CITY OF KEIZER MISSION STATEMENT
KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION

AGENDA

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, June 20, 1994
6:30 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

   This time is provided for citizens to address the Urban Renewal Agency on matters not on the agenda.

4. **PUBLIC HEARING**

   a. 1994-95 Urban Renewal Agency Budget

5. **ADMINISTRATIVE ACTION**

   a. RESOLUTION - Adoption of 1994-95 Urban Renewal Agency Budget

   b. Administrative Policy on Relocation

   c. River Road Redevelopment Board Appointment - Position #1

6. **CONSENT CALENDAR**

   a. Approval of May 2, 1994 Agency Minutes

6. **OTHER BUSINESS**

   This time is provided to allow Urban Renewal Agency members the opportunity to bring matters before the Agency which are not on tonight's agenda.

7. **WRITTEN COMMUNICATIONS**

   To inform the Urban Renewal Agency of significant written communications and petitions.

8. **ADJOURN**

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 at least two working days (48 hours) in advance.

URBAN RENEWAL AGENCY MEETING: June 20, 1994

AGENDA ITEM NUMBER: 4a and 5a

TO: MAYOR AND AGENCY BOARD

FROM: DOTTY TRYK, Dotty
CITY MANAGER

SUBJECT: ADOPTION OF FISCAL YEAR 94-95 BUDGET

DISCUSSION:

The Budget Committee has recommended to you a budget for the Renewal Agency for Fiscal Year 1994-1995.

The Committee approved budget differs from the Manager's Recommended Budget in two ways:

1. The Committee budget recommends taking $837,000 in tax increment revenue as opposed to my recommendation of $1,170,000. This reflects an on-going commitment to try to hold increment revenue to an equivalent tax rate of approximately $1.00.

2. My recommended budget included a proposed Property Improvement Fund, to be primarily funded through the additional increment mentioned above. However, in choosing to not take the full increment, the Committee also removed this expenditure. $75,000 was added to Contingency to possibly be used for such a program if it is approved by the Board and ready for implementation during next year.

RECOMMENDATION:

It is recommended the Agency Board:

1. Conduct the public hearing on the proposed budget; and

2. Adopt the attached resolution approving the budget.

KEIZER URBAN RENEWAL AGENCY BOARD, CITY OF KEIZER
STATE OF OREGON

RESOLUTION R94-_____
ADOPTING THE FY 94-95 BUDGET, MAKING APPROPRIATIONS AND LEVYING TAXES

BE IT RESOLVED, that the Board of the Keizer Urban Renewal Agency of the City of Keizer hereby adopts a budget for fiscal year 1994-95 in the sum of $4,079,627;

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 1994, and for the purposes shown below are hereby appropriated as follows:

TAX INCREMENT FUND		
Debt Service	378,810	
Transfers	700,000	
Reserves	918,262	
TOTAL TAX INCREMENT FUND		$1,997,072
PROJECT FUND		
Renewal Projects	1,898,407	
Transfers	9,148	
Contingency	175,000	
TOTAL PROJECT FUND		$2,082,555
TOTAL ALL FUNDS		**$4,079,627**

BE IT FURTHER RESOLVED the following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution make up the above aggregate levy:

	Subject to the General Government Limitation
TAX INCREMENT FUND	$837,000

PASSED this _____ day of _______________, 1994.

SIGNED this _____ day of _______________, 1994.

____
Urban Renewal Agency Chair

____
City Recorder

URBAN RENEWAL AGENCY MEETING: June 20, 1994

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND AGENCY BOARD MEMBERS

THROUGH: DOTTY TRYK, Dotty
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: DRAFT RELOCATION POLICY

DISCUSSION:

The Agency Board on May 2, 1994 considered three policies to help guide administration of the Urban Renewal Agency. Policies on Soliciting Development Proposals and Receiving Unsolicited Development Proposals were approved. A third policy on Relocation was delayed to allow additional consideration. A copy of the proposed policy is attached to this report.

The Council questioned why this policy is needed, where its provisions came from, and what the dollar amounts included in the policy meant.

Staff had Charles Kupper, the City's consultant on renewal district administrative matters, prepare a brief response, a copy of which is attached.

In summary:

- A local relocation policy provides clear objectives and procedures for staff and decision makers, as well as involved citizens. It also assures conformance to State and Federal regulations.

- The policy stems from the Oregon Department of Transportation Policy, which is the standard for all relocation policies in the State.

- The dollar amounts prescribed in the policy for various types of relocation expenses are the same as in the ODOT policy. They "pre-define" what the Agency is willing to pay based on its determination of "...fair and reasonable relocation payments and assistance..." (ORS 281.060(1)).

There are no activities pending before the Agency that require this policy to be in place at this time. If such a situation ever occurred, the Agency could adopt the policy at that time. However, such an act may weaken its bargaining position. Mr. Kupper suggests possibly adopting the "objectives" of the relocation policy found in ORS 281.060 (1) through (6) at this time and leaving the detailed provisions for future adoption.

A resolution adopting the policy is attached for the Board's use if it wishes to proceed this evening. The Board may also choose to defer the matter to a future meeting, asking Staff for additional information or revised drafts if needed.

RECOMMENDATION:

It is recommended the Board either:

1. Adopt the Resolution adopting the Relocation Policy as drafted or with Council amendments; or

2. Defer the matter to a future meeting, asking Staff for additional information or revised drafts if needed.

May 18, 1994

To: John Morgan
From: Charles Kupper

Re: Keizer Renewal Agency Relocation Policy

This will follow up on our recent conversation concerning why Keizer's Renewal Agency needs to adopt a relocation policy. If I understand the issue properly, there is some concern that adopting the relocation policy might interfere with the City's, or Agency's flexibility in a public acquisition. Relocation policies and payment schedules are a creature of state and federal law. No public body has the flexibility to provide *less* than the required level of relocation assistance. The two pertinent legal references are:

1. Oregon Renewal law. ORS 457.085 (3)(i)(B) requires that relocation methods must be "in accordance with ORS 281.045 to 281.105...."

2. Oregon Condemnation law. ORS 281.060 (attached) spells out the relocation *duties* of any public body which acquires land.

The Agency's relocation policy was drafted directly from ODOT relocation policy. The relocation policies of several other Oregon renewal agencies likewise are just re-drafts of ODOT regulations. ODOT is the federally-designated lead agency in Oregon for maintaining relocation standards required by federal law. Basically, any Oregon public body involved in relocation simply follows ODOT's guidelines. I can understand, however, that our initial approach on the Agency's relocation policy did not make that clear.

If there still is discomfort in adopting the detailed relocation policy, we might instead have the Agency adopt a resolution using the wording in 281.060 (1) through (6), and further noting that at the time a relocation is required, a document containing the then-current regulations will be adopted, and made available to anyone affected. I will be happy to draft such a resolution, if you would like. Please give me a call to discuss this issue.

Charles Kupper
SPENCER & KUPPER

2510 N.E. THOMPSON STREET
PORTLAND, OREGON 97212
TELEPHONE 503·284·0342
FACSIMILE 503·287·9428

CONDEMNATION GENERALLY

281.010 Entry on, survey and selection of property to be appropriated by state, county or public corporation; mode of proceeding; deposit of compensation. Whenever the law authorizes private real property to be appropriated to public uses, the property may be entered upon, examined, surveyed and selected, in the mode prescribed by the statute giving such authority. Thereafter, the state, county or other municipal or public corporation, seeking and authorized to make such appropriation, may proceed as prescribed in ORS chapter 35 to have such property condemned and the compensation therefor determined and paid, and not otherwise unless otherwise provided by law. The compensation in the case of such condemnation by the state, county, municipal or public corporation shall be paid by the deposit in court of an order duly drawn upon the treasurer thereof for the amount of such compensation.

