



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE 3319

AN ORDINANCE ADOPTING RELOCATION ASSISTANCE PROCEDURES BY
ADDING PROVISIONS TO BEAVERTON CODE CHAPTER THREE AND
DECLARING AN EMERGENCY.

NUMBER OF PAGES

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ORDINANCE NO. 3319

AN ORDINANCE ADOPTING RELOCATION ASSISTANCE PROCEDURES BY ADDING PROVISIONS TO BEAVERTON CODE CHAPTER THREE AND DECLARING AN EMERGENCY.

WHEREAS, state and federal law require relocation assistance and procedures to provide such assistance to persons displaced by construction of public improvements; and

WHEREAS, an emergency exists because a person has made a claim for such assistance which the public welfare requires be handled promptly; now, therefore,

THE CITY OF BEAVERTON DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added to Beaverton Code Chapter Three a subchapter entitled "Relocation Assistance Procedure" to read as follows:

"RELOCATION ASSISTANCE PROCEDURE

3.11.010 Purpose. The Uniform Relocation Assistance and Real Property Acquisition Policies of 1970 (Public Law 91-646, January 2, 1971) and ORS 281.045 to 281.105 require the City of Beaverton hereinafter "City" to establish a procedure that will assure that individuals, partnerships, companies, corporations or any other legal entity are afforded an opportunity to have the City's determination as to any displaced person's eligibility for payment or the amount of the relocation payment reviewed by the City. The City will use a three (3) member Appeals Board designated by the City Council of the City to make this

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determination.

The eligibility of a person and the amount of relocation assistance will be determined by the rules established under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, ORS 281.045 to 281.105, and the Right-of-Way Manual of the State of Oregon, Department of Transportation, Official Publication 74-4, Chapter Six.

3.11.015 Definitions. For the purposes of BC 3.11.010 - .040 the following mean:

Person - Means an individual, partnership, company, association, corporation or any other legal entity, including any receiver, trustee, assignee or similar representative.

Displaced Person - A "displaced person" is any person who meets the criteria of A and B, below:

A. 1. Is in occupancy at the initiation of negotiations for the acquisition of the real property or other real property on which the person conducts a business or farm operation, in whole or in part; or

2. Is in occupancy at the time the person is given a written notice by the City, its agents or representatives that it is their intent to acquire the property by a given date; and

B. 1. Moves from the real property or moves the person's personal property from the real property or other real property on which the person conducts a business or farm operation subsequent to the earliest date established above; and

2. The real property is subsequently acquired; or if the move occurs after a written order to vacate is issued, the

occupant is eligible even though the property is not acquired.

Notice of Benefit - "Notice of Benefit" is notice received by a person from the City, its agents or representatives, setting forth or denying the right to or amount of benefits to be received pursuant to the Relocation Assistance Act of Oregon (ORS 281.045 to 281.105) and Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The Notice of Benefit shall indicate that any person aggrieved by the City's determination shall have the right to appeal that determination in accordance with the City's procedure for Relocation Appeals.

3.11.020 Policy. Any person who is aggrieved by the City's determination as to the applicant's eligibility for payment or to the amount of the relocation payment may appeal that determination in accordance with these procedures. These procedures effectuate the City's policy that:

A. Each person who appeals has the opportunity for oral presentation;

B. Each appeal will be decided promptly and the applicant informed of the decision in writing; and

C. Each appeal decision will include a statement of the reasons upon which it is based.

3.11.025 Appeals Board Created. There is hereby created an Appeals Board which shall consist of one representative from the Oregon Department of Transportation, one representative from the City's Purchasing Department, and one representative from the City's Engineering Department.

3.11.030 Powers and Duties. The Appeals Board shall have the following powers and duties:

- A. Hear and determine appeals pursuant to this procedure.
- B. Exercise such other powers and perform such other duties as may be necessary to achieve the purposes of this procedure.

3.11.035 Procedure for Appeals.

A. Any person determined to be ineligible to receive a specific relocation assistance benefit or any person disputing the amount of specific relocation assistance benefits must file an appeal within 90 days after notice by the City, its agents or representatives.

