



CITY OF SWEET HOME CITY COUNCIL AGENDA

January 27, 2026, 5:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

This meeting is open to the public in person and virtually. The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. To view the meeting live, visit <http://live.sweethomeor.gov>. If you do not have access to the internet, you can call in to 971-203-2871 and enter the meeting ID followed by the # sign to be logged in to the call. Meeting ID: 426 262 784

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon Public Meeting Law, and have been approved by the Mayor and Chairperson of the meeting.

- I. Call to Order & Pledge of Allegiance**
- II. Roll Call**
- III. Work Session**
 - a) [Proposed Charter Amendments](#)
- IV. Adjournment**



City Attorney's Office

MEMORANDUM

TO: Sweet Home City Council
FROM: W. Blair Larsen, City Attorney
DATE: January 16, 2026
RE: Proposed Charter Provision Prohibiting Reelection after 10 Unexcused Absences from Regular Council Meetings

Introduction

At the December 9th City Council Work Session, the Council reviewed new City Charter provisions recommended by the City Charter Review Committee. One provision was of particular concern to some of the Council, who requested a legal review. That provision, located in Section 3.1, states:

“Any Mayor or Councilor who is absent for 10 or more regular City Council meetings within a 365-day period, which are not excused by a majority vote of Council at the meeting when the absence occurs or the following meeting, shall not be eligible to seek office in the following election.”

Relevant Law

The ability of an individual to run for public office is protected by the First Amendment, and therefore any restriction would undergo strict scrutiny by a federal court. To pass strict scrutiny, the government agency must show that the restriction serves a compelling government interest. *Mancuso v. Taft*, 1973.

In 2022, Oregon voters approved Ballot Measure 113, which amended the Oregon Constitution to disqualify any legislator with 10 or more unexcused absences during a term from holding office for “the term following the election after the member’s current term is completed.” In 2024, this provision was challenged before both the Oregon Supreme Court, and the US Court of Appeals for the 9th Circuit (Federal). In the Federal case, *Linthicum v. Wagner*, the Court upheld the provision and found that it did not violate the first amendment. The State case, *Knopp v. Griffin-Valade*, only dealt with interpretation of the constitutional amendment, but in the absence of any other arguments against it, one can presume that the amendment is valid and enforceable.

The current City Charter includes a provision that makes a council seat vacant after a Councilor’s absence “from the city for a period of 30 days without the consent of the council” (Sweet Home Charter, Section 12). Many other Oregon cities have a similar provision, and the typical interpretation is “absence from council meetings” rather than physical absence from the city.

Analysis

Discussion of this provision at Charter Review Committee meetings made it clear that the goal was to impose a minimum attendance standard. In a given year, there are usually about 18 to 22 regular council meetings. The Charter requires that the Council meet once a month, but the



usual practice has been to meet twice a month, unless a meeting is canceled because of lack of business or holidays (such as Christmas or Independence Day). Therefore, the proposed Charter provision would only be triggered if a Councilor or Mayor missed around half of the regular Council meetings without being excused. In the last 10 years this has never happened.

While this provision would likely infringe on a Councilor's first amendment rights, the City has a good argument that such a provision serves a compelling government interest. Legislative bodies all over the state and nation have attendance requirements, and a governmental body has a compelling interest in doing the work its members were elected to do. The provision arguably punishes only very extreme absences—around half per year, if unexcused. Other, more restrictive attendance regulations among elected bodies have been upheld as constitutional, and there is little reason to think that this provision would not likewise be upheld. In addition, the provision is content-neutral—that is, it applies to all councilors regardless of their beliefs, actual speech, or voting behavior.

The similarity to common Charter provisions throughout other cities in Oregon also supports the constitutionality of this provision. Councilors can be removed from office in other cities for missing all regular meetings in a 30-day period—which would amount to two meetings in Sweet Home. Of course, those other cities' charters simply make the council position vacant immediately—they don't impact the Councilor's next term. However, this difference supports the idea that the proposed provision is more lenient than what is done in other cities—the Councilor doesn't immediately lose their seat and could continue to serve on the council and seek excusal of the absences from the rest of the Council.

Finally, the similarity of the proposed provision to Ballot Measure 113 also supports its constitutionality. If Ballot Measure 113 is constitutional, (which, according to the Oregon Supreme Court and the 9th Circuit Court of Appeals, it is) then it is very likely that a city charter provision would also be upheld. A City Council has the same interest in attendance as the state legislature, and the City's version of Ballot Measure 113 is much easier to comply with—it allows for a longer period of absences before it is triggered, leaving more time to seek excusal or resolve the cause of the absences.

Relation to Other Proposed Charter Provisions

As mentioned above, the existing Charter declares an office vacant upon the incumbent's "absence from the city for a period of 30 days without the consent of the council." At the December 9th work session, the consensus of the Council was to revise this language to make it plain that a Councilor would not lose their seat just because of an extended vacation. I propose to amend it similar to how other cities have amended theirs—by focusing on regular council meetings. My amendment would instead read "absence from regular city council meetings for a period of 30 days without the consent of the council."

If both this amendment and the proposed charter provision discussed above are adopted, then if a Councilor is absent from regular meetings for 30 days without being excused, their office could be declared vacant, however they could likely run again for office at the next election. However, if that same councilor also has ten total unexcused absences for the previous 365-day period, then it is possible that their seat could be declared vacant, and they would not be eligible to run in the next election. Nothing would forbid that same Councilor from running again in the election following that one, though.

I have not found any laws or cases that would invalidate this other provision, and I believe it would pass constitutional muster for the same reasons specified above.



Conclusion

The proposed charter provision does not appear to exist in other city charters in Oregon, however it is very similar to Measure 113, which has been upheld by both State and Federal courts. Even though it can be seen as a restriction on councilors' first amendment rights, the City has a compelling interest in ensuring a baseline of attendance, and the provision is content-neutral. This amendment to the charter, if it were to be adopted, would very likely be upheld by State or Federal courts as a valid requirement for eligibility for City office.

City Name	Population	Time Limit	How Determined?	Modified at Chair's Discretion?	Other Notes
Sweet Home	10,116	3 minutes	Council Rules	Yes	
Corvallis	61,247	3 minutes	Council Policy C2.01	Yes	
Albany	57,897	3 minutes	Council Policy	Yes	Meetings adjourn at specified time of 9 PM (Resolution 6966). Anyone who lacks decorum shall relinquish their remaining time to speak and be sent to the audience immediately.
Millersburg	3,214	3 minutes	Council Rules VI-E	Yes	Two public comment periods, neither to exceed 30 minutes maximum.
Lebanon	20,060	5 minutes	Procedural Rules	Yes	If there are a large number of speakers, the Mayor can modify the length allowed for comment. (Council Rules not available to the public.)
Brownsville	1,852	3 minutes	Policies & FYI	Not Specified	
Harrisburg	3,679	3 minutes	Council Rules	Not Specified	
Halsey	975	3 minutes	Council Rules C5	Yes	
Tangent	1,235	3 minutes	Council Rules	Yes	Anyone "out of order" relinquishes the remainder of their time.
Philomath	5,776	3 minutes	Council Rules 2.10	Not Specified	Chair may allow non-signed in persons to comment if time allows.

