



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

January 19, 2021

7:30 p.m. EUGENE CITY COUNCIL PUBLIC HEARING

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of January 19, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President
Mike Clark
Randy Groves
Emily Semple

Claire Syrett, Vice President
Greg Evans
Matt Keating
Alan Zelenka

7:30 p.m. EUGENE CITY COUNCIL PUBLIC HEARING

- 1. PUBLIC HEARING: An Ordinance Concerning Chapter 4 Offenses; Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction**
- 2. PUBLIC HEARING: An Ordinance Concerning Disposition of Eugene Water & Electric Board Real Property and Amending Section 2.196 of the Eugene Code, 1971**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Chapter 4 Offenses; Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction

Meeting Date: January 19, 2021
Department: City Prosecutor's Office
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Travis Smith
Contact Telephone Number: 541-682-8401

ISSUE STATEMENT

This City Council public hearing is to consider an ordinance to amend parts of chapters 2 and 4 of the Eugene Code in order to make a correction with regard to the presiding judge of the municipal court and to update the City code to make it consistent with state law changes. The majority of the proposed amendments reflect changes made by the Oregon State Legislature during the 2017 and 2019 legislative sessions. The State legislative changes became effective on or before January 1, 2020.

BACKGROUND

The City Council regularly updates the Eugene Code to ensure that Code provisions are consistent with legislated changes to the State's criminal and traffic codes. The attached ordinance amends the Code consistent with the changes made during the 2017 and 2019 Legislative sessions (or earlier).

Per Council's October 21, 2020, motion, in addition to the amendments to make EC 4.731 (Intimidation) consistent with state law, the proposed ordinance also includes an amendment to EC 4.731 to add "unhouses status" and defines that term. This proposed addition to EC 4.731 will not impact private property rights. Rather, the proposed addition will allow the City Prosecutor to charge someone already charged with egregious criminal conduct, such as 4.782 (Criminal Mischief in the Second Degree), 4.730 (Menacing), 4.726 (Harassment) and 4.729 (Assault), with the additional misdemeanor charge of Bias if the prosecutor believes that it can be proven that the criminal behavior against an individual was based on the individual's status, or perceived status, of being unhoused.

The attached ordinance set forth the following proposed changes:

1. Amends EC 4.040 to allow the City Prosecutor to plead domestic violence in a criminal complaint, consistent with the practice under ORS 132.586. Provides for identification of these types of crimes in the municipal court record and in Law Enforcement Data Systems (LEDS).

2. Amends EC 4.330 and 4.340 for consistency with ORS 167.310 (definitions for offenses against animals), and ORS 167.325 and 167.330 (animal neglect). Creates and amends definitions relating to animal control laws and specifies that tethering that results in injury to the animal is an act constituting the offense of animal neglect.
3. Amends EC 4.731 for consistency with ORS 166.155 (bias crime) and to add “unhoused status” as a category of perceived characteristics of a person against whom the offense is committed. Amends the title of the offense of intimidation to change it to “bias crime.” Defines “unhoused status” and amends other definitions consistent with state law.
4. Amends EC 4.755 for consistency with ORS 163.465 (public indecency). Specifies that oral or anal sexual intercourse, or masturbation, conducted in a public place is an act constituting the offense of public indecency.
5. Amends EC 4.906 for consistency with ORS 162.385 (giving false information to a peace officer in connection with a citation or warrant). Renames offense as giving false information to a peace officer in connection with a citation or warrant. Clarifies language of offense to include providing false information to a peace officer when there is an outstanding warrant for the person's arrest.
6. Amends EC 4.922 for consistency with ORS 163A.040 (failure to report as a sex offender) to the extent that statute describes the misdemeanor offense. Modifies reporting obligations for sex offenders and provides for affirmative defenses.
7. Amends EC 2.773(1) (Municipal Court – Presiding Municipal Judge: Qualifications and Term of Office) to delete the requirement that the presiding municipal court judge be an independent contractor, consistent with the amendment to EC 2.011 made by the City Council in April 2019. (This amendment to EC 2.773 amendment should have been made in April 2019 and is a correction needed for internal code consistency.)