RELOCATION PAYMENTS

281.045 Definitions. (1) "Displaced person" means any person who moves, or is required to move the person's residence and personal property incident thereto, or the person's business or farm operation as a result of:

(a) Acquisition of the real property, in whole or in part, by a public entity; or

(b) Receipt of a written order by such person from a public entity to vacate the property for public use.

(2) "Person" means any individual, partnership, corporation or association.

(3) "Public entity" includes the state, a county, a city, a consolidated city-county as defined in ORS 199.705 (1), a district, public authority, public agency and any other political subdivision or public corporation in the state when acquiring real property or any interest therein for public use. "Public entity" also includes a private corporation which has the power to exercise the right of eminent domain.

(4) "Public use" means a use for which real property may be acquired by a public entity as provided by law.

(5) "Real property" or any interest therein includes tenements and hereditaments, and includes every interest, freehold and chattel, legal and equitable, present and future, vested and contingent, in such tenements and hereditaments. [1975 c.613 §2; 1985 c.664 §14]

281.050 [1969 c.437 §2; repealed by 1975 c.613 §4]

281.055 Relocation within neighborhood; notice prior to move; costs and allowances. (1) A public entity undertaking urban renewal or neighborhood development shall make all reasonable efforts to insure that all displaced persons shall have the option to relocate within their urban renewal or development neighborhood or area and shall not be displaced, except temporarily as required by emergency, until appropriate residential units shall become available to them within their neighborhood or area and within their financial means.

(2) Except as required by emergency, no displaced person shall be required to move from any real property without first having written notice from the public entity at least 90 days prior to the date by which the move is required. In no case shall any displaced person be required to move until the public entity notifies the person in writing of all costs and allowances to which such person may become entitled under federal, state or local law. [1975 c.613 §3]

281.060 Relocation duties of public entity; use of certain federal relocation assistance programs; policies. Whenever any program or project is undertaken by a public entity which program or project will result in the acquisition of real property, notwithstanding any other statute, charter, ordinance, or rule or regulation, the public entity shall:

(1) Provide fair and reasonable relocation payments and assistance to or for displaced persons as provided under sections 202, 203, 204 and 206 of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Uniform Relocation Act amendments of 1987;

(2) Provide relocation assistance programs offering to displaced persons and others occupying property immediately adjacent to the real property acquired the services described in section 205 of the 1970 federal Act as amended by the Uniform Relocation Act amendments of 1987 on the conditions prescribed therein;

(3) In acquiring the real property, be guided by the land acquisition policies in section 301 of the 1970 federal Act as amended by the Uniform Relocation Act amendments of 1987 and the provisions of section 302 of the 1970 federal Act;

(4) Pay or reimburse property owners for necessary expenses as specified in sections 303 and 304 of the 1970 federal Act;

(5) Share costs of providing payments and assistance with the Federal Government in the manner and to the extent required by sections 211 (a) and (b) of the 1970 federal

Act as amended by the Uniform Relocation Act amendments of 1987; and

(6) Appoint such officers, enter into such contracts, utilize federal funds for planning and providing comparable replacement housing, and take such other actions as may be necessary to comply with the conditions and requirements of the 1970 federal Act as amended by the Uniform Relocation Act amendments of 1987. [1971 c.142 §2; 1973 c.373 §1; 1975 c.613 §5; 1989 c.14 §1]

281.070 Business or farm operation required to make state tax returns and records available for audit. To be eligible for the payment authorized by ORS 281.060 to 281.090, a business or farm operation must make its state income tax returns and its financial statements and accounting records available for audit for confidential use to determine the payment authorized. [1971 c.142 §3]

281.080 [1971 c.142 §4; repealed by 1975 c.613 §6 (281.085 enacted in lieu of 281.080)]

281.085 Decision on benefits; hearing; review. Any person who applies for relocation benefits or assistance under ORS 281.060 shall receive the public entity's written decision on the application which shall include the statement of the amount awarded, if any, the statutory basis for the award, and the statement of any finding of fact that the public entity made in arriving at its decision. A person aggrieved by said written decision shall be entitled to a hearing substantially of the character required by ORS 183.415, 183.425, 183.450, 183.460 and 183.470, unless federal, state or local law provides otherwise. Notice required by ORS 183.415 must be served within 180 days of the receipt of the written decision by the aggrieved party. The decision of the public entity shall be reviewable pursuant to ORS 183.480. [1975 c.613 §7 (enacted in lieu of 281.080)]

281.090 Construction. Nothing in ORS 281.060 to 281.090 shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to May 7, 1971. [1971 c.142 §5]

281.100 [1971 c.142 §6; repealed by 1975 c.613 §10]

281.105 Federal law controlling. In any instance where a public entity is receiving federal financial assistance and is thereby required to comply with applicable federal laws and regulations relating to relocation assistance, such federal laws and regulations shall control should there be any conflict with ORS 281.045 to 281.060, 281.085 and this section. [1975 c.613 §9]

CONDEMNATION BY STATE

281.210 Definitions for ORS 281.210 to 281.260. As used in ORS 281.210 to 281.260:

(1) "Property" means real property, water, watercourses, and water and riparian rights, or any right or interest therein.

(2) "Board" means:

(a) The state board of commissioners, trustees, or other state board, having direction of the state department or institution for which the property is desired; or

(b) The Division of State Lands, if there is no other state board for the department or institution for which the property is sought to be acquired.

281.220 Determination of necessity; suit by Attorney General. Whenever the state requires property for any public use, the necessity for the acquisition to be decided and declared in the first instance by the board, if the board and the owner of such property cannot agree upon the price to be paid for the amount of or interest in the property required for such public use, and the damages for the taking thereof, the board may request the Attorney General to, and the Attorney General shall when so requested, commence and prosecute in any court of competent jurisdiction in the name of the State of Oregon any necessary or appropriate suit, action or proceeding for the condemnation of the amount of or interest in the property required for such purposes and for the assessment of the damages for the taking thereof.

281.230 Action by district attorney. The district attorney of the judicial district in which the property to be condemned lies shall:

(1) Commence and prosecute the suit, action or proceeding in the circuit court of such district, when requested by the board; or

(2) Aid the Attorney General in so doing in any manner requested by the Attorney General.

281.240 Procedure for condemnation. The procedure in the suit, action or proceeding referred to in ORS 281.220 or 281.230 shall be, as far as applicable, the procedure prescribed by law for the condemnation of lands or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes.

281.250 Payment of expenses of proceeding, value and damages. The expenses of the condemnation proceeding, the value of the property, and the damages for the taking thereof, shall be paid out of the funds pro-

BOARD OF DIRECTORS
URBAN RENEWAL AGENCY OF THE CITY OF KEIZER
STATE OF OREGON

Resolution R94-014

ADOPTION OF ADMINISTRATIVE POLICY ON RELOCATION

WHEREAS, the success of the Renewal District in achieving its goals depends not only on the completion of the District's project and programs, but much more so on new development and investment in the community by private interests;

WHEREAS, it can be reasonably anticipated the Agency will become involved as the developer or as a participant in the development of property within the Renewal District boundaries;

WHEREAS, such development may involve the displacement of residents or businesses;

WHEREAS, the Agency has a legal and ethical responsibility to assure that those displaced are relocated with reasonable compensation for the costs of such relocation; NOW THEREFORE,

BE IT RESOLVED THAT, the Board of Directors of the Keizer Urban Renewal Agency does hereby adopt the Relocation Regulations, a copy of which is attached to this resolution and made a part hereof.

