 10-mile radius of the city limits.

B. Members of the board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties. [Ord. G1-2006 § 6, 2006; Ord. G1-39 § 1, 1993; Ord. G1-25 § 1, 1990.]

2.15.020 Terms of office.

Terms of office shall begin on July 1st in the year of their appointment.

A. Of the five members, terms shall be:

1. One for one year;
2. One for two years;
3. One for three years; and
4. Two for four years. [Ord. G1-25 § 2, 1990.]

2.15.030 Officers.

A. At its first annual meeting (July), the library board shall elect a chairman and a vice chairman from among its members who shall serve for a term of one year or at the expiration of term, the board can choose to re-elect the existing officers or elect new officers.

B. The librarian shall serve as secretary to the board and keep a record of its actions with one copy of these minutes made available to the city recorder, library board members, city council members and the mayor. [Ord. G2-2015 § 1, 2015;]

Ord. G1-25 § 3, 1990. Amended during 2006 recodification.]

2.15.040 Vacancies and removal.

At the expiration of any member's term, the council shall appoint a new member or may reappoint a member for a four-year term. If a vacancy occurs, the council shall appoint a new member for the unexpired term. Recommendations for appointments may be made by the library board.

Appointment to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the mayor and council for misconduct or nonperformance of duty. A member who is absent for three meetings within the year (July to July) without an excused absence approved by the library board chairman shall be presumed to be nonperformance of duty and the mayor and city council shall declare the position vacant. Notice of absence must be given prior to the meeting by contacting a board member or the librarian. Recommendations for misconduct or nonperformance of duty shall be made in writing from the library board to the mayor and city council. Any absence from the library board meetings shall be noted in the minutes and listed as to whether they are excused or unexcused. [Ord. G1-40 § 1, 1993; Ord. G1-25 § 4, 1990.]

2.15.050 Duties and powers.

A. The library board shall assist in the interview process of selecting and appointing a library director. The city recorder, as the fiscal and internal administrative agent for the library, shall have primary responsibilities for library personnel, including recruitment, selection, classification and pay and supervision.

B. The library board shall make recommendations to the city council about rules and policies for the efficient and effective operation of the library, its services and programs.

C. The library board shall assist the librarian in preparation of the annual budget request to be submitted by the library director to the city recorder.

D. The library board shall make recommendations for the acceptance, use or expenditure of any real or personal property or funds donated to the library under LMC 2.15.060, or make recommendations for the purchase, control, or disposal of real

or personal property, necessary for the purpose of the library.

E. The library board shall make recommendations for the selection of sites for public library buildings or for location of library facilities.

F. The library board shall review and recommend to the city council terms for contracts and working relationships with private and public agencies regarding library services.

G. The library board shall approve an annual report to the Oregon State Library and to the city council submitted in a timely manner on a form supplied by the state library.

H. The library board can develop and recommend to the city council long-range plans for library service, consistent with city priorities and with state, regional and national goals for libraries.

I. Such activities as the governing body may assign. [Ord. G2-2015 § 1, 2015; Ord. G1-25 § 5, 1990. Amended during 2006 recodification.]

2.15.060 Acceptance of gifts for library purposes.

Gifts of any real or personal property or funds donated to the library and accepted by the governing body shall be administered in accordance with each gift's terms. [Ord. G1-25 § 6, 1990.]

2.15.070 Operation and maintenance.

The library shall be financed through the use of general funds monies, revenue obtained from the operation of the library, grants, gifts, donation and bequests received and designated to be used for library purposes and any tax levies that may be authorized by the electors and such other sources as outlined in LMC 2.15.060. [Ord. G1-25 § 7, 1990.]

2.15.080 Internal administrative policies and procedures.

The city recorder shall be the fiscal and internal administrative agent for the Lyons Public Library and the library shall operate in conformance with city administrative procedures, including those pertaining to the following:

A. Personnel, including recruitment, selection, classification and pay for library personnel.

B. Receipts, disbursement and accounting for monies.

C. Maintenance of general books, cost accounting records, and other financial documents.

D. Budget administration.

E. Operation and maintenance of equipment and buildings in accordance with city guidelines. [Ord. G2-2015 § 1, 2015; Ord. G1-25 § 8, 1990. Amended during 2006 recodification.]

