



CITY OF SWEET HOME CHARTER REVIEW COMMITTEE AGENDA

May 06, 2025, 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

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, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 287 339 937 799

Call to Order & Pledge of Allegiance

Roll Call

Approval of Minutes

- a) [2025-04-01 Charter Review Committee Meeting Minutes](#)

Public Comment

New Business

- a) [Chapter I-III Review](#)

Committee Business for the Good of the Order

- a) Meeting Schedule Proposal – First Tuesday at 5:30 PM

Adjournment



CITY OF SWEET HOME CHARTER REVIEW COMMITTEE MINUTES

April 01, 2025, 5:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

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.

Call to Order & Pledge of Allegiance

The meeting was called to order at 5:30 PM.

Roll Call

PRESENT

Chair Josh Thorstad, City Council President Pro Tem
Committee Member Kristin Adams
Committee Member Lisa Gourley
Committee Member Gary Jarvis
Committee Member Jeff Parker
Committee Member Mike Reynolds

ABSENT

Committee Member Mark Woody

STAFF

Jason Ogden, City Manager / Police Chief
Cecily Hope Pretty, Deputy City Manager
Blair Larsen, City Attorney
Adam Leisinger, Special Projects Manager

Public Comment

There was no public comment to be heard.

Welcome from Chair & Member Introductions

The Committee Members and staff members introduced themselves.

No action was required for this item.

Selection of Vice Chair

Committee Member Jarvis volunteered himself as Vice Chair. Committee Member Gourley seconded the nomination. The motion carried by the following vote:

AYE: Thorstad, Adams, Gourley, Jarvis, Parker, Reynolds

NAY: None

ABSENT: Woody

New Business

a) Robert's Rules of Order Overview

City Attorney Larsen provided an overview of Committee procedures and Robert's Rules of Order.

No action was required for this item.

b) Charter Overview & Discussion

Deputy City Manager Pretty recommended that the Committee take time review the Charter prior to discussion. Chair Thorstad stated that each Committee Member had been provided with a list of topics the Mayor directed them to review, including:

- Mayoral role, term, appointment, etc.
- Council members' term of office end date
- Reading of ordinances
- Filling Council vacancies
- Oath of Office
- Management of City Attorney/Municipal Judge
- Quorum definition
- Clarify agenda setting process

Vice Chair Jarvis asked of addressing the question of the Mayoral role and selection due to a pending ballot item for same. Chair Thorstad replied that the Committee would wait until after the May election to address the topic.

Chair Thorstad asked if the Charter could affect Council Rules. City Attorney Larsen stated that the Charter required the Council to adopt rules but the Charter would supersede rules in the event of a conflict. Discussion ensued regarding enforcement of Councilor attendance.

Committee Member Gourley asked of utilizing the League of Oregon Cities (LOC) as a reference. City Attorney Larsen stated that staff could compare the current Charter language with LOC's model charter.

Committee Member suggested breaking the review into portions so the Committee Members could prepare in advance and have comparisons available. She also asked if the Bond amount for the City Manager should be higher and what was typical.

Deputy City Manager Pretty suggested reviewing Chapters I-III at the following Committee meeting.

Committee Member Jarvis stated that he had several comments regarding the structure of the Charter and general "housekeeping."

Deputy City Manager Pretty stated that staff would prepare a report with the current Charter, the LOC model charter, and comments or suggestions regarding the various Charter sections.

Chair Thorstad recommended skipping any sections related to elections until after the May election.

Committee Member Reynolds asked of proposed Charter changes on the May ballot. Deputy City Manager Pretty stated that the current ballot measure only affected Chapter II, Section 3 and recommended skipping that section in the next Committee meeting.

Deputy City Manager Pretty asked of scheduling the following meeting. There was consensus to meet on May 6, 2025 at 5:30 PM.

Adjournment

There being no further discussion, the meeting was adjourned at 6:11 PM.

ATTEST:

Chair

City Manager – Ex Officio City Recorder

Chapter	Section	Current Text	LOC Model Charter	Halsey Charter	Lebanon Charter	Brownsville Charter	Albany Charter
I Name, Boundaries, Powers and General Provisions	1. Name and Boundaries.	<p>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.</p> <p>The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.</p>	<p><u>Section 1.1. Titles.</u> This charter may be referred to as the 20__ (municipality) Charter.</p> <p><u>Section 1.2. Names.</u> The City of _____, Oregon, continues as a municipal corporation with the name City of _____.</p> <p><u>Section 1.3. Boundaries.</u> The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.</p>	<p>Section 1.1 Title of Enactment. This enactment may be referred to as the 1996 Halsey Charter.</p> <p>Section 1.2 Name of City. The city of Halsey, Linn County, Oregon, shall continue to be a municipal corporation with the name "City of Halsey."</p> <p>Section 1.3 Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.</p>	<p>Section 1. Title of Enactment. This enactment may be referred to as the City of Lebanon Charter of 2004.</p> <p>Section 2. Name of City. The Municipality of Lebanon, Linn County, State of Oregon, shall continue to be a municipal corporation with the name City of Lebanon.</p> <p>Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Council, or by any other agency with legal power to modify them. The Recorder shall keep at City Hall at least two certified copies of this Charter in each of which he/she shall maintain an accurate, up-to-date map designating the boundaries of the city.</p>	<p>Section 1. Title. This revision of the Brownsville Charter of 1952 may be referred to as "the Brownsville Charter of 1981."</p> <p>Section 2. Name of City. The City of Brownsville, Linn County, Oregon, continues under this Charter to be a municipal corporation, with the name "City of Brownsville."</p> <p>Section 3. Boundaries. The City includes all territory encompassed by its boundaries as they exist when this revision of the Charter is adopted or as they are subsequently modified in accordance with state law. The repository of city records shall include at least two copies of this Charter, each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours.</p>	<p>Section 1 Title of Enactment. This enactment may be referred to as the Albany Charter of 1956. (Ord. 5741, 6-23-2010)</p> <p>Section 2 Name of City. The City of Albany, Linn and Benton Counties, Oregon, shall continue to be a municipal corporation with the name "City of Albany." (Ord. 5741, 6-23-2010)</p> <p>Section 3 Boundaries. (on file in the Office of the City Recorder per footnote)</p>
I Name, Boundaries, Powers and General Provisions	2. Powers of the City.	<p>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.</p> <p>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.</p>	<p><u>Section 2.1. Powers.</u> The city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.</p> <p><u>Section 2.2. Construction.</u> The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United State and Oregon law. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. This Charter's interpretation shall be examined in its entirety.</p> <p><u>Section 2.3 Distribution.</u> The Oregon Construction reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative, and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.</p>	<p>Section 2.1 Powers of the City. The city shall have all powers within the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated those powers.</p> <p>Section 2.2 Construction of Powers. In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates to the contrary.</p> <p>Section 2.3 Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.</p>	<p>Section 4. Powers of the City. The City shall have all powers which the Constitutions, statutes, and common law of the United States of America and of the State of Oregon expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.</p> <p>Section 5. Construction of Charter. In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws or the municipal home rule provisions of the state constitution.</p>	<p>Section 4. Powers of the City. The city has all powers which the constitution, statutes, or common law of the United States or of this state expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.</p> <p>Section 5. Construction of Powers. In this Charter, no mention of a particular power is exclusive or restricts the scope of the powers which the city would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the city have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws or the municipal home rule provisions of the state constitution.</p>	<p>Section 4 Powers of the City. The City shall have all powers which the constitution, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of these powers. (Ord. 5741, 6-23-2010)</p> <p>Section 5 Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state law and to the municipal home rule provisions of the state constitution. (Ord. 5741, 6-23-2010)</p>
II Form of Government	3. Council and Mayor.	<p>Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large. At each biennial general election, four councilors shall be elected. The three receiving the highest number of votes shall each hold office for four years, and the one receiving the number of votes next to the three highest shall hold office for two years. Tie votes shall be determined by lot.</p> <p>At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.</p> <p>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.</p>	<p><u>Section 3.1. General Powers and Duties.</u> All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.</p> <p><u>Section 3.2. Council.</u> The council consists of a mayor and six councilors nominated and elected from the city at large.</p> <p><u>Section 3.5. Rules.</u> The council must by resolution adopt rules to govern its meetings.</p> <p><u>Section 3.6. Meetings.</u> The council must meet at least once a month at a time and place designated by its rules and may meet at other times in accordance with the rules and laws of the state of Oregon.</p>	<p>Section 3.1 Council. The council consists of six councilors elected from the city at large. In case of one of more vacancies in the council, the council consists of members whose offices are not vacant.</p> <p>Section 3.2 Councilors. The term of office of a councilor in office when this charter is adopted in the term of office for which the councilor: 3.2.1 has been elected or appointed before adoption of the charter; or 3.2.2 is elected or appointed after the adoption of this Charter.</p> <p>At each general election after the adoption of the Charter, three councilors shall be elected, each for a four-year term.</p> <p>Section 3.3 Mayor. The term of office of the mayor in office when this charter is adopted continues through 1996. At the general election that year, and at each subsequent general election, a mayor shall be elected for a two-year term.</p>	<p>Section 6. Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.</p> <p>Section 7. Council. The Council shall be composed of a Mayor elected from the City at large, and six Councilors nominated and elected by precinct.</p> <p>Section 8. Members of the City Council. The Mayor and Councilors in office at the time this Charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election after this Charter takes effect, three Councilors shall be elected, each for a term of four years.</p> <p>Section 9. Mayor. At each biennial general election a Mayor shall be elected for a term of two years.</p> <p>Section 28. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots.</p>	<p>Section 6. Where Powers Vested. Except as this Charter provides otherwise, all powers of the city are vested in the council.</p> <p>Section 7. Council. The council is composed of a mayor and six councilors elected from the city at large.</p> <p>Section 8. Councilors. The councilors shall be elected for four years. Three councilors shall be elected at each biennial general election. Each councilor shall hold office until his or her successor is elected and qualified.</p> <p>Section 9. Mayor. The mayor shall be elected for four years and shall hold office until his or her successor is elected and qualified.</p> <p>Section 24. Votes. The person receiving the greatest number of the votes cast for any of the candidates for the office of mayor at the election at which the office is filled is elected to the office of mayor. The three persons receiving the greatest number of votes cast for any of the candidates for the office of councilor at the election at which the office is filled are elected to the office of councilor. In the event of a tie vote, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.</p>	<p>Section 6 Where Powers Vested. Except as this charter provides otherwise, all powers of the City shall be vested in the council. (Ord. 5741, 6-23-2010)</p> <p>Section 7 Council. The council shall be composed of a mayor and six (6) councilors. The mayor shall be elected from the City at large. The councilors shall be elected two (2) from each ward. The City shall be divided into three (3) wards bounded and designated by ordinance. (Ord. 5741, 6-23-2010)</p> <p>Section 8 Councilors. The councilor receiving the highest number of votes in each ward at the election at which this charter is adopted shall serve for four (4) years. The councilor receiving the next highest number of votes in each ward shall hold office for two (2) years. At each subsequent biennial general election, one councilor shall be elected from each ward for a term of four (4) years. (Ord. 5741, 6-23-2010)</p> <p>Section 9 Mayor. At each biennial general election, a mayor shall be elected for a term of two (2) years. (Ord. 5741, 6-23-2010)</p> <p>Section 30 Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council. (Ord. 5741, 6-23-2010)</p>
			<p>Section 3.9. Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.</p> <p>Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.</p> <p>Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p>				
II Form of Government	4. City Attorney (*), Manager and Municipal Judge.	<p>The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who shall hold office subject to the discretion of the council and may be removed by the council with or without cause.</p>	<p><u>Section 8.1. City Manager.</u></p> <p>a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies and carry out policies established by ordinances and resolutions.</p> <p>b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.</p> <p>c) The manager need not reside in the city.</p> <p>d) The manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.</p> <p>***NOTE TO COMMITTEE: There are many additional City Manager provisions in the Model Charter, but the majority of what is comparable is addressed under our current Chapter VI Section 20.</p> <p><u>Section 8.2. City Attorney.</u> The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.</p>	<p>Section 5.2 Municipal Judge. The council may appoint a municipal judge who shall be the judicial officer of the city, who shall hold, at a place and times that the council specifies, a court known as the Municipal Court for the city of Halsey, Linn County, Oregon.</p>	<p>Section 10. Other Officers. Additional officers of the City shall be a City Recorder, a City Attorney, a City Administrator, and in the discretion of the Council, a Municipal Judge and whatever other officers the Council deems necessary. The Municipal Judge, the City Attorney, and the City Administrator shall be appointed by the Council and be responsible to it and the other additional officers shall be appointed by the City Administrator and be responsible to him/her. The Council, as needs dictate, may appoint one or more pro tem Municipal Judges to serve such term as the Council provides.</p>	<p>Section 19. Judges, Powers, Procedure.</p> <p>1. The city council may appoint a municipal judge for a term and at a salary it specifies. Once appointed, a municipal judge may not be removed from office prior to the expiration of the term set by the council except, after hearing, for incompetency, corruption, malfeasance or delinquency in offices or other sufficient cause stated by ordinance. The municipal judge shall hold court within the city and shall transact judicial business at times specified by the council. All areas within the city are to be within the territorial jurisdiction of the court.</p> <p>2. The municipal judge shall exercise jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to enforce forfeitures or penalties defined or authorized by ordinances of the city. The municipal judge has the authority and jurisdiction of a justice of the peace for the County of Linn within the limits of the City of Brownsville in both civil and criminal matters, and, when exercising such jurisdiction or any authority shall be subject to all the general laws of the state preserving the duties of a justice of the peace and the mode of performing the same and shall receive the same compensation therefor. The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to imprisonment or admit the person to bail pending trial, to issue subpoenas to compel witnesses to appear and testify on the trial of any cause before the court, to enforce obedience to the subpoenas, to issue process necessary to carry into effect the judgement of the court, and to punish witnesses and others for contempt of court.</p>	<p>Section 10 Manager and Municipal Judge. The offices of city manager and municipal judge are hereby created. The council shall fill each of these offices by appointment. (Ord. 5741, 6-23-2010)</p>