PASSED this 2nd day of May 1994.

SIGNED this 2nd day of May 1994.

____
Dennis Koho, Mayor

ATTEST:

____
Tracy Davis, City Recorder

Feb. 18th, 1994

To: R3B
From: John Morgan

Re: Relocation Policy for Keizer Urban Renewal Agency

Keizer's Urban Renewal Agency does not currently anticipate acquiring any property which would result in relocation of individuals or businesses. However, if acquisition requiring relocation were to occur, the City and the Renewal Agency would be required to comply with Federal and State regulations regarding relocation assistance and payments. It is appropriate to get a relocation policy in place while there is no acquisition pending.

Spencer & Kupper, our urban renewal advisors, have prepared a memo which generally explains the Federal and State relocation requirements. That memo is attached. They also have prepared a draft of a formal relocation policy document. I am attaching that document for your review. Following your review, I will forward the policy to the Renewal Agency for adoption.

Feb. 11th, 1994

To: John Morgan
From: Charles Kupper

Re: Acquisition and Relocation - Outline of Requirements and Policy Issues

This outline will give R3B, and the Renewal Agency a basic understanding of Federal and State Relocation requirements. We will have an actual Relocation Policy document for R3B to review at its Feb. 23rd meeting.

OUTLINE OF ACQUISITION & RELOCATION REQUIREMENTS

I. Acquisition

Procedural requirements for a public entity engaging in acquisition activity are governed by Oregon statute. Oregon statute provides that acquisition must conform to provisions of the Federal Uniform Relocation and Acquisition Act.

Key provisions of the Federal Acquisition regulations require that:

- Every reasonable effort be made to acquire property by negotiation.
- Property to be acquired shall be appraised <u>before</u> starting negotiations.
- Before negotiations are started, the public body establish an amount which it considers to be "just compensation" for the property, and make a prompt offer based on that amount. In no event may "just compensation" be <u>less</u> than the appraised value of the property.
- The property owner may not be required to move until he is paid the agreed purchase price, or the public body deposits with the court the fair market value of the property, or amount of the award in a condemnation proceeding.
- No occupant will be required to move without having received at least 90 days written notice to vacate the property.

II. Relocation Services and Payments

In <u>addition</u> to paying fair market value for any property acquired, a public body also is obliged to make certain relocation payments and services available to those displaced by public acquisition activities. Please note that prior to undertaking relocation activity, the public body must produce sufficient data to show that affordable, comparable housing is available in the community.

Moving Costs - All relocatees - owners, renters, and commercial must be given a choice of receiving either actual or fixed payment for moving costs.

- ACTUAL costs - The acquiring body is obliged to pay or reimburse actual costs of a move. Residents typically submit just a written claim and moving bills. Businesses usually need to get at least 2 bids, receive advance approval, then submit moving bills. Businesses also may claim up to $1000 in search costs.

- FIXED costs - A relocatee may elect a flat payment in lieu of actual moving costs. There are different schedules for residential and commercial moves.

    a. The residential fixed payment is based upon the number of rooms; currently $650 for 4 rooms, plus $100 per room for each additional room.

    b. The commercial fixed payment is a maximum of $20,000. Payment amount is based upon the average of the prior two years' income for business.

Housing Assistance Payments - In addition to moving costs, owners and renters may also qualify for financial aid to help cover the costs of comparable replacement housing.

- REPLACEMENT HOUSING PAYMENT - This payment is available to **owners**, and is in addition to the fair market value of home. Its purpose is to help close any gap which may exist between fair market value paid for the property, and the actual cost of buying a comparable property. The payment is to be based on real comparables, not a formula. PDC for instance, uses realtors' multiple listings for the area. The payment can include increased mortgage interest costs, and closing costs.

    The current maximum payment is $22,500, available to those residing in the area over 180 days. For owners residing less than 180 days, but more than 90 days, the maximum is $5250. Those residing in the area less than 90 days are not entitled to payment.

- RENT DIFFERENTIAL PAYMENT - The current maximum payment is $5250, available to anyone choosing to rent after relocation. It too, is based on actual comparables, and is calculated on a 42 month period of increased rent. The payment is given as a fixed amount, not as a monthly subsidy.

- RE-ESTABLISHMENT PAYMENT - Available only to business, farm, and non-profit displacees. It provides up to $10,000 for repairs, replacements, new signage, and other added costs of doing business in a new location.

Relocation Assistance - Displacees are to be given written information **and** staff assistance in explaining relocation benefits, in helping to find and show them replacement housing, etc. For the elderly, disabled, or those with very low incomes, staff assistance can be a major item. (Note: Staff can be hired to provide this assistance, or it can be contracted through the State Highways Department, the Portland Development Commission and perhaps the City of Salem.)

Summary - As the information above suggests, a public agency should not undertake acquisition and relocation without full consideration of their legal and financial consequences. Note the elements of costs:

- Appraisal and legal fees for each property acquired.
- Payment of fair market value, perhaps well in excess of the appraised value.
- Payment of moving costs.
- Payment for various forms of housing assistance.
- Payment for staff relocation services.

The cost of relocation raises policy questions about the circumstances under which the City will aid in an acquisition program. Note that where the Renewal Agency is actively involved in assisting a development, the Agency could incur legal liability for providing relocation benefits even though the actual acquisition was done by a private party. Relocation liability should be thoroughly discussed in any project involving displacement.

Draft

RELOCATION REGULATIONS

February, 1994

KEIZER URBAN RENEWAL AGENCY
930 CHEMAWA ROAD
KEIZER, OR. 97303-0890

Adopted by Resolution
on ______________________________

REGULATIONS GOVERNING RELOCATION PAYMENTS

1.0 INTRODUCTION

1.1 Purpose. These regulations constitute the policies and requirements of the Keizer Urban Renewal Agency ("Agency") with respect to making relocation payments.

1.2 Persons who are to be displaced are encouraged to contact or visit the Keizer Urban Renewal Agency office located at 930 Chemawa Road Keizer, Or. 97303-0890 or by calling the City of Keizer at (503) 390-3700. The regular Agency office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday; and, by arrangement, appointments can be made at other than regular office hours. The Keizer Urban Renewal Agency is anxious to consult with those expected to be displaced.

1.3 These regulations are intended to comply with requirements of Oregon State Law ORS 281.045 to 281.105 and sections of The North River Road Urban Renewal Plan and Report governing relocation assistance to displaced persons.

2.0 DEFINITIONS

2.1 Displaced Person. A displaced person is defined as: Any person who moves or is required to move his or her residence and personal property incident thereto, or his or her business or farm operation and personal property incident thereto as a result of:

2.1.1 Acquisition of real property in whole or in part, by the KEIZER Urban Renewal Agency; or

2.1.2 The receipt of a written order by such a person from the Keizer Urban Renewal Agency to vacate the property for public use.

2.2 Business. a business is defined as any lawful activity, conducted primarily:

2.2.1 For the purchase, sale, lease or rental of personal and real property, and for the manufacture, processing or marketing of products, commodities or any other personal property including farming; or

2.2.2 For the sale of services to the public; or

2.2.3 By a nonprofit organization.

2.3 Number of Businesses. Separate legal entities may actually constitute only one business for the purposes of relocation payments. In determining the number of businesses, the factor listed in Section 8.3.2 will be considered.