**CITY OF SWEET HOME
SWEET HOME, OREGON**

CHARTER – PROPOSED (FINAL DRAFT)



Completely Revised 2026

AN ACT TO REVISE THE CHARTER OF THE CITY OF SWEET HOME, LINN COUNTY, OREGON.

Be it enacted by the City of Sweet Home, Linn County, Oregon:

**CHAPTER I
NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS**

Section 1.1. Titles. This Charter may be referred to as the 2026 Sweet Home Charter.

Section 1.2. Name and Boundaries. The City of Sweet Home, Linn County, Oregon shall, upon the taking effect of this Charter, continue to be a municipal corporation under the name of the City of Sweet Home.

The City includes all territory within its boundaries as they now exist or are legally modified. The City shall maintain as a public record an accurate and current description of the boundaries.

Section 1.3 Powers of the City. Subject only to limitations provided in this Charter, the City shall have all rights, powers, privileges and immunities now or hereafter granted either expressly or impliedly to municipalities by the constitution, statutes, and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this Charter.

The enumeration of, or reference to, particular rights, powers, privileges and immunities in this Charter shall not be construed to be exclusive. This Charter shall be liberally construed to the end that the City may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.

**CHAPTER II
FORM OF GOVERNMENT**

Section 2.1. Council and Mayor. Except as otherwise provided in this Charter, all powers of the City shall be vested in a Council of six members and a Mayor nominated and elected from the City at large.

At each biennial general election, three Councilors and a Mayor shall be elected. The Councilors shall each hold office for four years, and the Mayor shall hold office for two years. Tie votes shall be determined by lot. If the Mayor-elect is a mid-term City Councilor, the fourth-place City Council candidate in that election shall be considered elected to the resulting vacancy and shall serve the remaining two years of the vacated seat.

The Mayor and Councilors in office at the time of adoption of this Charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this Charter.

Section 2.2. City Attorney, Manager, and Municipal Judge. The Council shall appoint and keep in office a City Attorney, a City Manager who shall also serve as the City Recorder, and a Municipal Judge, each of whom shall hold office subject to the discretion of the Council and may be removed by the Council with or without cause.

Section 2.3. Other City Officers and Employees. The City Manager shall appoint a Treasurer/Finance Director, a Chief of Police, and such other officers and employees of the City as the Council deems necessary, and may remove any of them at any time with or without cause. The Council may by resolution require any officer to fill and perform the duties of two or more offices.

Section 2.4. Salaries. The Council shall fix the compensation of all City officers and employees.

CHAPTER III ELECTIONS

Section 3.1. Regulation of Elections. Except as this Charter provides otherwise and as the Council provides otherwise by Ordinance relating to elections, the general law of the state shall apply to the conduct of all City elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the City at least one year prior to election or appointment to office is eligible for election to the office of Councilor or Mayor. Any Mayor or Councilor who is absent for 10 or more regular City Council meetings within a 365-day period, which are not excused by a majority vote of Council at the meeting when the absence occurs or the following meeting, shall not be eligible to seek office in the following election.

Section 3.2. Special Elections. The Council may by Resolution or Ordinance order a special election and provide the time, manner and means for holding it. At least 10 days' notice shall be given of each special election.

Section 3.3. Commencement of Terms of Office. The term of office of each person elected to office at a regular City election shall commence on the first day of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon their office immediately.

Section 3.4. Oath of Office. Each officer, before entering upon the duties of their office, shall take an oath that they will support the constitution and laws of the United States and the state, and that they will faithfully perform the duties of their office.

CHAPTER IV VACANCIES

Section 4.1. Vacancies in Office Generally.

- (a) An elected office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, beginning a term of a different City of Sweet Home elected office, removal from the City or absence from regular City Council Meetings for a period of 30 days or more without the consent of the Council, upon the incumbent's ceasing to possess the qualifications necessary for office, upon the failure of the person elected to an office to qualify therefore on or before the day their term of office commences, or upon the incumbent's absence from meetings of the Council for 60 days without the consent of the Council.

- (b) An appointed office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, absence from the City for a period of 30 days or more without the consent of the Council or upon the incumbent's ceasing to possess the qualifications necessary for office.

Section 4.2. Manner in Which Vacancies Shall Be Filled.

- (a) Vacancies in elected offices that occur within the first half of the elected term shall first be filled by the next highest vote-getter in the previous City Council or Mayoral election; should that person decline or no longer be eligible for appointment, the office shall be filled by the next highest vote-getter in the previous City Council or Mayoral election; should that person also decline or no longer be eligible for appointment, the vacant office shall be filled by appointment by the Council at any regular or special meeting, and the appointed person shall serve the remaining portion of the term.

- (b) Vacancies in elected offices that occur within the second half of the elected term shall be filled by appointment by the City Council no later than 60 calendar days from the time the vacancy occurs.

- (c) Vacancies in offices filled by appointment by the Council shall be filled by the Council.

- (d) Vacancies in offices filled by appointment by the City Manager shall be filled by appointment by the City Manager.

CHAPTER V THE COUNCIL

Section 5.1. Council Meetings. The Council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the Council may be called by the Mayor, either upon their own motion or upon the request of at least three members of the Council, and held at any time, upon verbal or written notice to all members of the Council then in the City. Special meetings of the Council may also be held by the common consent of all members of the Council.

Section 5.2. Quorum. A majority of Council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by Ordinance. The Council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the Council shall be public.

In the event of three or more concurrent vacant seats, the majority of remaining Councilors shall constitute a quorum for the purpose of filling vacancies.

Section 5.3. Mayor’s Duties at Council Meetings. The Mayor shall be Chairperson of the Council and shall preside over its deliberations. They shall have authority to preserve order, enforce the rules of Council and determine the order of business, subject to the rules of the Council. They may vote as a Councilor.

Section 5.4. Council President. At its first meeting in the new term after each biennial election, the Council shall elect from its membership, a Council President for a term of two years. The Council President shall perform the duties of the Mayor in the absence of the Mayor.

Section 5.5. Vote Required. The concurrence of a majority of a quorum shall be required to determine matters before the Council except as provided otherwise in this Charter.

The following matters shall be determined by no less than four affirmative votes: the hiring or firing of Council-appointed positions, filling of Council vacancies except where otherwise outlined in Section 4.2 of this Charter, land use decisions, utility rate changes, modifications to City Municipal Code, approval of Ordinances containing emergency clauses, or application of disciplinary action toward a Councilor or Mayor.

Section 5.6. Public Comment. Those recognized to speak during any regular City Council meeting shall be allowed no less than five minutes to address the City Council unless additional time is granted at the discretion of the Chairperson.

Section 5.7. Council Ethics and Conflicts of Interest.

- (a) **Public Trust.** The purpose of City government is to serve the public. Councilors and the Mayor shall treat their office as a public trust. The City’s powers and resources shall be used for the benefit of the public rather than for any official’s personal benefit. City officials shall afford evenhanded consideration and treatment to all citizens.