B. The request for an appeal hearing and all other communications with the City or Appeals Board shall be in writing and shall be directed to the following person at the City:

City Engineer
City of Beaverton
4950 S.W. Hall Blvd.
Beaverton, Oregon 97005

C. Hearings will be granted on all requests that are postmarked no later than 12:00 a.m. of the 90th day following the mailing date of the Notice of Benefit. The hearing shall be in substantial compliance with ORS Chapter 183.

D. When a person files a request for a hearing with the City, an informal conference will be scheduled within 30 days with the person and the City's project manager for the project involved. At the informal conference the person shall be permitted to make an oral presentation and to supply the project manager with any

information the person deems relevant.

E. Within 10 days after the informal conference, the person requesting the hearing shall be mailed written notice of the results of the conference. The results shall include a statement of the reasons upon which the decision is based. Should the person requesting the hearing not agree with the results of the informal conference, the person shall so notify the City in writing within 10 days after the date notification was mailed, and the City shall set a date for a formal hearing with the Appeals Board which shall be within 20 days after the person informs the City that the results of the informal conference are not acceptable.

F. The City shall send notice of the time and place for the formal hearing to the person requesting the hearing, to the project manager and to the Appeals Board. Notice to the person requesting the hearing shall be by mail to the return address stated on the notice requesting a hearing; all other notices may be by any means reasonably calculated to give actual notice. Notice may also be given to such other persons as the project manager or Appeals Board may determine to be interested persons.

G. The person requesting the hearing and the project manager or their representatives may make argument, submit testimony, cross-examine witnesses and submit rebuttal evidence on the pertinent issues.

H. All hearings shall be recorded in a manner which will allow for written transcription to be made, and all materials submitted at the hearing shall be retained by the hearings officer for a period of three years.

I. Failure of the person requesting the hearing to appeal at the hearing shall constitute a waiver of the right to a hearing.

J. After the hearing the Appeals Board shall issue and mail a copy of its final order determining the question within 15 days from the date of the hearing, or any continuance thereof not to exceed 15 days, to the person(s) requesting the hearing. The final order shall include a statement of the reasons upon which the final order is based.

3.11.040 Reconsideration; Judicial Review.

A. The Appeals Board may reconsider a final order upon the filing of a written petition for reconsideration with the City. A petition for reconsideration must be filed within 15 days after issuance of the order.

B. The City shall notify the Appeals Board that a petition for reconsideration has been filed. If no action is taken by the Appeals Board within 15 days after the petition is filed, the petition shall be deemed denied. If the petition is allowed by vote of the Appeals Board, a hearing on the reconsideration shall be held. The City shall notify the petitioner and all parties to the original hearing of the time and place of the reconsideration.

C. The petitioner may make an oral presentation at the hearing. The Appeals Board may in its discretion allow new evidence.

D. The Appeals Board shall issue a new order which shall include a statement of the reasons upon which the new order is based. Only those Appeals Board members who voted in the original hearing on the appeal may vote on whether to allow a petition for

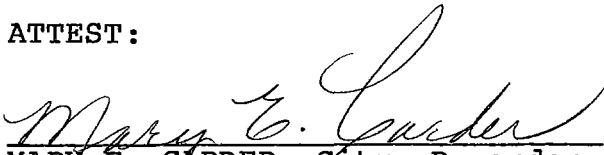
reconsideration.

E. Review of the action of the Appeals Board shall be taken solely and exclusively in the manner set forth in ORS 183.480."

Section 2. Because it is necessary for the public welfare to adopt this procedure immediately so that a pending claim can be processed, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

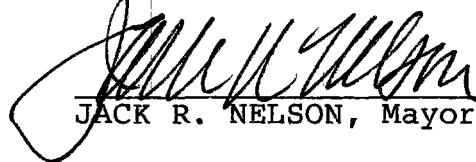
First reading this 11th day of April, 1983.
Passed by the Council this 18th day of April, 1983.
Approved by the Mayor this 19th day of April, 1983.

ATTEST:



MARY E. CARDER, City Recorder

APPROVED:



JACK R. NELSON, Mayor