						<p>3. When not governed by ordinances or this Charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.</p> <p>4. Notwithstanding any other provision of this Charter, the council may provide for the transfer of the powers and duties of the municipal court to the appropriate district or justice of the peace court of the State of Oregon.</p> <p>Section 20. City Administrator.</p> <p>1. City Administrator.</p> <p>A. The City Council may appoint a City Administrator and fix his or her compensation and conditions of employment.</p>	
						<p>B. If the office of the City Administrator becomes vacant, the mayor may appoint a city administrator pro tem. The pro tem administrator shall have all the functions of the city administrator. The term of office of a pro tem administrator ends when a city administrator takes office.</p> <p>C. The city administrator shall be the administrative head of the city and shall be chosen without political consideration and solely on the basis of executive and administrative qualifications.</p> <p>D. The city administrator and such other officers as the council designates may sit with the council but have no vote therein. The city administrator may take part in the discussion of all matters coming before the council.</p> <p>Section 21. Duties of City Administrator.</p> <p>4. The city administrator may be removed by the council with or without cause at any time.</p>	
II Form of Government	5. Other City Officers and Employees.	The city manager shall appoint a treasurer, 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.	<p>Section 8.1. <u>City Manager.</u></p> <p>F) The manager must:</p> <p>4) Appoint, supervise, and remove city employees;</p> <p>5) Organize city departments and administrative structure;...</p>	Section 3.5 Appointive Offices. By an ordinance approved by four councilors, the council may create, modify, abolish, and combine appointive city offices, except that the office of City Recorder and Municipal Judge may not be combined or held by the same person.	<p>Section 10. Other Officers.</p> <p>Additional officers of the City shall be a City Recorder, a City Attorney, a City Administrator, and in the discretion of the Council, a Municipal Judge and whatever other officers the Council deems necessary. The Municipal Judge, the City Attorney, and the City Administrator shall be appointed by the Council and be responsible to it and the other additional officers shall be appointed by the City Administrator and be responsible to him/her. The Council, as needs dictate, may appoint one or more pro tem Municipal Judges to serve such term as the Council provides.</p>	<p>Section 10. Other Officers.</p> <p>Additional officers of the city may be appointed and removed by the council as it deems necessary.</p>	<p>Section 11 Other Officers and Employees.</p> <p>The title of appointive officers of the City of Albany shall be as designated by the council. Any requirement that an appointive officer shall fill two (2) or more appointive offices may be effected only by the council. (Ord. 5741, 6-23-2010; amended by vote of the electors November 8, 1966.)</p>
II Form of Government	6. Salaries.	The council shall fix the compensation of all city officers and employees.	Section 9.1. <u>Compensation.</u> The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.	Section 3.6 Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council and shall be in accordance with state wage laws.	<p>Section 11. Salaries.</p> <p>The compensation for the services of each City officer and employee classification shall fall within the salary range fixed by the Council for that particular position.</p> <p>Section 20. Mayor.</p> <p>The Mayor shall appoint those committee members provided by City ordinance or the rules of the Council. He/she shall sign all approved records of the proceedings of the Council. He/she shall have no veto power and shall sign all ordinances passed by the Council. <u>After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.</u></p> <p>Section 21. City Administrator.</p> <p>The following provisions shall apply to the office of the City Administrator:</p> <p>(a) <u>Qualifications.</u> The City Administrator shall be the administrative head of the government of the City. He/she shall be chosen by the Council without regard to political considerations and solely with reference to his/her executive and administrative qualifications. He/she need not be a resident of the City or of the State at the time of his/her appointment but within six months thereafter, unless said requirement is modified by the City Council, shall become and during his/her tenure remain a resident of the city. <u>Before taking office, he/she shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City.</u></p>	<p>Section 11. Salaries.</p> <p>The compensation of councilors, the mayor, other officers and employees shall be fixed by the council. However, no increase in the compensation of councilors or the mayor shall take effect until the first day of the odd-numbered year following the first biennial general election after the increase is ordered.</p>	<p>Section 12 Salaries.</p> <p>The compensation for the services of each city officer and employees shall be the amount fixed by the council. (Ord. 5741, 6-23-2010)</p>
II Form of Government	7. Bonds of Officers, Employees and Contractor.	If ordinances require, every person appointed to an office or place of public employment in the city or entering into a contact with the city shall give the city a bond for the faithful performance of his/her duties. Nothing in this section, however, shall detract from the effect of Section 20.	N/A	N/A		N/A	N/A
III Elections	8. Regulations 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 may be nominated for the council or for mayor.	<p>Section 7.3. <u>State Law.</u> City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.</p> <p>Section 7.4. <u>Qualifications.</u></p> <p>a) The mayor and each councilor must be a qualified elector under state law and reside within the city for at least one year immediately before election or appointment to office.</p> <p>b) No person may be a candidate at a single election for more than one city office.</p> <p>c) Neither the mayor nor a councilor may be employed by the city.</p> <p>d) The council is the final judge of the election and qualifications of its members.</p> <p>Section 7.5. <u>Nominations.</u> The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.</p>	<p>Section 3.7 Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his or her election the person is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be the final judge of the qualification of its own members, subject, however, to review by a court of competent jurisdiction.</p> <p>Section 6.1 State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.</p> <p>Section 6.2 Nominations. Any qualified elector may be qualified to be a candidate for elective office if the elector has resided in the city for 12 months immediately preceding the election to office. The name of such an elector shall be printed on the ballot whenever a written acceptance of nomination and a fee or a nominating petition as prescribed by general ordinance is timely filed with the city in advance of the election. If a nomination petition is used it shall be signed by not fewer than 10 nor more than 20 electors. The nomination petition for a successful candidate for election shall be preserved by the custodian of city records until the expiration of the term of office for which the candidate is elected.</p>	<p>Section 12. Qualifications of Elected Officers.</p> <p>No person shall be eligible for an elective office of the City unless at the time of that person's election or appointment that person is a qualified elector within the meaning of the Constitution of the State of Oregon; has resided in the City continuously during the six months immediately preceding the election or appointment. No person who is an employee of the City of Lebanon, nor is a spouse or immediate family member of a city staff member or seated elected officer, shall be eligible to serve as a member of the City Council. The Council shall be final judge of the qualifications and election of its own members subject, however, to review by a Court of competent jurisdiction.</p> <p>Section 24. Regular Elections.</p> <p>Regular City elections shall be held at the same times and places as biennial general State of Oregon elections, and shall be conducted in accordance with applicable State of Oregon election laws.</p> <p>Section 26. Regulation of Elections.</p> <p>The general laws of the State of Oregon shall apply to the conduct of all City elections, recounts of the returns therefrom, and contest thereof, except in those cases where the Council has the power to provide otherwise either through this Charter or by ordinance, and has so exercised this power either in the Charter or by ordinance.</p>	<p>Section 12. Qualifications of Officers.</p> <p>No person is eligible for an elective office of this city unless at the time of the officer's election, the officer is a qualified elector within the meaning of the state constitution, is a resident of the city, and has been a resident of the city during the 12 months immediately preceding the election. No person shall hold an elective office of the city if the person is an employee of the city. The council is the final judge of the qualifications and election of its own members.</p> <p>Section 22. Notice.</p> <p>The officer in charge of city elections shall give 10 days public notice of each city election. The notice shall state the officers to be elected, the measures to be submitted at the election, and the time and place for the election.</p> <p>Section 23. Regulation of Elections.</p> <p>Except as this Charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general laws of the state shall apply to all nominations for an elective city office, the conduct of city elections, recounts of the returns therefrom and contests therefore.</p>	<p>Section 13 Qualifications of Officers.</p> <p>No person shall be eligible for an elective office of the City unless at the time of election the person is a qualified elector within the meaning of the state constitution and has resided within the city limits during the twelve (12) months immediately preceding the election, and in the ward the person represents for a period of ninety (90) days. The council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction. (Ord. 5741, 6-23-2010)</p> <p>Section 25 Regular Elections.</p> <p>Regular City elections shall be held at the same times and places as the biennial general state elections in accordance with applicable state election laws. (Ord. 5741, 6-23-2010)</p> <p>Section 26 Notice of Regular Elections.</p> <p>The City Clerk, pursuant to directions from the council, shall give at least ten (10) days notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall and by publication in a newspaper of general circulation published in the City. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election. (Ord. 5741, 6-23-2010)</p>

					<p>In all elections, the State of Oregon laws governing the canvassing, filing and certification of returns shall apply. The results of each election including a statement of the total number of votes cast, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved shall be recorded in the journal of the proceedings of the Council not later than 45 days after all regular or special election.</p> <p>Section 31. Nominations. Any person qualified, as provided in Section 12, hereof, may be nominated for an elective City position. The nominating procedure shall be in accordance with applicable State of Oregon election laws and, except for Mayor, shall be by precinct of residency as hereinafter set forth and said precincts, which will be three in number, are defined and designated in area as follows: Pioneer Precinct (Ward #2), which will include all of that area within the City limits which lies more or less northerly of Oak Street to the northernmost boundary of the city limits, except for that portion that lies southerly of Sherman Street and east of Main Street. The Santiam Precinct (Ward #3), which will include all of that area within the City limits, which lies more or less easterly of Main Street and southerly of Sherman Street to the southern and easternmost boundaries of the City limits. Oak Creek Precinct (Ward #1), which will include all of that area within the City limits, which lies more or less southerly of Oak Street and more or less westerly of Main Street to the southerly and westerly boundaries of the city limits. The City Council may, by ordinance, adjust the boundaries of these precincts to provide a reasonable equity of population.</p>	<p>Section 28 Regulation of Elections. Except as this charter provided otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all City elections, recounts of the returns therefrom and contests thereof. (Ord. 5741, 6-23-2010)</p> <p>Section 29 Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special City election the returns therefrom shall be filed with the City Clerk on or before noon of the day following and not later than five (5) days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. It shall contain a statement of the total number of votes cast at each election, the votes cast for each person elected to office, the office to which each has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the City Clerk shall make and sign a certificate of election of each person elected and deliver the certificate to him within one (1) day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it. (Ord. 5741, 6-23-2010)</p>
					<p>Voters, duly registered and residing within the City limits of Lebanon, shall be allowed to vote at large for Mayor. Those voters shall be allowed to vote by precinct of residence for those nominated to represent that precinct.</p> <p>Section 32. Election of Nominees. The mayoral candidate with the most votes shall win the position of mayor. The candidate in each precinct with the most votes shall win a position on the City Council. In the event that there are no candidates from a precinct, the vacancy shall be filled upon the seating of the members elected in a regular or special election and in accordance with Section 34.</p>	
III Elections	9. 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.	N/A	N/A	<p>Section 25. Special Elections. Special elections shall be held as provided by the Council and shall be conducted in accordance with applicable State of Oregon election laws.</p>	<p>Section 27 Special Elections. The council shall provide the time, manner and means for holding any special election. The City Clerk shall give at least ten (10) days notice of each special election in the manner provided by the action of the council ordering the election. Notice of such election to be given in the same manner as a regular election. (Ord. 5741, 6-23-2010)</p>
III Elections	10. 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 Monday of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon his/her office immediately.	<p>Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.</p> <p>Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p>	<p>Section 3.4 Term of Office. The term of an elective officer who is elected at a general election begins at the first council meeting of the calendar year immediately after the election and continues until the successor to the office assumes the office.</p>	<p>Section 29. Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence at the first City Council meeting after the first of the calendar year immediately following the election. Until such time as the Mayor-elect or Councilor-elect is sworn into office, the incumbent Mayor or Councilor shall continue in office.</p>	<p>Section 27. Terms. The term of office of a person elected at a regular city election commences on the first Monday in January following the election.</p> <p>Section 31 Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence the first day of the year immediately following the election. (Ord. 5741, 6-23-2010)</p>
III Elections	11. Oath of Office.	Each officer, before entering upon the duties of his/her office, shall take an oath that he/she will support the constitution and laws of the United States and the state, and that he/she will faithfully perform the duties of his/her office.	<p>Section 7.7. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.</p>	<p>Section 6.3 Oath of Office. Before assuming city office, an officer shall take an oath of office or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and the State of Oregon.</p>	<p>Section 30. Oath of Office. Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the Constitutions and laws of the United States of America and of the State of Oregon and will faithfully perform the duties of his/her office.</p>	<p>Section 26. Oath or Affirmation of Office. Before entering upon the duties of their offices, all elected officers, the city administrator, municipal judge and all department heads shall take an oath or shall affirm as follows: "I, _____, do solemnly swear that I will support the constitution and laws of the United States and of Oregon, that I will, to the best of my ability, faithfully perform the duties of _____ during my continuance therein, so help me God." If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."</p> <p>Section 32 Oath of Office. Before entering upon the duties of the office, each officer shall take an oath or shall affirm support of the constitutions and laws of the United States and of Oregon and shall commit to faithfully perform the duties of the office. (Ord. 5741, 6-23-2010)</p>

Name	Population	Form of Government	Last Revision
Sweet Home	10,206	Manager/Council	2015
Halsey	951	Manager/Council (Manager is not by Charter)	1996
Lebanon	19,726	Manager/Council	2004
Brownsville	1,849	Manager/Council	1981
Albany	57,053	Manager/Council	2010

Chapter	Section	Current Text	Staff Comments	Comment 1
I Name, Boundaries, Powers and General Provisions	1. Name and Boundaries.	<p>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.</p> <p>The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.</p>		
I Name, Boundaries, Powers and General Provisions	2. Powers of the City.	<p>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, statues (*) and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this charter.</p> <p>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.</p>	Just need to fix the typo--statues do not grant powers, but statutes might.	

Chapter	Section	Current Text	Staff Comments	Comment 1
II Form of Government	3. Council and Mayor.	<p>Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large. At each biennial general election, four councilors shall be elected. The three receiving the highest number of votes shall each hold office for four years, and the one receiving the number of votes next to the three highest shall hold office for two years. Tie votes shall be determined by lot.</p> <p>At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.</p> <p>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.</p>	This section is currently pending a potential change through a Charter amendment election to be held 5/20/2025.	<p>At each biennial general election, four three councilors shall be elected.</p> <p>Can a sitting Council member with two years left in their term run for Mayor and upon losing the Mayor vote, retain their Council seat for the remaining two years?</p> <p>If a Council member with two remaining years on their term wins the Mayor seat, will the vacant Council seat be filled by appointment by the new Council? Or filled by the highest vote getter that did not finish in the top three? What if only three candidates ran for the three Council seats up for election?</p>
II Form of Government	4. <i>City Attorney</i> , Manager and Municipal Judge.	The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who shall hold office subject to the discretion of the council and may be removed by the council with or without cause.	The formatting of <i>City Attorney</i> in italics should be made consistent.	The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who each of whom shall hold office subject to the discretion of the council and may be removed by the council with or without cause.
II Form of Government	5. Other City Officers and Employees.	The city manager shall appoint a treasurer, 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.		Does Sweet Home have a treasurer?
II Form of Government	6. Salaries.	The council shall fix the compensation of all city officers and employees.		Staff response: Yes, the Finance Director fills the role of Treasurer.
II Form of Government	7. Bonds of Officers, Employees and Contractor.	If ordinances require, every person appointed to an office or place of public employment in the city or entering into a contract with the city shall give the city a bond for the faithful performance of his/her duties. Nothing in this section, however, shall detract from the effect of Section 20.		

Chapter	Section	Current Text	Staff Comments	Comment 1
III Elections	8. Regulations 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 may be nominated for the council or for mayor.		
III Elections	9. 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.		
III Elections	10. 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 Monday of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon his/her office immediately.	Staff recommends realigning this to coincide with the final Council meeting of the ending terms of outgoing councilors to ensure continuity and accountability in attending potential emergency meetings, or at least to the first of the year.	Chapter 3 Section 10 and Chapter 4 Section 13 are contradictory in nature, and the latter nullifies the former language (section 10 providing for an election to fill vacancy, and section 13 dictating that vacancies are filled by appointment)... This provision (Section 13) would seem to invalidate City Council Rule 18 which provides for election or appointment. Some housekeeping seems to be in order here. Staff Note: The Charter will supersede Council Rules and the Rules are outside the purview of the committee, so committee discussion should be limited to resolving the potential conflict within the Charter. So noted for future rules discussions though!
III Elections	11. Oath of Office.	Each officer, before entering upon the duties of his/her office, shall take an oath that he/she will support the constitution and laws of the United States and the state, and that he/she will faithfully perform the duties of his/her office.		

CITY OF SWEET HOME SWEET HOME, OREGON

CHARTER



Completely Revised January 2015

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. 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 will maintain as a public record an accurate and current description of the boundaries.

Section 2. 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 3. Council and Mayor. Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large.

At each biennial general election, four councilors shall be elected. The three receiving the highest number of votes shall each hold office for four years, and the one receiving the number of votes next to the three highest shall hold office for two years. Tie votes shall be determined by lot.

At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.

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 4. City Attorney, Manager and Municipal Judge. The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who shall hold office subject to the discretion of the council and may be removed by the council with or without cause.

Section 5. Other City Officers and Employees. The city manager shall appoint a treasurer, 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 6. Salaries. The council shall fix the compensation of all city officers and employees.

Section 7. Bonds of Officers, Employees and Contractors. If ordinances require, every person appointed to an office or place of public employment in the city or entering into a contract with the city shall give the city a bond for the faithful performance of his/her duties. Nothing in this section, however, shall detract from the effect of Section 20.

CHAPTER III ELECTIONS

Section 8. 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 may be nominated for the council or for mayor.

Section 9. 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 10. 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 Monday of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon his/her office immediately.

Section 11. Oath of Office. Each officer, before entering upon the duties of his/her office, shall take an oath that he/she will support the constitution and laws of the United States and the state, and that he/she will faithfully perform the duties of his/her office.

CHAPTER IV VACANCIES

Section 12. Vacancies in Office Generally. An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in case of the mayor, manager, municipal judge or councilor, or without the consent of the manager in case of officers appointed by the manager; upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefore on or before the day of his/her term of office commences; and in case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council.

Section 13. Manner in Which Vacancies Shall Be Filled. Vacancies in office filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his/her successor is chosen and qualified. Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 24 hours after his/her appointment qualify for office, and unless he/she does so, the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his/her office may be filled temporarily in the manner provided for filling vacancies in office.

CHAPTER V THE COUNCIL

Section 14. 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 his/her 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 15. 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.

Section 16. Mayor's Duties at Council Meetings. The Mayor shall be chairperson of the council and shall preside over its deliberations. He/she shall have authority to preserve order, enforce the rules of council and determine the order of business, subject to the rules of the council. He/she may vote as a councilor.

Section 17. President Pro Tem. At its first meeting in the new term after each biennial election, the council shall elect from its membership, a president pro tem for a term of two years. The president pro tem shall perform the duties of the mayor in the absence of the mayor.

Section 18. Vote Required. The concurrence of a majority of a quorum shall be required to determine any matter before the council except as provided otherwise in this charter.