2.4 Family. A family is defined as two or more individuals who by blood, marriage, adoption or mutual consent live together in a dwelling unit as a single housekeeping unit.

2.5 Keizer Urban Renewal Agency. The Keizer Urban Renewal Agency means the Urban Renewal Agency of the City of Keizer.

2.7 "Agency". Agency means the Keizer Urban Renewal Agency, its officers, employees and agents.

3.0 CLAIMS FOR PAYMENT - GENERAL

3.1 Time Limit For Submission of Claim. Any claim for a payment shall be submitted to the Agency within 12 months after displacement of the claimant. Displacement occurs upon complete vacation of the premises acquired.

3.2 Documentation. Any claim for a relocation payment shall be supported by such documentation as may be reasonably required by the agency to support expenses incurred, such as bids, bills, certified prices, appraisals, or other evidence of such expenses.

3.3 Moved Required. No payments will be made until the displaced person has completely vacated from the premises acquired. The premises must be left in broom clean condition, with the exception of equipment required to be left by section 6.7 or 6.11, or otherwise acquired by the Agency.

3.4 Hazardous Substance. If any substance declared to be hazardous or toxic under any law or regulation by any governmental authority were stored, deposited, spilled, discharged or otherwise released by the business or resident during the time the business or resident used or occupied the acquired premises, such substances must be abated or removed at claimants expense from the acquired premises in accordance with government laws and regulations and to the satisfaction of the appropriate regulatory agency before a relocation payment is made.

3.5 Approval of Claim. The Agency shall determine the eligibility and amount of claims. Any claimant who is dissatisfied with a determination as to eligibility or the amount of payments may have the claim reviewed in accordance with the established Agency Relocation Claims Processing and Hearing Rules of Procedure.

3.6 Deductions. The Agency may deduct from relocation payments due any rental amount the displaced person owes the Agency. The Agency shall not withhold any part of a relocation payment to satisfy an obligation to any other creditor of the displaced person, unless the Agency becomes responsible for such obligation.

4.0 RESIDENTIAL RELOCATION PAYMENTS

4.1 Eligibility. Individuals and families who are displaced persons and move from their residence shall be eligible for relocation payments and assistance from the Agency.

4.2 Payment. Relocation payments and assistance to such individuals and families shall be made pursuant to Sections 202, 203, 204, 205, and 206 of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Uniform Relocation Assistance Act of 1987.

5.0 BUSINESS RELOCATION PAYMENTS - GENERAL

5.1 Eligibility. The owner of a business which qualifies as a displaced person is eligible for relocation benefits under the terms of these regulations:

5.2 Notification of Intent to Move.

5.2.1 Requirement. The business shall notify the Agency of its intent to move at least 30 days prior to the date that the first item of personal property is moved, but not earlier than 90 days prior to the move. The Agency may waive this notice requirement for good cause as determined by the Agency.

5.2.2 Information to be Submitted to the Agency. The business' notification to the Agency shall be in writing on forms provided by the Agency and shall include the following:

A. A statement of its intent to begin the move and/or to dispose of personal property, and the date(s) of the intended move or disposition of property, including a list of the items to be moved.

B. A list of the property which the business may offer for sale as a result of the displacement and/or which may be the basis for a claim for direct loss of property pursuant to Section 6.11.

C. If the move is to be in whole or in part a self move, a statement indicating the intent of the business to make as self-move and identifying specific portions of the move to be performed by employees of the business concern pursuant to Section 6.8.

D. If the move is to be contracted out, assurance that, prior to the issuance of invitations of bids, the business concern will furnish the Agency with:

- A statement setting forth in detail the proposed scope of the work and a complete inventory of the tangible personal property to be relocated.
- The dates on which the move is expected to begin and to be completed.

E. A statement of Intent to purchase substitute items of personal property pursuant to Section 6.7 including a list of the items to be substituted.

6.0 BUSINESS MOVING AND RELATED EXPENSES

6.1 Actual Reasonable Moving Expenses. A business concern that elects to receive payment for actual moving and related expenses shall be paid the full amount of eligible expenditures incurred, subject to the following:

6.1.1. The Agency will pay only eligible expenditures in amounts determined by it to be reasonable and not in excess of an acceptable low bid or estimate. (See Bid Requirements, Section 6.10) for costs of moving personal property.

6.1.2. No item of property included in the real property acquisition of the Agency is eligible for relocation benefits.

6.1.4. The business must permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

6.2 Moving Expenses--Eligible Expenditures. A relocation payment for actual reasonable moving and related expenses may include the cost of:

6.2.1 Transportation of personal property from the acquired site to a replacement site (including to and from storage). Transportation costs beyond the first 50 miles from the site from which the displacement occurred are not eligible, unless the Agency determines that a move of a longer distance is justified and reasonable.

6.2.2 Packing, crating, unpacking, and uncrating personal property.

6.2.3 Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment, and other personal property, including connection to utilities available at the replacement location and modifications necessary to adapt such property to the replacement location or to utilities available at the replacement location or to adapt such utilities to the personal property. (See Section 6.6)

6.2.4 Storing personal property for a period not to exceed 12 months, when the Agency determines that storage is necessary. (See Section 6.5)

6.2.5 Insurance premiums covering loss of or damage to personal property while in storage or transit.

6.2.6 Any license, permit, or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at new location. The amount may not exceed the amount that the business would be required to pay annually, limited to the amount covering the remaining useful life of the existing license, permit or certification.

6.2.7 Relettering trucks, signs, and similar items, and replacing stationary and other printed matter on hand at the time of the move that is made obsolete as a result of the move.

The actual cost of replacing signs painted on a door or window or on walls may also be compensable, but such compensation shall not include the cost of acquisition of a site for such signs.

6.2.8 Searching for a replacement location. (See Section 6.9)

6.2.9 Actual direct loss of tangible property. (See Section 6.11)

6.2.10 Moving expenses incurred in conducting a self-move to the replacement location. (See Section 6.8)

6.2.11 Disconnecting and reinstalling leased equipment, such as telephone, burglar and fire alarm systems and similar items of personal property.

6.2.12 Purchase of substitute personal property. (See Section 6.7)

6.3 Moving Expenses--Ineligible Expenditures. A relocation payment for moving expenses may not include the cost of:

6.3.1 Additional expenses incurred because of operating a new location except as provided by Section 7.0.

6.3.2 Moving structures, improvements, or other real property acquired by the Agency at the former location, or in which the displaced person reserved ownership. Any building, structure, or other improvement which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property.

6.3.3 Interest on loans to cover moving expenses.

6.3.4 Loss of goodwill.

6.3.5 Loss of profits.

6.3.6 Loss of trained employees.

6.3.7 Personal injury.

6.3.8 Cost of preparing the claim for moving and related expenses of representing the business before the Agency.

6.3.9 Any addition, improvement, or other physical change in or to the replacement structure or its premises, including changes required by OSHA, or their code, regulation or ordinance requirements except as provided by Section 7.0.

6.3.10 Downtime.

6.3.11 Loss of lease or leasehold interest.

6.3.12 Professional services including but not limited to attorneys, architects, consultants, and engineers except as provided by Section 7.0.

6.3.13 Cost of replacing or repairing property lost, stolen, or damaged in process of moving.

6.3.14 Advertising except signs moved as personal property as provided in Section 6.2 or as provided in Section 7.0.

6.3.15 Cost for storage of personal property on real property already owned or leased by the business.

6.3.16 Cleanup of hazardous wastes or material, or substances declared to be hazardous or toxic under any law or regulation by any governmental authority.