PREVIOUS COUNCIL DIRECTION

[October 21, 2020, Work Session, Housing as a Protected Class](#)

Move to direct the City Manager to add to the current package of code amendments for state law consistency an amendment to EC 4.731 that adds homelessness as an identified class and schedule a public hearing. Passed 8:0

Additional motion passed during the October 21, 2020, Work Session unrelated to the proposed ordinance: Move to direct the City Manager to schedule a follow-up work session to further discuss the option of adding housing status to the City’s Human Rights Code, including feedback from the Human Rights Commission. Passed 8:0

ATTACHMENTS

- A. Proposed Ordinance Concerning Chapter 4 Offenses; Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction

FOR MORE INFORMATION

Staff Contact: Travis Smith

Telephone: 541-682-8401

Staff E-Mail: TGSmith@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CHAPTER 4 OFFENSES; ADDING SECTION 4.040 TO THE EUGENE CODE, 1971; AMENDING SECTIONS 4.330, 4.340, 4.731, 4.755, 4.906, AND 4.922 OF THAT CODE; AND AMENDING SECTION 2.773 OF THE EUGENE CODE, 1971 TO MAKE A CORRECTION.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.040 of the Eugene Code, 1971, is added to provide as follows:

4.040 *Pleading Domestic Violence in Accusatory Instrument.*

(1) *When a crime involves domestic violence, the accusatory instrument may plead, and the prosecution may prove at trial, domestic violence as an element of the crime. When a crime is so pleaded, the words “constituting domestic violence” may be added to the title of the crime.*

(2) *As used in this section:*

(a) *“Domestic violence” means abuse between family or household members.*

(b) *“Family or household members” means spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, or, unmarried parents of a minor child.*

Section 2. Section 4.330 of the Eugene Code, 1971, is amended by adding the definitions of “Adequate bedding,” “Adequate shelter,” “Domestic animal,” “Equine,” “Minimum care,” “Physical trauma,” and “Tethering” in alphabetical order to that section, and by amending the definition of “Physical injury” to provide as follows:

4.330 *Animal Control – Definitions.*

For purposes of sections 4.330 to 4.500 of this chapter, the following words and phrases mean:

Adequate bedding. Bedding of sufficient quantity and quality to permit a domestic animal to remain dry and reasonably clean and maintain a normal body temperature.

Adequate shelter. Includes a barn, dog house or other enclosed structure sufficient to protect a domestic animal from wind, rain, snow or sun, that has adequate bedding to protect against cold and dampness and that is maintained to protect the domestic animal from weather and physical injury. Does not include:

- (a) Crawl spaces under buildings or parts of buildings, such as steps, decks or stoops;**
- (b) The space under a vehicle;**
- (c) The inside of a vehicle if the domestic animal is kept in the vehicle in a manner or for a length of time that is likely to be detrimental to the domestic animal's health or safety;**
- (d) Shelters made from cardboard or other materials that are easily degraded by the elements;**
- (e) Animal carriers or crates that are designed to provide temporary housing;**
- (f) Shelters with wire or chain-link floors, unless the domestic animal is a bird; or**
- (g) Shelters surrounded by waste, debris, obstructions or impediments that could adversely affect an animal's health.**

Domestic animal. Animal, other than livestock or equines, that is owned or possessed by a person.

Equine. A horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these animals.

Minimum care. Care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

- (a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.**
- (b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.**
- (c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to adequate shelter.**
- (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.**
- (e) For a domestic animal, continuous access to an area:**
 - (A) With adequate space for exercise necessary for the health of the animal;**
 - (B) With air temperature suitable for the animal; and**
 - (C) Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.**
- (f) For a livestock animal that cannot walk or stand without assistance:**

(A) *Humane euthanasia; or*

(B) *The provision of immediate and ongoing care to restore the animal to an ambulatory state.*

Physical injury. **Physical trauma**, ~~is~~ impairment of physical condition or substantial pain.

