

ORDINANCE NO. 529

AN ORDINANCE ESTABLISHING A PROCEDURE FOR SUBMISSION OF CLAIMS PURSUANT TO OREGON CONSTITUTION, ART. I, SEC. 18 (a) THROUGH (f) [MEASURE 7, 2000 AMENDMENT]; AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2000, state voters approved Measure 7 that amends the Oregon Constitution by adding Subsections (a) through (f) to Section 18 of Article I¹ to require payment to landowners if government regulation reduces property value; and

¹ THE CONSTITUTION OF THE STATE OF OREGON IS AMENDED BY ADDING THE FOLLOWING SUBSECTIONS TO SECTION 18 OF ARTICLE I:

(a) If the state, a political subdivision of the state, or a local government passes or enforces a regulation that restricts the use of private real property, and the restriction has the effect of reducing the value of a property upon which the restriction is imposed; the property owner shall be paid just compensation equal to the reduction in the fair market value of the property.

(b) For purposes of this section, adoption or enforcement of historically and commonly recognized nuisance laws shall not be deemed to have caused a reduction in the value of a property. The phrase "historically and commonly recognized nuisance laws" shall be narrowly construed in favor of a finding that just compensation is required under this section.

(c) A regulating entity may impose, to the minimum extent required, a regulation to implement a requirement of federal law without payment of compensation under this section. Nothing in this 2000 Amendment shall require compensation due to a government regulation prohibiting the use of a property for the purpose of selling pornography, performing nude dancing, selling alcoholic beverages or other controlled substances, or operating a casino or gaming parlor.

(d) Compensation shall be due the property owner if the regulation was adopted, first enforced or applied after the current owner of the property became the owner, and continues to apply to the property 90 days after the owner applies for compensation under this section.

(e) Definitions: For purposes of this section,

"regulation" shall include any law, rule, ordinance, resolution, goal, or other enforceable enactment of government;

"real property" shall include any structure built or sited on the property, aggregate and other removable minerals, and any forest product or other crop grown on the property;

"reduction in the fair market value" shall mean the difference in the fair market value of the property before and after application of the regulation, and shall include the net cost to the landowner of an affirmative obligation to protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources, or low income housing; and

"just compensation" shall include, if a claim for compensation is denied or not fully paid within 90 days of filing, reasonable attorney fees and expenses necessary to collect the compensation.

(f) If any phrase, clause, or part of this section is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and parts shall remain in full force and effect.

WHEREAS, measures approved by voters at the general election are effective the 30th day after election, unless otherwise specified for later implementation (OR CONST. ART. IV). The effective date of Measure 7 is December 7, 2000; and

WHEREAS, the general welfare of the people of the City of Wilsonville is promoted by having this ordinance effective December 7, 2000, when Measure 7 is effective; and

WHEREAS, It is appropriate for the City of Wilsonville to establish procedures for review and action upon claim applications under Measure 7.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. The following provisions are added to the Wilsonville Code, Chapter 4,

Planning and Land Use:

REAL PROPERTY COMPENSATION LAW

4.900 PURPOSE.

This subchapter is the Real Property Compensation Law. It implements the provisions added to Oregon Constitution Article I, Section 18 by Measure 7 (November 7, 2000). The measure permits owners of private real property to apply for compensation for the reduction of property value resulting from a regulation that restricts the use of that property. The subchapter provides a prompt, open and thorough process that enables property owners to present their legitimate claims consistent with the Oregon Constitution.

4.901 DEFINITIONS

For the purposes of this subchapter, the following definitions apply unless the context requires a different meaning:

.01 ADOPTED RESTRICTIVE REGULATION. A restrictive regulation of the City which has a date of adoption after December 7, 2000.

.02 APPLIED RESTRICTIVE REGULATION. A restrictive regulation of the City, which regulation was adopted after December 7, 2000, and applied after December 7, 2000.