CHAPTER VI

POWERS AND DUTIES OF THE CITY OFFICERS

Section 19. 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. He/she shall sign all ordinances passed by the council within three days after their passage. He/she 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 president pro tem of the council. All orders on the city treasurer shall be signed by two of the three following named city officers, being the mayor, the city manager and the city treasurer.

Section 20. Manager.

(a) Qualifications. The manager shall be the administrative head of the city government. He/she shall be chosen by the council without regard to political consideration and solely with reference to his/her executive and administrative qualifications. Before entering upon his/her duties, the manager shall file with the mayor an official bond for faithful performance thereof, payable to the city in the sum of \$10,000, 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 he/she may deem desirable to advise on, assist him/her in his/her 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 him/her.

(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 his/her 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 his/her 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. No manager pro tem shall hold his/her position for more than six months. No appointment of a manager pro tem shall be consecutively renewed.

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) Interference in Administration. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of council, may be removed therefrom by the council or by any court of competent jurisdiction; provided, however, that nothing herein contained shall be construed as prohibiting the council, while in open session, discussing with or suggesting to the manager, fully and freely, anything pertaining to city affairs and for the best interest of the city. 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 the municipal office.

(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 21. Municipal Judge. The municipal judge shall be the judicial officer of the city. He/she 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. He/she 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 him/her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trail of any cause before him/her, 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 22. 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 23. Enacting Clause. The enacting clause of all ordinances hereafter passed shall be "The City of Sweet Home does ordain as follows."

Section 24. Introduction, Reading and Passage. Every ordinance shall be fully and distinctly read in open council meeting on one day and shall be read by title only on two different days previous to being put upon its final passage provided that the council may have the ordinance fully and distinctly read at any reading thereof; provided, however, that any ordinance may be introduced and read the first time at any meeting and may upon a unanimous vote of all the members of council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day.

Section 25. When Ordinances Take Effect and Publication Thereof. 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. All ordinances shall be posted for 10 days after passage in three or more conspicuous places in the city.

CHAPTER VIII PUBLIC IMPROVEMENTS

Section 26. 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 27. 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 28. 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. Remonstrance of two-thirds of the front footage of property owners concerned shall operate to defeat such motion of petition and the same may not again be considered by the council for a period of six months.

Section 29. 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 30. 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 31. 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 32. Repealing Clause. All charter provisions adopted before this charter takes effect are repealed.

Section 33. 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.

MODEL

CITY HALL



Model Charter for Oregon Cities

SEVENTH EDITION
JANUARY 2018

Last reviewed by LOC attorneys November 2023

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FOREWORD

This is the 8th edition of the Model Charter for Oregon Cities. It is the second published by the League of Oregon Cities. Previous versions were published by the Bureau of Governmental Research and Service at the University of Oregon.¹

The purpose of the Model Charter is to serve as a guide for charter drafting by city officials and citizens by providing a foundation for meeting different needs and policy choices about city government structure. It is not intended for submission to community voters without discussion. Each city that undertakes charter revision or the preparation of a new charter must consider provisions and procedures that best serve its unique community.

This 2018 version contains several minor changes from the 6th edition of 2004. The format continues as one document. All models prior to 1988 had two separate versions: one for the mayor-council form of government and one for the council-manager form of government. Language for the council-manager form is now presented in the text. Except for the city manager Section 8.1, this model is useful for cities without a city manager. Alternative mayor-council language is included in the footnotes. Additionally, the National Civic League (NCL) Model City Charter, Ninth Edition (2021), provides for options for mayor-council cities in Appendix 1.

Updates made to this Model in November 2023 were made in consultation with the NCL Model City Charter, Ninth Edition (2021).² The new Model published by the NCL focused on structuring the Model Charter to reflect social equity and expanding civic engagement and, although not included herein, does offer an additional section regarding roles of public engagement that could be included or incorporated.

¹ The first Oregon Model Charter was published in 1947. Revisions were published in 1951, 1959, 1967, 1988, and 2004.

² <https://www.nationalcivicleague.org/wp-content/uploads/2021/12/Model-City-Charter—9th-Edition.pdf>.

PREAMBLE

We, the voters of _____, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state and enact this Home Rule Charter.³

Section I NAMES AND BOUNDARIES

Section 1.1. Titles. This charter may be referred to as the 20____ Charter.⁴

Section 1.2. Names. The City of _____, Oregon, continues⁵ as a municipal corporation with the name City of _____.⁶

Section 1.3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Section II POWERS

Section 2.1. Powers. The city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant⁷ or allow⁸ the city, as fully as though this charter specifically enumerated each of those powers.⁹

Section 2.2. Construction. The charter will be liberally construed¹⁰ so that the city may exercise fully all powers possible under this charter and under United States and Oregon law. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention

³ This uses the “voters” language of Article XI, Section 2 of the Oregon Constitution and makes clear the intent to use all the home rule power.

⁴ Insert the year the charter is adopted and the city name. For convenience, this may be used as the charter’s short title.

⁵ The continuity of a city’s existence is not broken by the adoption of a new charter.

⁶ If this section changes the name of the city, it may read: “The municipal corporation previously known as the City of _____ continues under this charter as a municipal corporation with the name ‘City of _____.’”

⁷ The city home rule amendments to the Oregon Constitution reserve powers to city voters. Oregon Constitution, Article XI, Section 2 (1906, 1910). The Oregon Supreme Court has said that the amendments are a “continuous offer” of “all powers properly belonging to municipal government.” *Robertson v. City of Portland*, 77 Or 121, 127 (1915). The offer is conditional. City voters may accept the offer by adopting charter terms. This general grant of power accepts the offer completely.

⁸ The US Constitution does not mention cities, but does not restrict city actions. The Oregon Constitution imposes some restrictions, but also authorizes city actions. Federal and state statutes impose many requirements and restrictions on cities, but still authorize or allow them a wide range of action. “Allow” in this section is intended to provide a basis for city authority to act even though the city cannot identify clear statutory authority for the city action. It assumes the authority is municipal in nature and not prohibited by federal or state law.

⁹ Appendix A discusses the legal basis for general grants of authority.

¹⁰ This requirement that the charter be liberally construed is intended to negate the effect of a rule of strict construction of city charters known as Dillon’s Rule.

of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.¹¹ This Charter's interpretation shall be examined in its entirety.

Section 2.3. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters.¹² This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative, and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.¹³

Section III CITY COUNCIL

Section 3.1. General Powers and Duties. All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.¹⁴

Section 3.2. Council. The council consists of a mayor¹⁵ and six councilors¹⁶ nominated and elected from the city at large.¹⁷

Section 3.3. Mayor. The mayor presides over and facilitates council meetings, preserves order,

¹¹ This clause encourages courts to interpret the powers of the city as broadly as possible and discourages restrictive interpretations of general powers statement in § 2.1. If the charter enumerates powers, this section may prevent courts from interpreting the list of specific powers as evidencing intent to exclude other or broader powers.

¹² Oregon Constitution, Article IV, Section 1, Subsection (5).

¹³ While part of federal and state government structures, separation of powers is rarely found in cities. The council has powers analogous to those of the three branches of the federal government and the three departments of the Oregon government. The context, substance and form of council decisions determine the nature of the power exercised. Only the council may adopt ordinances and exercise its legislative authority. Only its legislative authority is subject to voter initiative and referendum. The council may, by ordinance, delegate its administrative and quasi-judicial authority.

¹⁴ An enumeration of specific powers in this article will not enlarge the powers of the council and may operate to diminish them if utilized by the courts in a restrictive interpretation.

¹⁵ Although some charters provide that the mayor is not a member of the council, this model recommends that the council include the mayor as a member. This means that the mayor participates in and votes on matters before the council as do other council members. Section 3.2 states that the mayor is a voting member of the council. If the mayor is not to have a council vote, then section 3.1 should state that the council consists of a specified number of councilors elected from the city at large.

¹⁶ Some Oregon cities have five-member councils. If the council is to have five members, "six" needs to be changed to "four." A city may want a larger council of nine members or more. If so, "six" needs to be changed accordingly. NCL Model Charter suggests council composition to range from five to nine members, with larger cities contemplating additional members to assure equitable representation. Cities with significant differences in/conflicts among ethnic, racial, or economic groups should consider which equitable representation of city's population to promote sound governance and avoid legal challenges under the Federal Voting Rights Act.

¹⁷ Most Oregon cities nominate and elect councilors at large. Some nominate and elect councilors by district or ward. A third option is to nominate by district and elect at large. If there are districts, then the district boundaries must be specified. The most efficient way of doing this is by ordinance. For that purpose, this section could read: "The council consists of a mayor nominated and elected at large, and six councilors nominated and elected by districts with the boundaries fixed by ordinance." District boundaries must be periodically adjusted to meet equal protection requirements. Most charters that provide for election of councilors by district also require as a qualification that each councilor reside in the district the councilor represents and continue to so reside for the term of office.

enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.¹⁸

- a) With the consent of the council, the mayor appoints members of commissions and committees established by ordinance or resolution.
- b) The mayor must sign all records of council decisions.¹⁹
- c) The mayor serves as the political head of the city government but shall have no administrative duties.²⁰

Section 3.4. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 3.5. Rules. The council must by resolution adopt rules to govern its meetings.^{21, 22}

Section 3.6. Meetings. The council must meet at least once a month at a time and place designated by its rules and may meet at other times in accordance with the rules and laws of the state of Oregon.

Section 3.7. Quorum. Except as specifically addressed here and in Section 7.9, a majority of the council members is a quorum to conduct business.²³ In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.²⁴ In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly solely for the purpose to make necessary appointment(s) to reach the required quorum as outlined in Section 7.9.²⁵

¹⁸ Some charters permit the mayor to vote only to break a tie. If the mayor's vote is to be so limited, this section needs to be changed accordingly.

¹⁹ The council may assign by ordinance or council rules additional duties to the mayor for authenticating ordinances, resolutions, orders, and other council documents.

²⁰ This section adds facilitator and political leader to enhance the role of the mayor. It makes specific the apparent and inherent authority of the office of mayor. It also parallels the administrative authority of city manager in Section 8.1. It follows the example of the National Civic League (NCL) Model Charter (2011), 8th edition, and the NCL Model Charter (2021), 9th edition.

²¹ Council meetings must comply with the requirements of the Oregon Public Meetings Law. ORS 192.610–192.710. Council rules should be considered administrative and adopted by resolution. They are easier to keep updated and less formal than if adopted by ordinance. Also, they are not subject to initiative and referendum.

²² The League has published a set of Model Rules of Procedure for Council Meetings available at: <https://www.orcities.org/application/files/7316/9222/9843/ModelRulesofProcedureforCouncilMeetings-updated8-15-23.pdf>.

²³ A majority is more than half of the council. For a seven-member council, a quorum is four or more.

²⁴ For example, council rules may state that the members present may order a city police officer to find and bring an absent member to the meeting. The rules may also provide a penalty for the absent member.

²⁵ This language is an example of a voting requirement that is separate from the quorum requirement and is important if the charter is judicially examined for governance purposes. The purpose of this separate voting requirement is to prescribe a process that addresses the scenario of when a council has insufficient council members to support council operations and to avoid judicial adjudication and/or county intervention.

Section 3.8. Vote Required. The express²⁶ approval of a majority of a quorum of the council is necessary for any council decision,²⁷ except when this charter requires approval by a majority of the council.²⁸ The voting requirement to fill council member vacancies, if there is less than a majority of council member remaining, is separate from the quorum requirement required to conduct all remaining city business unless otherwise stated.

Section 3.9. Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.²⁹

Section IV LEGISLATIVE AUTHORITY³⁰

Section 4.1. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of _____ ordains as follows:”

Section 4.2. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.³¹
- b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a

²⁶ “Express” is used here to clarify the effect of abstention from voting. At common law abstention from voting was regarded as concurrence with the decision. Thus, the concurrence could be either affirmative or negative depending on how the majority voted on a decision. “Express” is intended to make clear that an abstention from voting on a question may not contribute to answering the question affirmatively—it amounts to a “no” vote. Use of the word “express” means that no vote less than a majority of a quorum may decide affirmatively a question before the council.

²⁷ A “decision” is any action taken by council vote. This includes votes on formal documents such as ordinances, resolutions, orders and contracts. It also includes votes to direct city staff, and other questions and motions before the council. Unless the charter provides otherwise, the council may act affirmatively through less than a majority of its positions. A seven-member council thus may act through three councilors; its quorum is four. A five-member council may so act through two members; its quorum is three. A question may be decided negatively by fewer councilors than required to decide it affirmatively. For example, a 2 to 2 vote or a 2 to 1 vote when the quorum is four councilors, and one councilor is absent.

²⁸ Some charter sections require a vote of a majority of the council to make certain decisions. In this model, they are sections 4.2(a), 7.9, 8.1(b) and (d), 8.2 and 8.3(a). Section 4.2(b) requires a unanimous vote of at least a council quorum to adopt an ordinance at one meeting.

²⁹ The Oregon Public Meetings Law, ORS 192.650, requires cities to provide for sound, video, digital recording or the taking of written minutes. This section provides an independent requirement for council records and authorizes the council to adopt requirements in addition to those of state law.

³⁰ The most significant power granted to cities is the authority to adopt legislation. Legislation is local law that applies throughout a city. Legislative authority is properly exercised in the form of ordinances. City charters traditionally prescribe specific requirements for adoption of ordinances, and no provisions for approval of resolutions (administrative) or orders (quasi-judicial). Only using ordinances for legislation and using other forms for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, Section 1(5) gives voters initiative and referendum powers over “municipal legislation.”

³¹ Under Section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is calculated on the temporarily diminished membership. However, action by a majority of a quorum (e.g., three votes when quorum of four is present) is insufficient to enact an ordinance under this section. See footnote 21 above.

quorum of the council,³² provided the proposed ordinance is available in writing to the public at least one week before the meeting.

- c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.
- d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 4.3. Effective Date of Ordinances. Ordinances normally take effect thirty days after adoption or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than thirty days after adoption if it contains an emergency clause.³³

Section V ADMINISTRATIVE AUTHORITY³⁴

Section 5.1. Resolutions. The council will normally exercise its administrative authority by approving resolutions.³⁵ The approving clause for resolutions may state "The City of _____ resolves as follows:"

Section 5.2. Resolution Approval.

- a) Approval of a resolution or any other council administrative decision requires approval by the

³² This section requires the presence of at least four councilors and a unanimous vote to adopt an ordinance at one meeting when there is a seven-member council. The presence of three councilors and a unanimous vote is required when the council has five members.

³³ Ordinances containing an emergency clause take effect immediately and are not subject to referendum. Legislation may not take effect when it is subject to referendum. Procedures for city initiative and referendum are found in ORS 250.255 to 250.355 and city ordinances. Emergency clauses are legislative and not subject to judicial review. *Kaddery v. City of Portland*, 44 Or 118 (1904). City use of an emergency clause preventing a referendum on the ordinance is not subject to federal court review as a violation of civil rights. *Stone v. City of Prescott*, 173 F3d 1172 (9th Cir 1999).

³⁴ Councils formally exercise their administrative authority in the form of resolutions. Administrative decisions normally implement requirements of city ordinances and state statutes. Examples include city budgets, budget amendments, financial transfers, public contracts, fees and charges, council rules, and city personnel rules. Administrative decisions often are "internal" and relate to the city government. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative), and include no provisions for approval of resolutions (administrative). This model suggests that charters specifically recognize council resolutions as the proper form for the exercise of its administrative authority. Use of this form for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, Section 1(5) gives voters initiative and referendum powers over "municipal legislation", but not municipal administration.

³⁵ The preferred method for the council to exercise its administrative authority is by resolution. However, "normally" is used in this sentence to allow the council to approve contracts and other documents, give direction to the city manager, city attorney, and city employees, and make other administrative decisions by approving a motion without adopting a resolution.

council at one meeting.³⁶

- b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval or on a later day provided in the resolution.³⁷

Section VI QUASI-JUDICIAL AUTHORITY³⁸

Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of _____ orders as follows:"

Section 6.2. Order Approval.

- a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.³⁹
- b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.
- c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

³⁶ Under Section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve a resolution under this section. See note 19 above.

³⁷ ORS 221.310(3) applies to cities of 2,000 or more. It provides that a resolution may take effect any time after passage by the city council. The resolution must state the resolution effective date in a separate section.