Physical trauma. Fractures, cuts, punctures, bruises, burns or other wounds.

Tethering. Restraining a domestic animal by tying the domestic animal to any object or structure by any means. Does not include using a handheld leash for the purpose of walking a domestic animal.

Section 3. Subsections (2) and (3) of Section 4.340 of the Eugene Code, 1971, are amended to provide as follows:

4.340 Animal Neglect.

(2) *Animal neglect in the second degree.* A person commits the offense of animal neglect in the second degree if, except as otherwise authorized by law, the person ***intentionally, knowingly, recklessly or with criminal negligence:***

(a) ~~¶~~**Fails to provide minimum care for an animal in such person's custody or control; or**

(b) ***Tethers a domestic animal in the person's custody or control and the tethering results in physical injury to the domestic animal.***

(3) *Animal neglect in the first degree.* A person commits the offense of animal neglect in the first degree if, except as otherwise authorized by law, the person ***intentionally, knowingly, recklessly or with criminal negligence:***

(a) Fails to provide minimum care for an animal in ~~such~~ ***the*** person's custody or control; and ~~(b) —Such~~ ***the*** failure to provide care results in serious physical injury or death to the animal; ***or***

(b) ***Tethers a domestic animal in the person's custody or control and the tethering results in serious physical injury or death to the domestic animal.***

Section 4. Section 4.731 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.731 ~~Intimidation~~ Bias Crime in the Second Degree.

(1) A person commits ~~the crime of intimidation~~ ***a bias crime*** in the second degree if the person:

(a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the ~~other's~~ **other person's unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation;

(b) Intentionally subjects another **person** to offensive physical contact because of the person's perception of the ~~other's~~ **other person's unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation; or

(c) Intentionally, because of the person's perception of **unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation of another **person** or of a member of the ~~other's~~ **other person's** family, subjects such other person to alarm by threatening:

1. To inflict serious physical injury upon or to commit a felony affecting ~~such~~ **the** other person, or a member of the **other** person's family; or

2. To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) ~~For purposes of~~ **As used in** this section,:

(a) ***"Gender identity" means an individual's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.***

(b) ***"Property" means any tangible personal property or real property, and "sexual orientation" means heterosexuality, homosexuality or bisexuality.***

(c) ***"Unhoued status" means that the individual lacks a fixed, regular, and adequate nighttime residence and includes individuals who:***

1. Are living in emergency, congregate, temporary, or transitional shelters;

2. Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

3. Are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

Section 5. Section 4.755 of the Eugene Code, 1971, is amended to provide as follows:

4.755 Public Indecency.

(1) A person commits the crime of public indecency if while in, or in view of, a public place the person performs:

- (a) An act of sexual intercourse; ~~or~~
- (b) An act of ~~deviate~~ **oral or anal** sexual intercourse; ~~or~~
- (c) **Masturbation; or**
- (~~ed~~) An act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person.

(2) As used in this section, the terms “sexual intercourse” and “~~deviate~~ **oral or anal** sexual intercourse” have the meaning found in ORS 163.305.

Section 6. Section 4.906 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.906 Giving False Information to Peace Officer or Enforcement Officer ~~for~~ in Connection with a Citation or Warrant.

A person commits the offense of giving false information to a peace officer or enforcement officer ~~for a citation or for an arrest on a warrant~~ **in connection with a citation or warrant** if the person knowingly uses or gives a false or fictitious name, address or date of birth to any peace officer or enforcement officer ~~for the purpose of~~ **when:**

- (a) The ~~officer's~~ **officer is** issuing or serving the person a citation under authority of section 4.035 of this code, ORS 133.055 to 133.076, 133.110, 419C.085 or ORS chapter 153; or
- (b) ~~The officer's arresting the person on a warrant.~~ **There is an outstanding warrant for the person's arrest.**

“Enforcement officer,” as used in this section, means a public safety officer of the University of Oregon authorized to issue citations for violations pursuant to section 4.035 of this code.