2.15.090 Prohibited actions and penalties.

A. It shall be unlawful for any person to willfully or maliciously detain any library materials belonging to the Lyons Public Library for 30 days, after notice in writing from the librarian that the materials are overdue. The notice shall bear upon its face a copy of ORS 357.975 and 345.990.

B. Violation for willful detention of library materials is punishable upon conviction by a fine of not less than \$50.00 nor more than \$1,000. Such conviction and payment of the fine shall not be construed to constitute payment for library materials, nor shall a person convicted under this section be thereby relieved of any obligation to return such material to the library. [Ord. G1-2006 § 7, 2006; Ord. G1-25 § 9, 1990.]

Chapter 2.20

Planning Commission

Sections:

- 2.20.010 Establishment.
- 2.20.020 Membership.
- 2.20.030 Terms of office.
- 2.20.040 Vacancies and removal.
- 2.20.050 Presiding members.
- 2.20.060 Staff and consultation services and expenses.
- 2.20.070 Meetings.
- 2.20.080 Conflict of interest.
- 2.20.090 Powers and duties.

2.20.010 Establishment.

There is hereby established a city planning commission (hereinafter referred to as the commission) for the city of Lyons, Oregon. [Ord. G1-43 § 1, 1996.]

2.20.020 Membership.

A. The commission shall consist of five voting members to be appointed from the general public through an open, well-publicized process and approved by the mayor and city council by motion and vote. To be eligible for appointment, noncity members must reside within the Lyons urban growth boundary.

B. The mayor and city attorney shall serve as ex officio nonvoting members of the planning commission.

C. No more than two voting members of the commission 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. [Ord. G1-43 § 2, 1996.]

2.20.030 Terms of office.

The terms of office of the voting members of the commission shall be as follows: position number one, one year; positions number two and three, two years; and positions number four and five, three years. The five appointed members shall choose

their term of office by lot. The commission shall immediately thereafter notify the city council in writing of such allotment. Terms of office shall begin at the first meeting of the calendar year in which appointed unless appointment has occurred to fill a vacancy with an unexpired term. [Ord. G1-43 § 3, 1996.]

2.20.040 Vacancies and removal.

Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the city council, after hearing, for misconduct or nonperformance of duty. A member who is absent for three consecutive, regular monthly meetings without the permission of the commission chairperson is rebuttably presumed to be in nonperformance of duty and the city council shall declare the position vacant unless finding otherwise following the hearing. [Ord. G1-43 § 4, 1996.]

2.20.050 Presiding members.

At its first meeting of each calendar year, the commission shall elect a chairperson and vice chairperson. The chairperson and vice chairperson shall be eligible for re-election and shall be elected from among the voting members of the commission. One year of active membership on the commission shall be required before such office can be held. The city recorder or other designee shall also be the planning commission secretary. [Ord. G2-2015 § 4, 2015; Ord. G1-43 § 5, 1996. Amended during 2006 recodification.]

2.20.060 Staff and consultation services and expenses.

A. The secretary's responsibilities shall be to keep an accurate record of all commission proceedings.

B. The city shall provide the commission with such other staff and consultation services as is deemed necessary by the commission and city council.

C. The expenses of the commission and those incurred by the staff and consultation services shall be met by such funds as are budgeted by the city council for such purposes.

D. Members of the commission shall receive no compensation but shall be reimbursed only for duly authorized expenses. [Ord. G1-43 § 6, 1996.]

2.20.070 Meetings.

A. Three voting members of the commission shall constitute a quorum.

B. The commission may make and alter rules and regulations for the government and procedure consistent with the laws of the state of Oregon and with the charter and ordinances of the city of Lyons.

C. The commission shall be available to meet at the City Hall once each month at such time as may be fixed. All meetings of the commission shall be open to the public.

D. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby made a part of the meeting records. Special meetings may be called at any time by the chairperson or by two members, by notice served upon each member of the commission at least 24 hours prior to the time specified for the proposed meeting. Notice of a previously unannounced meeting shall be provided to the news media, and the city council at least 24 hours prior to the meeting. [Ord. G1-2007 § 12, 2007; Ord. G1-43 § 7, 1996.]