.03 APPRAISAL. An appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon. Appraisals must meet the Uniform Standards of Professional Appraisal Practice (USPAP) and be performed by an appraiser who meets the Competency Rule of USPAP. The appraisal shall determine the amount of reduction in fair market value caused solely by the application of the City of Wilsonville regulation(s) in accordance with Measure 7 (Or Const., Art. I, Sec. 18(a)-(f)) and that:

- (A) details the assignment parameters, identifying the regulation(s) in question, be reported in the Self Contained format of the USPAP, and be complete and not limited;
- (B) provides an overview of the area, community and neighborhood;
- (C) provides a detailed site and building description (if any);
- (D) contains an in-depth discussion of each approach to value used, and a reconciliation which selects the most appropriate value from the different approaches used;
- (E) takes into account that the current level of public facilities and services may not be intensified to an enhanced level (i.e., the fact that a claim for compensation under Measure 7 is filed does not mean that all public facilities and services can or will be made available to the subject property);
- (F) takes into account that the duration of any regulation is limited to the ownership of the Property while held by the claiming Property Owner, and that upon transfer of the Property to a New Property Owner, the regulation returns to full effect on the Property (See Section 4.940 below); and
- (G) takes into account any prior payments made by the City of Wilsonville for the Property under this Article, to the effect that the separate payments for retention of the application of regulations to the Property shall not exceed the cumulative effect on the reduction of fair market value of all regulations for which claim has been made and award has been made, including any claims for which appeal is pending.
- (H) takes into account any special benefit to the Property by any other provision of the subject regulation.
- (I) If the claimed reduction in fair market value is based on an alleged net cost to the property owner of an affirmative obligation to protect, provide or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources or low income housing, the Appraisal must establish that net cost.

.04 EXEMPT REGULATION. A regulation that is a historically and commonly recognized nuisance law (Or Const., Art. I, see Sec. 18(b)), a regulation to implement a requirement of federal law to the minimum extent required, or a regulation that prohibits selling pornography, performing nude dancing, selling alcoholic beverages or other controlled substances, or operating a casino or gaming parlor (Or Const., Art. I, Sec. 18(c)).

.05 FIRST ENFORCED. The enforcement after December 7, 2000, by the City of a restrictive regulation of the City which regulation was adopted after December 7, 2000.

.06 HEARINGS OFFICER. A person or City Development Review Board panel designated by the City Manager as the City Manager may be authorized by the City Council.

.07 RESTRICTS THE USE. A regulation that restricts the type of use of private real property, but does not include a regulation that effects either the extent or location of a use or a land division, subdivision or a regulation that governs development standards or construction.

4.902 INITIATION OF CLAIM

Owners of record or contract purchasers may initiate applications for compensation for reduction in real property value due to a city regulation; provided, however, they are the current owners at the time of adoption of the subject regulation.

4.903 CODE COMPLIANCE AND APPLICATIONS

The City will not approve any application for compensation for any property that is not in full compliance with all applicable provisions of the City of Wilsonville Planning and Land Use Code and any permit approvals previously issued for that property by the City and where the applicant has not paid all sums due and owing to the City under the City's Debt Collection Policy.

4.904 PRE-APPLICATION CONFERENCE MEETING

.01 Before submitting an application, the applicant must schedule and attend a pre-application conference with Planning Department staff to discuss the claim. The pre-application conference must follow the procedure set forth by the Planning Director and may include a filing fee, and notice to neighbors and other organizations and agencies.

.02 To schedule a pre-application conference, the applicant must contact the Planning Department and pay the appropriate conference fee. The pre-application conference is for the applicant to provide a summary of the applicant's claim for compensation to staff and for staff to provide information to the applicant about regulations that may affect the claim. The Planning Director may provide the applicant with a written summary of the pre-application conference within ten (10) days after it is held.

.03 City staff is not authorized to settle any compensation claim at a pre-application conference. Any omission or failure by staff to recite to an applicant all relevant applicable land use regulations will not constitute a waiver or admission by the City.

