

CHARTER

Charter

CHARTER OF THE CITY OF GLENDALE Douglas County, Oregon

PREAMBLE

We, the people of Glendale, Douglas County, 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 and the State of Oregon, through this Charter confer upon the City the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions.

CHAPTER I: NAMES AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Glendale Charter of 2002.

Section 2. Name of City. The City of Glendale continues under this charter to be a municipal corporation with the name "City of Glendale."

Section 3. Boundaries. The city includes all territory within its boundaries at the time this Charter becomes effective and all territory added or annexed at such later time pursuant to the laws of the State of Oregon. 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 administrative offices of the city during regular 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 the State of Oregon now or hereafter expressly or implied 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 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 power possible under the laws of the United States and the State of Oregon.

Section 6. Distribution of Powers. Except as this charter prescribes otherwise, and as the Oregon Constitution reserves legislative power to the voters of the city through the initiative and referendum power, all powers of the city are vested in the council.

CHAPTER III: FORM OF GOVERNMENT

Section 7. Council. The council shall consist of a mayor and six councilors nominated and elected from the city at large or, in case of one or more vacancies in the council, the council members whose offices are not vacant.

Section 8. City Manager and Municipal Judge. The council may appoint a city manager and may appoint a municipal judge.

Section 9. Councilors. The term of office for each councilor shall be four years. At the general election in November 2000, and every four years thereafter, three councilors shall be elected, each for a four-year term of office. At the general election in November 2002, and every four years thereafter, three council members shall be elected, each for a term of four years. The term of office for each councilor who is in office when this Charter becomes effective shall be deemed the term of office for which the councilor has been elected before adoption of the charter.

Section 10. Mayor. The term of office for mayor shall be two years. The term of office for the mayor who is in office when this charter becomes effective shall continue until the next general election. At this and each subsequent general election, the mayor shall be elected for a two-year term.

Section 11. Terms of Office. The term of office for 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 create, abolish, or combine appointive city officers and, except as the majority prescribe otherwise, fill such offices by appointment and vacate them by removal.

Section 13. Qualification of Officers. No person shall be eligible for elective office of the city unless at the time of election that person shall be a qualified elector under the Oregon law and shall have resided in the City during the twelve months immediately before being elected or appointed to fill a vacancy in the office. In this section "city" means area inside the city limits at the time of the election or appointment.

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 the council rules and may meet at other times in accordance with the rules.

Section 16. Quorum. A majority of the sitting members of the council shall constitute a quorum to do business, but a small number of the council may meet and compel the attendance of absent councilors as prescribed by council rule.

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.

- (1) When present at council meetings the mayor shall:
 - (a) Preside over deliberations of the council,
 - (b) Preserve order,

- (c) Enforce council rules, and
- (d) Determine the order of business under the rules.

(2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to the council president.

(3) The mayor is a voting member of the council and has no veto power.

Section 19. Council President. At its first meeting after this Charter becomes effective, and thereafter at its first meeting at each general election, the Council, by ballot, shall elect a president from its membership. The council president shall preside over council meetings in event of the mayor's absence. Whenever the mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the council president shall act as the mayor.

Section 20. Vote Required. Except as this Charter prescribes otherwise, the express concurrence of a majority of a quorum of the council is necessary to decide a question before the council.

Section 21. Vacancies.

(1) The office of a member of the council shall automatically become vacant upon the member's:

- (a) Death,
- (b) Adjudicated incompetence or
- (c) Recall from the office.

(2) The office of a member of the council shall also become vacant when the council declares the office vacant because of the member's:

- (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her 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 Oregon law,
- (e) Conviction of a federal or state 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 until a successor has been elected and qualified at the next following November election. The successor so qualified shall then serve for the duration of the unexpired term of the council member who vacated office. 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 fill the vacancy by appointment pro tem.

CHAPTER IV:
POWERS AND DUTIES OF OFFICERS

Section 23. Mayor. The mayor shall sign all approved records of proceedings of the council. The mayor shall have the power, subject to confirmation by the council, to appoint members of committees established by council rules.