- (b) **Code of Ethics.** The Council shall, by Ordinance, enact a Code of Ethics applicable to the Mayor and City Council. At a minimum, the Code of Ethics shall provide that any official subject to the code must disclose the reason for any potential or actual conflict of interest and may not discuss, debate, or vote as a public official on any matter in which the official has an actual conflict of interest.

- (c) **Conflict of Interest.** No City Councilor or Mayor shall discuss, debate, or vote as a public official on any decision regarding a contract, the expenses of which are to be paid with City funds, if any of the following persons has a financial interest in the contract: the official; the official’s spouse or domestic partner; or the parent, sibling, or child of the official, the official’s spouse, or the official’s domestic partner. In addition, no City official shall discuss, debate, or vote on any such decision if the official knows that the official’s business associate has a financial interest in the contract. For purposes of this provision, “financial interest” includes any reasonable, objective expectation of financial gain or avoidance of financial detriment.

- (d) **Definitions.** The Council shall define by Ordinance the terms “domestic partner” and “business associate” for purposes of subsection (c) of this section.

- (e) **Voidable Contracts.** Any contract with respect to which a City Councilor or Mayor violates subsection (c) of this section is voidable at the discretion of the Council.

- (f) **Disciplinary action.** Any elected official who violates the Code of Ethics adopted pursuant to subsection (b) or the prohibitions of subsection (c) of this section may be removed from their position upon a finding by the Council that the official committed the violation intentionally and for the purpose of obtaining or maintaining a personal financial benefit for, or avoiding a financial detriment to, any of the persons listed in subsection (c) of this section.

Section 5.8. Enforcement. The Council shall be the judge of the election and qualifications of its members, and of any disciplinary action of its members for violations of this Charter and the rules adopted by the Council. Any Councilor charged with conduct constituting grounds for removal from office shall be entitled to a public hearing, with public notice of such hearing given at least one week in advance of the hearing.

CHAPTER VI POWERS AND DUTIES OF THE CITY OFFICERS

Section 6.1. Mayor. The Mayor shall appoint the various committees provided for under the rules of the Council or otherwise and shall fill all vacancies in committees of the Council from that body. They shall sign all Ordinances passed by the Council within 30 days after their passage, except in the case of an emergency, where they shall be signed upon passage. They shall sign all instruments and writings authorized by this Charter, the laws of the state or the Council. In the absence of the Mayor, such instruments shall be signed by the Council President. All physical checks issued by the City shall be signed by any two of the following: the Mayor (or Council President), the City Manager (or their designee), and the Treasurer/Finance Director.

Section 6.2. Manager.

(a) Qualifications. The Manager shall be the administrative head of the City government. They shall be chosen by the Council without regard to political consideration and solely with reference to their executive and administrative qualifications. Before entering upon their duties, the Manager shall file with the Mayor an official bond for faithful performance thereof, payable to the City in a sum to be set and approved by the City Council, the premium of which shall be paid by the City. The bond shall be to the satisfaction of the Council, and the approval of the Mayor shall be endorsed thereon.

(b) Term. The Manager shall be appointed for an indefinite term but may be removed with a vote of four members of the Council. Upon any vacancy occurring in the office of the Manager subsequent to the first appointment hereunder, the Council shall, at its next meeting, adopt a Resolution of its intention to appoint a Manager, and no such appointment shall be made until at least four weeks after adoption of the Resolution. The Council shall appoint a Manager within a reasonable time after the adoption of the Resolution of intention.

(c) Powers and duties. The powers and duties of the Manager shall be:

- (1) To see that all Ordinances are enforced.
- (2) To appoint all heads of departments and other City Officers and employees, and remove them at pleasure, and to have general supervision and control over them, except as

otherwise provided in this Charter. All such appointments shall be made upon the basis of merit and fitness alone.

(3) To see that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are fully observed, and to report to the Council any violations thereof.

(4) To attend all meetings of the Council unless excused therefrom by three Councilors or by the Mayor.

(5) To act as purchasing agent for all departments of the City. All purchases shall be made in accordance with the Council approved City purchasing policy.

(6) To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk, or employee in any of the departments of City government, except Councilors.

(7) To keep the Council advised to the needs of the City.

(8) To prepare and submit to the budget committee the annual budget estimate and such reports as may be required by that body.

(9) To submit to the Council an annual report of all departments of the City and such other reports as the Council may require.

(10) To prepare or cause to be prepared plans and specification for work coming under his/her supervision which the Council orders, and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

(11) To have control, subject to such Ordinances as may from time to time be adopted, over all public utilities owned or operated by the City.

(12) To have general supervision over all City property and its use by the public or City employees.

(13) To appoint such advisory boards as they may deem desirable to advise on, assist them in their work; but the members of such boards will receive no compensation as such board members.

(14) To perform such other duties as may be required by this Charter or as the Council may require of them.

(15) From time to time, in order to facilitate the prompt, economical, and efficient dispatch of City business, to organize the work of the departments under their control, to assign assistants, deputies, and employees from any office or department of the City government to perform work or service in connection with any other office or department thereof, or to work in more than one said offices or departments thereof; provided, that no such change shall affect the powers or duties of any elective officer to the City.

(16) To serve as the City Recorder and such to be clerk of the Council, keep an accurate record of its proceedings in a book provided for that purpose, and countersign all instruments and writings by this Charter or by the laws of the state or the City.

(d) Seats at Council Meetings. The Manager and such other officers of the City as may be designated by vote of the Council shall be entitled to seats with the Council but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before Council.

(e) Manager Pro Tem. During the absence of the Manager from the City, during their temporary disability to act as Manager, or during the interim when the Council is seeking a Manager, the Council shall appoint a Manager Pro Tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided, however that a Manager Pro Tem shall have no authority to appoint or remove any City officer or employee except with the approval of five members of the Council. The Manager Pro Tem may hold their position for a term of six months with no more than two additional six-month renewals as authorized by four affirmative Council votes.

In case of the absence of the Manager or the Manager Pro Tem from Council meetings, the Council shall appoint a City Recorder Pro Tem.

(f) Appointments and Removals. Neither the City Council nor any of its members nor the Mayor shall directly or indirectly coerce or attempt to coerce the City Manager or any subordinate of the City Manager in the appointment or removal of a City employee whom the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(g) Interference in Administration. The City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately, or coerce or attempt to coerce such a person in any administrative decision.

(h) Election Neutrality. Neither the Manager nor any person in the employ of the City shall take any part in securing, or shall contribute any money toward, the nomination or election of any candidate for municipal office.

(i) Ineligible Persons. No person related to the Manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the City.

Section 6.3. Municipal Judge. The Municipal Judge shall be the judicial officer of the City. They shall hold within the City a court known as the municipal court for the City of Sweet Home, Linn County, Oregon. The court shall be open for the transaction of the judicial business at times specified by the Council. All areas within the City shall be within the territorial jurisdiction of the court. The Municipal Judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by Ordinances of the City. They shall have authority to issue process for the arrest of any person accused of an offense against the Ordinance of the City, to commit any such person to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before them, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by Ordinances or this Charter, all proceedings in the municipal court for the violation of the City Ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section of this Charter, the Council may provide for the transfer of power and duties of the municipal court to the appropriate state court of the State of Oregon.

