

AN ORDINANCE AMENDING CHAPTER ONE OF THE  
BEAVERTON CITY CODE BY ADDING A NEW SECTION  
RELATING TO THE SERVICE OF LEGAL AND  
ADMINISTRATIVE PROCESS.

WHEREAS, the City Code requires the City to provide notice (including summons or other legal or administrative process) to citizens affected by governmental action, and

WHEREAS, some City Code provisions describe in detail the manner of service to be used to provide required notice to citizens, while other provisions are not clear on the manner of providing notice, and

WHEREAS, the purpose of this ordinance is to establish an alternative manner of service to be used in the event provisions call for notice, yet do not describe the manner of service to be used; Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

BC 1.01.120 is hereby added to read as follows:

“1.01.120 Alternative Manner of Service. In lieu of any manner of service or delivery specifically provided in this Code, and unless otherwise prohibited by any law:

A. A notice, summons or other legal or administrative process required to be served on or delivered to a person by this Code may be served or delivered as allowed by Rule 7 D of the Oregon Rules of Civil Procedure by:

1. any person described in Rule 7 E of the Oregon Rules of Civil Procedure  
or

2. any employee or officer of the City who has no personal interest in the underlying proceeding or its outcome. As used in this subsection, “personal interest” is an interest separate from the official interest a City employee or officer regularly has in a proceeding or its outcome.

B. If a notice, summons or other legal or administrative process is served or delivered pursuant to subsection A of this section, then proof of service, mailing or execution of process shall be made as provided in Rule 7 F of the Oregon Rules of Civil Procedure.

C. If a notice, summons or other legal or administrative process is served or delivered pursuant to subsection A of this section, then any failure on the part of the City to comply with a provision of this section relating to service of notice, summons or other legal or administrative process shall not affect the validity of service or delivery or the existence of jurisdiction over the person if the court or administrative tribunal determines that the person actually knew of the substance of the notice, summons or other legal or administrative process. The court or administrative tribunal shall disregard any error in the content or service of a notice, summons or other legal or administrative process that does not materially prejudice the substantive rights of a party. If service is made in any manner complying with Rule 7 D(1) of

the Oregon Rules of Civil Procedure, the court or administrative tribunal shall also disregard any error in the service that does not violate the due process rights of a party.

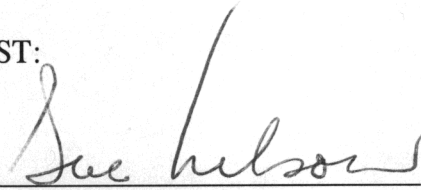
D. If a notice, summons or other legal or administrative process is served on or delivered to a person in accordance with this section, then any failure on the part of the City to comply with a specific section of this Code relating to the service of notice or other legal or administrative process shall not affect the validity of service or delivery or the existence of jurisdiction over the person.”

First reading this 6th day of June, 2005.

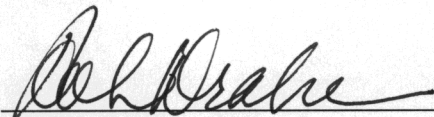
Passed by the Council this 13th day of June, 2005.

Approved by the Mayor this 14<sup>th</sup> day of JUNE, 2005.

ATTEST:

  
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SUE NELSON, City Recorder

APPROVED:

  
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ROB DRAKE, Mayor