

WALDPOR CITY CHARTER

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CHARTER OF THE CITY OF WALDPORT, OREGON

Adopted May 21, 1996

To provide for the government of the City of Waldport, Lincoln County, Oregon, and to repeal all charter provisions of the City enacted prior to the time that this charter is enacted.

Be it enacted by the people of the City of Waldport, Lincoln County, Oregon:

CHAPTER I

Names and Boundaries

Section 1. Title of Enactment

This enactment may be referred to as the Waldport City Charter of 1996.

Section 2. Name of City

The City of Waldport, Lincoln County, Oregon, shall continue to be a municipal corporation with the name "City of Waldport."

Section 3. Boundaries

The City shall include all territory encompassed by its boundaries as they now exist or are hereafter modified pursuant to law. The custodian of the City's records shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and the boundary descriptions available for public inspection during regular City office hours.

CHAPTER II

Powers

Section 4. Powers of the City

The City has all powers that the constitutions, statutes and common law of the United States and of this State expressly or impliedly grant or allow municipalities now or hereafter, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Charter

In this charter, no specification of a particular power shall be construed to be exclusive or to restrict the authority that the City would have if the particular power was not specified. The charter shall be liberally construed, to the end that the City may exercise fully all its powers possible under this charter and under the constitutions and laws of the United States and the State of Oregon. All powers are continuing unless a specific grant of power clearly indicates the contrary.

CHAPTER III

Form of Government

Section 6. Where Powers Vested

Except as this charter provides otherwise, all powers of the City are vested in the Council.

Section 7. Council

The Council shall be composed of a mayor and six councilors or, in the case of one or more vacancies in the Council, the councilors whose offices are not vacant.

Section 8. Councilors

Councilors in office at the time this charter is adopted shall continue in office until the end of the present term of office of each. At each general election after this charter takes effect, three councilors shall be elected, each for a term of four years, and at each general election the number of councilors to be elected to fill vacancies pursuant to Section 30 of this charter shall be elected.

Section 9. Mayor

The Mayor in office at the time this charter is adopted shall continue in office until the end of the present term of office. At each general election a mayor shall be elected for a term of two (2) years.

Section 10. Appointive Officers

The City Council shall be responsible for appointing all officers. The appointive officers of the City may include City Manager, City Attorney, Municipal Judge, City Recorder, and any additional officers the Council may determine are necessary for the proper function of City government. The Municipal Judge shall not be subject in judicial functions to supervision by any other officer. Any requirement that an appointive officer fill two (2) or more appointive offices may be approved only by the Council.¹

Section 11. Salaries

The Council shall fix the amount of compensation for City officers and shall approve a compensation plan for City employees. Elected officers shall receive no compensation for serving in an official capacity as elected officers except actual authorized expenses.

Section 12. Qualifications of Officers

No person shall be eligible to fill an elective office of the City unless at the time of the officer's election the officer is a qualified elector within the meaning of the State Constitution and has resided in the City for one (1) year immediately preceding the election.

CHAPTER IV

Council

Section 13. Meetings

The Council shall hold regular meetings at least once a month in the City at a time and place that the Council designates. Meetings of the Council other than regular meetings may be held in accordance with procedures prescribed by State Law and Council Rules. The Council shall adopt rules to govern its meetings and proceedings.

Section 14. Quorum

A majority of the members of the Council shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by Council Rules.

Section 15. Record of Proceedings

The Council shall cause a record 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 record of proceedings.

Section 16. Meetings to be Public

All deliberations and proceedings of the Council shall be public, except as otherwise authorized by law.

Section 17. Mayor's Functions at Council Meetings

The Mayor shall preside over Council deliberations 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. The Mayor is a voting member of the Council.²

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 over it. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office of Mayor, the President of the Council shall 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 (1) appoint the committees provided for under the rules of the Council; (2) sign all approved records of proceedings of the Council; (3) have no veto power and (4) sign all ordinances passed by the Council within three days after their passage. In the event that the Mayor shall fail to so sign any ordinance within said time, the same shall be effective without further Council action.³ Upon the approval of the Council of a bond for a City officer or a bond for an application for a license, permit, contract or proposal, the Mayor shall endorse the bond or application for the City.

Section 21. City Manager:

(a) **Qualifications** The City Manager: (1) shall be the administrative head of the government of the City; (2) shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications.

(b) **Bond** Before taking office the Manager shall file with the Mayor a bond for faithful performance of the duties as Manager, payable to the City in an amount to be determined by the Council, the premium of which the City shall pay.

(c) **Term** The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council.⁴ If a vacancy occurs in the office of Manager after the first appointment under this charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another Manager. The Council may appoint a new Manager as it deems necessary.