³⁸ Quasi-judicial authority is normally exercised in the form of orders. Under this authority, the council holds hearings and is required to make decisions. The most common examples are land use matters and nuisance proceedings. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative) and include no provisions for adoption of orders (quasi-judicial). This model suggests that charters specifically recognize council orders as the proper form for the exercise of quasi-judicial authority. Use of this form for non-legislative decisions helps make clear which council actions are subject to referendum. Oregon Constitution, Article IV, Section 1(5) gives voters initiative and referendum powers over "municipal legislation," but not municipal quasi-judicial decisions.

³⁹ Under section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve an order under this section. See note 22 above.

- d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Section VII ELECTIONS

Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected.⁴⁰ At each general election after the adoption, three councilors will be elected⁴¹ for four-year terms.⁴²

Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.⁴³

Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.⁴⁴

Section 7.4. Qualifications.

- a) The mayor and each councilor must be a qualified elector under state law and reside within the city for at least one year immediately before election or appointment to office.⁴⁵
- b) No person may be a candidate at a single election for more than one city office.

⁴⁰ This sentence anticipates the charter vote at a primary or special election. If the charter vote is at a general election, the words "or is elected at the time of adoption" should be added.

⁴¹ Oregon Constitution, Article II, Section 14a requires cities to hold their regular elections for officers at the same time as the general biennial elections for state and county officers are held. ORS 254.035 implements this provision. ORS 254.056 states that general elections are held on the first Tuesday after the first Monday in November of even-numbered years. It further states that primary elections may be held on the third Tuesday in May of even-numbered years.

⁴² This language assumes that adoption of the charter will not affect the council size or terms of office. It does provide a transition from the city government before charter adoption to the city government under the charter.

⁴³ A four-year term for the mayor and four-year staggered terms for an even-number of councilors gives the voters an opportunity to vote for a majority of the council positions at every other general election. It may also be necessary to change "first" to "second" in the first sentence. A mayor elected to a four-year term when this charter provision is adopted would serve until the beginning of the second odd-numbered year after adoption. If the mayor is to have a two-year term, the second sentence of this section needs to be changed. The mayor is appointed from the council by the councilors under the Incorporation Act, ORS 221.130. If this is to continue under the charter, then the second sentence of Section 7.2 needs to be replaced by the sentence: "At the first meeting of the council in each odd-numbered year, the council must appoint one of its members to serve as mayor for a term of two years." If the mayor is appointed from the council, the council should have an odd number of members, and Section 3.1 should be changed.

⁴⁴ The last sentence of this section makes specific the Oregon tradition that local government elections are nonpartisan. This provision is included in the county model home rule charter and county charters. It is also consistent with the NCL Model Charter (2011), Eighth Edition, and Ninth Edition (2021).

⁴⁵ Courts have consistently invalidated residency qualifications of more than 12 months.

- c) Neither the mayor nor a councilor may be employed by the city.⁴⁶
- d) The council is the final judge of the election and qualifications of its members.

Section 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.⁴⁷

Section 7.6. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.⁴⁸

Section 7.7. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

Section 7.8. Vacancies. The mayor or a council office becomes vacant:

- a) Upon the incumbent's:
 - 1) Death;
 - 2) Adjudicated incompetence;⁴⁹ or
 - 3) Recall from the office.⁵⁰
- b) Upon declaration by the council after the incumbent's:
 - 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
 - 2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;
 - 3) Ceasing to reside in the city;⁵¹

⁴⁶ This prohibition is intended to avoid certain conflicts of interest in city service. It bars full-time or part-time employees from serving as mayor or councilor. It does not, however, prevent the mayor or a councilor from receiving reimbursement of expenses for services.

⁴⁷ This model charter does not prescribe a nominating procedure. It allows flexibility by requiring that an ordinance govern the nominating process.

⁴⁸ These words allow for a successor to be appointed as well as elected, and require that the successor meet the necessary qualifications for the office at the time of election or appointment. Some charters have provisions limiting the number of terms or years that a citizen may serve in an elected office. NLC Model Charter does not restrict reelection to subsequent terms as it restricts the voters' opportunity to keep in office council members of whom they approve.

⁴⁹ "Adjudicated incompetence" means inability or unfitness to manage one's affairs because of mental condition determined in a court proceeding.

⁵⁰ Recall of elective officers is governed by Oregon Constitution, Article II, Section 18 and ORS 249.865 to ORS 249.877.

⁵¹ Section 7.4 requires each member to be a qualified voter and resident of the city. Under Section 7.8(b)(3)(4), moving outside the city or allowing voter registration to lapse permits the council to declare a council position vacant.

- 4) Ceasing to be a qualified elector under state law;
- 5) Conviction of a misdemeanor or felony crime;
- 6) Resignation from the office; or
- 7) Removal under Section 8.1(i).

Section 7.9. Filling Vacancies. A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members.⁵² Notwithstanding the quorum requirement set forth in Section 3.7, if at any time council membership is reduced to less than ____ [*insert number based on total council membership required for majority*], the remaining members may, by majority action, appoint additional members to raise the membership to ____ [*insert majority council number*].⁵³ As little as a single council member may constitute a majority for purposes of filling vacant council seat(s), if all other council seats are vacant. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.⁵⁴

Section VIII APPOINTIVE OFFICERS

Section 8.1. City Manager.

- a) The office of city manager is established as the administrative head of the city government.⁵⁵ The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies and carry out policies established by ordinances and resolutions.⁵⁶
- b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.⁵⁷

⁵² Normally a single vacancy is filled at one time. This section permits the council to fill multiple vacancies at the same time. Most vacancies are created in positions filled by election. However, this section also applies to appointments to fill vacancies created in positions previously filled by an appointee to the council.

⁵³ The clause provides clear voting/quorum requirement for filling vacancies by council action if the membership falls below the quorum otherwise required for council action as set forth in Section 3.7.

⁵⁴ A member's disability under this section is usually temporary. If the disability is permanent, it often results in the resignation of the disabled member. A permanent disability does not create a vacancy unless the member resigns. However, the council may appoint a pro tem councilor, and the appointment may continue until a successor to the disabled member is elected and takes office.

⁵⁵ The city manager exercises the administrative authority delegated by the city charter and the city council. The manager and the council both exercise administrative authority. Only the council may exercise legislative authority.

⁵⁶ This gives the manager a role in policy development consistent with the NCL Model Charter (2011), Eighth Edition and Ninth Edition (2021). It makes the manager responsible for carrying out city policy adopted by council resolution or ordinance.

⁵⁷ This section adds more specific qualifications for city manager consistent with the NCL Model Charter (2011), Eighth Edition and Ninth Edition (2021).

- c) The manager need not reside in the city.⁵⁸
- d) The manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.
- e) The manager must:
 - 1) Attend all council meetings unless excused by the mayor or council;
 - 2) Make reports and recommendations to the mayor and council about the needs of the city;
 - 3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;
 - 4) Appoint, supervise, and remove city employees;⁵⁹
 - 5) Organize city departments and administrative structure;
 - 6) Prepare and administer the annual city budget;
 - 7) Administer city utilities and property;
 - 8) Encourage and support regional and intergovernmental cooperation;
 - 9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;⁶⁰
 - 10) Perform other duties as directed by the council; and
 - 11) Delegate duties but remain responsible for actions of all subordinates.
- f) The manager has no authority over the council or over the judicial functions of the municipal judge.⁶¹

⁵⁸ If the city wants the charter to require the manager to live in the city, the following may be added: “but must become and remain a resident of the city while manager.” In the alternative, if a residency requirement is desired but is not practicable due to a housing shortage or other condition, the following may be added: “but must live within 30 miles of the city.” Either requirement can be imposed more flexibly by ordinance or contract.

⁵⁹ Note that the manager appoints, supervises and removes city employees. The council appoints, supervises and removes city officers.

⁶⁰ Subsections (8) and (9) of this section add provisions that update the charter by recognizing the increasing importance of regional and intergovernmental issues, and the participatory nature of policy development. They are consistent with the NCL Model Charter (2011), Eighth Edition, and Ninth Edition (2021).

⁶¹ Municipal judges have administrative duties incidental to their judicial functions such as record keeping and accounting for certain funds. These administrative duties may be supervised by the city manager.

- g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
- h) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.
- i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts.⁶² Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.⁶³

Section 8.2. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.⁶⁴

Section 8.3. Municipal Court and Judge.

- a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.
- b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.⁶⁵

⁶² A similar charter restriction was the basis for damages in *Still v. Benton*, 251 Or 463 (1968). The court found that the mayor did not act within the scope of his authority in pressuring the manager to discharge the police chief. The chief was awarded punitive as well as general damages.

⁶³ This does not affect the ability of a council member to obtain information from the manager or other city employees. Council members also have at least as much right to public records as other members of the public under the Oregon Public Records Law, ORS 192.311 to ORS 192.431.

⁶⁴ If a city attorney office is established by the charter, it is independent of the wishes of the council or manager. This language places office employees under the supervision of the attorney rather than the manager. The charter could establish the office and provide for appointment by the manager. If not created by charter, the city attorney office may be created by ordinance. The ordinance may provide for city attorney appointment by the council or manager. Attorney duties may be assigned by ordinance and contract.

⁶⁵ ORS 221.339 gives municipal courts jurisdiction over violations and misdemeanors committed or triable in the city. Municipal courts do not have jurisdiction over felonies or designated drug-related misdemeanors as defined in ORS 423.478. The section provides that jurisdiction over misdemeanors may be limited by city ordinance.

- e) The municipal judge may:
- 1) Render judgments and impose sanctions on persons and property;
 - 2) Order the arrest of anyone accused of an offense against the city;
 - 3) Commit to jail or admit to bail anyone accused of a city offense;
 - 4) Issue and compel obedience to subpoenas;
 - 5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - 6) Penalize contempt of court;
 - 7) Issue processes necessary to enforce judgments and orders of the court;
 - 8) Issue search warrants; and
 - 9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- f) The council may appoint and may remove municipal judges pro tem.
- g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.⁶⁶

Section IX PERSONNEL

Section 9.1. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.⁶⁷

Section 9.2. Merit Systems. The council⁶⁸ by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.⁶⁹

Section X PUBLIC IMPROVEMENTS

Section 10.1. Procedure. The council may by ordinance provide for procedures governing the

⁶⁶ ORS 51.035.

⁶⁷ ORS 294.388(5) requires that the budget list the salary for each officer and employee. If councilors are to receive no compensation for their services to the city, the following may be added to this section: "However, no councilor may receive compensation for serving in that capacity." This prohibition does not prevent reimbursement for expenses.

⁶⁸ If there is a city manager, the manager may be substituted for the council. Rules adopted by the manager may be made subject to council approval. The council may also delegate authority to the city manager or city administrator to adopt rules.

⁶⁹ "Merit and fitness" allows wide discretion in the interpretation and application of personnel rules and practices.

making, altering, vacating, or abandoning of a public improvement.⁷⁰ A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 10.2. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Section XI MISCELLANEOUS PROVISIONS

Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law.⁷¹ A charter amendment is not required to authorize city indebtedness.

Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.⁷²

Section 11.4. 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.

Section 11.5. Time of Effect. This charter takes effect _____, 20____.

⁷⁰ Few procedures applicable to cities appear in state statute. ORS 223.387 to ORS 223.401 apply to assessments for local improvements. ORS 223.805 to ORS 223.845 relate to city motor vehicle parking facilities. ORS 271.080 to ORS 271.230 apply to vacation of certain public property.

⁷¹ Bancroft bonds may not “exceed .03 of the latest true cash valuation of the city.” ORS 223.295(1).

⁷² It may be necessary to continue unusual charter provisions such as bond approvals, special levies or annexations.

APPENDIX A

GENERAL GRANTS OF POWER

The first version of the Model Charter for Oregon Cities was published in 1947. It was drafted to confer powers on cities in general terms rather than by a detailed enumeration of specific powers. All subsequent revisions have continued this practice.

Since about 1910, a city charter has been viewed as a city constitution. For this reason, city powers have generally been stated in general, comprehensive terms. The charter should deal only with the basic, broad fundamentals of city government. The charter should be as concise as possible, and adaptable to changing conditions to avoid the need for frequent amendment.

Most Oregon cities have charters that grant authority for their activities under general grants of powers. In 1934, Huntington adopted a general powers charter quite similar to the 1947 model charter. Since then, almost all Oregon cities have adopted charters that resemble this model.

The Oregon Incorporation Act (now ORS 224.010-221.100) provides that cities without a home rule charter have comprehensive power and need no grants of specific powers.

A general grant of power allows a city to assume extraterritorial powers granted by statute and conditioned upon the existence of charter authority. ORS 225.020 authorizes a city to own and operate utilities outside city limits if its charter allows it such power. *Kassel v. City of Salem*, construes this section and states that Salem's charter "accepts this offer [of extramural powers] in broad terms." 34 Or App 739 (1978). These broad terms were more specific than the general grant of powers in the model. No city with a general grant has been challenged in its exercise of the power offered by ORS 225.020.

Constitutional Grants in General Terms

The 1906 home rule amendments to the Oregon Constitution empower "the legal voters of every city * * * to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State."^a They also empower "the qualified voters of each municipality" to exercise the powers of initiative and referendum "as to all local, special and municipal legislation of every character in or for their municipality[.]"^b These grants of power are general in terms.

Specific Power Derived from General Grants

Courts have often held that a general grant of power confers a particular power not specified in the grant. Such specific powers include the following:

- 1) To regulate amusement devices.^c

^a Or. Const. Art. XI, Sec. 2.

^b Or. Const. Art. IV, Sec. 1a (1906), Sec. 1(5) (1968).

^c *Terry v. City of Portland*, 204 Or 478 (1955); 33 Or Op Atty Gen 174 (1967).

- 2) To levy special assessments.^d
- 3) To develop a program of free parking using tax revenues.^e
- 4) To govern labor relations with public employees.^f
- 5) To license certain businesses or occupations.^g
- 6) To levy license taxes for revenue.^h
- 7) To provide police protection.ⁱ
- 8) To control disposal of refuse.^j
- 9) To regulate the storage of gasoline and kerosene.^k
- 10) To control streets.^l
- 11) To levy taxes in the form of licenses.^m
- 12) To adopt taxes on sales and incomes.ⁿ
- 13) To supply water.^o
- 14) To impose registration and license fees.^p
- 15) To impose fees and regulatory requirements on telecommunications providers.^q

^d *Paget v. City of Pendleton*, 219 Or 253 (1959).

^e *Jarvill v. City of Eugene*, 289 Or 157 (1980), *US cert den*, 449 US 1013 (1980). Although the majority opinion in this case relies on a specific grant of power stemming from a 1973 amendment to the Eugene city charter, this charter has been repealed. At the court of appeals level, the majority opinion relied on the general grant of power in the 1976 revised city charter to explain the city's ability to levy taxes. "In those cases, it was held that a general grant of powers in a city charter, like that contained in the Eugene charter, carries with it the power to impose revenue taxes." 40 Or App 185, 198-99 (1979).

^f *Beaverton v. International Assoc. of Firefighters*, 20 Or App 293 (1975).

^g *Davidson Baking Co. v. Jenkins*, 216 Or 51 (1959).

^h *City of Idanha v. Consumers Power, Inc.* 8 Or App 551 (1972), *aff'd*, 13 Or App 431 (1973).

ⁱ *City of East Portland v. County of Multnomah*, 6 Or 62, 64 (1876).

^j *Dunn v. Gray*, 238 Or 71 (1964); *City of Tigard v. Werner*, 15 Or App 335 (1973).

^k Cf. *Leathers v. City of Burns*, 251 Or 206 (1968).

^l *City of East Portland v. County of Multnomah*, 6 Or 62, 64 (1876).

^m *City of Idanha v. Consumers Power, Inc.* 8 Or App 551 (1972), *aff'd* 13 Or App 431 (1973).

ⁿ *City of Idanha v. Consumers Power, Inc.* 8 Or App 551 (1972), *aff'd* 13 Or App 431 (1973).

^o *Paget v. City of Pendleton*, 219 Or 253 (1959).

^p *AT & T Communications v. City of Eugene*, 177 Or App 379 (2001), *rev den*, 334 Or 491 (2002). The court held that a general power charter gave the city power to impose registration and license fees. The court relied on *Multnomah Kennel Club v. Department of Revenue*, 295 Or 279 (1983), a case that involved a general power county home rule charter that provided authority to impose a business income tax.

^q *Sprint Spectrum v. City of Eugene*, 177 Or App 417 (2001), *rev den*, 334 Or 491 (2002). The court found that home rule authority includes the taxation of businesses that conduct business within city boundaries.

