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## CITY OF REEDSPORT CHARTER OF 2006

### PREAMBLE

We, the people of the City of Reedsport, Douglas 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 Reedsport 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 Reedsport and enact this Home Rule Charter.

Be it enacted by the people of the City of Reedsport, Douglas County, State of Oregon:

### CHAPTER I

#### Name and Boundaries

Section 1. **Title of Enactment.** This enactment may be referred to as the City of Reedsport Charter of 2006, amended 2010, 2012, 2013.

Section 2. **Name of City.** The Municipality of Reedsport, Douglas County, State of Oregon, shall continue to be a municipal corporation with the name City of Reedsport.

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. At least two certified copies of this Charter shall be kept in the office of the City Recorder at City Hall and an accurate, up-to-date description of the boundaries shall be maintained in each office. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.

### 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 by implication 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.

Section 6. **Distribution of Powers.** The Oregon Constitution 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 quasijudicial 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.

### CHAPTER III

#### Form of Government

Section 7. **Council.** The Council consists of a Mayor and six Councilors nominated and elected from the City at large.

Section 8. **Numbered Positions.** Councilors shall be assigned numbered positions one through six and serve a term of four years. Three Councilors are elected at each biennial general election. At the general election occurring in 2008 and every fourth year thereafter, Councilors for Positions 1, 2 and 3 shall be elected. At the general election occurring in 2010 and every fourth year thereafter, Councilors for Positions 4, 5 and 6 shall be elected.

Section 9. **Mayor.** At each biennial general election a Mayor shall be elected for a term of two years. The Mayor serves as the political head of the City Government.

Section 10. **Other Officers of the City.** Additional officers of the City shall be a City Recorder, a City Attorney, a City Manager, and at 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 Manager shall be appointed by the Council and be responsible to it. Other additional officers shall be appointed by and responsible to the City Manager. The Council, as needs dictate, may appoint one or more pro tem Municipal Judges to serve such term as the Council provides.

So long as the City of Reedsport shall have a volunteer fire department, and the Fire Chief is not a full time City employee, said department shall elect its own Fire Chief, otherwise, the Fire Chief shall be appointed by the City Manager.

Section 11. **Salaries.** The compensation for the services of each City officer and employee classification shall be the amount fixed by the Council as part of its approval of the annual City budget. No Council member, however, shall receive compensation for serving in that capacity.

## CHAPTER IV

### Council

Section 12. **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. A special meeting of the Council may be called by the Mayor or at the request of three Councilors by giving notice thereof as required by state law.

Section 13. **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.

Section 14. **Journal.** The Council shall cause a journal of its proceedings to be kept. 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 15. **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 16. **Mayor's Functions at Council Meetings.** The Mayor shall preside over the Council and its deliberations. The Mayor shall have a vote on all questions before it and 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 17. **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, by ballot, 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 the 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 one additional member in addition to the Mayor and the president to act as Mayor, to have all the powers of the Mayor, including the authority to co-sign all orders on the treasury with the City Recorder, so long as the motion specifies a definite, fixed time period during which the authority is to continue.

Section 18. **Vote Required.** Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council at a Council meeting shall be necessary to decide any question before the Council.

## CHAPTER V

### **Powers and Duties of Officers**

Section 19. **Mayor.** The Mayor shall appoint the committees provided by the rules of the Council. The Mayor shall sign all approved records of the proceedings of the Council. The Mayor 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 20. **City Manager.** The following provisions shall apply to the office of the City Manager:

(a) **Qualifications.** The City Manager shall be the administrative head of the government of the City. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The City Manager need not be a resident of the City or of the State at the time of appointment but must after appointment become and remain a legal resident of the City within a time frame specified by the Council. Before taking office, the City Manager shall give a bond or insurance in such amount and type and with such surety as may be approved by the Council. The premiums on such bond or insurance shall be paid by the City.

(b) **Term.** The City Manager 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 Manager shall be as follows:

(1) The entire time of the City Manager shall be devoted to the discharge of official duties, attending all meetings of the Council unless excused therefrom by the Council or the Mayor, 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 City 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 City Manager shall appoint 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. The

City Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The City Manager shall have no control, however, over the Council or over the judicial activities of the Municipal Judge.

(4) The City Manager shall supervise City contracts and purchases.

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

(6) The City Manager 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 Manager 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 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 City Manager may take part in all Council discussions.

(e) **City Manager Pro Tem.** In case of the Manager's absence from the City, temporary disability to act as City Manager, discharge by the Council, or resignation, the Council shall appoint a City Manager Pro Tem who shall possess the powers and duties of the City Manager. No City Manager Pro Tem may appoint or remove a City officer or employee, except with the approval of five members of the Council. No City Manager Pro Tem shall hold the position continuously for more than six months without approval of City Council for another term of six months.

(f) **Interference in Administrative Affairs.** No Council member may directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager or a candidate for the office of City Manager in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts. 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 City Manager relating to City business.

(g) **Ineligible Persons.** No person related to the City Manager or the spouse or domestic partner of the City Manager by consanguinity or affinity within the third degree, nor the spouse or domestic partner, shall hold any elective office, be a member of the City Budget Committee or City Planning Commission or be employed by the City.

Section 21. **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.

(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.

Section 22. **City Recorder.** The City Recorder shall serve ex officio as Clerk of the Council, attend all its meetings unless excused therefrom by the City Manager, keep an accurate record of its proceedings in a book provided for that purpose, and shall co-sign all orders on the treasury with the Mayor.

## CHAPTER VI

### Elections

#### Section 23. **Qualifications of Elective Officers.**

(a) 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 twelve months immediately preceding the election or appointment and continues to reside in the City. No person who is an employee of the City of Reedsport shall be eligible to serve as a member of the City Council.