2.20.080 Conflict of interest.

A member of the commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial interest: the member or his spouse; brother, sister, child, parent; father-in-law, mother-in-law; any business in which he is then serving or has served within the previous two years; any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Ord. G1-43 § 8, 1996.]

2.20.090 Powers and duties.

The duties of the commission shall include the following:

A. The commission shall prepare a comprehensive plan for the city of Lyons and its urban growth boundary that meets the requirements of ORS Chapter 197. After public hearings, the commission shall recommend to the city council adoption of the plan.

B. The commission shall initiate a review of the Lyons comprehensive plan and related ordinances

every even-numbered year between 1980 and 1990 and every three years thereafter to determine if these documents still reflect the city of Lyons' needs and desires.

C. The commission shall recommend, after public hearing, to the city council specific amendments that shall be based upon further studies of changed community priorities or conditions.

D. The commission shall formulate and recommend to the city council various programs, policies, and ordinances intended to implement the Lyons comprehensive plan.

E. The commission shall prepare or cause to have prepared various studies and plans related to community or neighborhood development problems, issues, and needs.

F. The commission shall review and submit recommendations to the city council regarding city boundary changes.

G. The commission shall review and submit recommendations to the city council regarding the vacation or establishment of streets.

H. The commission shall review and take the appropriate action on all land partitions and subdivision requests affected by the subdivision ordinance.

I. The commission shall conduct public hearings, prepare and maintain accurate minutes and records of these hearings, and perform such other duties relating to the city's land use control ordinances including zoning and subdivision regulations, as may be prescribed by state law and city ordinance.

J. At the request of the city council, the commission shall perform other duties related to community planning and development.

K. The commission shall submit an annual report to the city council, by the first day of December of each year, on the activities of the commission.

L. The commission shall forward copies of the minutes of its proceedings to the city council on a monthly basis. All recommendations and final actions made by the commission shall be submitted to the city council in written form.

M. The commission shall encourage cooperation and coordination with public and semipublic agencies, civic and private organizations and other individuals and groups having an interest in the development of the city and its surrounding area.

N. The commission shall also have all the powers which are now or may hereafter be given to it, under the general laws of the state of Oregon, or the charters or ordinances of the city of Lyons. [Ord. G1-43 § 9, 1996.]

Chapter 2.25

Fox Valley Cemetery

Sections:

- 2.25.010 Rules and regulations.
- 2.25.020 Platting.
- 2.25.030 Sale of plots.
- 2.25.035 Interment rights.
- 2.25.040 Perpetual care.
- 2.25.050 Price of plots.
- 2.25.060 Perpetual care trust fund.
- 2.25.065 General operating fund.
- 2.25.070 Duties of the city recorder.
- 2.25.080 Records.
- 2.25.090 Fees.
- 2.25.095 Unauthorized interment.
- 2.25.100 Collection of fees.
- 2.25.110 Refunds and buy backs.
- 2.25.120 Transfer or sale of ownership.
- 2.25.130 Loss or damage disclaimer.
- 2.25.140 Right to make corrections.
- 2.25.145 Disinterments.
- 2.25.150 Right to make changes or improvements.
- 2.25.160 Hardship clause.

2.25.010 Rules and regulations.

A. The city council shall make, adopt, and enforce rules and regulations for the use, care, control, management, restrictions and protection of the Fox Valley Cemetery. Such rules and regulations may restrict and limit the use of all property within the cemetery.

B. All rules and regulations relating to the Fox Valley Cemetery shall be approved by the city council prior to becoming effective.

C. No person may violate the provisions of cemetery rules and regulations adopted pursuant to this section. [Ord. G1-2013, 2013; Ord. B8-11 § 1, 1998.]

2.25.020 Platting.

Before any new block of territory is opened for the sale of plots, the city council shall cause it to be platted and recorded in the office of the registrar of deeds. The plat shall be designed as to provide direct access to each plot from either a road or a walkway. [Ord. G1-2013, 2013; Ord. B8-11 § 2, 1998.]

2.25.030 Sale of plots.

The sale of plots in the Fox Valley Cemetery shall be under the control of the city recorder, subject to the rules and regulations of the cemetery and general supervision of the city council. Any applicant may apply to the city recorder and select from those plots available for sale the plot or plots he desires to buy. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-11 § 3, 1998. Amended during 2006 recodification.]