6.3.17 Expenditures incurred after 12 months of the date of displacement. Displacement occurs upon complete vacation of the premises acquired.

6.3.18 Any other items the Agency determines are not reasonable or necessary.

6.3.19 Any expenditure which duplicates any eligible expenditure.

6.4 Limitation on Actual Reasonable Moving Expenses. Where in the judgement of the Agency, the cost of moving any item of personal property which is used in connection with a business would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation.

6.5 Storage Costs.

6.5.1 General. A relocation payment for moving expenses may include actual reasonable storage costs (dead storage) incurred by a business concern that either (1) does not immediately reestablish at a new location, or (2) although reestablishing at a new location, cannot complete its move until the total required space becomes available. No payment for storage cost may be made unless the Agency has determined that storage is necessary in connection with relocation of the business.

6.5.2 Time Limit. Costs in connection with storage (including insurance while in storage) are limited to a period not to exceed 12 months.

6.5.3 Ineligible Costs. A payment for storage may not include costs related to:

A. Any item(s) stored in or upon property owned or occupied by the claimant.

B. Any items replacing item(s) removed from storage. Storage costs compensable as a moving expense must be reduced accordingly for any item(s) removed, if permitted in the warehousing contract.

C. Any item(s) subsequently replaced by substitute equipment under Section 6.7.

D. Any item(s) not owned by the business at the time of the beginning of the move.

6.5.4 Loss of Property. No payment for direct loss of property, (See Section 6.11) may be made for any item(s) placed in storage, except when the move to storage is made because of an emergency (e.g., fire) and (a) the claimant is not permitted time to determine the items that are to be disposed of, and (b) the Agency determines that the claimant has moved expeditiously to remove from storage those items for which the claimant intends to file a claim for direct loss of property.

6.6 Installation of Relocated Machinery, Equipment or Other Personal Property.

6.6.1 General.

A. A relocation payment for moving expenses may include necessary and reasonable costs for the installation of relocated machinery, equipment or other personal property at the replacement location.

B. At the time that the business concern notifies the Agency pursuant to Section 5.2 of its intent to move and its expectation that costs will be incurred at the replacement location for the installation of relocated machinery, equipment or other personal property, the business concern and the Agency shall explore together the most feasible method of accomplishing the installation activity that is the least costly for successfully carrying out the move.

6.6.2 Eligible Costs. Eligible installation costs include reasonable amounts incurred for the following:

A. Connection of relocated machinery, equipment or other personal property to available utility services at the replacement location.

1. "Available utility services" are defined as currently existing utilities on or within the structure from the utility service entrance and/or main panel or main value system.

2. Utility services include electrical, water, gas, compressed air, vacuum, vent, sewer, oil, and similar service lines.

3. Connection to available utility services shall be either: (i) at or on the relocated machinery, equipment, or other personal property or (ii) at a nearby distribution point within the structure as determined by the

Agency.

B. Modification to adapt or convert the relocated machinery, equipment or other personal property to the available utility services at the replacement location.

C. Modification to the existing utility services at the replacement location to accommodate the relocated machinery, equipment or other personal property hen the Agency determines that it would be less expensive than modifying the relocated items to the available utility services.

D. Costs necessary to place or situate the relocated machinery, equipment or other personal property at the replacement location in order to install the relocated items. Costs are limited to those necessary to allow access to the replacement location, such as removing and replacing doors, panels, and similar items to permit placement of the relocated personal property.

6.6.3 Limitations. Eligible installation costs do not include costs for the following:

A. Construction of new structure, the rehabilitation, or modification of existing structure to rehouse the relocated machinery, equipment or other personal property or other physical changes to the real property except as provided by Section 7.0.

B. The cost of increasing the load carrying capacity of a floor or structure.

C. Supplying utility services from the public right-of-way to the utility service entrance on the replacement location except as provided in Section 7.0.

D. Changes or modifications to a utility service entrance and/or main panel or main valve system within the replacement location, except as provided in Section 6.6.2 (C).

E. Construction of concrete pads or foundations necessary to install relocated machinery, equipment, or other personal property.

F. Modification to meet code requirements except as provided by Section 7.0.

6.7 Substitute Personal Property.

6.7.1 General. A displaced business concern may elect to replace with a substitute item, an item of personal property currently utilized in its operation but which is not moved, but is promptly replaced with a substitute item. Substitute items must perform a comparable function as the item replaced.

6.7.2 Notification to the Agency. A business concern that contemplates the use of substitute equipment must so indicate to the Agency at the time that it submits written notification of its intent to move (See Section 5.2).

6.7.3 Allowable Costs. The allowable cost includable in the relocation payment for moving expenses shall be the lesser of:

A. The actual costs of the substitute equipment delivered and installed at the replacement location, less any proceeds received from the sale or trade-in of the old equipment (See Subparagraph 6.7.5 below); or

B. The estimated cost to relocate the old equipment to the new location (disconnect, cartage, reconnect). The Agency shall obtain necessary estimates to determine the reasonable cost of the move. No amount for storage costs may be included in the estimates.

6.7.4 Ineligible Costs. No payment for direct loss of the any item of property may be made when a payment for a substitute item is made. No payment for substitute equipment may be made if the original equipment has been moved to property owned, leased or occupied by the claimant.

6.7.5 Equipment Left on Site by Business Concern. If personal property that the business concern replaced with substitute equipment is not sold or traded in, it must be conveyed to the Agency.

6.8 Self-Move.

6.8.1 Limitation:

A. The amount of a relocation payment for a self-move shall not exceed the lower of to cost estimates from a qualified moving companies. The Agency shall obtain necessary estimates to determine the reasonable costs of the move. If an estimate cannot be obtained, the Agency may determine the cost of the move by independent analysis by a qualified valuation consultant.

B. The business will not be required to submit documentation in support of the moving costs actually incurred, but this provision applies only to the portion of the claim representing the moving cost competent (Transporting, packing, disconnection, and re-connection) supported by an acceptable estimate. All other related costs included in the claim are subject to applicable limitations and requirements.

6.8.3 Requirements.

A. The work performed in moving the business concern must conform with the scope of work covered by the acceptable estimate (other than the period for completion).

B. In determining the acceptability of cost to be claimed, the Agency, in negotiating with the claimant, shall consider the following factors:

1. The relationship of the move to the scope of the work and the time duration covered by the acceptable estimate.

2. The reasonableness of labor and supervisory costs associated with the move.

3. The reasonableness of costs attributed to equipment used in the move.

6.8.4 Exception to "No Documentation" Provision in Connection with Self-Move.

A. Determination to Document Moving Costs. When estimates cannot be obtained or the business concern elects to make a self-move and the Agency and the concern cannot agree on an acceptable amount to cover the cost of the move, the business concern must submit full documentation in support of all amounts claimed. Documentation shall include such reasonable evidence of costs incurred as required by the Agency.

B. Costs Limitations. The amount of a payment for a documented self-move is subject to the following limitation:

1. If an acceptable low bid or estimate was obtained, the amount of the payment may not exceed the lesser of (a) the actual costs incurred as documented by the business concern, or (b) the amount of the acceptable estimate.

2. If an estimate was not obtainable, the amount of the payment may not exceed the lesser of (a) the actual costs incurred as documented by the business concern, or (b) the amount determined by the Agency by an independent valuation consultant.

C. Allowable Expenses. Compensable costs for a documented self-move may include reasonable and necessary expenses incurred by the business concern for:

1. The use of equipment to accomplish the move. This may be either the cost of renting equipment to accomplish the move or the cost of the use

of the concern's equipment at a rate not to exceed the reasonable cost of rental equipment.