APPENDIX B

PROVISIONS NOT INCLUDED IN THE MODEL CHARTER

This model charter omits many provisions contained in city charters granted by the Oregon Legislature prior to 1906, and charters adopted soon after the 1906 home rule amendments took effect. A general grant of powers replaced specific grants of authority. Subjects and procedures covered by state statutes are generally no longer included in charters. The model charter also omits provisions better left to adoption by ordinance.

Annexation Procedure

An Oregon city may not assume extramural power under its home rule charter unless authorized by state statute.⁹⁰ City power under the home rule amendments is only intramural in character.⁹¹ A city may only exercise extramural power delegated by the Legislature.⁹² A home rule charter may provide a procedure for the intramural aspects of annexation, such as the manner of acceptance of the annexation by the city. The model charter contains no provision relating to annexation of territory to a city because state statutes control annexation procedures.

Elections

Elections in Oregon are generally under the control of the Secretary of State. The conduct of elections is governed by ORS Chapter 254. Many duties relating to the conduct of elections are delegated to county clerks. Time of elections, wording of ballot titles, printing of ballots and fixing of precinct boundaries are examples of matters governed by state law. City initiative and referendum requirements and process are found in ORS Chapter 250. Therefore, the model charter contains no sections relating to elections in general. Sections 7.2 and 7.5 do authorize the council to govern certain election matters by ordinance.

Subjects Covered by State Law

This model charter contains no provisions on several other subjects covered by state law:

Budgeting.....	ORS 294.305 to 294.565
Public contracts.....	ORS Chapters 279A, 279B and 279C
Assessments bonding and lien enforcement...	ORS 223.205 to 223.295 and 223.505 to 223.650
Tort liability.....	ORS 30.260 to 30.300

⁹⁰ *Thurber v. Henderson*, 63 Or 410, 415-16 (1912); *State ex rel Mullins v. Port of Astoria*, 79 Or 1, 19-20 (1916); *Morsman v. City of Madras*, 203 Or App 546 (2006) (holding that the state has the authority to decide whether residents of an area subject to annexation get to vote on the annexation); and *Costco Wholesale Corp. v. City of Beaverton*, 343 Or 18, 25 (2007) (stating that cities lack “inherent home-rule authority to impose * * * obligations on those outside their borders.”).

⁹¹ *Kiernan v. City of Portland*, 57 Or 454, 464 (1910); *State ex rel Mullins v. Port of Astoria*, 79 Or 1, 18-19 (1916); *Curtis v. Tillamook City*, 88 Or 443, 454-55 (1918).

⁹² *Couch v. Marvin*, 67 Or 341 (1913); *McBee v. Town of Springfield*, 58 Or 459 (1911); *Landess v. City Cottage Grove*, 64 Or 155 (1913).

Debt limitations.....	ORS 223.295
Ethics.....	ORS Chapter 244
Public meetings and records.....	ORS 192.311 to 192.710
Land use planning and regulation.....	ORS Chapters 92, 197, 197A and 227
Street vacation.....	ORS 271.080 to 271.230
Condemnation.....	ORS Chapter 35; 223.005 to 223.105, 226.310 to 226.380 and 227.300.
Collective bargaining.....	ORS 243.650 to 243.782
Public Employee's Retirement System.....	ORS Chapter 238 and 238A

Other Subjects

The model charter contains no provisions on a number of other subjects that may be covered as well or better by ordinance. Such subjects include council rules, personnel rules, procedures for local improvements, levying and collecting special assessments and city commissions and committees.

Municipal Judge as Ex Officio Justice of the Peace

Some Oregon charters enacted as special legislative acts prior to 1906 provide that the municipal judge has the jurisdiction and authority of an ex officio justice of the peace. This model charter contains no such provision. A home rule charter may not grant such authority to a municipal judge; such authority may only be granted by state statute.

The decision in *In re Application of Boalt*⁹³ suggests that once a municipal judge is given the jurisdiction and authority of an ex officio justice of the peace by a special legislative act, it continues regardless of a subsequent home rule charter. It may be withdrawn by the Legislature. A city in this situation may retain its charter provisions conferring jurisdiction and authority of an ex officio justice of the peace on its municipal judge by enacting its new charter as an amendment to its former legislative charter. A municipal judge may continue to exercise this authority under this Supreme Court decision.

⁹³ 123 Or 1 (1927).

1996 HALSEY CHARTER

CHAPTER 1 NAMES AND BOUNDARIES

Section 1.1 Title of Enactment. This enactment may be referred to as the 1996 Halsey Charter.

Section 1.2 Name of City. The city of Halsey, Linn County, Oregon, shall continue to be a municipal corporation with the name "City of Halsey."

Section 1.3 Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.

CHAPTER 2 POWERS

Section 2.1 Powers of the City. The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

Section 2.2 Construction of Powers. In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates to the contrary.

Section 2.3 Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

CHAPTER 3 FORM OF GOVERNMENT

Section 3.1 Council. The council consists of six councilors elected from the city at large. In case of one or more vacancies in the council, the council consists of members whose offices are not vacant.

Section 3.2 Councilors. The term of office of a councilor in office when this charter is adopted is the term of office for which the councilor:

3.2.1 has been elected or appointed before adoption of the charter; or

3.2.2 is elected or appointed after the adoption of this Charter.

At each general election after the adoption of the Charter, three councilors shall be elected, each for a four-year term.

Section 3.3 Mayor. The term of office of the mayor in office when this charter is adopted continues through 1996. At the general election that year, and at each subsequent general election, a mayor shall be elected for a two-year term.

Section 3.4 Term of Office. The term of an elective officer who is elected at a general election begins at the first council meeting of the calendar year immediately after the election and continues until the successor to the office assumes the office.

Section 3.5 Appointive Offices. By an ordinance approved by four councilors, the council may create, modify, abolish, and combine appointive city offices, except that the office of City Recorder and Municipal Judge may not be combined or held by the same person.

Except when a different procedure is authorized by vote of four councilors, the council may fill such offices by appointment and vacate them by removal.

Section 3.6 Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council and shall be in accordance with state wage laws.

Section 3.7 Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his or her election the person is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be the final judge of the qualifications of its own members, subject, however, to review by a court of competent jurisdiction.

CHAPTER 4 COUNCIL

Section 4.1 Rules. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 4.2 Meetings. The council shall meet on the second Monday in January next following any general election and such meeting is appointed by this charter, and no notice thereof is necessary. The council shall meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

Section 4.3 Quorum. Except as otherwise provided, four elected officers or their replacements appointed as provided in Section 7.2 constitute a quorum for the conduct of council business, but a smaller number of the elected officers or their replacements may meet and compel attendance of absent officers as prescribed by council rules.

Section 4.4 Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 4.5 Mayor's Function at Council Meetings.

4.5.1 When present at council meetings the mayor shall:

4.5.1.1 Preside over deliberations of the council,

4.5.1.2 Preserve order,

4.5.1.3 Enforce council rules, and

4.5.1.4 Determine the order of business under the rules.

4.5.2 The mayor is not a member of the council. The mayor may vote on matters before the council only when necessary to break a tie in the council vote.

Section 4.6 President of the Council. At its first meeting of each odd-numbered year, the council shall elect a president from its councilors. Except in voting on questions before the council and except the president shall not have the power to veto, the president shall function as mayor when the mayor is:

4.6.1 Absent from a council meeting, or

4.6.2 Unable to function as mayor.

The president shall not lose his or her vote by reason of assuming the duties of the mayor.

Section 4.7 Vote Required. Except when a different vote is prescribed in this charter, when a quorum is present the concurrence of a majority of the council present and able to vote shall be necessary to decide any question before the council.

CHAPTER 5 POWERS AND DUTIES OF OFFICERS

Section 5.1 Mayor. The mayor shall appoint the committees provided for under the rules of the council. Upon approval of the council, the mayor shall:

5.1.1 Countersign all orders on the treasury, and

5.1.2 Sign all contracts and proposals.

Section 5.2 Municipal Judge. The council may appoint a municipal judge who shall be the judicial officer of the city, who shall hold, at a place and times that the council specifies, a court known as the Municipal Court for the city of Halsey, Linn County, Oregon.

5.2.1 Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.

5.2.2 All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.

5.2.3 The Municipal Court has original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.

5.2.4 The Municipal Judge may:

5.2.4.1 Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction.

5.2.4.2 Order arrest of anyone accused of an offense against the city;

5.2.4.3 Commit to jail or admit to bail anyone accused of such an offense;

5.2.4.4 Issue and compel obedience to subpoenas;

5.2.4.5 Compel witnesses to appear and testify in the trial of matters before the court;

5.2.4.6 Penalize contempt of court;

5.2.4.7 Issue process necessary to effectuate judgments and orders of the court;

5.2.4.8 Issue warrants; and

5.2.4.9 Perform other judicial and quasi-judicial functions prescribed by ordinance.

5.2.5 Notwithstanding this section, the council may transfer some or all of the functions of the Municipal Court to an appropriate court.

CHAPTER 6 ELECTIONS

Section 6.1. State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 6.2. Nominations. Any qualified elector may be qualified to be a candidate for elective office if the elector has resided in the city for 12 months immediately preceding the election to office. The name of such an elector shall be printed on the ballot whenever a written acceptance of nomination and a fee or a nominating petition as prescribed by general ordinance is timely filed with the city in advance of the election. If a nomination petition is used it shall be signed by not fewer than 10 nor more than 20 electors. The nomination petition for a successful candidate for election shall be preserved by the custodian of city records until the expiration of the term of office for which the candidate is elected.

Section 6.3 Oath of Office. Before assuming city office, an officer shall take an oath of office or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.

CHAPTER 7 VACANCIES IN OFFICE

Section 7.1 Vacancies. An elective office created in this charter becomes vacant:

7.1.1 Upon the incumbent's

7.1.1.1 Death,

7.1.1.2 Adjudicated incompetence,

7.1.1.3 Recall from the office, or

7.1.2 Upon declaration by the council of the vacancy in case of the incumbent's

7.1.2.1 Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time of his or her term of office to begin.

7.1.2.2 Absence from the city for 30 days without the knowledge of council, or from all meetings of the council within a 60-day period.

7.1.2.3 Ceasing to reside within the city.

7.1.2.4 Ceasing to be a qualified elector under state law.

7.1.2.5 Resignation from the office.

Section 7.2 Filling Vacancies.

7.2.1 A vacancy in elective office shall be filled by appointment by a majority of the elected officers remaining in office. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant.

7.2.2 During an elected officer's disability or absence from the city, a majority of the elected officers remaining in office may by appointment fill the vacancy pro tem.

CHAPTER 8 ORDINANCES

Section 8.1 Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Halsey ordains as follows."

Section 8.2 Adoption by Council. Except as subsection 8.2.1 of this section allows adoption at a single meeting and subsection 8.2.2 of this section allows reading by title only, an ordinance shall be fully and distinctly read in open meeting on two different days before being adopted by the council.

8.2.1 Except as subsection 8.2.2 of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all councilors present provided the ordinance is read first in full and then by title.

8.2.2 A reading of an ordinance may be by title only if:

8.2.2.1 No councilor present at the reading requests that the ordinance be read in full, or

8.2.2.2 At least 1 week before reading:

8.2.2.2.1 A copy of the ordinance is provided for each council member,

8.2.2.2.2 Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and

8.2.2.2.3 Notice of their availability is given by written notice posted at the city hall and two other public places in the city.

8.2.3 An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.

8.2.4 Upon the adoption of an ordinance, the ayes and nays of the council vote shall be entered in the record of council proceedings.

8.2.5 After adoption of an ordinance, the custodian of the city records shall endorse it with its date of adoption and endorser's name and title of office.

Section 8.3 Veto. If the mayor does not approve an ordinance, he or she must file his or her veto and reasons in writing with the custodian of the city records within three days after its passage by the council. At the first meeting of the council after veto, the mayor's statement of reasons shall be read. Such ordinance shall then be put upon its passage again and if five councilors vote in the affirmative it shall become law without approval by the mayor. If the mayor fails to sign an ordinance within three days after passage, and does not file his or her

written veto and reasons to the same, such ordinance shall become law as if he or she had approved it.

Section 8.4 Effective Date. An ordinance enacted by the council shall take effect on the thirtieth day after its approval by the mayor or passage over veto. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER 9 PUBLIC IMPROVEMENTS

Section 9.1 Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall:

9.1.1 Be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the councilors to be needed at once shall be suspended for six months upon remonstrances by owners of land to be specifically assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of council.

9.1.2 In this section "owner" means the record holder of legal title or, as to land being purchased under a land-sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Section 9.2 Special Assessments. The procedure for fixing, levying, collecting and enforcing the payment of special assessment for local public improvements or any other services to be charged against real property shall be governed by general ordinance.

CHAPTER 10 MISCELLANEOUS PROVISIONS

Section 10.1 Debt Limit. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness. Except for bonds to be paid by special benefit assessments, no general obligation bond pledging the property taxing power of the city shall be issued except by express consent of the voters of the city.

Section 10.2 Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 10.3 Repeal. Except for amendments conferring bond issuing power that has not been exhausted, all charter provisions of the city enacted prior to this time or to the time that this charter takes effect are hereby repealed.

Section 10.4 Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 10.5 Time of Effect. This charter shall take effect immediately upon its enactment by the electors.

CHARTER

City of Lebanon, Oregon

PREAMBLE

We, the people of the City of Lebanon, Linn County, State of Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the Constitutions and laws of the United States of America and the State of Oregon, through this Charter confer upon the City of Lebanon the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous Charter provisions of the City of Lebanon.

Be it enacted by the people of the City of Lebanon, Linn County, State of Oregon:

CHAPTER I NAME AND BOUNDARIES

Section 1. Title of Enactment.

This enactment may be referred to as the City of Lebanon Charter of 2004.

Section 2. Name of City.

The Municipality of Lebanon, Linn County, State of Oregon, shall continue to be a municipal corporation with the name City of Lebanon.

Section 3. Boundaries.

The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Council, or by any other agency with legal power to modify them. The Recorder shall keep at City Hall at least two certified copies of this Charter in each of which he/she shall maintain an accurate, up-to-date map designating the boundaries of the city.

CHAPTER II POWERS

Section 4. Powers of the City.

The City shall have all powers which the Constitutions, statutes, and common law of the United States of America and of the State of Oregon expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction of Charter.

In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally

construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the Constitution of the State of Oregon. As used herein, the singular shall include the plural and the plural the singular, the masculine and neuter shall each include the masculine and feminine and neuter, as the content requires.

CHAPTER III FORM OF GOVERNMENT

Section 6. Where Powers Vested.

Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.

Section 7. Council.

The Council shall be composed of a Mayor elected from the City at large, and six Councilors nominated and elected by precinct.

Section 8. Members of the City Council.

The Mayor and Councilors in office at the time this Charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election after this Charter takes effect, three Councilors shall be elected, each for a term of four years.

Section 9. Mayor.

At each biennial general election a Mayor shall be elected for a term of two years.

Section 10. Other Officers.

Additional officers of the City shall be a City Recorder, a City Attorney, a City Administrator, and in the discretion of the Council, a Municipal Judge and whatever other officers the Council deems necessary. The Municipal Judge, the City Attorney, and the City Administrator shall be appointed by the Council and be responsible to it and the other additional officers shall be appointed by the City Administrator and be responsible to him/her. The Council, as needs dictate, may appoint one or more pro tem Municipal Judges to serve such term as the Council provides.

Section 11. Salaries.

The compensation for the services of each City officer and employee classification shall fall within the salary range fixed by the Council for that particular position.

Section 12. Qualifications of Elected Officers.

No person shall be eligible for an elective office of the City unless at the time of that person's election or appointment that person is a qualified elector within the meaning of the Constitution of the State of Oregon; has resided in the City continuously during the six months immediately preceding the election or appointment. No person who is an employee of the City of Lebanon, nor is a spouse or immediate family member of a city staff member or seated elected officer, shall be eligible to serve as a member of the City Council. The Council shall be

final judge of the qualifications and election of its own members subject, however, to review by a Court of competent jurisdiction.

CHAPTER IV COUNCIL

Section 13. Meetings.

The Council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The Mayor upon his/her own motion may, or at the request of three Councilors, shall call a special meeting of the Council by giving notice thereof as required by state law.

Section 14. Quorum.

A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance. Any elected officers present shall be counted for purposes of establishing a quorum.

Section 15. Journal.