2.25.035 Interment rights.

When a cemetery plot(s) is purchased, the owner purchases the right to designate who may be interred in the plot, rather than purchasing the plot of land itself, which remains the property and responsibility of the Fox Valley Cemetery. Interment rights include the right to place a marker or monument, the size of which is subject to the Fox Valley Cemetery rules and regulations. All burial rights are subject to the cemetery rules and regulations, as well as those of the Oregon Mortuary and Cemetery Board. [Ord. G1-2013, 2013.]

2.25.040 Perpetual care.

All plots hereafter sold in the Fox Valley Cemetery shall be provided with perpetual care services. The expense of such care is included in the price of the plot(s) in accordance with the provision of this code (LMC 2.25.050). [Ord. G1-2013, 2013; Ord. B8-11 § 4, 1998.]

2.25.050 Price of plots.

The city council shall, from time to time, fix a schedule of prices for all plots in, and services of, the Fox Valley Cemetery. [Ord. G1-2013, 2013; Ord. B8-11 § 5, 1998. Amended during 2006 recodification.]

2.25.060 Perpetual care trust fund.

One-third of the funds derived from the sale of plots shall be deposited by the city recorder into the perpetual care trust fund and shall be considered as full payment by the purchaser for perpetual care of the plot(s) by the city. All monies received for the perpetual care trust fund shall be deposited by the city recorder into said perpetual care trust fund and shall not be used for any purpose other than the care of Fox Valley Cemetery. These funds shall be deposited into an interest bearing account and

allowed to accrue and bear interest to provide for the future maintenance of the cemetery. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-11 § 6, 1998. Amended during 2006 recodification.]

2.25.065 General operating fund.

Two-thirds of the funds derived from the sale of plots shall be deposited by the city recorder into the cemetery fund for the ongoing maintenance and operational costs of the cemetery property. The monies deposited into the cemetery fund shall be used for the improvement, maintenance and repair of the Fox Valley Cemetery. Such monies shall be accounted for separately from the perpetual care trust fund. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013.]

2.25.070 Duties of the city recorder.

The city recorder shall also serve as the Fox Valley Cemetery manager; no additional compensation shall be paid the city recorder for these duties. The bond of the city recorder shall cover the performance of all such duties. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-11 § 7, 1998. Amended during 2006 recodification.]

2.25.080 Records.

The city of Lyons shall keep the following records:

A. A diagram of each lot in the Fox Valley Cemetery.

B. A diagram of each plot sold in the cemetery and identified by section, block number, lot number, plot number, date sold, and the name and address of owner.

C. Monies received from sale of each plot.

D. Monies received for perpetual care of each plot.

E. A copy of the death certificate or working copy of the certificate of death.

F. A burial record containing the current index for each person interred giving the:

1. Name of the decedent and, when applicable, the identifying metal ID tag number (cremains burial) provided by the State Registrar's office;

2. Date of death and date of burial;

3. Exact location of the interment of human remains by section, block number, lot number and plot number;

4. Name of the funeral service practitioner or facility personnel responsible for making and executing the arrangements for final disposition;

5. Written permission (interment authorization) for final disposition from the person (authorizing agent) who has the right to control disposition of the human remains (an interment authorization is not required for the interment of cremated remains). This includes:

a. The printed name, signature and phone number of the authorizing agent, their relationship to the deceased, when permission was obtained, and the printed name and signature of the facility representative acquiring the authorization. [Ord. G1-2013, 2013; Ord. B8-11 § 8, 1998. Amended during 2006 recodification.]

2.25.090 Fees.

The following fees shall be charged for burial plots and burial plot (cremains) opening and closing:

Burial Plots:

Burial Plot (4' x 11')	\$1,050.00
Cremains Plot (4' x 3' 8")	\$350.00
Columbarium Niche (12" x 12")	\$225.00

Open and Close Burial Plots:

Cremains	\$100.00
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Overtime Charge:

Saturday, Sunday and Holiday Additional	\$150.00
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Transfer of Ownership:

Transfer of Ownership per Individual Burial Plot	\$25.00
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The above-established fees do not include grave liners. However, liners must be used. [Ord. G1-2018, 2018; Ord. G1-2013, 2013; Ord. B8-12 § 1, 2001.]