(d) **Powers and Duties** The Manager shall:

(1) devote the entire time to the discharge of the official duties, attend all meetings of the Council, unless excused 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) 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) appoint, discipline, and remove all City employees, except as this charter otherwise provides, and shall have general supervision and control over them and their work, with power to transfer an employee from one department to another, and shall exercise supervision and control over the departments, to the end of obtaining the utmost efficiency in each of them. The City Manager may not supervise or regulate: (a) the Council; (b) the Municipal Judge in the Judge's judicial functions; (c) City Attorney; (d) except as the Council authorizes, appointive personnel of the City whom the City Manager does not appoint.⁵

(4) supervise all purchasing and contracts.

(5) be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as that body requests.

(6) supervise the operation of all public utilities owned and operated by the City

and shall have general supervision over all City property.

(e) **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 the Council. At the discretion of the Council, the Manager may take part in the discussion of all matters before the Council.

(f) **Manager Pro Tem** In the event of the Manager's absence from the City, or temporary disability to act as Manager or of discharge by the Council, the Council may appoint a Manager Pro Tem, who shall possess the powers and duties of the Manager. No Manager Pro Tem, however, shall have the power to appoint or remove any City officer or employee except with the approval of three-fourths of the members of the Council. No Manager Pro Tem shall hold the position of Manager for more than six months, and no appointment of a Manager Pro Tem shall be renewed for more than six months.

(g) **Interference in administration and elections** No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the Manager in the making of any appointment or removal of any employee; or to influence an award of contract contrary to City Code; or, except through the Manager, attempt to direct any City officer or employee under the Manager's supervision in the performance of his or her duties; or attempt to exact any promise relative to any appointment to be made by the Manager from any candidate for Manager. Nothing in this Section shall be construed, however, as prohibiting the Council, or Council members, from fully and freely discussing with or suggesting to the Manager anything pertaining to City affairs or the interests of the City. A violation of this subsection may occasion the censure or removal from office of the offending member of the Council, by the Council or a court of competent jurisdiction.⁶ Neither the Manager nor any person in the employ of the City shall take part in securing, or contribute any money toward, the nomination or election of any candidate for a municipal office.

(h) **Ineligible persons** No person related to the Manager or the Manager's spouse by consanguinity or affinity within the third degree, nor the spouse, shall hold any appointive office or employment with the City, except with the approval of a two-thirds vote of the Council.

Section 22. Municipal Judge

The Municipal Judge shall be the judicial officer of the City. The Municipal Judge shall hold within the City a court known as the Municipal Court of the City of Waldport, Lincoln County, Oregon. Except on nonjudicial days, the Court shall be open for the transaction of judicial business as the Council from time to time shall determine. All area within the City shall be within the territorial jurisdiction of the Court. The Municipal Judge shall exercise original 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 an ordinance of the City. 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 jail or admit him or her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in Court on the trial of any cause before him or 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 a City ordinance shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Courts.

Unless otherwise governed by general ordinance or State law, the Council may contract for the transfer of powers and duties of the Municipal Court to the appropriate District Court of the State of Oregon.

Section 23. Recorder

The Recorder shall serve ex officio as Clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep an accurate record of its proceedings, and sign all orders on the treasury. In the Recorder's absence from a Council meeting, the Mayor shall appoint a Clerk of the Council Pro Tem, who, while acting in that capacity, shall have all the authority and duties of the Recorder.

CHAPTER VI

Elections

Section 24. Regular Elections

Regular City elections shall be held at the same times and places as general State elections, in accordance with the applicable State Election Laws.

Section 25. Regulation of Elections

Except as this charter provides 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.

Section 26. Commencement of Terms of Office

The term of office of a person elected to an office at a regular City election shall commence at the first Council meeting of the year immediately following the election.

Section 27. Oath of Office

Before entering upon the duties of an office, each officer shall take an oath that the officer will support the constitutions and laws of the United States and of the State of Oregon and that the officer will faithfully perform the duties of the office.

Section 28. Filing for Office

Any qualified elector may be a candidate for the elective City offices of Mayor and Councilor, provided that such elector shall have resided in the City of Waldport for the twelve (12) months immediately preceding the election for which the elector intends to be a candidate. To be a candidate for the office of Mayor or Councilor, such qualified elector shall file with the City Recorder, in such a manner as the Council may prescribe, a

declaration of candidacy particularly setting forth therein the office for which the elector seeks election. Such a declaration and fee shall be in the form, filed in the manner, and filed within the time prescribed by general ordinance and State law. The custodian of City records shall make a record of the exact time at which each declaration is filed and shall take and preserve the name and address by whom it is filed.