.04 A pre-application conference is valid for six months from the date it is held. If no application is filed within six months of the conference, the applicant must schedule and attend another conference before the City will accept a claim application. The Planning Director may waive the pre-application requirements if, in the Director's opinion, the claim does not warrant these steps.

4.905 APPLICATION REQUIREMENTS

All claims applications must be submitted at the Planning Department office on the most current form provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

4.906 COMPLETE APPLICATION INFORMATION

A complete application includes all the materials listed in this Section and is deemed a filed claim when complete. The Planning Director may waive the submission of any of these materials if not deemed applicable to the specific claim. Within 30 days of when the application is first submitted, the Planning Director may require additional information beyond that listed in this Section where useful to address approval criteria. The applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. The City will not deem the application complete until all information required by the Planning Director has been submitted. Unless specifically waived by the Planning Director, the following must be submitted:

.01 One copy of a completed City application form that includes the following information:

- (A) An accurate legal description, tax lot number(s), tax account number(s), map and location of all private real properties that are the subject of the application.
- (B) Name, address, telephone number and authorization signature(s) of all record property owners or contract owners.
- (C) A title report insuring to the City that applicant is the property owner or contract owner of the subject property. The title report shall identify the date of ownership of the property by the applicant and provide a copy of the conveyance document that establishes the applicant's ownership in the subject property.

.02 Identification of the regulation alleged to restrict the use of the subject private real property, including the date the regulation was adopted, first enforced or applied.

.03 A current (within 30 days prior to application) preliminary title report for the subject property.

.04 The alleged effect of regulation on the property, including copies of appraisals by appraisers showing the reduction in fair market value on the property from restriction in accordance with 4.901.01 above. For claims of more than \$10,000, two appraisals are required, the second being a review appraisal by an appraiser different from and without a business or familial relationship to the first appraiser. One appraisal is required for claims of \$10,000 or less. The purpose of the review will be to determine if the appraisal meets USPAP. Further, the review appraiser will determine if the conclusions are reasonable. If the review appraiser determines that the appraisal does not meet USPAP, the appraisal will be returned to the property owner with explanations as to why it is not USPAP compliant and notify the property owner that the application is not complete.

.05 Identification of any Exempt Regulation that may apply to the property, whether or not that regulation effects the fair market value of the property.

.06 Identification of the relief sought by the applicant, copy of all reports, plans, site plans and other documents submitted to the City for any previous applications for land use permit approvals.

.07 A copy of the site plan and drawings related to the use of the property in a readable/legible 8 1/2 by 11-inch format for inclusion in the application record.

.08 All required application fees.

.09 Names and mailing addresses, on mailing labels, of property owners within 250 feet of the subject property (including contiguous or parcels in affiliated ownership), as shown on the last available complete tax assessment roll. The information shall be current to within 7 days from the date of application. Following determination that the application is complete and notice mailed to property owners within 250 feet, the claimant shall, within 7 days from the date of mailing, update the list of names and mailing addresses, on mailing labels, of any changes in the last available complete tax assessment roll to the date of mailing.

.10 Names and mailing addresses, on mailing labels, of the recognized neighborhood, condominium or homeowners association in which the Property is located, and any recognized or forming associations whose boundaries are located within 250 feet of the Property.

4.907 COMPLETENESS REVIEW AND 90-DAY RULE

.01 Upon submission of a compensation claim, the Planning Director will date stamp the application form as received and verify that the appropriate application fee has been submitted. The Planning Director will then review the application and evaluate whether the application is complete. Within 30 days of receipt of the application, the Planning Director will complete this initial review and issue to the applicant a completeness letter stating that the application is complete and date stamp the application as filed. If not complete, the Planning Director will advise the applicant what information must be submitted to make the application complete.

.02 Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application will be rejected and all materials returned to the applicant. If the applicant submits the requested information within the 180-day period, the Planning Director will again verify whether the application, as supplemented, is complete. Each review and verification will follow the procedure in Subsection 4.907.01 above.

.03 An applicant must file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180-day time period to complete the application. Failure of an applicant to accept the time to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application.