Section 24. City Manager.

- (1) The city manager is the administrative head of the city government.
- (2) A majority of the council may 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 of Oregon 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 an indefinite term and may be removed at the discretion of the council.
- (6) The manager shall:
 - (a) Attend all council meeting 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,
 - (f) Supervise and control the manager's appointees in their service to the city,
 - (g) Organize and reorganize the departmental structure of city government as needed,

- (h) Prepare and transmit to the council an annual city budget,
 - (i) Supervise city contracts,
 - (j) Supervise operations of all city-owned public utilities and property; and
 - (k) Perform other duties as the council prescribes consistently with this charter.
- (7) The manager may not control:
- (a) The council;
 - (b) The municipal judge in the exercise of 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 may appoint a manager pro tem, who has the powers and duties of a 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 for more than six consecutive months.
- (10) Except in council meetings, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the manager or a candidate for the office of the manager in the appointment, discipline, or removal of personnel or in decisions regarding city property or contracts. Any councilor violating this prohibition may be removed from office by a court of competent jurisdiction. In council meetings, members of the council may discuss with, or suggest to, the manager anything pertinent to City affairs.

Section 25. Municipal Court.

- (1) The office of municipal judge shall be filled by the council by appointment, of which the appointee shall hold within the city at a place and time that the council specifies, a court known as the Municipal Court for the City of Glendale, Douglas County, Oregon.
- (2) Except as this Charter or ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of the State of Oregon governing justices of the peace and justice courts.
- (3) All area within the city and, to the extent provided by Oregon law, areas outside the city within the control of the city is within the territorial jurisdiction of the court.
- (4) The municipal court has jurisdiction over every ordinance prescribing a penalty, may impose penalties, enforce forfeitures or other sanctions which such ordinances may prescribe.

(5) The municipal judge shall have such powers as may be conferred upon municipal courts by the Oregon Constitution, the laws of the State of Oregon and ordinances of the city.

(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 a court of competent jurisdiction of the State of Oregon.

CHAPTER V: PERSONNEL

Section 26. 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 27. Oath. 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 and the State of Oregon and the charter and ordinances of the City of Glendale.

CHAPTER VI: ELECTIONS

Section 28. State Law. Except as this charter or ordinance prescribes to the contrary, a city election shall conform to general laws of the State of Oregon applicable to elections. In event of a tie vote for candidates for elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

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

CHAPTER VII: ORDINANCES

Section 30. Ordaining Clause. The ordaining clause of all ordinances shall be "the City of Glendale ordains as follows".

Section 31. Adoption by Council.

(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) Except as this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by reading by title if:

(a) No council member present at the reading requests to have the ordinance be read in full and

(b) At least one week before the reading:

(i) A copy of the ordinance is provided for each council member,

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

(iii) Notice of availability of copies is given by written notice posted at the city hall and two other public places in the city not later than one week before the first reading of the ordinance.

(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 the 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 32. Effective Date. A non-emergency ordinance takes effect on the thirtieth day after its adoption or on such later date as the ordinance may prescribe. An ordinance adopted to meet an emergency may take effect as soon as adopted.

CHAPTER VIII: PUBLIC IMPROVEMENTS

Section 33. Procedure. 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 of the council present to be needed at once because of an emergency shall be suspended for six months upon remonstrances by owner 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 such remonstrance suspends the action only with the consent of the council.

Section 34. Special Assessments. The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

Section 35. Liens. All city liens, whether for assessment for local improvement, nuisance abatement or otherwise, shall have priority over all other liens of whatsoever nature, except the liens of the U.S. Government or the State of Oregon.

CHAPTER IX:
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 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, all ordinances in force, comprehensive land use plans adopted and all franchises granted when this charter takes effect shall remain in full force and effect until amended or repealed.

Section 38. Repeal. All charter provisions adopted before the effective date of this charter are hereby repealed.

Section 39. 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 so requires.

Section 40. Effective Date. This charter shall take effect November 5, 2002.