No Councilor with an unexpired term of office in excess of two years shall be a candidate for the office of Mayor without first filing with the Council his or her written resignation from the Council, effective at the end of the calendar year. Such resignation shall be filed at least 100 days before standing for election as Mayor, to allow candidates for the Councilor's seat to file nomination petitions and stand for election to fill the unexpired term of the resigned Councilor.⁷

No elected or unpaid appointed official shall serve a continuous period in office of more than twelve (12) years.⁸

CHAPTER VII

Vacancies in Office

Section 29. What Creates Vacancy

(1) An office becomes vacant upon the incumbent's: (a) death; (b) adjudicated incompetence; (c) conviction of a felony or a crime pertaining to the office; (d) unlawful destruction of public records; (e) resignation; (f) recall from office; (g) ceasing to possess the qualifications for office; and (h) 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 commence.

(2) In the case of a Mayor or Councilor, an office also becomes vacant upon the incumbent's removal of residency from the City, absence from the City for thirty consecutive days without consent of the Council, or absence from two consecutive regular meetings of the Council without like consent, and upon a declaration by the Council of a vacancy.

Section 30. Filling of Vacancies

Vacancies in elective offices of the City shall be filled by appointment by a majority of the remaining membership of the Council. The appointee's term of office shall begin immediately upon his or her appointment and shall continue until the beginning of the year following the next general election and until his or her successor is qualified. The successor for the unexpired term shall be chosen at the next general election after said appointment. If the vacancy occurs more than eight months before the date of the next general election, the appointment shall continue until the successor for the unexpired term is chosen at the next earliest practicable special election after the vacancy occurs.⁹ The chosen successor for the unexpired term shall be qualified at the next regular meeting of the Council. During the temporary disability of any officer or during the 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 office permanently.

CHAPTER VIII

Ordinances

Section 31. Enacting Clause

The enacting clause of all ordinances hereafter enacted by the Council shall be "The City of Waldport ordains as follows:".

Section 32. Mode of Enactment

(1) Except as this Section provides to the contrary, every ordinance of the Council shall, before enactment, be read fully and distinctly in open Council meeting.

(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 and

(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 first reading of the ordinance and notice of their availability is given forthwith upon the filing by

(i) written notice posted at the City Hall and two other public 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 has 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 the final vote on an ordinance, the ayes and nays of the members shall be taken individually and recorded in the record of proceedings.

(5) Upon the enactment of an ordinance, the Recorder shall sign it with the date of its passage and the attester's name and title of office. Within three days thereafter, the Mayor shall sign and date the ordinance over the title of "Mayor."

Section 33. When Ordinances Take Effect

An ordinance enacted by the Council shall take effect on the 30th day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later or different time for it to take effect, and in case of an emergency it may take effect immediately.

CHAPTER IX

Public Improvement

Section 34. Compensation

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 is to be devoted.

Section 35. 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 State laws. Action on any proposed public improvement, except a water or sewer improvement declared by the Council to be needed at once because of an emergency, shall be abandoned and not reinitiated for six (6) months upon a remonstrance thereto by the owners of land which bears sixty percent (60%) of the estimated assessed cost of the improvement. In this Section "owner" means the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser is deemed the "owner."

Section 36. 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 and by State law.

Section 37. Competitive Bids

Except as authorized by State law or general ordinance, all City contracts shall be based on competitive bids.

Section 38. 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 39. (Section 39 is reserved.)

CHAPTER X

Miscellaneous Provisions

Section 40. 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 41. 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 42. Time of Effect of Charter

This charter shall take effect from and after its adoption by the inhabitants of the City of Waldport, Oregon, as by law provided.

Section 43. Procedure for Amendments

Amendments to this charter may be proposed by the City Council by resolution duly adopted in any regular meeting of the Council, and when so adopted, the same shall be submitted to a vote of the legal voters of the City in accordance with general ordinance and State law.

This charter may also be amended by the electors in the exercise of the initiative power as provided for by State law.

Section 44. Severability

If any provision of this charter is held invalid by a court of competent jurisdiction, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of charter and its provisions to other persons and circumstances shall not be affected.

Section 45. Time of the Effect of Charter

This charter shall take effect thirty (30) days after approval by the City of Waldport in a duly constituted election.

Endnotes:

1. Passed and approved by the voters of the City of Waldport as City Measure 21-23 on May 21, 1996.
2. Passed and approved by the voters of the City of Waldport as City Measure 21-23 on May 21, 1996.
3. Passed and approved by the voters of the City of Waldport as City Measure 21-23 on May 21, 1996.
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8. Passed and approved by the voters of the City of Waldport as City Measure 21-24 on May 21, 1996.
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