.04 Once the Planning Director determines the application is complete, or the applicant refuses to submit any more information, the City shall declare the application complete and take final action on the application within 90 days of that date unless the applicant waives or extends the 90-day period. The 90-day period does not apply when the applicant requests a hearing continuance or other process delay. Such requests by the applicant will be deemed an extension or waiver of the 90-day period.

4.908 EVIDENCE

The applicant has the burden of proof for all issues required to show that the just compensation is due to the property owner. The City has the burden of proof to show that a regulation is an Exempt Regulation.

4.909 HEARINGS PROCESS

All public hearings on compensation claims applications will comply with the procedures of this Section, will be quasi-judicial, and will occur before the City Council, unless the City Council authorizes the City Manager to appoint a hearings officer to hear the matter and make recommendations to the City Council.

.01 Once the Planning Director determines that an application for a compensation claim is complete, the Planning Department shall inform the City Manager and the City Manager will schedule a hearing.

.02 Notice of the hearing shall be issued in accordance with W.C. 4.012.01 and 4.012.02.

.03 The property subject to the compensation claim application will be posted in accordance with W.C. 4.012.04.

.04 The Planning Director will prepare a staff report on the application that describes the application and the applicant's claim, summarizes all relevant City department, agency and public comments, describes all other pertinent facts, and recommends whether or not the claim should be approved. The Planning Director may retain the services of an Appraiser to appraise the property and the application claim to determine if the identified regulation reduced the fair market value of the property.

.05 The City Manager shall forward to the City Council all pertinent information relating to the Claim, including:

- (A) Applicant's application.
- (B) Written comments received by the date established by the Planning Director in the Notice under Section 4.909.
- (C) Appraisal performed at the request of the Planning Director.
- (D) Planning Director's staff report.
- (E) Recommendation of the City Manager.
- (F) Recommendation of the hearings officer if applicable.

.06 If the regulation for which the Claimant seeks compensation relates to a Zoning Code or other land use regulation, as defined by ORS 197.015(11), the City Council shall hold a public hearing upon the Application and shall determine the following:

- (A) That Code compliance has been met under Section 4.903.
- (B) The application is complete under Sections 4.906 and 4.907.
- (C) The applicant is a qualifying Property Owner under Measure 7 (Or Const., Art. I, Sec. 18(a)-(f)).
- (D) The cited regulation(s) is a qualifying regulation entitling the Property Owner to compensation or release of the regulation to the Property, under Measure 7 (Or Const., Art. I, Sec. 18(a)-(f)).

.07 At the beginning of the initial public hearing authorized under these procedures, a statement shall be announced that:

- (A) Lists the applicable substantive criteria;
- (B) The hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, deliberation and decision;
- (C) All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The City Council may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
- (D) Failure to raise an issue on the record, with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties an adequate opportunity to respond to the issue, may preclude appeal on that issue to the Circuit Court;
- (E) Any party wishing a continuance or to keep open the record must make that request while the record is still open;
- (F) Members of the City Council must disclose any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item and provide an opportunity for challenge. Advised parties must raise challenges to the procedures of the hearing at the hearing and raise any issue relative to ex parte contacts, conflicts of interest or bias, prior to the start of the hearing.

.08 The City Council may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the City Council establishes a time certain and location for the continued hearing. The City Council may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The City Council may limit the factual and legal issues that may be addressed in any continued hearing or open-record period; provided further, however, any right to request an opportunity to present additional evidence or testimony or to make final written argument shall be subject to restriction or elimination, as the City Council determines convenient or necessary to assure that a written decision is made and sufficient administrative time remains thereafter to cause payment of compensation within the constitutionally-required 90-days from the date of filing a Claim.

.09 If the regulation for which the Claimant seeks compensation is not subject to Subsection 4.909.06 above, the City Council may elect to conduct a public hearing as

provided in Subsection 4.909.07 above or to handle the matter in a summary or expedited manner. The criteria stated in Subsection 4.909.06 shall be applicable.