2. Wages paid for the labor of persons who physically participated in the move. The labor may be performed by regular employees of the concern, owners of the concern, or persons employed for the move. A payroll record showing name of employee, time and date worked, and amount paid will be required.

6.9 Searching For A Replacement Location.

6.9.1 Eligible Costs. Searching expense may include:

A. Transportation expenses within a radius of 50 miles from the boundaries of the City of Keizer, at a mileage rate not to exceed the amount normally paid for the Agency for travel of its staff.

B. Meals and lodging while away from home.

C. An amount to cover the reasonable time spent in searching based on the average hourly rate of the business concern's representative, but not to exceed $15.00 per hour.

D. Reasonable fees paid to a real estate agent or broker to locate a replacement site or operation exclusive of any fees or Commissions related to the purchase or lease of such site.

6.9.2 Maximum Amount. The maximum total amount of compensation for searching expenses is limited to $1,000.

6.9.3 Documentation. Expenses incurred by the business concern in searching for a replacement location must be supported by receipted invoices, where appropriate. A list of the dates and addresses viewed as possible relocation sites must accompany a claim.

6.10 Bid Requirements.

6.10.1 When Bids Must Be Obtained. When relocation expenses of a business concern are estimated to exceed $1,000 the business concern must obtain a competitive bid from two movers and/or other contractors with respect to the work, except as provided in Section 6.10.7. If the total cost of a move by a general contractor, is estimated to cost $50000 or more, the sealed-bid procedure described in Section 6.10.8 must be followed.

6.10.2 Time Requirements for Submission of Bids. Bids are required to be submitted to the business concern at least 10 days prior to the commencement of the concern's move. Copies of the bids must be submitted to the Agency.

6.10.3 Low Bid Sets Maximum Payment. A relocation payment for moving expenses of a business concern may not exceed the amount of an acceptable low bid.

6.10.4 Bid Form. State or local laws or regulations governing bidding procedure shall be followed in obtaining bids, or, in obtaining estimates where estimates will be used.

6.10.5 Preparation of Bid or Estimate Specifications by Business Concern.

A. Scope of Work. The scope of work covered by each bid or estimate obtained by a business concern must be the same. To achieve this uniformity, all contractors must be provided with the same work specifications on each individual phase of the move.

B. Specifications. The specification should be subdivided to reflect the specific responsibilities of each trade or craft that will perform a separate category of services in the move.

C. Agency Assistance. The Agency may assist in the preparation of bid or estimate specifications if the business concern wishes, but selection of movers and other contractors who will be requested to bid shall be the sole prerogative of the business concern.

6.10.6 Review of Specifications. The Agency shall review the bid or estimate specifications prepared by the business concern to determine conformance with these regulations and with recognized sound bidding procedures.

6.10.7 Obtaining Bids. Bids shall be obtained by the business concern except when substitute equipment will be used at the new location and/or when the concern will conduct a self-move. The concern must obtain bids from at least two contractors, or at least two contractors for each trade or craft where there is no general contractor. Exceptions may be made under the following circumstances;

A. Concern Unable to Obtain Two Bids. If the business concern is unable to obtain two bids for any category of work, the justification therefore shall be submitted, in writing, to the Agency. No relocation payment may be made in such cases unless the Agency finds that two bids were unobtainable. The Agency may obtain bids or estimates if the business fails to do so. In the event that no bids are obtainable, the Agency shall obtain a technical evaluation of the cost of the move and allow the move to proceed on an actual costs basis supported by adequate documentation. The nature and complexity of the move will govern the Agency's decision.

B. Legal Prohibition on Bids. If bids for any portion of the work to e performed are prohibited by Federal, State, or local laws or regulations, the business concern may submit estimates for that portion of the move.

6.10.8 Sealed-Bid Procedure. If the total cost of the move by a general contractor, or of any separately identified category involved in the relocation, is estimated to cost $50,000 or more, the sealed-bid procedure described in this subparagraph shall be followed:

A. Submission of Bids or Estimates. The original and one copy of the completed sealed bid or estimate must be mailed or otherwise presented by the bidder to the business concern not less than 10 days prior to commencement of the move. Each bid or estimate must specify the precise scope of work covered by the bid or estimate.

B. Bid Openings. The business concern shall open the sealed bids or estimates at the established time (which should be not less than 10 days prior to the commencement of the move) and place. An authorized representative of the Agency must be present at the bid opening unless the Agency has notified the business and has requested that the bid opening proceed without the Agency's representation. Those who have submitted sealed bids or estimates may be present. The Agency shall be promptly provided with a copy of each bid submitted.

6.10.9 Contract Award. When the business concern has determined which is the lowest bid and the Agency has concurred, the business concern shall award the contract to the low bidder. Where estimates rather than bids have been submitted, the amount to be compensated as a moving expense shall not be determined until invoices and other required documentation of actual costs have been submitted and reviewed by the Agency.

6.10.10 Verification of Reasonableness of Bids. If it is deemed desirable in order to verify the reasonableness of bids obtained by the business concern, the Agency shall obtain an independent analysis or estimate of the cost of the move. Such independent analysis may be at the Agency's discretion establish the maximum eligible relocation payment if the bids are deemed to be unreasonable.

6.11 Actual Direct Loss of Property.

6.11.1 General. A business concern may receive a payment for any actual direct loss of any of its tangible personal property, including inventory or goods held for sale, which it chooses not to relocate. The following policies and limitations apply:

A. The payment may not exceed the estimated reasonable expense of moving the property.

B. The business concern must make an effort to achieve a bona fide sale to dispose of the property.

C. The payment may cover only items of tangible personal property. Items for which compensation was made in the real property acquisition, or which were identified as real property in the acquisition are not eligible.

D. A payment may not be made for actual or estimated storage costs for the items for which a property loss is claimed except as provided in Section 6.5.4.

6.11.2 Amount of Property Loss Payment. The amount of the payment for actual direct loss of property hall be determined by adding (1) the reasonable costs incurred by the business concern in its efforts to sell the property, and (2) the lesser of:

A. The value not covered by the sale (i.e., the fair market for continued use of the property at the displacement site, less any proceeds recovered by the sale). When property loss is claimed for goods held for sale, the fair market value shall be based on the cost to the business concern of the items, not the potential selling price.

B. The lowest estimated reasonable moving expenses which would have been incurred had the property been moved. Estimated moving costs as determined by the Agency are limited to the amount which would have been necessary for the reasonable cost of transporting (not to exceed 50 miles), packing and unpacking, crating and uncrating, disconnecting and reconnecting, removing, reassembling, and reinstalling those item of personal property not moved and for which a property loss is claimed. The estimate may not include the cost of physical changes, conversion, or estimated storage costs.

C. If a bona fide sale cannot be effected, the payment for direct loss of property shall be the lesser of (a) the fir market value for continued use, or (b) the estimated moving expense.

6.11.3 Bona Fide Sale. A bona fide sale as determined by the Agency is a sale at the highest price offered, after reasonable efforts have been made over a reasonable period of time to interest prospective buyers, including secondhand dealers, and others who customarily deal in similar property. An auction held after reasonable public notice is a bona fide sale. A private sale to one's relatives or associates is not a bona fide sale. A trade-in may be considered a bona fide sale, but if the item so traded has been compensated through a Substitute Equipment payment as described in Section 6.7, no property loss payment shall be made.

6.11.4 Cost of Sale. Ordinary and reasonable expenses incurred by the business concern in its efforts to sell property may be included in the amount of a payment for a direct loss of property.

