

City
of
CLATSKANIE
OREGON

CITY CHARTER

Effective November 7, 1995

CITY CHARTER

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CITY CHARTER

CHARTER FOR THE CITY OF CLATSKANIE, OREGON

A CHARTER

To provide for the government of the city of Clatskanie, Columbia 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 Clatskanie, Columbia County, Oregon:

CHAPTER I NAME AND BOUNDARIES

Section 1. Title Of Charter. This charter may be referred to as the 1995 Clatskanie Charter.

Section 2. Name Of City. The city of Clatskanie, Columbia County, Oregon, shall continue under this charter to be a municipal corporation with the name “city of Clatskanie.”

Section 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 II POWERS

Section 4. Powers Of The City. The city shall have all powers which 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 5. 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 the contrary.

Section 6. 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 III FORM OF GOVERNMENT

Section 7. Form Of Government. The city of Clatskanie shall have a council/manager form of government. Legislative authority shall reside with the council. Administrative functions shall be carried out by a city manager.

Section 8. Council. The council shall be composed of a mayor and six (6) councilors elected from the city at large, or in the case of one or more vacancies in the council, the council members whose offices are not vacant.

Section 9. Councilors. The term of office of a councilor in office when this charter is adopted is the term of office for which the councilor has been elected before adoption of the charter or is elected at the time of the adoption. At each biennial general election after the adoption, three (3) councilors shall be elected, each for a four (4) year term.

Section 10. Mayor. The term of office of the mayor in office when this charter is adopted continues until the beginning of the first odd numbered year after that time. At each subsequent general biennial election, the mayor shall be elected for a two (2) year term.

Section 11. Terms Of Office. The term of office of an elective officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

Section 12. Appointive Offices. A majority of the council may:

- (1) Create, abolish, and combine appointive city offices; and
- (2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

Section 13. Qualification Of Officers. No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of

the state constitution and has resided in the city during the twelve (12) months immediately preceding the election.

CHAPTER IV COUNCIL

Section 14. Rules. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 15. Meetings. 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 16. Quorum. A majority of the council constitutes a quorum for its business, but a smaller number of the council may meet and issue a subpoena to compel attendance of absent councilors as prescribed by council rules.

Section 17. Record Of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 18. Mayor's Functions At Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. The mayor shall have a vote on all questions before it. 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.

Section 19. Council President. At its first meeting after this charter takes effect and at its first meeting of each odd numbered year, the council shall appoint a president from its councilors. 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 office, the president shall act as mayor.

Section 20. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council when a quorum is present.

Section 21. Vacancies: Occurrence. The office of a member of the council becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,
 - (b) Adjudicated incompetence, or
 - (c) Recall from the office; or

- (2) Upon declaration by the council of the vacancy in case of the incumbent's:
 - (a) Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time for his or her term of office to begin,
 - (b) Absence from the city for thirty (30) days without the council's consent or from all meetings of the council within a ninety (90) day period,
 - (c) Ceasing to reside in the city,
 - (d) Ceasing to be a qualified elector under state law,
 - (e) Conviction of a public offense punishable by loss of liberty, or
 - (f) Resignation from the office.

Section 22. Vacancies: Filling. A vacancy in the council shall be filled by appointment by a majority of the council. 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. During a council member's disability to serve on the council or during a member's absence from the city, a majority of the other council members may by appointment fill the vacancy pro tem.

CHAPTER V POWERS AND DUTIES OF OFFICERS

Section 23. Mayor. The mayor shall appoint the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council. He shall have no veto power and shall sign all ordinances passed by the council three (3) days after their passage.

Section 24. City Manager.

- (1) The city manager is the administrative head of the city government.
- (2) A majority of the council shall appoint and may remove the manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The manager need not reside in the city or the state when appointed.