.10 The City Council shall adopt written findings and conclusions as to whether the criteria under Subsection 4.909.06 has been met, the amount of compensation, equal to the reduction in the fair market value of the property, that would be due to the Property Owner if the Property were not released from the effect of the regulation(s).

.11 If a hearings officer has been appointed by the City Manager pursuant to City Council authority, the hearings officer shall conduct the hearing in accordance with the applicable provisions of W.C. 4.909 as if the officer were the City Council; save and except such written findings and conclusions under 4.909.10 shall be in the form of a recommendation to the City Council. The City Council may adopt, deny, or modify the hearing officer's recommendations. The Council's action on any such recommendation shall be on the record forwarded to the City Council without further hearing, unless the City Council determines otherwise and under such process as may be necessary and convenient to act with the constitutional required 90 days from filing a claim.

.12 The City Council shall adopt a written Order (which may be combined with the written findings and conclusion) either directing that payment of just compensation be made to the Property Owner and to any other persons holding an interest in the Property, in such manner as may be determined by the City Council, or releasing the Property from the effect of the regulation(s) in the manner provided by Section 4.940 below, or denying the application in whole or in part.

.13 A copy of the findings, conclusion and Order shall be mailed by first class mail to:

- (A) The applicant and to all other interested persons who both submitted written testimony or testified before the City Council and provided their mailing address to the City Recorder.
- (B) The governmental agencies that were provided notice of the Claim.

4.910 BURDEN OF PROOF, RECORD

.01 The applicant has the burden of demonstrating that applications comply with the approval criteria or can and will comply with the approval criteria through the imposition of conditions of approval. The applicant must file evidence demonstrating that approval criteria are met.

.02 The City Recorder shall maintain the record of proceeding, including the application, written comments, staff report, recommendations, if any, minutes, findings and conclusions, and the order.

4.915 NO REAPPLICATION

If an application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar compensation claim may be made by the current owner of the subject property.

4.920 CONDITIONS OF APPROVAL AND NOTICE OF DECISION

.01 The City Council shall have the authority to impose reasonable conditions of approval designed to ensure all applicable approval criteria are, or can be, met.

.02 Failure to comply with any condition of approval is grounds for revocation of the approval of the claim and grounds for recovering any compensation paid on the claim.

.03 The City will send, by first class mail, a notice of all decisions made under this subchapter. Notice will be mailed to applicant, to those who submitted written comment, and those that requested the decision in writing or provided oral testimony at the hearing on the matter. The notice of decision shall include the following information:

- (A) The file number and effective date of decision;
- (B) The name of the applicant;
- (C) The street address or other easily understood location of the subject property;
- (D) A brief summary of the decision, and if an approval, a description of the claim approved;
- (E) A statement that the decision is final unless appealed to the Circuit Court, and a description of the requirements for perfecting an appeal;
- (F) The contact person, address and a telephone number for use in inspecting or obtaining a copy of the final decision.

.04 Any request to modify a condition of claim approval must be processed in the same manner, and shall be subject to the same standards, as was the original application.

4.930 RECORDING OF DECISION

The City may impose as a condition of final approval of compensation claim decision, the requirement that the applicant record with the county the Notice of Decision. The Notice of Decision must run with the land and must be placed in the county deed records prior to any payment of the claim. Proof of recording must be filed with the Planning Department. Recording must be at the applicant's expense. Any recording required under this Section will be properly signed and executed within 30 days after the decision becomes final. Failure to sign and record the Notice of Decision within the

prescribed period will void the decision and require repayment of any compensation paid by City.

4.940 RELEASE OF PROPERTY FROM REGULATIONS

.01 As provided in Section 4.945 and pursuant to Measure 7, and notwithstanding any other law, rule, ordinance, resolution, goal or other enforceable enactment of the City of Wilsonville, and notwithstanding any other procedure for variance, exception, or otherwise in the Wilsonville Code, the City Council is authorized to release, exempt, or except a regulation from application upon a Property by Order of Release of Regulation pursuant to this Section when the City Council, in its discretion, elects to do so rather than paying just compensation to the Property Owner.