2.25.095 Unauthorized interment.

Under no circumstances shall an unauthorized interment be allowed. Any unauthorized burials, regardless of plot ownership, are hereby expressly forbidden and will be considered theft of services as per statute. The city of Lyons reserves onto itself the express right to prosecute any individual or

individuals found guilty of such an act. [Ord. G1-2013, 2013.]

2.25.100 Collection of fees.

All fees must be paid prior to any burial services. Arrangements may be made to allow the family to pay the funeral home for all city fees. [Ord. G1-2013, 2013; Ord. B8-12 § 2, 2001.]

2.25.110 Refunds and buy backs.

The city of Lyons does not buy back previously sold plots or refund any prepaid fees without the approval of the Lyons city council. Should a buy back of a previously sold plot be authorized, the buy back amount may not exceed the original purchase price. [Ord. G1-2013, 2013; Ord. B8-12 § 3, 2001.]

2.25.120 Transfer or sale of ownership.

All transfers of ownership shall be subject to approval by the city recorder and shall be recorded with the city prior to transfer. The transfers of ownership from a plot owner to another party shall be subject to a charge as specified in LMC 2.25.090, Fees, to be paid when the transfer is recorded. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-12 § 4, 2001.]

2.25.130 Loss or damage disclaimer.

The city of Lyons shall take reasonable precaution to protect plot owners from loss or damages, but distinctly disclaims all responsibility for loss or damage beyond its control or caused by a third party, and especially from damages caused by the elements, acts of God, thieves, vandals, malicious mischief, explosions, unavoidable accidents, whether damage be direct or secondary. [Ord. G1-2013, 2013; Ord. B8-12 § 5, 2001.]

2.25.140 Right to make corrections.

The city of Lyons reserves, and shall have, the right to correct any errors that may be made during the process of making interments, disinterments, removals, or in the description, transfer or conveyance of property by substituting or conveying, in lieu thereof, other interment property of equal value, of similar location or at the sole discretion of the city, refunding the amount of money paid on the account of such person. In the event that such an error shall involve the interment of the remains

of any person in such property, the city of Lyons reserves and shall have the right to remove and/or transfer such remains to such other property of equal value and similar location (if possible) as may be substituted and conveyed in lieu thereof subject to the provisions of LMC 2.25.145. [Amended by the city as part of the December 2016 supplement*; Ord. G1-2013, 2013; Ord. B8-12 § 6, 2001.]

* This section was amended to add wording required by the Oregon Cemetery Board.

2.25.145 Disinterments.

A. Relocation Within the Cemetery. Prior to any disinterment of remains for purposes of relocation within a cemetery, as per ORS 97.220: The remains of a deceased person interred in a plot may be removed from the plot with the consent of the cemetery authority and written consent of the person who has the right to control the disposition of the remains of the deceased person. If the consent of any such person or of the cemetery authority cannot be obtained, permission by the county court where the cemetery is situated is sufficient. This section does not apply to the disinterment of remains upon order of the court or if disinterment is ordered under statutory provisions. See ORS for detailed instructions.

B. Relocation Outside of Cemetery. When moving remains to a location outside of the cemetery, as per ORS 432.317: Authorization for disinterment and re-interment shall be required prior to disinterment; this authorization shall be issued by the State Registrar to a licensed practitioner upon proper application. [Ord. G1-2013, 2013.]

2.25.150 Right to make changes or improvements.

The rights to enlarge, reduce, replat or change the boundaries of cemetery property including the right to modify or change the location of, remove or regrade roads, drives, walks or any part thereof is hereby expressly reserved by the city of Lyons. The city reserves the right to lay, maintain, operate and/or alter pipelines for sprinkler systems. The city of Lyons further reserves to itself, and to those lawfully entitled thereto, a perpetual right of access

over any plot for the purpose of passageway to and from other plots. [Ord. G1-2013, 2013; Ord. B8-12 § 7, 2001.]

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2.25.160 Hardship clause.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The city of Lyons therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any or all rules and regulations when, in its judgment, such changes appear advisable. Such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these rules and regulations. [Ord. G1-2013, 2013; Ord. B8-12 § 8, 2001.]