6.11.5 Fair Market Value.

A. Procedure. The fair market value of the property for continued use at the location from which the business concern is displaced shall be ascertained by an appraisal secured by either the Agency or the claimant and concurred in by the other. It shall be made a qualified appraiser or a valuation consultant in accordance with the accepted standards of the appraisal profession.

B. Exception. If the value of the property to be disposed of is so small that the expense of an appraisal is not warranted, the fair market value for continued use may be ascertained by either of the following methods:

1. Through consultation with an equipment dealer, determine a value which reflects current used market value of the item or its nearest functional equivalent of the same approximate age and condition; or

2. Compute the fair market value by multiplying:

a. The original cost of the item to the claimant (exclusive of installation) by

b. The figure obtained by dividing (a) the period of the remaining useful life of the property at the date of removal, by (b) the period of normal useful life of the property on the date of its acquisition by the claimant.

6.11.6 Cost of Appraisal. The cost of an initial appraisal by the Agency to determine actual direct loss of property shall be borne by the Agency. The cost of any other appraisal obtained by the claimant shall be borne by the claimant.

6.11.7 Claim for Payment for Direct Loss of Property. A claim for a payment for direct loss of property shall be supported by:

A. Written evidence of the loss, which may include appraisals, certified prices, copies of bills of sale, receipts, cancelled checks, copies of advertisements, offer to sell, auction documents, and other appropriate records.

B. A list of the items of machinery, equipment, trade fixtures, inventory, stock-in-trade, or other tangible personal property excluded from the appraisals of the real property.

C. Documentation of the fair market value of each item, or each lot or group of similar items, for continued use in place.

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7.0 BUSINESS REESTABLISHMENT EXPENSES

7.1 General. In addition to a payment for actual reasonable moving and related expenses under Section 6.0 of the regulations a small business, defined as a business having not more than 500 employees working at the site being acquired or displaced, may be eligible to receive a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing such small businesses at a replacement site.

7.2 Eligible Expenses. Reestablishment expenses must be reasonable and necessary as determined by the Agency. These expense may include, but are not limited to, the following:

7.2.1 Repairs or improvements to the replacement real property as required by Federal, State, or local law, code or ordinance.

7.2.2 Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

7.2.3 Construction and installation costs, not to exceed $1,500 for exterior signing to advertise the business.

7.2.4 Provision of utilities from right-of-way to improvements on the replacement site.

7.2.5 Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.

7.2.6 Licenses, fees, and permits when not paid as part of moving expenses as provided by 6.2.6.

7.2.7 Feasibility surveys, soil testing and marketing studies.

7.2.8 Advertisement of replacement location, not to exceed $1,500.

7.2.9 Professional services in connection with the purchase or lease of a replacement site, or planning the move of the personal property, moving the personal property or installing the relocated personal property at the replacement location.

7.2.10 Increased costs of operation during the first year at the replacement site, not to exceed $5,000 for such items as:

A. Lease or rental charges
B. Personal or real property taxes
C. Insurance premiums, and
D. Utility charges, excluding impact fees

7.2.11 Impact fees or one-time assessments for anticipated heavy utility usage.

7.2.12 Other items the Agency considers essential to the reestablishment of the business.

7.3 Ineligible Expenses. The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible.

7.3.1 Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

7.3.2 Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operation.

7.3.3 Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in Section 7.2.5.

7.3.4 Interest on money borrowed to make the move or purchase the replacement property.

7.3.5 Payment to a part-time business in the home which does not contribute materially to he household income.

7.4 Maximum Payment. **The maximum payment for the total of all items pursuant to this Section 7.0 for reestablishment expenditures shall not exceed $10,000.**

8.0 FIXED PAYMENT FOR MOVING EXPENSES

8.1 General. A fixed payment in lieu of moving and related expenses (Section 6.0), and reestablishment expenses (Section 7.0), may be made to a business that elects to receive such a payment. The business must meet the eligibility requirements for a payment for moving and related expenses and the additional requirements set forth in this Section.

8.2 Amount of Payment. A payment in lieu of moving and related expenses except to a nonprofit organization shall be equal to the average annual net earnings of the business concern, but not less than $1,000 nor more than $20,000.

8.3 Eligibility Requirements--Business Concern.

8.3.1 A displaced business concern may be eligible for a payment in lieu of moving and related expenses and reestablishment expenses if the Agency determines that the business meets all of the following tests. Any business that meets these tests is eligible irrespective of whether it continues or discontinues its operations:

A. Test 1. The business cannot be relocated without a substantial loss of its existing patronage. Existing patronage means either clientele or net earnings. Loss of existing patronage is presumed unless the type of operation is such that patronage is not dependent upon the location in the neighborhood from which displacement takes place. Examples of this type of business include, but are not limited to, the general practice of any of the professions, and businesses whose sales operations do not require customers to travel to the place of business.

B. Test 2. The business is not part of a commercial enterprise having more than three other entities which are engaged in the same or similar business activity, which are not being acquired and which are under the same ownership.

C. Test 3. During the two taxable years prior to displacement, the business:

(1) Had average annual gross receipts of at least $5,000; or

(2) Had average annual net earnings of at least $1,000; or

(3) Contributed at least 33-1/3 percent of the average annual gross income of the owners or operators of the business.

(4) If in the determination of the Agency, the application of any of the above criterion in a specific case would result in substantial hardship to the claimant by denial of the "fixed payment, the Agency may use alternate criteria as determined more equitable under the circumstances.

D. Test 4. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, the business vacates or relocates from its displacement site.

E. Test 5. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.

F. Test 6. The business is not operated at the displacement site solely for the purpose of renting the site to others.

8.3.2 Determination of Number of Businesses.

A. Policy. Separate legal entities, all of which have been or will be acquired, shall be eligible for a single payment in lieu of moving and related expenses if they actually constitute only one business.

B. Procedure. In determining whether two or more legal entities constitute a single business, the following factors, among others, shall be taken into consideration:

(1) The extent to which the same premises and equipment are shared.

(2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled.

(3) The extent to which the entities are held out to the public, and to those customarily dealing with such entities, as one business.

(4) The extent to which the same person or closely related persons own, control or manage the affairs or the entities.

8.4 Eligibility Requirements--Nonprofit Organization.

8.4.1 A displaced nonprofit organization shall be eligible for a fixed payment of $1,000 to $20,000 in lieu of moving and related expenses and reestablishment expenses if the Agency determines that the following test has been met:

Test. The nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The "existing patronage" of a nonprofit organization includes the membership, persons, community, and/or clientele serviced or affected by the activities of the nonprofit organization. A nonprofit organization is assumed to meet this test, unless the Agency demonstrates otherwise.

8.4.2 Amount. Any payment in excess of $1,000 must be supported with financial statements for the two 12-month periods prior to displacement. The amount to be used for the payment is the average of two (2) years annual gross revenues less administrative expenses.

8.4.3 Gross Revenues. Gross revenues may include membership fees, class fees, cash donations, tithes, receipts from sales or other forms of fund collection that enables the nonprofit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising and other like items as well as fund raising expenses. Operating expenses for carrying out the purposes of the nonprofit organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

8.5 Average Annual Net Earnings.

8.5.1 Definition. Average annual net earnings mean one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years preceding the taxable year in which displacement takes place. Average annual net earnings includes salaries, wages, or other compensation paid by the business or farm operation to the owner (see Section 8.5.3), his spouse, or his dependents.