.02 Any release of regulation shall be applicable during such time as the Property Owner owns the Property and shall automatically cease when the Property is owned by a New Property Owner. Following termination of ownership of the Property by the Property Owner, the regulation that was released from the Property shall be reinstated and apply to the Property, and the New Property Owner shall, to the maximum extent permitted by law, bring the Property immediately into compliance with the now reinstated regulation.

4.945 PAYMENT OF JUST COMPENSATION

.01 Upon entry of Order directing payment of such amount as determined as just compensation pursuant to this Section, the City Manager shall, subject to Subsection .03, arrange for payment to the Property Owner and, if other persons claim an interest in the real property, then jointly, unless a waiver, consent, or direction of all other persons claiming an interest in the real property.

.02 The City Manager may indicate that the payment is "under protest", if the City Manager finds that there is reasonable uncertainty to the adoption, implementation or application of Measure 7 as applied to the Claimant and the Property.

.03 Payment shall be tendered upon Claimant's recordation in the Official Records of the county in which the Property is located of a notice, covenant, or declaration approved by the City Attorney that the cited regulation(s) are applicable to the Property, and issuance of a supplemental title report to City showing that at the time of recordation, the Claimant is the Property Owner and the names of such other persons who claimed an interest in the Property at the time of recordation.

4.950 REVOCATION OR MODIFICATION OF DECISIONS

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the City's approval, the City may institute a revocation or modification proceeding under this subchapter.

4.960 TRANSFER OF APPROVAL RIGHTS

Unless otherwise stated in the City's decision, any claim approved under this code runs with the property and is transferred with ownership of the property. Any conditions, time limits or other restrictions imposed with a claim approval will bind all subsequent owners of the property for which the claim was granted.

4.970 JUDICIAL REVIEW

.01 Review of the decision of the City Council shall be solely by Writ of Review pursuant to ORS Chapter 34 (1999 Replacement Part).

.02 Failure of the applicant to exhaust the remedy provided for herein shall be a bar to judicial review.

.03 The prevailing party on review shall be entitled to reasonable attorney fees and costs as determined by the court, or any appellate court. In the event the prevailing party is represented by "in-house" counsel, the prevailing party shall nevertheless be entitled to recover reasonable attorney fees based upon the reasonable time incurred and the attorney fee rates and charges reasonably and generally accepted in the region for the type of legal services performed.

2. Severability. In the event any provisions of this Ordinance is found unconstitutional or invalid by a court of law, that holding shall not affect the remaining parts of this Ordinance that are not held unconstitutional or invalid.

3. Unconstitutionality or Invalidity of Measure 7 (Or Const., Art. I, Sec. 18). If Measure 7 is held unconstitutional or invalid, then this Ordinance shall be rendered null and void as of December 7, 2000. Any compensation paid by the City or any regulation waived by the City shall be repaid to the City or the regulation reinstated as the case may be effective the date of payment or waiver even if same is deemed retroactive.

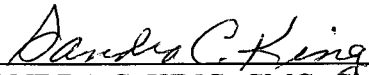
4. Emergency. This Ordinance being necessary for the health, safety, and general welfare of the people of the City of Wilsonville in order to be in effect to carry out Measure 7 (Or Const., Art. I, Sec. 18(a)-(f)), an emergency is declared and the Ordinance shall take effect on December 7, 2000, unless the effective date of Measure 7 is delayed or stayed, then this Ordinance shall take effect commensurate with the date Measure 7 shall take effect.

SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 4th day of December, 2000, commencing at the hour of 7 p.m. at the Wilsonville Community Center.




SANDRA C. KING, CMC, City Recorder

ENACTED by the City Council on the 4th day of December, 2000, by the following votes: YEAS: -5- NAYS: -0-



SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 4TH day of December, 2000.



CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Holt	<u>Yes</u>