The Council shall cause a journal of its proceedings to be kept. Upon the request of any member, the ayes and nays upon any question before it shall be taken by name and a record of the vote entered in the journal.

Section 16. Proceedings to be Public.

No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

Section 17. Mayor's Functions at Council Meetings.

The Mayor shall be chairperson of the Council and preside over its deliberations. He/she shall have a vote on all questions or issues resulting in a tie vote of those members present and voting. He/she shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council and shall co-sign all orders on the treasury with the City Recorder.

Section 18. President of the Council.

At its first meeting after this Charter takes effect, and thereafter at its first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside. Whenever the Mayor is unable to perform the functions of his/her office, the president shall act as Mayor, shall have all the powers of the Mayor, including the authority to co-sign all orders on the treasury with the City Recorder.

Whenever the Council shall find a need to authorize a member of the Council to act as Mayor in the absence of the Mayor and the president of the Council, it may by motion authorize another member to act as Mayor.

Section 19. Vote Required.

Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present and voting at a Council meeting shall be necessary to decide any question before the Council.

CHAPTER V POWERS AND DUTIES OF OFFICERS

Section 20. Mayor.

The Mayor shall appoint those committee members provided by City ordinance or the rules of the Council. He/she shall sign all approved records of the proceedings of the Council. He/she shall have no veto power and shall sign all ordinances passed by the Council. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.

Section 21. City Administrator.

The following provisions shall apply to the office of the City Administrator:

- (a) **Qualifications.** The City Administrator shall be the administrative head of the government of the City. He/she shall be chosen by the Council without regard to political considerations and solely with reference to his/her executive and administrative qualifications. He/she need not be a resident of the City or of the State at the time of his/her appointment but within six months thereafter, unless said requirement is modified by the City Council, shall become and during his/her tenure remain a resident of the city. Before taking office, he/she shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City.
- (b) **Term.** The City Administrator shall be appointed at will for such time as the Council in its sole discretion shall deem appropriate and may be removed by an affirmative vote of not less than four members of the Council.
- (c) **Powers and Duties.** The powers and duties of the City Administrator shall be as follows:
 - (1) He/she shall devote his/her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.
 - (2) He/she shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed.
 - (3) He/she shall appoint or remove all other appointive officers and employees of the City, except the Municipal Judge and the City Attorney, and shall have general supervision and control over them and their work, with power to transfer employees from one department to another or to eliminate appointive offices or positions except that prior to the appointment or removal of a department head, or a significant revision of the City's organizational structure or staffing, the Administrator shall review the matter with the Council. He/she shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He/she shall have no control, however, over the Council or over the judicial activities of the Municipal Judge.
 - (4) He/she shall supervise City contracts and purchases.

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- (5) He/she or his/her designee shall be the City Budget Officer and shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.
 - (6) He/she shall supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.
 - (7) In the absence of the City Recorder, the City Administrator shall have the power to co-sign all orders on the treasury with the Mayor, the acting Mayor or other authorized representative of the Council.
 - (d) Seats at Council Meetings. The City Administrator and such other officers as the Council designates shall be entitled to sit with the Council, but shall have no vote on questions before it. The City Administrator may take part in all Council discussions.
 - (e) **City Administrator Pro Tem.** In case of the Administrator's absence from the City, temporary disability to act as City Administrator, discharge by the Council, or resignation, the Council shall appoint a City Administrator Pro Tem who shall possess the powers and duties of the City Administrator. No City Administrator Pro Tem may appoint or remove a City officer or employee, except with the approval of five members of the Council.
 - (f) **Ineligible Persons.** No person related to the City Administrator or his/her spouse by consanguinity or affinity within the third degree, nor the spouse, shall hold any appointive office or employment with the City.

Section 22. Municipal Judge.

If the Common Council of the City of Lebanon decides to maintain a Municipal Court and Municipal Judge, the Judge shall hold within the City a Court known as the Municipal Court of the City of Lebanon, Linn County, State of Oregon. The Court shall be open for the transaction of 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 jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and the law actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City. The Judge shall have authority to issue process for the arrest of any person accused of an offense against any ordinance of the City, to commit any such person to jail or admit that person to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in Court on the trial of any cause before the Judge, 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 a City ordinance shall be governed by the applicable general laws of the State of Oregon governing Justices of the Peace and Justice Courts.

All judicial jurisdiction, authority, power, functions and duties of the Municipal Court of the City of Lebanon and the Judge thereof, with respect to all or any violations of the Charter or ordinances of the City may be performed by the regular and pro tempore Judge of a state court as and when the Common Council of the City of Lebanon may from time to time decide.

Section 23. City Recorder.

The City Recorder shall serve ex officio as Clerk of the Council, attend all its meetings unless excused therefrom by the Council, and keep an accurate record of its proceedings in a book provided for that purpose. He/she shall co-sign all orders on the treasury with the Mayor.

CHAPTER VI ELECTIONS

Section 24. Regular Elections.

Regular City elections shall be held at the same times and places as biennial general State of Oregon elections, and shall be conducted in accordance with applicable State of Oregon election laws.

Section 25. Special Elections.

Special elections shall be held as provided by the Council and shall be conducted in accordance with applicable State of Oregon election laws.

Section 26. Regulation of Elections.

The general laws of the State of Oregon shall apply to the conduct of all City elections, recounts of the returns therefrom, and contest thereof, except in those cases where the Council has the power to provide otherwise either through this Charter or by ordinance, and has so exercised this power either in the Charter or by ordinance.

Section 27. Canvass of Returns/Certification of Results.

In all elections, the State of Oregon laws governing the canvassing, filing and certification of returns shall apply. The results of each election including a statement of the total number of votes cast, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved shall be recorded in the journal of the proceedings of the Council not later than 45 days after all regular or special election.

Section 28. Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots.

Section 29. Commencement of Terms of Office.

The term of office of a person elected at a regular City election shall commence at the first City Council meeting after the first of the calendar year immediately following the election. Until such time as the Mayor-elect or Councilor-elect is sworn into office, the incumbent Mayor or Councilor shall continue in office.

Section 30. Oath of Office.

Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the Constitutions and laws of the United States of America and of the State of Oregon and will faithfully perform the duties of his/her office.

Section 31. Nominations.

Any person qualified, as provided in Section 12, hereof, may be nominated for an elective City position. The nominating procedure shall be in accordance with applicable State of Oregon election laws and, except for Mayor, shall be by precinct of residency as hereinafter set forth and said precincts, which will be three in number, are defined and designated in area as follows:

Pioneer Precinct (Ward #2), which will include all of that area within the City limits which lies more or less northerly of Oak Street to the northernmost boundary of the city limits, except for that portion that lies southerly of Sherman Street and east of Main Street. The Santiam Precinct (Ward #3), which will include all of that area within the City limits, which lies more or less easterly of Main Street and southerly of Sherman Street to the southern and easternmost boundaries of the City limits. Oak Creek Precinct (Ward #1), which will include all of that area within the City limits, which lies more or less southerly of Oak Street and more or less westerly of Main Street to the southerly and westerly boundaries of the city limits. The City Council may, by ordinance, adjust the boundaries of these precincts to provide a reasonable equity of population.

Voters, duly registered and residing within the City limits of Lebanon, shall be allowed to vote at large for Mayor. Those voters shall be allowed to vote by precinct of residence for those nominated to represent that precinct.

Section 32. Election of Nominees.

The mayoral candidate with the most votes shall win the position of mayor. The candidate in each precinct with the most votes shall win a position on the City Council. In the event that there are no candidates from a precinct, the vacancy shall be filled upon the seating of the members elected in a regular or special election and in accordance with Section 34.

CHAPTER VII VACANCIES IN OFFICE

Section 33. What Creates a Vacancy.

An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, other offense punishable by loss of liberty pertaining to his/her office, or unlawful destruction of public records, resignation, recall from office, the lack of a qualified candidate during a regular election, or ceasing to possess the qualifications for the office. The office of Mayor or Councilman shall be deemed vacant upon his/her absence from the City for more than 60 days without the consent of the Council, and upon a declaration by the Council of the vacancy.

Section 34. Filling of Vacancies.

Vacancies in elective offices in the City shall be filled through appointment by a majority of the incumbent members of the Council. The Council shall first attempt to fill the vacancy with a qualified elector from the precinct having the vacancy. If the vacancy remains after 60 days, the Council shall fill the position with a qualified elector from the City at large. The appointed member shall then serve the balance of the term of the position being filled. During the temporary disability of any officer, as determined in the sole discretion of the City Council, or during his/her temporary absence from the City for any cause, his/her office may be filled pro tem in the manner provided for filling vacancies in the office permanently.

CHAPTER VIII ORDINANCES

Section 35. Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be "The City of Lebanon ordains as follows:"

Section 36. Mode of Enactment.

- (1) An ordinance of the Council shall, before being put upon, its final passage, be read fully and distinctly in open Council meeting and shall receive the affirmative votes of a majority of all Council members present.
- (2) The reading may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full or (b) if a copy of the ordinance is provided for each Council member and copies are provided for public inspection.
- (3) Upon the enactment of an ordinance the City Recorder shall sign it with the date of its passage and his/her name and title of office, and the Mayor shall sign it with the date of his/her signature, name and the title of office.

Section 37. When Ordinances Take Effect; Review of Ordinances.

An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 38. Condemnation.

Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution or ordinance of the Council describing the property and stating the uses to which it shall be devoted.

Section 39. Improvements.

The procedure for alterations, vacations, or abandonments or making a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon.

Improvements needed at once due to an emergency shall be approved by a majority of a quorum of the Council.

Section 40. Special Assessments.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 41. Bids for Public Improvements.

Contracts for public improvements in an amount greater than \$75,000, or such other amount recommended in the Oregon Attorney General's contracting guidelines, shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the Council, provided, however, that the Council shall have the right to reject any and all bids.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 42. Torts.

The City's tort liability shall be limited as provided by the laws of the State of Oregon.

Section 43. Effect of Charter.

All City of Lebanon ordinances, resolutions, rules, regulations, motions, rates, and fees in force and in effect at the time this City of Lebanon Charter of 2004 becomes effective shall thereafter remain in full force and effect until amended or repealed.

No contract right, privilege, license, obligation or liability, whether vested or contingent, shall be lost, discharged or impaired by the enactment of this City of Lebanon Charter of 2004.

All rights and property, both real and personal, including but not limited to all parks, public grounds and buildings now vested in or belonging to the City of Lebanon shall continue to be the right and property of the City of Lebanon.

Any person holding an appointed or elected office or position of the City of Lebanon which is consistent with the provisions of this amended Charter shall continue in such office or position after the enactment of this amended Charter until the end of the term for which they shall have been elected or appointed, and until their successor shall have been elected or appointed and qualified subject to all applicable laws and regulations relating thereto.

All sections of any previous Charter or parts thereof pertaining to the issuance and sale of bonds and any sale of whose bonds remain outstanding or unissued shall remain in full force and effect after the enactment of this Charter.

Section 44. Repeal.

Except as otherwise provided in this Charter all of the provisions of all previous charters of the City of Lebanon are hereby repealed.

Section 45. Amendment.

This charter may be amended, or a new charter enacted by majority vote of the legal voters of the city. Said propositions may be proposed and submitted to voters by council resolution or by initiative of the people. Any amendments so enacted by the people will be effective 30 days upon certification of the election, unless an emergency clause is made part of the amendment.

Section 46. Severability.

If any provision of this Charter or the application thereof, to any person or circumstances, is held invalid, the remainder of this Charter, and the application of all provisions thereof to any other persons or circumstances, shall not be affected thereby, and to this end the provisions of this Charter are declared to be severable.

Section 47. Time of Effect of Charter.

This Charter shall take effect January 1, 2004.

Brownsville Charter

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CHAPTER I Name and Boundaries

Section 1. Title.

This revision of the Brownsville Charter of 1952 may be referred to as “the Brownsville Charter of 1981.”

Section 2. Name of City.

The City of Brownsville, Linn County, Oregon, continues under this Charter to be a municipal corporation, with the name “City of Brownsville.”

Section 3. Boundaries.

The City includes all territory encompassed by its boundaries as they exist when this revision of the Charter is adopted or as they are subsequently modified in accordance with state law. The repository of city records shall include at least two copies of this Charter, each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours.

CHAPTER II Powers

Section 4. Powers of the City.

The city has all powers which the constitution, statutes, or common law of the United States or of this state expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction of Powers.

In this Charter, no mention of a particular power is exclusive or restricts the scope of the powers which the city would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the city have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws or the municipal home rule provisions of the state constitution.

Section 6. Where Powers Vested.

Except as this Charter provides otherwise, all powers of the city are vested in the council.

CHAPTER III Form of Government

Section 7. Council.

The council is composed of a mayor and six councilors elected from the city at large.

Section 8. Councilors.

The councilors shall be elected for four years. Three councilors shall be elected at each biennial general election. Each councilor shall hold office until his or her successor is elected and qualified.

Section 9. Mayor.

The mayor shall be elected for four years and shall hold office until his or her successor is elected and qualified.

Section 10. Other Officers.

Additional officers of the city may be appointed and removed by the council as it deems necessary.

Section 11. Salaries.

The compensation of councilors, the mayor, other officers and employees shall be fixed by the council. However, no increase in the compensation of councilors or the mayor shall take effect until the first day

of the odd-numbered year following the first biennial general election after the increase is ordered.

Section 12. Qualifications of Officers.

No person is eligible for an elective office of this city unless at the time of the officer's election, the officer is a qualified elector within the meaning of the state constitution, is a resident of the city, and has been a resident of the city during the 12 months immediately preceding the election. No person shall hold an elective office of the city if the person is an employee of the city. The council is the final judge of the qualifications and election of its own members.

CHAPTER IV Council

Section 13. Meetings.

The council shall prescribe the time and place of its regular meetings, at least one of which shall be held each month. The mayor or three councilors may call special meetings of the council in a manner prescribed by ordinance.

Section 14. Quorum.

A majority of the members of the council constitutes a quorum for the transaction of council business, except that a lesser number may meet and compel attendance of absent members in a manner prescribed by ordinance. A quorum may also compel the attendance of absent members.

Section 15. Journal.

The council shall keep a journal of its proceedings. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 16. Mayor's Function at Council Meetings.

The mayor shall preside at the council meetings and may vote on all questions before the council.

Section 17. President of the Council.

At the first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his or her office, the president shall act as mayor.

Section 18. Vote Required.

The concurrence of a majority of the members of the council present and voting at a meeting, provided that a quorum is present, may decide any question before the council, except as this Charter otherwise provides.

CHAPTER V Municipal Court

Section 19. Judges, Powers, Procedure.

1. The city council may appoint a municipal judge for a term and at a salary it specifies. Once appointed, a municipal judge may not be removed from office prior to the expiration of the term set by the council except, after hearing, for incompetency, corruption, malfeasance or delinquency in offices or other sufficient cause stated by ordinance. The municipal judge shall hold court within the city and shall transact judicial business at times specified by the council. All areas within the city are to be within the territorial jurisdiction of the court.

2. The municipal judge shall exercise jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to enforce forfeitures or penalties defined or authorized

by ordinances of the city. The municipal judge has the authority and jurisdiction of a justice of the peace for the County of Linn within the limits of the City of Brownsville in both civil and criminal matters, and, when exercising such jurisdiction or any authority shall be subject to all the general laws of the state preserving the duties of a justice of the peace and the mode of performing the same and shall receive the same compensation therefor. The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to imprisonment or admit the person to bail pending trial, to issue subpoenas to compel witnesses to appear and testify on the trial of any cause before the court, to enforce obedience to the subpoenas, to issue process necessary to carry into effect the judgement of the court, and to punish witnesses and others for contempt of court.

3. When not governed by ordinances or this Charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

4. Notwithstanding any other provision of this Charter, the council may provide for the transfer of the powers and duties of the municipal court to the appropriate district or justice of the peace court of the State of Oregon.

CHAPTER VI

City Administrator

Section 20. City Administrator.

1. City Administrator.

A. The City Council may appoint a City Administrator and fix his or her compensation and conditions of employment.

B. If the office of the City Administrator becomes vacant, the mayor may appoint a city administrator pro tem. The pro tem administrator shall have all the functions of the city administrator. The term of office of a pro tem administrator ends when a city administrator takes office.

C. The city administrator shall be the administrative head of the city and shall be chosen without political consideration and solely on the basis of executive and administrative qualifications.

D. The city administrator and such other officers as the council designates may sit with the council but have no vote therein. The city administrator may take part in the discussion of all matters coming before the council.