Section 6.4. Other Officers. The Council shall fix the powers and duties of all appointive offices other than those provided for in this Charter.

CHAPTER VII ORDINANCES

Section 7.1. Enacting Clause. The enacting clause of all Ordinances hereafter passed shall be “The City of Sweet Home does ordain as follows.”

Section 7.2. Introduction, Reading, and Passage. Every Ordinance shall be read in an open Council meeting by title only on two separate days, prior to its final passage; however, an Ordinance may be read by title only twice in the same meeting if the first reading was approved by unanimous vote by those in attendance.

Section 7.3. When Ordinances Take Effect. Each Ordinance passed by the Council shall take effect on the thirtieth day after its passage; provided, that when the Council deems it expedient or in case of emergency, an Ordinance may provide a different time when it shall take effect, or that it shall take effect immediately.

CHAPTER VIII PUBLIC IMPROVEMENTS

Section 8.1. Power of Condemnation and Purchase. The City shall have power to acquire by purchase, gift, devise, or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of (a) protecting, preserving, and facilitating an improvement; or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement; or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the City of Sweet Home shall be determined by the Council and shall be declared by a Resolution which shall describe such property as nearly as may be and stating the use to which it is to be devoted. The City shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use of the construction, reconstruction, repair, operation, or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility and of any other public work or service, by levying and collecting special assessments upon property specially benefited.

Section 8.2. Special Assessment. The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district or area to be assessed; for the making and approval of the plans and specifications; for the notices of property owners and other interested parties; for the hearings, for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, Resolutions, Ordinances, and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state or (b) the provisions of a general Ordinance setting forth such method and procedure, which general Ordinance may be enacted by Council and shall be subject to amendment or repeal.

Section 8.3. Improvements. Street, sewer, sidewalk, and such other improvements as may be deemed necessary by the Council may be made on the motion of the Council or on petition of a majority of the property owners interested. Written protest provided by two-thirds of the front footage of property owners concerned shall operate to defeat such motion or petition and the same may not again be considered by the Council for a period of six months.

Section 8.4. Savings Clause. All Ordinances, Resolutions, policies, procedures, contracts, and regulations heretofore passed by the City, in force when this Charter takes effect, if not inconsistent with it, shall remain in full force after it takes effect and until they are amended or repealed by the Council.

Section 8.5. City to Retain Rights and Be Subject to Liabilities in Existence at Time This Charter Takes Effect. No right vested in the City and no liability which it has incurred under this Charter, prior Charters, and any revisions and amendments thereof and laws of the state shall be impaired or discharged by adoption of this Charter, except as this Charter otherwise provides.

Section 8.6. Limitations on Indebtedness. City indebtedness may not exceed the debt limits imposed by state law. A Charter amendment is not required to authorize City indebtedness.

Section 8.7. Repealing Clause. All Charter provisions adopted before this Charter takes effect are repealed.

Section 8.8. Severability. The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the Charter.

CITY OF SWEET HOME SWEET HOME, OREGON

CHARTER



Completely Revised 2026

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The enumeration of or reference to particular rights, powers, privileges and immunities in this charter shall not be construed to be exclusive. This charter shall be liberally construed to the end that the City may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.

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At each biennial general election, three Councilors and a Mayor shall be elected. The Councilors shall each hold office for four years, and the Mayor shall hold office for two years. Tie votes shall be determined by lot. If the Mayor-elect is a mid-term City Councilor, the fourth-place City Council candidate in that election shall be considered elected to the resulting vacancy and shall serve the remaining two years of the vacated seat.

The Mayor and Councilors in office at the time of adoption of this charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this Charter.

Section 2.2. City Attorney, Manager and Municipal Judge. The Council shall appoint and keep in office a City Attorney, a City Manager who shall also serve as the City Recorder, and a Municipal Judge, each of whom shall hold office subject to the discretion of the Council and may be removed by the Council with or without cause.

Section 2.3. Other City Officers and Employees. The City Manager shall appoint a Treasurer/Finance Director, a Chief of Police, and such other officers and employees of the City as the Council deems necessary, and may remove any of them at any time with or without cause. The Council may by resolution require any officer to fill and perform the duties of two or more offices.

Section 2.4. Salaries. The Council shall fix the compensation of all City officers and employees.

CHAPTER III ELECTIONS

Section 3.1. Regulation of Elections. Except as this Charter provides otherwise and as the Council provides otherwise by Ordinance relating to elections, the general law of the state shall apply to the conduct of all City elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the City at least one year prior to election or appointment to office is eligible for election to the office of Councilor or Mayor. Any Mayor or Councilor who is absent for 10 or more regular City Council meetings within a 365-day period, which are not excused by a majority vote of Council at the meeting when the absence occurs or the following meeting, shall not be eligible to run in the following election.

Section 3.2. Special Elections. The Council may by Resolution or Ordinance order a special election and provide the time, manner and means for holding it. At least 10 days' notice shall be given of each special election.

Section 3.3. Commencement of Terms of Office. The term of office of each person elected to office at a regular City election shall commence on the first day of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon their office immediately.

Section 3.4. Oath of Office. Each officer, before entering upon the duties of their office, shall take an oath that they will support the constitution and laws of the United States and the state, and that they will faithfully perform the duties of their office.

CHAPTER IV VACANCIES

Section 4.1. Vacancies in Office Generally.

(a) An elected office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, beginning a term of a different City of Sweet Home elected office, removal from the City or absence from the City for a period of 30 days without the consent of the Council, upon the incumbent's ceasing to possess the qualifications necessary for office; upon the failure of the person elected or appointed to an office to qualify therefore on or before the day their term of office commences; or upon the incumbent's absence from meetings of the Council for 60 days without the consent of the Council.

(b) An appointed office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, absence from the City for a period of 30 days without the consent of the Council or upon the incumbent's ceasing to possess the qualifications necessary for office.

Section 4.2. Manner in Which Vacancies Shall Be Filled.

- (a) Vacancies in offices filled by election that occur within the first half of the elected term shall first be filled by the next highest vote-getter in the previous applicable City Council or Mayoral election; should that person decline or no longer be eligible for appointment, the office shall be filled by the next highest vote-getter in the previous City Council election; should that person also decline or no longer be eligible for appointment, the vacant office shall be filled by appointment by the Council at any regular or special meeting, and the person so appointed shall serve the remaining portion of the term.
- (b) Vacancies in elected offices that occur within the second half of the elected term shall be filled by appointment by the City Council no later than 60 calendar days from the time the vacancy occurs.
- (c) Vacancies in offices filled by appointment by the Council shall be filled by the Council.
- (d) Vacancies in offices filled by appointment by the City Manager shall be filled by appointment by the City Manager.

CHAPTER V THE COUNCIL

Section 5.1. Council Meetings. The Council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the Council may be called by the Mayor, either upon their own motion or upon the request of at least three members of the Council, and held at any time, upon verbal or written notice to all members of the Council then in the City. Special meetings of the Council may also be held by the common consent of all members of the Council.

