

AUMSVILLE CHARTER

Charter of the City of Aumsville Marion County, Oregon

A CHARTER

To provide for the government of the City of Aumsville, Marion 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 Aumsville, Marion County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Aumsville Charter of 2003.

Section 2. Name of City. The municipality of Aumsville, Marion County, Oregon, shall continue to be a municipal corporation with the name "City of Aumsville."

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 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 the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow the city 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 state constitution.

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 and six councilors elected from the city at large.

Section 8. Councilors. Each councilor in office when this charter is adopted shall continue to hold office until the expiration of the present term. At the regular general biennial election held on the date that this charter is adopted, three councilors shall be elected, and at the next succeeding regular general biennial election three councilors shall be elected. At regular biennial general elections held thereafter three and three councilors respectively shall be elected. All councilors elected shall hold office for a term of four years, and until their successors have been elected and have qualified.

Section 9. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. 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 11. Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of the 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 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 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 14. Quorum. A majority of members of the council shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. 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 16. 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 as provided in its rules. 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 the office, the president shall act as mayor.

Section 17. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council quorum present is necessary to decide affirmatively a question before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 18. Mayor. The mayor shall appoint:

- (1) Members of committees established by council rules, and
- (2) Other persons required by the council to be so appointed with the consent of the council.

Section 19. Municipal 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 Aumsville, Marion 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.

Section 20. City Administrator.

- (1) The city administrator is the administrative head of the city government.
- (2) A majority of the council shall appoint and may remove the administrator. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The administrator need not reside in the city or the state when appointed.
- (4) Upon accepting the appointment, the administrator shall furnish the city a bond or the city shall obtain a Public Employee's Blanket Bond on the administrator in an amount and with a surety approved by the council. The city shall pay the bond premium.
- (5) The administrator shall be appointed for a definite or an indefinite term and may be removed by the council at its pleasure. After a vacancy occurs in the office, the council shall fill the vacancy by appointment.
- (6) The administrator 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 employees, except appointees of the mayor or council;
 - (f) Supervise and control the administrator's employees/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 consistently with this charter.
- (7) The city administrator 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 administrator does not appoint.
- (8) The administrator and other personnel whom the council designates may sit with the council but may not vote on questions before it. The administrator may take part in all council discussions.
- (9) When the administrator is absent from the city or disabled from acting as administrator, or when the office of administrator becomes vacant, the council shall appoint an administrator pro tem, who has the powers and duties of administrator, except that the administrator pro tem may appoint or remove personnel only with approval of the council.
- (10) Except in council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to coerce the administrator or a candidate for the office of administrator 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 administrator anything pertinent to city affairs.

CHAPTER VI

ELECTIONS

Section 21. 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 22. Nominations. A person may be nominated by petition or by filing fee as prescribed by general ordinance to run for an elective office of the city.

Section 23. Oath of Office. Before assuming city office, an officer shall take an oath 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, the state of Oregon, and the charter and laws of the city of Aumsville.

CHAPTER VII

VACANCIES IN OFFICE

Section 24. What Creates Vacancy. 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 days after the time for the term of office to begin,
 - (b) Absence from the city for 30 days without the council's consent or from all meetings of the council within a 60-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 25. Filling of Vacancies. Vacancies in elective offices in the city shall be filled by a majority of the incumbent members of the council. 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 any 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.

CHAPTER VIII

ORDINANCES

Section 26. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Aumsville ordains as follows:"

Section 27. Mode of Enactment.

- (1) Except as this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.
- (2) Except as this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.
- (3) Any of the readings 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 a copy is provided for public inspection in the office of the city administrator not later than one week before the first reading of the ordinance and notice of their availability is given upon the filing by written notice posted at the city hall and two other public places 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 the council.

- (4) Upon final vote of an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.
- (5) Upon the enactment of an ordinance the administrator shall sign it with the date of its passage and title of office, and within three days thereafter the mayor shall sign it with the date and the title of office.

Section 28. When Ordinances Take Effect. 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 29. Improvements. 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 the applicable general laws of the state. Action on any proposed public improvement except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the property to be specially assessed therefor. 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 administrator, the said purchaser shall be deemed the "owner".

Section 30. 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 31. 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 32. Contracts. All contracts entered into by the city shall be pursuant to city ordinances or resolutions. Under no circumstances shall the city be liable to any person or entity under a theory of "quasi contract," "quantun meruit," or "implied contract."

Section 33. 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 34. Repeal of Previously Enacted Provisions. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 35. Time of Effect of Charter. This charter shall take effect January 1, 2003, but officers elected at the election at which this charter was enacted shall be deemed elected as of the date of said election.