8.5.2 Base Period. If the Agency determines that the two-year period immediately preceding displacement is not equitable for establishing earnings, an alternate base period determined by the Agency to be most representative, may be used.

The following are examples:

A. Business Adversely Affected by Project Activities. If during the two years prior to displacement the earnings of the business or farm were adversely affected by project activities, an alternate period (e.g., the third and fourth year prior to displacement) may be used as an alternate base period.

B. Business in Operation Less Than Two Years. If the business or farm was not in operation for the full two years prior to displacement, net earnings should be computed on the basis of the period that the business or farm was in operation in the project area, projected to arrive at an annual figure.

C. Ongoing Operation Moved to Project Area. If a business moved its operations from a site outside the project area to a site within the project area and its earnings within the project area were adversely affected by project activities, a period determined by the Agency as being more representative than the two years prior to displacement may be used to compute the amount of net earnings. An alternate period may be used only if the business operation conducted outside of and within the project area is the same.

8.5.3 Ownership.

Definition of "Owner". The term "owner' includes the proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the Agency. for the purpose of determining a principal stockholder, stock held by a husband and wife, and their dependent children shall be treated as one unit.

8.6 Documentation of Claim. Claims shall be supported by such reasonable evidence of earnings and ownership as may be required by the Agency including copies of Federal and/or State income tax returns filed by the business and certified Financial Statements.

URBAN RENEWAL AGENCY MEETING: June 20, 1994

AGENDA ITEM NUMBER: 5c

TO: **CHAIR KOHO AND AGENCY BOARD MEMBERS**

THROUGH: **DOTTY TRYK** Dotty
CITY MANAGER

FROM: **TRACY L. DAVIS** Tracy
CITY RECORDER

SUBJECT: **RIVER ROAD REDEVELOPMENT BOARD APPOINTMENT**

ISSUE:

Recently Judy Peterson tendered her resignation from the River Road Redevelopment Board. This leaves position number 1 vacant. Jerry Watson will be nominating Stan Compton to fill this unexpired position. If appointed, Mr. Compton's term would end February 1, 1997.

RECOMMENDATION:

It is recommended the Agency Board appoint Stan Compton to fill position number 1 on the River Road Redevelopment Board.

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

NAME Stanley C Compton

ADDRESS 1927 Modoc Dr NE

Keizer OR 97303

DATE 6-15-94

DAY PHONE 399-1778

EVENINGS/WEEKENDS PHONE 393-4566

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

I am interested in the direction the City is heading. Through my involvement in numerous organizations as either a member or chair, I have attained leadership and organization skills, which will be helpfull to the City. Attached is a summary of the organizations and leadership positions I have achieved

Number of hours per week you can volunteer: 4-5

Day or days of week available: Any

Time of Day available: Any

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED

Budget Committee	X	Clerical	
Parks Committee		Computer Entry	
Planning Commission	X	Research	
Volunteer Coordinating Comm		Maintenance	
		Reception	
		Landscape	
		Other	

List Other: R3B

EDUCATION BACKGROUND

High School Klamath Union **Date Completed** 1965

College OIT **Date Completed** 1967

FORM P-505 (GREEN) P-505-B (BUFF) (12-87)

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PREPARED BY			
CHECKED BY			
APPROVED BY			

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Oregon Society of CPA's
. Continuing Education Committee member
. Farming and Ranching Committee - chair

Salem Area National Association of Accountants - charter member
- President

Chemeketa Accounting Advisory Board - chair

Salvation Army Advisory Board - member

Salem Exchange Club - President

North west District Exchange Club - Treasurer

St John Lutheran church - Director of 4 Boards
Treasurer
President of Consistory
Collect Directory of Lay Ministers
Organize annual campout 150-175 people
Organize annual men's fishing trip 20 people

Keizer Chamber of Commerce - President

Judith A. Peterson
933 Dearborn N.
Keizer, Oregon 97303
393-6900 or 399-3233

May 25, 1994

John Morgan
City of Keizer
P.O. Box 21000
Keizer, OR 97307

Dear Mr. Morgan:

I'm sorry to inform you that I must resign my position on the River Road Redevelopment Board. It was my understanding that the meetings were on a different day of the month. Before I made the commitment to the Board I should have made certain meetings were not on the first or third Mondays or the second or fourth Wednesdays as those are my other meeting times.

I hope that you will be able to appoint someone to this position at the next Council meeting and I'm sorry for any inconvenience I might have caused. When my other commitments have ended, I definitely would like to be reconsidered to serve the city in some way.

Thank you for your attention to this matter.

Sincerely,

Judy Peterson

Judy Peterson

MINUTES

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, May 2, 1994
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Al Miller, vice-chair called the meeting to order at 6:35 p.m. Roll call was taken as follows:

Present
Al Miller, Vice-Chair
Jim Keller
Jerry McGee
Chet Patterson
Jerry Watson

Absent
Dennis Koho
Marlene Wellin

Staff
Dotty Tryk, City Manager
John Morgan, Community Development Director
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Agency Board.

ADMINISTRATIVE ACTION

RESOLUTION - Adoption of Administrative Policy on Receipt of Unsolicited Development Proposals

Dotty Tryk, City Manager reported the Urban Renewal Agency Consultant, Charlie Kupper recommended the adoption of this administrative policy which deals with requests for renewal agency assistance in unsolicited development proposals.

John Morgan, Community Development Director advised the Board the draft Resolution was reviewed by the River Road Redevelopment Board and approved on March 23, 1994.

Chet Patterson moved for a Resolution Adopting Administrative Policy on Receipt of Unsolicited Development Proposals. Jerry Watson seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

RESOLUTION - Adoption of Administrative Policy on Requests for Development Proposals

Mr. Morgan stated this policy outlines the information which is provided to the Renewal Agency when a request for proposals is submitted by a developer.

Jerry McGee moved for a Resolution Adopting an Administrative Policy on Requests for Development Proposals. Jerry Watson seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

RESOLUTION - Adoption of an Administrative Policy on Relocation

Mr. Morgan reported this relocation policy deals with the relocation of individuals or businesses when the Urban Renewal Agency requires acquisition of property.

In response to a question from Jerry Watson, Mr. Morgan stated this policy was drafted by Charlie Kupper based upon other models in use by agencies. Mr. Watson suggested this policy follow the guidelines set by state statute.

Jerry McGee voiced his concern with the relocation policy. He hoped the renewal project could be completed without forcing relocation. He questioned the need for a policy when a state statute that covers this process. Jim Keller also voiced his concern for the needs of this policy.

The Agency Board agreed by consensus to have the Urban Renewal Agency consultant explain the need for this policy at an upcoming meeting.

Jerry McGee stated the draft policy on accepting redevelopment proposals, page 3, states the Agency shall forward a report to the Council rather than hold a public hearing. He does not see the need to avoid the public input process.

Jerry Watson said it would be a waste of time to hold a hearing for issues which are noncontroversial. However, if a member of the Council or the public requested a hearing be held it would be an option.

The Agency Board agreed by the inclusion of the word might in this section it gives the option for a public hearing.

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. Approval of January 18, 1994 Agency Minutes

Jerry Watson moved for approval of the Consent Calendar. Chet Patterson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

OTHER BUSINESS

Jerry McGee suggested the next Agency Board meeting start at 6:00 p.m. to allow enough time for discussion.

There was no other business to come before the Agency.

WRITTEN COMUNICATION

There was no written communication to come before the Agency.

ADJOURNMENT The Meeting was adjourned at 6:56 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

VICE-CHAIR:

(Dennis Koho absent)

(Marlene Wellin absent)