Section 5.2. Quorum. A majority of Council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by Ordinance. The Council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the Council shall be public.

In the event of three or more concurrent vacant seats, the majority of remaining Councilors shall constitute a quorum for the purpose of filling vacancies.

Section 5.3. Mayor's Duties at Council Meetings. The Mayor shall be Chairperson of the Council and shall preside over its deliberations. They shall have authority to preserve order, enforce the rules of Council and determine the order of business, subject to the rules of the Council. They may vote as a Councilor.

Section 5.4. Council President. At its first meeting in the new term after each biennial election, the Council shall elect from its membership, a Council President for a term of two years. The Council President shall perform the duties of the Mayor in the absence of the Mayor.

Section 5.5. Vote Required. The concurrence of a majority of a quorum shall be required to determine matters before the Council except as provided otherwise in this Charter.

The following matters shall be determined by no less than four affirmative votes: the hiring or firing of Council-appointed positions, filling of Council vacancies except where otherwise outlined in Section 13 of this Charter, land use decisions, utility rate changes, modifications to City Municipal Code, approval of Ordinances containing emergency clauses, or application of disciplinary action toward a Councilor or Mayor.

Section 5.6. Public Comment. Those recognized to speak during any regular City Council meeting shall be allowed no less than five minutes to address the City Council unless additional time is granted at the discretion of the Chairperson.

Section 5.7. Council Ethics and Conflicts of Interest.

- (a) **Public Trust.** The purpose of City government is to serve the public. Councilors and the Mayor shall treat their office as a public trust. The City’s powers and resources shall be used for the benefit of the public rather than for any official’s personal benefit. City officials shall afford evenhanded consideration and treatment to all citizens.

- (b) **Code of Ethics.** The Council shall, by Ordinance, enact a Code of Ethics applicable to the Mayor and City Council. At a minimum, the Code of Ethics shall provide that any official subject to the code must disclose the reason for any potential or actual conflict of interest and may not discuss, debate or vote as a public official on any matter in which the official has an actual conflict of interest.

- (c) **Conflict of Interest.** No City Councilor or Mayor shall discuss, debate, or vote as a public official on any decision regarding a contract, the expenses of which are to be paid with City funds, if any of the following persons has a financial interest in the contract: the official; the official’s spouse or domestic partner; or the parent, sibling, or child of the official, the official’s spouse, or the official’s domestic partner. In addition, no City official shall discuss, debate, or vote on any such decision if the official knows that the official’s business associate has a financial interest in the contract. For purposes of this provision, “financial interest” includes any reasonable, objective expectation of financial gain or avoidance of financial detriment.

- (d) **Definitions.** The Council shall define by ordinance the terms “domestic partner” and “business associate” for purposes of subsection (c) of this section.

- (e) **Voidable Contracts.** Any contract with respect to which a City Councilor or Mayor violates subsection (c) of this section is voidable at the discretion of the Council.

- (f) **Disciplinary action.** Any elected official who violates the Code of Ethics adopted pursuant to subsection (b) or the prohibitions of subsection (c) of this section may be removed from their position upon a finding by the Council that the official committed the violation intentionally and for the purpose of obtaining or maintaining a personal financial benefit for, or avoiding a financial detriment to, any of the persons listed in subsection (c) of this section.

Section 5.8. Enforcement. The Council shall be the judge of the election and qualifications of its members, and of any disciplinary action of its members for violations of this Charter and the rules adopted by the Council. Any Councilor charged with conduct constituting grounds for removal from office shall be entitled to a public hearing, with public notice of such hearing given at least one week in advance of the hearing.

CHAPTER VI POWERS AND DUTIES OF THE CITY OFFICERS

Section 6.1. Mayor. The Mayor shall appoint the various committees provided for under the rules of the Council or otherwise and shall fill all vacancies in committees of the Council from that body. They shall sign all Ordinances passed by the Council within 30 days after their passage, except in the case of an emergency, where they shall be signed upon passage. They shall sign all instruments and writings authorized by this charter, the laws of the state or the Council. In the absence of the Mayor, such instruments shall be signed by any two of the following: the Mayor (or Council President), the City Manager (or their designee), and the Treasurer/Finance Director.

Section 6.2. Manager.

(a) **Qualifications.** The Manager shall be the administrative head of the City government. They shall be chosen by the Council without regard to political consideration and solely with reference to their executive and administrative qualifications. Before entering upon their duties, the Manager shall file with the Mayor an official bond for faithful performance thereof, payable to the City in a sum to be set and approved by the City Council, the premium of which shall be paid by the City. The bond shall be to the satisfaction of the Council, and the approval of the Mayor shall be endorsed thereon.

(b) **Term.** The Manager shall be appointed for an indefinite term but may be removed with a vote of four members of the Council. Upon any vacancy occurring in the office of the Manager subsequent to the first appointment hereunder, the Council shall, at its next meeting, adopt a resolution of its intention to appoint a Manager, and no such appointment shall be made until at least four weeks after adoption of the resolution. The Council shall appoint a Manager within a reasonable time after the adoption of the resolution of intention.

(c) **Powers and duties.** The powers and duties of the Manager shall be:

- (1) To see that all Ordinances are enforced.
- (2) To appoint all heads of departments and other City Officers and employees, and remove them at pleasure, and to have general supervision and control over them, except

as otherwise provided in this charter. All such appointments shall be made upon the basis of merit and fitness alone.

(3) To see that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are fully observed, and to report to the Council any violations thereof.

(4) To attend all meetings of the Council unless excused therefrom by three Councilors or by the Mayor.

(5) To act as purchasing agent for all departments of the City. All purchases shall be made in accordance with the Council approved City purchasing policy.

(6) To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of City government, except Councilors.

(7) To keep the Council advised to the needs of the City.

(8) To prepare and submit to the budget committee the annual budget estimate and such reports as may be required by that body.

(9) To submit to the Council an annual report of all departments of the City and such other reports as the Council may require.

(10) To prepare or cause to be prepared plans and specification for work coming under his/her supervision which the Council orders, and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

(11) To have control, subject to such Ordinances as may from time to time be adopted, for all public utilities owned or operated by the City.

(12) To have general supervision over all City property and its use by the public or City employees.

(13) To appoint such advisory boards as they may deem desirable to advise on, assist them in their work; but the members of such boards will receive no compensation as such board members.

(14) To perform such other duties as may be required by this charter or as the Council may require of them.

(15) From time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, to organize the work of the departments under their control, to assign assistants, deputies, and employees from any office or department of the City government to perform work or service in connection with any other office or department thereof, or to work in more than one said offices or departments thereof; provided, that no such change shall affect the powers or duties of any elective officer to the City.

(16) To serve as the City Recorder and such to be clerk of the Council, keep an accurate record of its proceedings in a book provided for that purpose, and countersign all instruments and writings by this charter or by the laws of the state or the City.

(d) Seats at Council Meetings. The Manager and such other officers of the City as may be designated by vote of the Council shall be entitled to seats with the Council, but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before Council.