Section 21. Duties of City Administrator.

1. The city administrator shall:

A. Prepare the annual budget;

B. Make all routine purchases;

C. Oversee enforcement of all ordinances;

D. Act as a business agent for the council for the sale of real estate and other matters relating to franchises, leases and other major business and property transactions, except that all final decisions shall be subject to approval by the council;

- E. Prepare and furnish all reports requested by the council; and
 - F. Perform such other duties as the council directs.
2. The duties of all administrative employees shall be assigned to them by the city administrator, and they shall be responsible and accountable to the administrator.
 3. The powers herein granted to the city administrator are exclusive.
 4. The city administrator may be removed by the council with or without cause at any time.

CHAPTER VII Elections

Section 22. Notice.

The officer in charge of city elections shall give 10 days public notice of each city election. The notice shall state the officers to be elected, the measures to be submitted at the election, and the time and place for the election.

Section 23. Regulation of Elections.

Except as this Charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general laws of the state shall apply to all nominations for an elective city office, the conduct of city elections, recounts of the returns therefrom and contests therefor.

Section 24. Votes.

The person receiving the greatest number of the votes cast for any of the candidates for the office of mayor at the election at which the office is filled is elected to the office of mayor. The three persons receiving the greatest number of votes cast for any of the candidates for the office of councilor at the election at which the office is filled are elected to the office of councilor. In the event of a tie vote, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 25. Certificate of Election.

After the votes at any municipal election have been canvassed, the city officer in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated.

Section 26. Oath or Affirmation of Office.

Before entering upon the duties of their offices, all elected officers, the city administrator, municipal judge and all department heads shall take an oath or shall affirm as follows:

"I, _____, do solemnly swear that I will support the constitution and laws of the United States and of Oregon, that I will, to the best of my ability, faithfully perform the duties of _____ during my continuance therein, so help me God." If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."

Section 27. Terms.

The term of office of a person elected at a regular city election commences on the first Monday in January following the election.

CHAPTER VIII Vacancies in Office

Section 28. Vacancy.

An office becomes vacant upon the incumbent's death, removal from office, resignation or ceasing to possess the qualifications necessary for office. An elective office becomes vacant whenever either of the following acts occur without the prior consent of the council and upon a declaration by the council of the vacancy: its incumbent is absent from the city for a period of 30 days or fails to attend two consecutive regular meetings of the council.

Section 29. Filling of Vacancies.

The Council shall fill a vacancy in any elective city office by appointment within 90 days after the vacancy occurs. A majority vote of the council is required to validate the appointment. The appointee's term of office begins immediately upon the appointment and expires when the term of the person whose office has become vacant would have expired had that person continued in office. During the temporary disability of any officer or an officer's temporary absence from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in offices permanently.

CHAPTER IX Ordinances

Section 30. Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, "The City of Brownsville ordains as follows:"

Section 31. Adoption.

1. Except as subsection 3 of this section provides for reading by title or bill number only, and except as subsection 2 of this section provides for immediate adoption of emergency measures, an ordinance before being finally adopted, shall be fully and distinctly read in open council meeting on two days.
2. Except as subsection 3 of this section provides for reading by title or bill number only, an ordinance necessary to meet an emergency may, upon being read in full and then by title, be adopted at a single meeting of the council by an unanimous vote of all councilors present.
3. Any reading of an ordinance for purposes of adoption may be by title or bill number only:
 - A. If no councilor present at the meeting requests that the ordinance be read in full; or
 - B. If for one week prior to the reading a copy of the ordinance is provided each councilor and copies are available for public inspection at the office of the mayor or city administrator during regular office hours and notice of their availability is posted at City Hall or published once in a newspaper of general circulation in the city.
4. An ordinance adopted after being read by title or bill number only has no legal effect if it differs substantially from its terms as they stand when so read, unless each section incorporating such a difference, as finally amended prior to being adopted by the council, is fully and distinctly read in open council meeting.

Section 32. Mayor's Signature.

Upon the adoption of an ordinance by the council, the mayor shall sign the ordinance and indicate the date of the signing of his or her signature.

Section 33. When Ordinance Takes Effect.

Except when a later time for it to take effect is provided, an ordinance adopted by the council takes effect on the thirtieth day after its adoption by the council unless it is necessary to have immediate effect for the preservation of the peace, health, safety and welfare of the city, in which event it takes effect immediately upon its adoption.

CHAPTER X Public Improvements

Section 34. Procedure.

The procedure for making, altering, vacating or abandoning a public improvement is governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

CHAPTER XI Indebtedness

Section 35. Debt Limit.

1. Indebtedness of the city shall not exceed the limits on city indebtedness under state law.
2. Except by consent of the voters, the city's bonded indebtedness shall not exceed \$1.00. Approval by the voters of bonded indebtedness need not be in the form of a Charter amendment. The procedure for submitting the question of the incurring of bonded indebtedness to the voters shall be governed by general ordinance. Whenever the question of incurring bonded indebtedness is submitted to the voters, the ballot measure shall include a statement of the city's total bonded indebtedness with and without the proposed bonded indebtedness and of the city's total bonded indebtedness with and without the proposed bonded indebtedness as a percentage of the latest true cash valuation of the city.
3. For the purposes of paragraph 2 of this section, bonded indebtedness shall not include bonds for public improvements payable out of assessments upon the property benefitted.

CHAPTER XII Miscellaneous Provisions

Section 36. Presumption of Validity of City Action.

In every proceeding in any court concerning the exercise or enforcement by the city or any of its officers or agencies of any power by this act given to the city or any of its officers or agencies, all acts by the city or any of its officers or agencies shall be presumed to be valid, and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage; and the court shall disregard every error or admission which does not affect a substantial right of the person. Any action committed by this Charter to the discretion of the council is final when taken and may not be reviewed or called into question elsewhere.

Section 37. Existing Ordinances Continued.

All ordinances of the city consistent with this Charter and in force when it takes effect remain in effect until amended or repealed.

Section 38. Repeal Previously Enacted Provision.

All Charter provisions of the city enacted prior to the time that this Charter takes effect are hereby repealed, except that no unexhausted grant of power to issue bonds is repealed and no repeal of these

previous Charter provisions affects the validity of an outstanding bond issue by the city or impairs the obligations of the city under the bond or the rights of the holders of that bond, and except that section 46 of the Charter of 1905 shall not be repealed but shall be in full force and effect.

Section 39. Effective Date of Revision.

This revised Charter has legal effect on and after November 3, 1981.

Passed by the council and approved by the Mayor August 24, 1981, as amended by Ords. 175, 224, 225, 382, 523, and 530.

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The Brownsville Municipal Code is current through Ordinance 806, passed October 22, 2024.

Disclaimer: The City Recorder's Office has the official version of the Brownsville Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.ci.brownsville.or.us/>

City Telephone: (541) 466-5666

Codification services provided by [General Code](#)

CHARTER

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To provide for the government of the City of Albany, Linn County, Oregon; and to repeal all charter provisions of the City enacted prior to the time that this charter takes effect.

Be it enacted by the people of the City of Albany, Linn County, Oregon:

CHAPTER I NAME AND BOUNDARIES

Section 1 Title of Enactment.

This enactment may be referred to as the Albany Charter of 1956. (Ord. 5741, 6-23-2010)

Section 2 Name of City.

The City of Albany, Linn and Benton Counties, Oregon, shall continue to be a municipal corporation with the name "City of Albany." (Ord. 5741, 6-23-2010)

Section 3 Boundaries.¹

Section 4 Powers of the City.

The City shall have all powers which the constitution, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of these powers. (Ord. 5741, 6-23-2010)

Section 5 Construction of Charter.

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state law and to the municipal home rule provisions of the state constitution. (Ord. 5741, 6-23-2010)

CHAPTER II FORM OF GOVERNMENT

Section 6 Where Powers Vested.

Except as this charter provides otherwise, all powers of the City shall be vested in the council. (Ord. 5741, 6-23-2010)

Section 7 Council.

The council shall be composed of a mayor and six (6) councilors. The mayor shall be elected from the City at large. The councilors shall be elected two (2) from each ward. The City shall be divided into three (3) wards bounded and designated by ordinance. (Ord. 5741, 6-23-2010)

Section 8 Councilors.

The councilor receiving the highest number of votes in each ward at the election at which this charter is adopted shall serve for four (4) years. The councilor receiving the next highest number of votes in each ward shall hold office for two (2) years. At each subsequent biennial general election, one councilor shall be elected from each ward for a term of four (4) years. (Ord. 5741, 6-23-2010)

Section 9 Mayor.

At each biennial general election, a mayor shall be elected for a term of two (2) years. (Ord. 5741, 6-23-2010)

Section 10 Manager and Municipal Judge.

The offices of city manager and municipal judge are hereby created. The council shall fill each of these offices by appointment. (Ord. 5741, 6-23-2010)

Section 11 Other Officers and Employees.

The title of appointive officers of the City of Albany shall be as designated by the council. Any requirement that an appointive officer shall fill two (2) or more appointive offices may be effected

only by the council. (Ord. 5741, 6-23-2010; amended by vote of the electors November 8, 1966.)

Section 12 Salaries.

The compensation for the services of each city officer and employees shall be the amount fixed by the council. (Ord. 5741, 6-23-2010)

Section 13 Qualifications of Officers.

No person shall be eligible for an elective office of the City unless at the time of election the person is a qualified elector within the meaning of the state constitution and has resided within the city limits during the twelve (12) months immediately preceding the election, and in the ward the person represents for a period of ninety (90) days. The council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction. (Ord. 5741, 6-23-2010)

CHAPTER III COUNCIL

Section 14 Meetings.

The council shall hold a regular meeting at least twice each month at a time and at a place in the City which it designates. It shall adopt rules for the government of its members and proceedings. A motion by the mayor or the request of three (3) members of the council, by giving notice thereof to all members of the council then in the City, may call a special meeting of the council for a time not earlier than three (3) nor later than forty-eight (48) hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all members of the council. (Ord. 5741, 6-23-2010)

Section 15 Quorum.

Four (4) members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance. (Ord. 5741, 6-23-2010)

Section 16 Journal.

The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken, and a record of the vote entered in the journal. (Ord. 5741, 6-23-2010)

Section 17 Meetings To Be Public.

All meetings shall be held in accordance with the Oregon Public Meetings Law. (Ord. 5741, 6-23-2010)

Section 18 Mayor's Functions at Council Meetings.

The mayor shall be chair of the council and preside over its deliberations. The mayor shall have authority to preserve order, enforce the rules of the council and determine the order of business under the rules of the council. The mayor shall have no vote, except in case of a tie vote of the councilors then voting. (Ord. 5741, 6-23-2010)

Section 19 President of the Council.

At its first meeting, after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from the council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of the mayor's office, the president shall act as mayor. The president shall not lose any voting rights by reason of assuming the duties of the mayor. (Ord. 5741, 6-23-2010)

Section 20 Vote Required.

Except as this charter otherwise provides, the concurrence of four (4) of the members of the council shall be necessary to decide any question before the council. (Ord. 5741, 6-23-2010)

CHAPTER IV POWERS AND DUTIES OF OFFICERS

Section 21 Mayor.

The mayor shall appoint the committees provided by the rules of the council. The mayor shall sign all approved records of proceedings of the council, except in the case of a vote as hereinafter provided. Unless a different procedure/policy is adopted by resolution or ordinance or unless state law requires otherwise, the mayor shall have exclusive discretion to nominate individuals to serve on City Boards and Commissions subject to ratification by the Council. (Ord. 5741, 6-23-2010)

Section 22 City Manager.

a) **Qualifications.** The city manager shall be the administrative head of the government of the City. The manager shall be chosen by the council without regard to political considerations and solely with reference to that person's executive and administrative qualifications. A candidate for manager need not be a resident of the City or state at the time of appointment.

b) **Term.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. Within thirty (30) days after a vacancy occurs, the Council shall appoint a Manager Pro Tem to temporarily fill the vacancy in the City Manager position pending a regular appointment.

c) **Powers and Duties.** The powers and duties of the manager shall be as follows:

(1) The manager's entire time shall be devoted to the discharge of official duties, attending all meetings of the council, unless excused therefrom by the council, keeping the council advised at all times of the affairs and needs of the City, and making reports annually, or more frequently, if requested by the council of all the affairs and departments of the City.

(2) The manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.

(3) The manager shall appoint and may remove appointive city officers and employees, except as this charter may otherwise provide with the approval of the council as to the appointive officers and shall have general supervision and control over them and their work. The manager shall have the power to transfer an employee from one department to another. The manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council or over the judicial activities of the municipal judge.

(4) The manager shall act as purchasing agent for all departments of the City. Purchases shall be made in accordance with applicable state law and City ordinances.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as the body requests.

(6) The manager shall have general supervision over all City property.

d) **Seats at Council Meetings.** The manager and such other officers as the council designates shall be entitled to sit with the council, but shall have no vote on questions before it. The manager may take part in all council discussions.

e) **Manager Pro Tem.** In case of the manager's absence from the City, temporary disability to act as manager, discharge by the council, or resignation, the council shall appoint a manager to work pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee, except with the approval of four (4) of the members of the council.

f) **Interference in Administration and Elections.** No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies. The manager shall not take part in securing or contributing any money toward the nomination or election of any candidate for municipal office.

g) **Ineligible Persons.** No persons related to the manager or the manager's spouse, by consanguinity or affinity within the third degree, or the spouse shall hold any employment with the City unless required under the terms of a collective bargaining agreement.

No person elected or appointed to membership on the council shall, subsequent to such election or appointment be eligible for appointment as city manager until one (1) year has elapsed following the expiration of the term for which the councilor was elected or appointed. (Ord. 5741, 6-23-2010; Ord. 4483, 1-27-1982; Res. 2231, 6-9-1982)

Section 23 Municipal Judge.

The municipal judge shall be the judicial officer of the City. The judge shall hold within the City a court known as the Municipal Court of the City of Albany, Linn County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the City shall be within the territorial jurisdiction of the court. The municipal judge shall exercise

original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City. The judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City, to commit any such person to jail or admit the defendant to bail pending trial, to issue subpoenas, 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 the court. When not governed by ordinances, or this charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. The council shall provide by ordinance the method of selection and payment of juries. (Ord. 5741, 6-23-2010)

Section 24 Clerk of the Council.

The City Clerk shall serve ex officio as clerk of the council, attend all its meetings, unless excused therefrom by the council and keep an accurate record of its proceedings in a book provided for that purpose. In the City Clerk's absence from the council meeting, the Deputy City Clerk shall have all the authority and duties of the City Clerk. (Ord. 5741, 6-23-2010)

CHAPTER V ELECTIONS

Section 25 Regular Elections.

Regular City elections shall be held at the same times and places as the biennial general state elections in accordance with applicable state election laws. (Ord. 5741, 6-23-2010)

Section 26 Notice of Regular Elections.

The City Clerk, pursuant to directions from the council, shall give at least ten (10) days notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall and by publication in a newspaper of general circulation published in the City. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election. (Ord. 5741, 6-23-2010)

Section 27 Special Elections.

The council shall provide the time, manner and means for holding any special election. The City Clerk shall give at least ten (10) days notice of each special election in the manner provided by the action of the council ordering the election. Notice of such election to be given in the same manner as a regular election. (Ord. 5741, 6-23-2010)

Section 28 Regulation of Elections.

Except as this charter provided otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all City elections, recounts of the returns therefrom and contests thereof. (Ord. 5741, 6-23-2010)

Section 29 Canvass of Returns.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special City election the returns therefrom shall be filed with the City Clerk on or before noon of the day following and not later than five (5) days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. It shall contain a statement of the total number of votes cast at each election, the votes cast for each person elected to office, the office to which each has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the City Clerk shall make and sign a certificate of election of each person elected and deliver the certificate to him within one (1) day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it. (Ord. 5741, 6-23-2010)

Section 30 Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council. (Ord. 5741, 6-23-2010)

Section 31 Commencement of Terms of Office.

The term of office of a person elected at a regular City election shall commence the first day of the year immediately following the election. (Ord. 5741, 6-23-2010)

Section 32 Oath of Office.

Before entering upon the duties of the office, each officer shall take an oath or shall affirm support of the constitutions and laws of the United States and of Oregon and shall commit to faithfully perform the duties of the office. (Ord. 5741, 6-23-2010)

Section 33 Nominations.