- (4) Upon accepting the appointment, the manager shall furnish the city a bond in an amount and with a surety approved by the council. The city shall pay the bond premium.
- (5) The manager shall be appointed for a definite or indefinite term and may be removed by the council at its pleasure. Within six (6) consecutive months after a vacancy occurs in the office, the council shall fill the vacancy by appointment.
- (6) The manager shall:
 - (a) Attend all council meetings unless excused by the council or mayor;
 - (b) Keep the council advised of the affairs and needs of the city;
 - (c) See that the provisions of all ordinances are administered to the satisfaction of the council;
 - (d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the city are fulfilled;
 - (e) Appoint, discipline and remove appointive personnel, except appointees of the mayor or council;
 - (f) Supervise and control the manager's appointees in their service to the city;
 - (g) Organize and reorganize the departmental structure of city government;
 - (h) Prepare and transmit to the council an annual city budget;
 - (i) Supervise city contracts;
 - (j) Supervise operation of all city owned public utilities and property; and
 - (k) Perform other duties as the council prescribes consistent with this charter.
- (7) The manager may not control:
 - (a) The council;
 - (b) The municipal judge in the judge's judicial functions; or,
 - (c) Except as the council authorizes, appointive personnel of the city whom the manager does not appoint.

- (8) The manager and other personnel whom the council designates may sit with the council but may not vote on questions before it. The manager may take part in all council discussions.
- (9) When the manager is absent from the city or disabled from acting as manager, or when the office of manager becomes vacant, the council shall appoint a manager pro tem, who has the powers and duties of manager, except that the manager pro tem may appoint or remove personnel only with approval of the council. No person may be manager pro tem more than six (6) consecutive months.
- (10) Except in council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to coerce the manager or a candidate for the office of manager in the appointment, discipline, or removal of personnel or in decisions regarding city property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In council meeting, members of the council may discuss with, or suggest to, the manager anything pertinent to city affairs.

Section 25. Municipal Court And Judge.

- (1) If the council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the city at a place and times that the council specifies, a court known as the municipal court for the city of Clatskanie, Columbia County, Oregon.
- (2) 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.
- (3) 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.
- (4) 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) The municipal judge may:
 - (a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
 - (b) Order the arrest of anyone accused of an offense against the city;
 - (c) Commit to jail or admit to bail anyone accused of such an offense;
 - (d) Issue and compel obedience to subpoenas;

- (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
 - (f) Penalize contempt of court;
 - (g) Issue process necessary to effectuate judgments and orders of the court;
 - (h) Issue search warrants; and
 - (i) Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (6) The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.
- (7) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER VI PERSONNEL

Section 26. Qualifications.

- (1) An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city during the twelve (12) months immediately before being elected or appointed to the office. In this subsection, “city” means area inside the city limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) An elective officer may be employed in a city position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court or in some other manner, whichever the council prescribes.
- (4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

Section 27. Compensation. The council shall prescribe the compensation of city officers. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

Section 28. Merit System. Subject to all collective bargaining agreements between the city and one or more groups of its employees, the council shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees, all of which shall be based on merit and fitness.

CHAPTER VII ELECTIONS

Section 29. 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 30. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the city.

CHAPTER VIII ORDINANCES

Section 31. Ordaining Clause; The ordaining clause of an ordinance shall be “The city of Clatskanie ordains as follows:”

Section 32. Adoption By Council.

- (1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open council meeting on two(2) different days before being adopted by the council.
- (2) Except as subsection (3) 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 council members present, provided the ordinance is read first in full and then by title.
- (3) A reading of an ordinance may be by title only if:
 - (a) No council member present at the reading requests that the ordinance be read in full, or
 - (b) At least one day before the reading;
 - (i) A copy of the ordinance is provided for each council member,

- (ii) Three (3) copies of the ordinance are available for public inspection in the office of the custodian of city records, and
 - (iii) Notice of their availability is given by written notice posted at the city hall and two (2) other public places in the city.
- (4) 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.
- (5) Upon the adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.
- (6) After adoption of an ordinance, the custodian of city records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 33. Effective Date. A nonemergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 34. Procedure.

- (1) The procedure for making, altering, vacating, or abandoning a public improvement shall 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 ($\frac{2}{3}$) of the council present to be needed at once because of an emergency shall be suspended for six (6) months upon remonstrances by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second remonstrance suspends the action only with the consent of the council.
- (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.

CHAPTER X
MISCELLANEOUS PROVISIONS

Section 36. Debt. 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.

Section 37. Continuation Of Ordinances. Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 38. 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 (2) parts requires.

Section 39. Time Of Effect. This charter takes effect November 7, 1995.