(e) Manager Pro Tem. During the absence of the Manager from the City, during their temporary disability to act as Manager, or during the interim when the Council is seeking a Manager, the Council shall appoint a Manager Pro Tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided, however that a Manager Pro Tem shall have no authority to appoint or remove any City officer or employee except with the approval of five members of the Council. The Manager Pro Tem may hold their position for a term of six months with no more than two additional six-month renewals as authorized by four affirmative Council votes.

In case of the absence of the Manager or the Manager Pro Tem from Council meetings, the Council shall appoint a Clerk of the Council Pro Tem.

(f) Appointments and Removals. Neither the City Council nor any of its members nor the Mayor shall in any manner control or demand the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(g) Interference in Administration. The City Council or its members shall deal with City officer and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

(g) Ineligible Persons. No person related to the Manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the City.

Section 6.3. Municipal Judge. The Municipal Judge shall be the judicial officer of the City. They shall hold within the City a court known as the municipal court for the City of Sweet Home, Linn County, Oregon. The court shall be open for the transaction of the judicial business at times specified by the Council. All areas within the City shall be within the territorial jurisdiction of the court. The Municipal Judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by Ordinances of the City. They shall have authority to issue process for the arrest of any person accused of an offense against the

Ordinance of the City, to commit any such person to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trail of any cause before them, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by Ordinances or this charter, all proceedings in the municipal court for the violation of the City Ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section of this charter, the Council may provide for the transfer of power and duties of the municipal court to the appropriate state court of the State of Oregon.

Section 6.3. Other Officers. The Council shall fix the powers and duties of all appointive offices other than those provided for in this charter.

CHAPTER VII ORDINANCES

Section 7.1. Enacting Clause. The enacting clause of all Ordinances hereafter passed shall be “The City of Sweet Home does ordain as follows.”

Section 7.2. Introduction, Reading, and Passage. Every Ordinance shall be read in open Council meeting by title only on two separate days, prior to its final passage; however an Ordinance may be read by title only twice in the same meeting if the first reading was approved by unanimous vote by those in attendance.

Section 7.3. When Ordinances Take Effect. Each Ordinance passed by the Council shall take effect on the thirtieth day after its passage; provided, that when the Council deems it expedient or in case of emergency, an Ordinance may provide a different time when it shall take effect, or that it shall take effect immediately.

CHAPTER VIII PUBLIC IMPROVEMENTS

Section 8.1. Power of Condemnation and Purchase. The City shall have power to acquire by purchase, gift, devise, or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of (a) protecting, preserving and facilitating an improvement or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or

lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the City of Sweet Home shall be determined by the Council and shall be declared by a resolution which shall describe such property as nearly as may be and stating the use to which it is to be devoted. The City shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use of the construction, reconstruction, repair, operation or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility and of any other public work or service, by levying and collecting special assessments upon property specially benefited.

Section 8.2. Special Assessment. The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district or area to be assessed; for the making and approval of the plans and specifications; for the notices of property owners and other interested parties; for the hearings, for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, Resolutions, Ordinances, and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state or (b) the provisions of a general Ordinance setting forth such method and procedure, which general Ordinance may be enacted by Council and shall be subject to amendment or repeal.

Section 8.3. Improvements. Street, sewer, sidewalk, and such other improvements as may be deemed necessary by the Council may be made on the motion of the Council or on petition of a majority of the property owners interested. Written protest provided by two-thirds of the front footage of property owners concerned shall operate to defeat such motion or petition and the same may not again be considered by the Council for a period of six months.

Section 8.4. Savings Clause. All Ordinances, Resolutions, policies, procedures, contracts and regulations heretofore passed by the City, in force when this charter takes effect, if not inconsistent with it, shall remain in full force after it takes effect and until they are amended or repealed by the Council.

Section 8.5. City to Retain Rights and Be Subject to Liabilities in Existence at Time This Charter Takes Effect. No right vested in the City and no liability which it has incurred under this Charter, prior charters, and any revisions and amendments thereof and laws of the state shall be impaired or discharged by adoption of this Charter, except as this Charter otherwise provides.

Section 8.6. Limitations on Indebtedness. City indebtedness may not exceed the debt limits imposed by state law. A charter amendment is not required to authorize City indebtedness.

Section 8.7. Repealing Clause. All Charter provisions adopted before this Charter takes effect are repealed.

Section 8.8. Severability. The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the Charter.

**CITY OF SWEET HOME
SWEET HOME, OREGON**

CHARTER – PROPOSED (FINAL DRAFT)



Completely Revised 2026

AN ACT TO REVISE THE CHARTER OF THE CITY OF SWEET HOME, LINN COUNTY, OREGON.

Be it enacted by the City of Sweet Home, Linn County, Oregon:

**CHAPTER I
NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS**

Section 1.1. Titles. This Charter may be referred to as the 2026 Sweet Home Charter.

Section 1.2. Name and Boundaries. The City of Sweet Home, Linn County, Oregon shall, upon the taking effect of this Charter, continue to be a municipal corporation under the name of the City of Sweet Home.

The City includes all territory within its boundaries as they now exist or are legally modified. The City shall maintain as a public record an accurate and current description of the boundaries.

Section 1.3 Powers of the City. Subject only to limitations provided in this Charter, the City shall have all rights, powers, privileges and immunities now or hereafter granted either expressly or impliedly to municipalities by the constitution, statutes, and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this Charter.

The enumeration of, or reference to, particular rights, powers, privileges and immunities in this Charter shall not be construed to be exclusive. This Charter shall be liberally construed to the end that the City may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.

**CHAPTER II
FORM OF GOVERNMENT**

Section 2.1. Council and Mayor. Except as otherwise provided in this Charter, all powers of the City shall be vested in a Council of six members and a Mayor nominated and elected from the City at large.

At each biennial general election, three Councilors and a Mayor shall be elected. The Councilors shall each hold office for four years, and the Mayor shall hold office for two years. Tie votes shall be determined by lot. If the Mayor-elect is a mid-term City Councilor, the fourth-place City Council candidate in that election shall be considered elected to the resulting vacancy and shall serve the remaining two years of the vacated seat.

The Mayor and Councilors in office at the time of adoption of this Charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this Charter.

Section 2.2. City Attorney, Manager, and Municipal Judge. The Council shall appoint and keep in office a City Attorney, a City Manager who shall also serve as the City Recorder, and a Municipal Judge, each of whom shall hold office subject to the discretion of the Council and may be removed by the Council with or without cause.

Section 2.3. Other City Officers and Employees. The City Manager shall appoint a Treasurer/Finance Director, a Chief of Police, and such other officers and employees of the City as the Council deems necessary, and may remove any of them at any time with or without cause. The Council may by resolution require any officer to fill and perform the duties of two or more offices.

Section 2.4. Salaries. The Council shall fix the compensation of all City officers and employees.

CHAPTER III ELECTIONS

Section 3.1. Regulation of Elections. Except as this Charter provides otherwise and as the Council provides otherwise by Ordinance relating to elections, the general law of the state shall apply to the conduct of all City elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the City at least one year prior to election or appointment to office is eligible for election to the office of Councilor or Mayor. Any Mayor or Councilor who is absent for 10 or more regular City Council meetings within a 365-day period, which are not excused by a majority vote of Council at the meeting when the absence occurs or the following meeting, shall not be eligible to seek office in the following election.