The council shall provide by ordinance the mode for nominating elective officers. (Ord. 5741, 6-23-2010)

CHAPTER VI VACANCIES IN OFFICE

Section 34 What Creates Vacancy.

An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation, or recall from office; upon the incumbent's ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor within three (3) days after the time for the term of office to commence; and in the case of mayor or councilor, upon absence from the City for thirty (30) days or absence from meetings of the council for sixty (60) days without the consent of the council and upon a declaration by the council of the vacancy. (Ord. 5741, 6-23-2010)

Section 35 Filling of Vacancies.

Vacancies in elective offices of the City shall be filled by appointment by a majority of the entire membership of the council, including the Mayor. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the predecessor. During the temporary disability of any officer or during that officer's absence temporarily from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently. (Ord. 5741, 6-23-2010)

CHAPTER VII ORDINANCES

Section 36 Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, "The people of the City of Albany do ordain as follows:" (Ord. 5741, 6-23-2010)

Section 37 Introduction, Reading and Passage.

(1) An ordinance, before being adopted, shall be read in open council meeting in title only and may then be read a second time in title only and adopted at a single meeting of the council by a unanimous vote of all councillors present.

(2) A reading of any ordinance for purposes of adoption may be by title only if no councillor present at the meeting requests that the ordinance be read in full. (Ord. 5741, 6-23-2010; Ord. 4483, 1-27-1982; Res. 2231, 6-9-1982)

Section 38 Veto.

If the mayor does not approve the ordinance, the reasons for the veto must be filed in writing with the City Clerk within three (3) days after the ordinance is passed by the council. At the first meeting of the council after veto, the recorder shall read the message from the mayor. Such ordinances shall then be put upon its passage again and if five (5) members of the council vote in the affirmative, it shall become a law without approval of the mayor. If the mayor fails to sign an ordinance within three (3) days after passage, and does not file a written veto to the same, such ordinance shall become law as if the mayor had approved it. (Ord. 5741, 6-23-2010)

Section 39 When Ordinances Take Effect.

An ordinance enacted by the council shall take effect on the 30th day after its approval by the mayor or passage over veto. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately. (Ord. 5741, 6-23-2010)

CHAPTER VIII PUBLIC IMPROVEMENTS

Section 40 Condemnation.

Any necessity of taking property for the City by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted. (Ord. 5741, 6-23-2010)

Section 41 Improvements.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by the applicable general laws of the state. A remonstrance by the owners of two-thirds (2/3) of the property to be specially assessed for a proposed public improvement shall suspend action regarding the improvements for six (6) months. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a verified writing by the record holder of legal title to the land filed with the city recorder, the said purchaser shall be deemed the "owner". (Ord. 5741, 6-23-2010)

Section 42 Special Assessments.

The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or any other services to be charged against real property shall be governed by general ordinance. (Ord. 5741, 6-23-2010)

Section 43 Bancroft Bonding Act.

The laws of the State of Oregon known as the Bancroft Bonding Act, now designated as Sec. 223.205 O.R.S., shall apply to the City of Albany. (Ord. 5741, 6-23-2010)

Section 43.1 Urban Renewal Citizen Right to Vote.

Voter Approval of Urban Renewal. A City urban renewal agency shall not be activated or authorized to exercise additional powers without the approval of the City electors at a general election.

Every new urban renewal plan, or substantial change to an existing plan which would authorize new Urban Renewal Indebtedness shall be referred to City electors for their approval at a primary or general election.

Voter Notification. Whenever an election required by this Section is conducted the City shall determine the information required to complete the public notice statements A-D of this section.

Public Notice Statements shall be posted on the City web site at least 45 days in advance of the election and mailed to City electors no more than ten days in advance of distributing ballots.

(A) "ATTENTION VOTER: IMPORTANT INFORMATION ABOUT (insert local measure number)."

(B) "If approved, this measure will authorize new Urban Renewal Indebtedness (URI). Repayment of such debt may significantly reduce the amount of property tax revenues that would be otherwise available for public schools, police, fire, library and other public services within Albany City for (insert maximum duration of URI, listed in years and months)."

(C) "The maximum amount of new Urban Renewal Indebtedness permitted by this measure is (insert the maximum new URI permitted by proposed plan or amendment)."

(D) "The maximum amount of interest payable for this debt is (insert the maximum amount of interest payments for the new URI over the life span of the debt)."

Public Notice Statements do not need to be mailed to the City electors if included within the beginning of the explanatory statement of the proposed measure within the County Voter's Pamphlet.

Approvals by Ordinance. The City shall not approve or amend a plan by any means other than by ordinance. Non-substantial changes to any plan may be approved by non-emergency ordinance of the City Council. Any ordinance approved by the Council shall not go into effect until voter approval is obtained.

Termination. Upon the retirement of all urban renewal indebtedness authorized by the City urban renewal plans, a City urban renewal agency will cease and it shall be terminated. Any continuing obligations or rights of a terminated agency shall be assumed by the city.

Definitions as used in this Section.

Urban Renewal plan" and "plan" have the same meaning given those terms in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

Substantial change” means any change proposed to be made to an existing urban renewal plan that:

- (A) Expands the boundary, duration or borrowing authority of any plan; or,
- (B) Alters the basic purpose, engineering or financing principles of a voter-approved plan.

“Urban Renewal Indebtedness” and “URI” mean debt incurred pursuant to an urban renewal plan where repayment is pledged from ad valorem taxes assessed within the City limits of Albany.

Implementation. This Section shall become immediately effective upon passage by the electors. Therefore the City may not use or pledge additional City revenues for repayment of URI unless the use of those City revenues:

- (A) was pledged by the City prior to the passage of this Chapter;
- (B) was approved by electors for that purpose; or,
- (C) is mandated by operation of law.

Prior to any public hearing to consider legislation that would conflict with provisions of this Chapter or prevent them from operating the City must provide at least two weeks notice of the proposed legislation and hearing date to all City electors. Any legislation passed in violation of this provision shall be void.

If any provision of this Chapter is barred from operation by superior law, the other provisions shall remain unaffected. (Ord. 5805, 4-10-2013)

CHAPTER IX MISCELLANEOUS PROVISIONS

Section 44 Debt Limit.

After enactment of this section by the people, The City Council shall not authorize any borrowing unless the borrowing is specifically permitted by this Section 44.

a) Definition of Borrowing. “Borrowing” means any general obligation bond, revenue bond, full faith and credit financing agreement or subject-to-appropriation financing agreement or other contract in which a party agrees to advance money to the City in exchange for the City’s agreement to repay the advanced funds with interest over a period of more than thirteen months.

b) New borrowings with voter approval. The City Council may borrow money if the borrowing is approved by the City’s electors. A borrowing shall be deemed to be approved by the City’s electors if the number of votes cast in favor of the borrowing exceeds the number of votes cast against the borrowing.

c) Local improvement district bonds. The City Council may borrow money without approval of the City’s electors if the borrowing finances a local improvement pursuant to ORS Chapter [223](#) (the Bancroft Bonding Act) or any similar, replacement statute, the City Council will impose assessments for the cost of the local improvement on benefitted property owners, and the city expects to be able to pay the borrowing from assessment payments made by those benefitted property owners.

d) State law override. The City Council may borrow money without approval of the City’s electors if an Oregon statute authorizing the borrowing provides that the authority is not limited by other laws, such as a local charter limitation.

e) Emergency borrowings. (1) The City Council may borrow money without approval of the City’s electors if:

- (i) the City publishes notice of the public hearing called for in this subsection e) in a newspaper of general circulation in the City at least two times before the hearing date;
- (ii) the first notice of the public hearing is published not less than seven calendar days before the hearing date;
- (iii) the hearing notice describes the date, time, place, and the amount proposed to be borrowed;
- (iv) following the hearing, the City Council adopts an ordinance making a legislative determination that:
 - (A) an emergency exists,
 - (B) the borrowing must be done quickly to avoid or mitigate that emergency, and
 - (C) the project(s) to be financed with the borrowing are necessary to avoid or mitigate that emergency.

(2) For purposes of this subsection e):

- (i) “emergency” means a situation that poses an immediate risk of significant economic loss to the City, or an immediate risk to health, life, or property.
- (ii) “significant economic loss” means an economic loss that exceeds \$250 thousand.

(iii) "immediate risk" means a risk that, at the time of the hearing, has already resulted in a loss or harm, or that is expected to result in a loss or harm that will occur before the City can obtain approval of its electors for a new borrowing pursuant to subsection b) of this section.

f) Refinancings for savings. The City Council may borrow money without approval of the City's electors to refinance a City borrowing if the total principal and interest scheduled to be paid on the refinancing is less than the total principal and interest that was scheduled to be paid on the borrowing that is refinanced.

g) Personal Liability. All members of the City Council who vote to approve a borrowing in excess of the amounts permitted by this Section 44 shall be jointly and severally liable for the excess. However, a member of the City Council shall not be liable under this paragraph if the member voted in good faith and in reliance upon an opinion of the City Attorney, Bond Counsel, or other legal counsel engaged to provide an opinion concerning the borrowing in question, also given in good faith, that the borrowing for which the member voted is permitted by this Section 44.

h) 2015 General Obligation Bond Authorization. The City is authorized to issue up to \$18 million in principal amount of general obligation bonds to finance capital costs related to new, seismically sound public safety facilities, including a police station and a main fire station. The City shall levy an ad valorem property tax outside the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution each year in an amount sufficient to pay the principal and interest that is due on any general obligation bonds that are issued under this paragraph.

The general obligation bonds authorized by this subsection may be issued in one or more series, which may be issued at different times. The capital costs financed with the general obligation bonds authorized by this subsection may include costs related to the general obligation bonds. The limitations of Section 44 of the City Charter do not apply to the general obligation bonds authorized by this subsection and those bonds shall not be counted against any limitation on maximum debt in the City Charter. (Amended by vote of the electors May 19, 2015; Ord. 5825, 10-9-2013; Ord. 5741, 6-23-2010)

Section 45 Existing Ordinances Continued.

All ordinances of the City consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed. (Ord. 5741, 6-23-2010)

Section 46 Repeal of Previously Enacted Provision.

All charter provisions of the City enacted prior to the time that this charter takes effect are hereby repealed. (Ord. 5741, 6-23-2010)

Section 47 Time of Effect of Charter.

This charter shall take effect January 1, 1957. (Ord. 5741, 6-23-2010)

Section 48 Annexation Procedure.

The City of Albany is hereby authorized to apply those provisions of Oregon Revised Statutes Section 222.850 to Section 222.915 to proceedings in the city of Albany and to annex territory thereunder as provided and particularly as the same pertains to annexation of areas which are a danger to public health.

The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified as provided herein: unless mandated by State Law, annexation (delayed or otherwise) to the City of Albany may only be approved by a prior majority vote among the electorate. (Ord. 5741, 6-23-2010; amended by vote of the electors March 10, 1998; November 5, 1968.)

¹Code reviser's note: The current boundaries are on file and available in the office of the city recorder.

This page of the Albany Municipal Code is current through Ordinance 6058, passed December 12, 2024.

Users may contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website:
<https://www.cityofalbany.net/>
(<https://www.cityofalbany.net/>)
Telephone number: (541) 917-7524
Codification services provided by
General Code
(<https://www.generalcode.com/>)

RESOLUTION NO. 6 FOR 2025

A RESOLUTION OF THE SWEET HOME CITY COUNCIL TO REFER AMENDMENT OF CITY CHARTER CHAPTER II, SECTION 3 COUNCIL AND MAYOR, TO THE ELECTORS OF THE CITY AND ADOPTING A BALLOT TITLE AND EXPLANATORY STATEMENT

WHEREAS, only the voters of the City of Sweet Home can approve amendments to the Charter of the City of Sweet Home; and

WHEREAS, members of the community have shown interest in amending the Charter such that the position of Mayor is directly elected by the Electors of the City of Sweet Home; and

WHEREAS, the Sweet Home City Council has discussed and heard from citizens about the benefits and detriments of both the current method of selecting the Mayor and other methods;

NOW, THEREFORE, the City Council resolves as follows:

Section 1. Proposed Charter Amendment. If a majority of eligible voters vote "yes" on the following measure, Chapter II, Form of Government, Section 3 of the Charter of the City of Sweet Home will be amended as follows, with ~~striketrough~~ text deleted, and **bold** text added:

Section 3 Council And Mayor

Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large.

At each biennial general election, ~~four~~ **three** councilors ~~and a mayor~~ shall be elected. The ~~three receiving the highest number of votes~~ **councilors** shall each hold office for four years, and the ~~one receiving the number of votes next to the three highest~~ **mayor** shall hold office for two years. Tie votes shall be determined by lot.

~~At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.~~

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. Referral. The ballot title attached as Attachment A and the above text shall be filed with the City Elections Officer and referred to the legal voters of the City of Sweet Home, Linn County, Oregon at an election on May 20, 2025.

- Section 3. Election. May 20, 2025 is designated as the date for holding the election for the purpose of voting on this measure. The precinct for the election shall be all of the territory within the corporate limits of the City of Sweet Home, and the election shall be conducted by the Linn County Clerk's Office by mail.
- Section 4. Publication. The City Elections Officer is directed to publish notice of receipt of the ballot title under standard procedures and in compliance with ORS 250.275(5).
- Section 5. Filing with County. The City Elections Officer shall file the ballot title with the Linn County Clerk as required by ORS 254.095 and include the proposed measure in the statement of city measures to be voted on.
- Section 6. Explanatory Statement. The Explanatory Statement for the measure on Attachment B shall be submitted for inclusion in the voters' pamphlet as provided in ORS 251.345.
- Section 7. No Position. The City Council takes no position in favor of, nor opposing this proposed measure.
- Section 8. Effective Date. This Resolution shall be in full force and effect from and after its passage.

PASSED by the Council and approved by the Mayor, this 25th day of February, 2025.



Mayor

ATTEST:



City Manager Pro Tem - Ex Officio City Recorder

Attachment A to Resolution No. 6 for 2025

Measure No. 25-_____

Ballot Title:

A. Caption (10 words allowed, 10 total)

Charter amendment for direct election of the Mayor by voters

B. Question (20 words allowed, 20 total)

Should the Sweet Home Charter be changed so that the Mayor is elected by voters, rather than the City Council?

C. Summary (175 words allowed, 175 total)

The Sweet Home Charter is the constitution of the City of Sweet Home. Under the Charter, the role of Mayor is limited to acting as chairperson of the city council, presiding over council meetings, appointing committees, and signing ordinances and other documents authorized by the city council. Last amended in 2014, the Charter currently states that the city council "shall select from its membership a chairperson who shall be mayor for a term of two years."

A "YES" vote changes the Charter to allow for direct election of the Mayor by the voters of the City of Sweet Home instead of the current process of the mayor being selected by the city council. The Mayor and councilors currently in office would continue to serve in their offices for the remainder of their terms, three councilors and the Mayor until January 2027, and the other three councilors until January 2029.

This amendment does not change any of the powers or duties of the Mayor.

The first election affected by this measure would be in November 2026.

Attachment B to Resolution No. 6 for 2025

Measure No. 25-_____ Explanatory Statement (500 words allowed, 427 words total)

The Oregon Constitution gives city voters the right to adopt, amend, and revise the City Charter.

Sweet Home voters last amended the City Charter in 2014.

The City Charter is the constitution of the City of Sweet Home, and dictates, among other things, the powers of the City, the powers and duties of city officers, and how city officers are selected.

Under the current charter, the office of Mayor is the chairperson of the council and presides over council meetings. The charter gives the Mayor the power to call special meetings, appoint members of committees, determine the order of business, and sign all ordinances and other writings authorized by the council. The Mayor is a member of the city council and may vote as a city councilor.

Regarding the election of councilors, the current charter states that at each biennial election (November of even numbered years), four councilors shall be elected: the three with the highest number of votes serve four-year terms, and the one with the least number of votes serves a two-year term.

Regarding the election of the Mayor, the charter states that at the first meeting of the new term after each biennial election, the Mayor is elected from the membership of the city council for a term of two years.

This proposed measure would amend the current City Charter Chapter II FORM OF GOVERNMENT, Section 3 Council And Mayor to read as follows:

Section 3 Council And Mayor

Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members 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.

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.

This measure would change the election process for city councilors and the mayor by eliminating one city council position and changing the position of mayor to an office that is elected to a two-year term by registered voters within the boundaries of the City of Sweet Home. Remaining city councilors would all have four-year terms, and three of them would be elected at each biennial election.

The City Council adopted this Explanatory Statement but has taken no position favoring nor opposing this proposed measure.