(b) Neither the Mayor nor a Councilor may be employed by the City.

(c) 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.

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.** City elections must conform to state law except as this Charter or Ordinances provide otherwise. All elections for City offices must be nonpartisan.

Section 27. **Canvass of Returns.** In all elections, the State of Oregon laws governing the canvassing, filing and certification of returns shall apply.

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 as follows: Each candidate shall alternately draw numbers from a pool of numbers consecutively numbered from one (1) to an integer equal to ten times the number of candidates so tied, until such pool is exhausted. The candidate having the highest sum of the numbers shall be the successful candidate. The first candidate to draw shall be determined in alphabetical order by last name, then by first name and middle name, if necessary.

Section 29. **Commencement of Terms of Office.** 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.

Section 30. **Oath of Office.** 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 and the Ordinances, Resolutions and Orders of the City.

Section 31. **Nominations.** Any person qualified, as provided in Section 23, hereof, may be nominated for an elective City position. No person may be a candidate at a single election for more than one City elective office, nor hold more than one City elective office. No Councilor may be a candidate midway through their term for another position as Councilor, without resigning their current elected position at the time they file as a candidate.

The nomination shall be by a petition that specifies the office sought and shall be on approved candidate filing forms. The petition shall be signed by not fewer than 25 electors of the City of Reedsport.

No person may be a candidate at a single election for both Mayor and City Councilor.

## CHAPTER VII

### **Vacancies in Office**

Section 32. **What Creates Vacancy.** An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; the conviction of a felony; other offense pertaining to the office including but not limited to improper release of Executive Session material; unlawful destruction of public records; resignation; recall from office; ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for the term of office to commence; failure to file an annual Statement of Economic Interest with the Oregon Government Standards and Practices Commission; or in the case of a Mayor or Councilor, upon his or her absence from meetings of the Council for 45 days without consent of the Council; and upon a declaration by the Council of the vacancy.

Section 33. **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, if the unexpired term is greater than six months.. The appointee's term of office shall begin immediately upon appointment and shall continue until the next general election when the position shall be open for election to the remaining unexpired term of the person last elected thereto. During the temporary disability of any officer, as determined in the sole discretion of the City Council, or during the temporary absence from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in the office permanently.

## CHAPTER VIII

### **Ordinances, Resolutions and Orders**

#### **Section 34. Mode of Enactment.**

(a) 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.

(b) 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 three copies are provided for public inspection in the office of the City Recorder not later than one week before the meeting at which the Ordinance is to be voted upon and notice of their availability is given forthwith upon the filing, by (i) written notice posted at the City Hall and two other places in the City or (ii) advertisement in a newspaper of general circulation in the City. An Ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by Council.

(c) Upon the enactment of an Ordinance the City Recorder shall sign it with the date of its passage and the printed name of the City Recorder and title of office, and the Mayor shall sign it with the date of the signature, the printed name of the Mayor and the title of the office. (M 10-107)

**Section 35. 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. The Council shall by Ordinance provide for the regular review of all Ordinances of the City. (M 10-107)

**Section 36. Legislative Authority; Enacting Clause for Ordinances.** The Council will normally exercise its legislative authority by approving Ordinances. The enacting clause of all Ordinances hereafter enacted shall be "The City of Reedsport Ordains as follows:"

**Section 37. Administrative Authority; Resolutions; Enacting Clause for Resolutions.** The Council will normally exercise its administrative authority by approving Resolutions. The approving clause for Resolutions may state "The City of Reedsport Resolves as follows:".

Section 38. **Quasi-Judicial Authority; Orders; Enacting Clause for Orders.** The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Reedsport Orders as follows:"

## CHAPTER IX

### Public Improvements

Section 39. **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 40. **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.

If a local improvement district is proposed to be formed, before the Resolution adopting the district is voted upon and the property assessed, a written consent of the owners of property upon which a majority of the estimated cost of the improvement is proposed to be levied must be received by the Council. 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 recorded land sale contract or 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".

Section 41. **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.

## CHAPTER X

### Miscellaneous Provisions

Section 42. **Public Contracts.** Public contracts shall be in accordance with state law and Ordinances and Resolutions adopted by the City Council.

Section 43. **Debt Limit.** City indebtedness may not exceed debt limits imposed by state law. A Charter amendment is not required to authorize City indebtedness.

Section 44. **Torts.** The City's tort liability shall be limited as provided by the laws of the State of Oregon.

Section 45. **Voter Approval.** After August 1st, 2010, any such ordinance, resolution or order approved by a majority of the council, which creates or increases any tax or public utility rates, shall not be effective unless ratified by a majority of the city's qualified electors. Public utility rates for the purpose of this Section mean water, waste water, and storm water rates, as applicable. The voting shall take place in an election where at least 50 percent of the registered voters cast a ballot, or in the election that is a general election in an even numbered year. (M 10-119)(M 10-127)

Section 46. **Effect of Charter.** All City of Reedsport ordinances, resolutions, rules, regulations, motions, rates, and fees in force and in effect at the time this City of Reedsport Charter of 2006 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 Reedsport Charter of 2006.

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 Reedsport shall continue to be the rights and property of the City of Reedsport.

Any person holding an appointed or elected office or position of the City of Reedsport 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 47. **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 48. **Repeal.** Except as otherwise provided in this Charter all of the provisions of all previous charters of the City of Reedsport are hereby repealed.

Section 49. **Time of Effect of Charter.** This Charter shall take effect, if approved by the voters, as of 12:01 a.m., the 15<sup>th</sup> day after the Mayor of the City of Reedsport publishes or posts his Proclamation to that effect.

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