Section 3.2. Special Elections. The Council may by Resolution or Ordinance order a special election and provide the time, manner and means for holding it. At least 10 days' notice shall be given of each special election.

Section 3.3. Commencement of Terms of Office. The term of office of each person elected to office at a regular City election shall commence on the first day of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon their office immediately.

Section 3.4. Oath of Office. Each officer, before entering upon the duties of their office, shall take an oath that they will support the constitution and laws of the United States and the state, and that they will faithfully perform the duties of their office.

CHAPTER IV VACANCIES

Section 4.1. Vacancies in Office Generally.

- (a) An elected office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, beginning a term of a different City of Sweet Home elected office, removal from the City or absence from regular City Council Meetings for a period of 30 days or more without the consent of the Council, upon the incumbent's ceasing to possess the qualifications necessary for office, upon the failure of the person elected to an office to qualify therefore on or before the day their term of office commences, or upon the incumbent's absence from meetings of the Council for 60 days without the consent of the Council.

- (b) An appointed office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, absence from the City for a period of 30 days or more without the consent of the Council or upon the incumbent's ceasing to possess the qualifications necessary for office.

Section 4.2. Manner in Which Vacancies Shall Be Filled.

- (a) Vacancies in elected offices that occur within the first half of the elected term shall first be filled by the next highest vote-getter in the previous City Council or Mayoral election; should that person decline or no longer be eligible for appointment, the office shall be filled by the next highest vote-getter in the previous City Council or Mayoral election; should that person also decline or no longer be eligible for appointment, the vacant office shall be filled by appointment by the Council at any regular or special meeting, and the appointed person shall serve the remaining portion of the term.

- (b) Vacancies in elected offices that occur within the second half of the elected term shall be filled by appointment by the City Council no later than 60 calendar days from the time the vacancy occurs.

- (c) Vacancies in offices filled by appointment by the Council shall be filled by the Council.

- (d) Vacancies in offices filled by appointment by the City Manager shall be filled by appointment by the City Manager.

CHAPTER V THE COUNCIL

Section 5.1. Council Meetings. The Council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the Council may be called by the Mayor, either upon their own motion or upon the request of at least three members of the Council, and held at any time, upon verbal or written notice to all members of the Council then in the City. Special meetings of the Council may also be held by the common consent of all members of the Council.

Section 5.2. Quorum. A majority of Council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by Ordinance. The Council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the Council shall be public.

In the event of three or more concurrent vacant seats, the majority of remaining Councilors shall constitute a quorum for the purpose of filling vacancies.

Section 5.3. Mayor’s Duties at Council Meetings. The Mayor shall be Chairperson of the Council and shall preside over its deliberations. They shall have authority to preserve order, enforce the rules of Council and determine the order of business, subject to the rules of the Council. They may vote as a Councilor.

Section 5.4. Council President. At its first meeting in the new term after each biennial election, the Council shall elect from its membership, a Council President for a term of two years. The Council President shall perform the duties of the Mayor in the absence of the Mayor.

Section 5.5. Vote Required. The concurrence of a majority of a quorum shall be required to determine matters before the Council except as provided otherwise in this Charter.

The following matters shall be determined by no less than four affirmative votes: the hiring or firing of Council-appointed positions, filling of Council vacancies except where otherwise outlined in Section 4.2 of this Charter, land use decisions, utility rate changes, modifications to City Municipal Code, approval of Ordinances containing emergency clauses, or application of disciplinary action toward a Councilor or Mayor.

Section 5.6. Public Comment. Those recognized to speak during any regular City Council meeting shall be allowed no less than five minutes to address the City Council unless additional time is granted at the discretion of the Chairperson.

Section 5.7. Council Ethics and Conflicts of Interest.

- (a) **Public Trust.** The purpose of City government is to serve the public. Councilors and the Mayor shall treat their office as a public trust. The City’s powers and resources shall be used for the benefit of the public rather than for any official’s personal benefit. City officials shall afford evenhanded consideration and treatment to all citizens.

- (b) **Code of Ethics.** The Council shall, by Ordinance, enact a Code of Ethics applicable to the Mayor and City Council. At a minimum, the Code of Ethics shall provide that any official subject to the code must disclose the reason for any potential or actual conflict of interest and may not discuss, debate, or vote as a public official on any matter in which the official has an actual conflict of interest.

- (c) **Conflict of Interest.** No City Councilor or Mayor shall discuss, debate, or vote as a public official on any decision regarding a contract, the expenses of which are to be paid with City funds, if any of the following persons has a financial interest in the contract: the official; the official’s spouse or domestic partner; or the parent, sibling, or child of the official, the official’s spouse, or the official’s domestic partner. In addition, no City official shall discuss, debate, or vote on any such decision if the official knows that the official’s business associate has a financial interest in the contract. For purposes of this provision, “financial interest” includes any reasonable, objective expectation of financial gain or avoidance of financial detriment.

- (d) **Definitions.** The Council shall define by Ordinance the terms “domestic partner” and “business associate” for purposes of subsection (c) of this section.

- (e) **Voidable Contracts.** Any contract with respect to which a City Councilor or Mayor violates subsection (c) of this section is voidable at the discretion of the Council.

- (f) **Disciplinary action.** Any elected official who violates the Code of Ethics adopted pursuant to subsection (b) or the prohibitions of subsection (c) of this section may be removed from their position upon a finding by the Council that the official committed the violation intentionally and for the purpose of obtaining or maintaining a personal financial benefit for, or avoiding a financial detriment to, any of the persons listed in subsection (c) of this section.

Section 5.8. Enforcement. The Council shall be the judge of the election and qualifications of its members, and of any disciplinary action of its members for violations of this Charter and the rules adopted by the Council. Any Councilor charged with conduct constituting grounds for removal from office shall be entitled to a public hearing, with public notice of such hearing given at least one week in advance of the hearing.

CHAPTER VI POWERS AND DUTIES OF THE CITY OFFICERS

Section 6.1. Mayor. The Mayor shall appoint the various committees provided for under the rules of the Council or otherwise and shall fill all vacancies in committees of the Council from that body. They shall sign all Ordinances passed by the Council within 30 days after their passage, except in the case of an emergency, where they shall be signed upon passage. They shall sign all instruments and writings authorized by this Charter, the laws of the state or the Council. In the absence of the Mayor, such instruments shall be signed by the Council President. All physical checks issued by the City shall be signed by any two of the following: the Mayor (or Council President), the City Manager (or their designee), and the Treasurer/Finance Director.

Section 6.2. Manager.

(a) Qualifications. The Manager shall be the administrative head of the City government. They shall be chosen by the Council without regard to political consideration and solely with reference to their executive and administrative qualifications. Before entering upon their duties, the Manager shall file with the Mayor an official bond for faithful performance thereof, payable to the City in a sum to be set and approved by the City Council, the premium of which shall be paid by the City. The bond shall be to the satisfaction of the Council, and the approval of the Mayor shall be endorsed thereon.