Section 7. Section 4.922 of the Eugene Code, 1971, is amended to provide as follows:

4.922 Failure to Report as a Sex Offender.

(1) A person who is required to report as a sex offender **in accordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025** and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person ~~fails to:~~

- (1) ~~Report following a change of residence, school enrollment or employment if the crime for which the person is required to report is a misdemeanor;~~
- (2) ~~Make an annual report; or~~

~~(3) Provide complete and accurate information, within the time and in the manner required by state statute and administrative rule.~~

- (a) Fails to report when the person works at, carries on a vocation at or attends an institution of higher education;**
- (b) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;**
- (c) Fails to report following a change of residence;**
- (d) Fails to report a legal change of name;**
- (e) Fails to make an annual report;**
- (f) Fails to provide complete and accurate information;**
- (g) Fails to sign the sex offender registration form as required;**
- (h) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority;**
- (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos; or**
- (j) Fails to report prior to any intended travel outside of the United States.**

(2) It is an affirmative defense to a charge of failure to report under subsection (1)(c) of this section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's new residence, if the person otherwise complied with all reporting requirements.

(3) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

(4) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (3) that the person reported, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting requirements.

(5) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth Authority if the person establishes that the authority registered the person under ORS 163A.010 (3)(c).

(6) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority or a county juvenile department if the person establishes that the authority or department registered the person under ORS 163A.025 (8).

Section 8. Subsection (1) of Section 2.773 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

2.773 Municipal Court – Presiding Municipal Judge: Qualifications and Term of Office.

(1) Except as provided in this section the presiding municipal judge shall be appointed by the council ~~for a term of four years. The presiding municipal judge shall be an independent contractor, and not an officer or employee of the city,~~ and shall be an active member of the Oregon State Bar with at least five years experience as a practicing attorney. The presiding municipal judge shall be a resident of or maintain a principal office within the city.

Section 9. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2021

City Recorder

Approved by the Mayor this

___ day of _____, 2021

Mayor

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Disposition of Eugene Water & Electric Board Real Property and Amending Section 2.196 of the Eugene Code, 1971

Meeting Date: January 19, 2021
Department: City Attorney's Office
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Kathryn Brotherton
Contact Telephone Number: 541-682-8447

ISSUE STATEMENT

The purpose of this City Council public hearing is to consider amendments to Eugene Code (EC) 2.196, the code section that specifies the process that EWEB must follow when EWEB determines that real property it owns is no longer needed for EWEB purposes. The proposed amendments to EC 2.196 will set additional deadlines that must be met (180 days for the city manager and EWEB's general manager to agree to proposed terms and 365 days for the two governing bodies to approve the terms) and will shorten the deadline to complete the property transfer to 3 years.

BACKGROUND

For a number of years, the City has anticipated reconstructing the railroad crossing that is located just to the south of the Steam Plant at 8th Avenue & Hilyard Street. Reconstruction of that crossing is part of the City's railroad quiet zone project. The plans for that crossing have assumed that it would occur on property that is owned by EWEB which many decades ago had been used as a manufacturing gas plant (MGP).

On December 1, 2020, the EWEB Board adopted a resolution declaring the MGP site as "surplus" property, and authorized EWEB's General Manager to negotiate and sign a purchase and sale agreement (PSA) with the City for that property.

On December 14, 2020, the City Council and the Urban Renewal Agency passed motions directing the City Manager/Agency Director to negotiate and sign a Purchase and Sale Agreement for the Agency's acquisition of the MGP site for \$400,000 using riverfront urban renewal funds and that includes as one of the conditions of closing the City Council's adoption of amendments to EC 2.196. The City Council also passed a motion directing the City Manager to prepare an ordinance and schedule a public hearing on the EC 2.196 amendments

EC 2.196 specifies a process that EWEB must follow when EWEB determines that real property it owns is no longer needed for EWEB purposes. In a nutshell, the code delineated process (1) requires the EWEB Board to declare the property surplus and then to notify the City Manager that the property has been surplus; and (2) grants to the City 30 days to decide whether the City wants to negotiate with EWEB for the purchase of the property, and if so, then up to 5 years to complete the purchase. If the purchase has not been completed within the 5 years, EWEB can

choose to sell the property to another entity. The proposed amendments to EC 2.196 are summarized above and are set forth in Attachment A to this AIS.

PREVIOUS COUNCIL DIRECTION

December 14, 2020, Work Session, Riverfront Discussion

Move to authorize the City Manager to negotiate and sign a Purchase and Sale Agreement for the Agency's acquisition of the MGP site for \$400,000 using riverfront urban renewal funds and that includes as one of the conditions of closing the City Council's adoption of amendments to EC 2.196. Passed 7:1

Move to direct the City Manager to prepare an ordinance and schedule a public hearing on amendments to EC 2.196, adoption of which will be a condition of closing the Agency's purchase of the MGP site. Passed 6:2

Move to direct the City Manager to notify EWEB, simultaneous with execution of the MGP site Purchase and Sale Agreement, that the City is terminating the negotiations for acquisition of the EWEB Headquarters building, previously requested by the City pursuant to EC 2.196. Passed 6:2

ATTACHMENTS

- A. Proposed Ordinance Concerning Disposition of Eugene Water & Electric Board Real Property and Amending Section 2.196 of the Eugene Code, 1971.

FOR MORE INFORMATION

Staff Contact: Kathryn Brotherton
Telephone: 541-682-8447
Staff E-Mail: KBrotherton@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING DISPOSITION OF EUGENE WATER & ELECTRIC BOARD REAL PROPERTY AND AMENDING SECTION 2.196 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.196 of the Eugene Code, 1971, is amended to provide as follows:

2.196 Eugene Water & Electric Board - Disposition of Real Property.

(1) The board may dispose of real property not needed for utility purposes in accordance with state law.

(2) In the event the board or its designee determines that real property is not needed for utility purposes, it shall afford the city the opportunity to obtain the property for other municipal purposes by ~~notifying~~ **providing** the city manager **written notice** of its availability.

(a) If the city desires to obtain the property, the city manager shall request negotiation within thirty (30) days of the ~~notification~~ **notice of availability**.

(b) ~~As soon as possible after notification,~~ **Within 180 days of the notice of availability**, the city manager and the board's general manager shall negotiate ~~an agreement to compensate the board for the property transferred in accordance with agreed criteria~~ **and agree upon terms for the property transfer to present to the board and the city council for approval.**

(c) **Within 365 days of the notice of availability, the board and the city council shall approve terms for the transfer of the property to the city and compensation to the board for the property.**

(d) Any agreed transfer to the city and compensation to the board shall be completed within ~~five (5)~~ **three (3)** years from the ~~date of notification~~ **notice of availability**.

(e) **Unless the city manager and the board's general manager agree in writing to extend one or more of the deadlines,** ~~the board may dispose of the property by such means and terms as it deems appropriate if:~~

1. Within 30 days of the notice of availability the city manager fails to request negotiations ~~within thirty (30) days of notification of availability; or, if the property transfer is not completed within five (5) years of that notification.; or,~~

2. Within 180 days of the notice of availability the city manager and the board's general manager fail to agree upon terms for the property transfer to present to the board and city council for approval; or,

3. Within 365 days of the notice of availability the board and the city council have not approved terms for the transfer of the property to the city and compensation to the board for the property; or,

4. Within three (3) years of the notice of availability the property transfer is not completed.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2021

Approved by the Mayor this

___ day of _____, 2021

City Recorder

Mayor