(b) Term. The Manager shall be appointed for an indefinite term but may be removed with a vote of four members of the Council. Upon any vacancy occurring in the office of the Manager subsequent to the first appointment hereunder, the Council shall, at its next meeting, adopt a Resolution of its intention to appoint a Manager, and no such appointment shall be made until at least four weeks after adoption of the Resolution. The Council shall appoint a Manager within a reasonable time after the adoption of the Resolution of intention.

(c) Powers and duties. The powers and duties of the Manager shall be:

- (1) To see that all Ordinances are enforced.
- (2) To appoint all heads of departments and other City Officers and employees, and remove them at pleasure, and to have general supervision and control over them, except as

otherwise provided in this Charter. All such appointments shall be made upon the basis of merit and fitness alone.

(3) To see that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are fully observed, and to report to the Council any violations thereof.

(4) To attend all meetings of the Council unless excused therefrom by three Councilors or by the Mayor.

(5) To act as purchasing agent for all departments of the City. All purchases shall be made in accordance with the Council approved City purchasing policy.

(6) To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk, or employee in any of the departments of City government, except Councilors.

(7) To keep the Council advised to the needs of the City.

(8) To prepare and submit to the budget committee the annual budget estimate and such reports as may be required by that body.

(9) To submit to the Council an annual report of all departments of the City and such other reports as the Council may require.

(10) To prepare or cause to be prepared plans and specification for work coming under his/her supervision which the Council orders, and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

(11) To have control, subject to such Ordinances as may from time to time be adopted, over all public utilities owned or operated by the City.

(12) To have general supervision over all City property and its use by the public or City employees.

(13) To appoint such advisory boards as they may deem desirable to advise on, assist them in their work; but the members of such boards will receive no compensation as such board members.

(14) To perform such other duties as may be required by this Charter or as the Council may require of them.

(15) From time to time, in order to facilitate the prompt, economical, and efficient dispatch of City business, to organize the work of the departments under their control, to assign assistants, deputies, and employees from any office or department of the City government to perform work or service in connection with any other office or department thereof, or to work in more than one said offices or departments thereof; provided, that no such change shall affect the powers or duties of any elective officer to the City.

(16) To serve as the City Recorder and such to be clerk of the Council, keep an accurate record of its proceedings in a book provided for that purpose, and countersign all instruments and writings by this Charter or by the laws of the state or the City.

(d) Seats at Council Meetings. The Manager and such other officers of the City as may be designated by vote of the Council shall be entitled to seats with the Council but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before Council.

(e) Manager Pro Tem. During the absence of the Manager from the City, during their temporary disability to act as Manager, or during the interim when the Council is seeking a Manager, the Council shall appoint a Manager Pro Tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided, however that a Manager Pro Tem shall have no authority to appoint or remove any City officer or employee except with the approval of five members of the Council. The Manager Pro Tem may hold their position for a term of six months with no more than two additional six-month renewals as authorized by four affirmative Council votes.

In case of the absence of the Manager or the Manager Pro Tem from Council meetings, the Council shall appoint a City Recorder Pro Tem.

(f) Appointments and Removals. Neither the City Council nor any of its members nor the Mayor shall directly or indirectly coerce or attempt to coerce the City Manager or any subordinate of the City Manager in the appointment or removal of a City employee whom the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(g) Interference in Administration. The City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately, or coerce or attempt to coerce such a person in any administrative decision.

(h) Election Neutrality. Neither the Manager nor any person in the employ of the City shall take any part in securing, or shall contribute any money toward, the nomination or election of any candidate for municipal office.

(i) Ineligible Persons. No person related to the Manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the City.

Section 6.3. Municipal Judge. The Municipal Judge shall be the judicial officer of the City. They shall hold within the City a court known as the municipal court for the City of Sweet Home, Linn County, Oregon. The court shall be open for the transaction of the judicial business at times specified by the Council. All areas within the City shall be within the territorial jurisdiction of the court. The Municipal Judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by Ordinances of the City. They shall have authority to issue process for the arrest of any person accused of an offense against the Ordinance of the City, to commit any such person to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before them, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by Ordinances or this Charter, all proceedings in the municipal court for the violation of the City Ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section of this Charter, the Council may provide for the transfer of power and duties of the municipal court to the appropriate state court of the State of Oregon.

Section 6.4. Other Officers. The Council shall fix the powers and duties of all appointive offices other than those provided for in this Charter.

CHAPTER VII ORDINANCES

Section 7.1. Enacting Clause. The enacting clause of all Ordinances hereafter passed shall be “The City of Sweet Home does ordain as follows.”

Section 7.2. Introduction, Reading, and Passage. Every Ordinance shall be read in an open Council meeting by title only on two separate days, prior to its final passage; however, an Ordinance may be read by title only twice in the same meeting if the first reading was approved by unanimous vote by those in attendance.

Section 7.3. When Ordinances Take Effect. Each Ordinance passed by the Council shall take effect on the thirtieth day after its passage; provided, that when the Council deems it expedient or in case of emergency, an Ordinance may provide a different time when it shall take effect, or that it shall take effect immediately.

CHAPTER VIII PUBLIC IMPROVEMENTS

Section 8.1. Power of Condemnation and Purchase. The City shall have power to acquire by purchase, gift, devise, or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of (a) protecting, preserving, and facilitating an improvement; or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement; or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the City of Sweet Home shall be determined by the Council and shall be declared by a Resolution which shall describe such property as nearly as may be and stating the use to which it is to be devoted. The City shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use of the construction, reconstruction, repair, operation, or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility and of any other public work or service, by levying and collecting special assessments upon property specially benefited.

Section 8.2. Special Assessment. The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district or area to be assessed; for the making and approval of the plans and specifications; for the notices of property owners and other interested parties; for the hearings, for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, Resolutions, Ordinances, and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state or (b) the provisions of a general Ordinance setting forth such method and procedure, which general Ordinance may be enacted by Council and shall be subject to amendment or repeal.

Section 8.3. Improvements. Street, sewer, sidewalk, and such other improvements as may be deemed necessary by the Council may be made on the motion of the Council or on petition of a majority of the property owners interested. Written protest provided by two-thirds of the front footage of property owners concerned shall operate to defeat such motion or petition and the same may not again be considered by the Council for a period of six months.

Section 8.4. Savings Clause. All Ordinances, Resolutions, policies, procedures, contracts, and regulations heretofore passed by the City, in force when this Charter takes effect, if not inconsistent with it, shall remain in full force after it takes effect and until they are amended or repealed by the Council.

Section 8.5. City to Retain Rights and Be Subject to Liabilities in Existence at Time This Charter Takes Effect. No right vested in the City and no liability which it has incurred under this Charter, prior Charters, and any revisions and amendments thereof and laws of the state shall be impaired or discharged by adoption of this Charter, except as this Charter otherwise provides.

Section 8.6. Limitations on Indebtedness. City indebtedness may not exceed the debt limits imposed by state law. A Charter amendment is not required to authorize City indebtedness.

Section 8.7. Repealing Clause. All Charter provisions adopted before this Charter takes effect are repealed.

Section 8.8. Severability. The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the Charter.