

## **PREAMBLE**

*We, the people of the City of King City, under the constitution and laws of the United States and the State of Oregon, in order to secure the benefits of self-determination in municipal affairs, and to provide for an honest and accountable council-manager government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribe the following procedures and governmental structure in order to provide for local government responsive to the will and values of the people.*

### **Article 1. NAME AND BOUNDARIES**

**Section 1.01 Title of Enactment.** This Charter may be referred to as the King City Charter of 2006.

**Section 1.02 Name of the City.** The City of King City, Washington County, Oregon shall continue to be a municipal corporation with the name of King City.

**Section 1.03 Boundaries.** The city includes all territory within the boundaries as they now exist or hereafter are legally modified. At least two (2) copies of this charter and an up-to-date description of the city boundaries shall be kept by the City Recorder.

### **Article 2. POWERS OF THE CITY**

**Section 2.01 Powers of the City.** The City has all the powers that the constitution statutes and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the City as fully as though this Charter specifically enumerated each of those powers.

**Section 2.02 Construction of Powers.** The powers of the City under this Charter shall be construed liberally in favor of the City, so the City may exercise fully all powers possible under the Charter and under the laws of the United States and the State of Oregon. The specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers granted in this article.

**Section 2.03 Distribution.** The Oregon Constitution reserve initiatives and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the City Council except as the Charter otherwise provides. The Council has legislative, administrative and quasi-judicial authority. The Council exercises legislative authority by ordinance, administrative authority by resolution and quasi-judicial authority by order. The Council may not delegate its legislative authority.

### **Article 3. FORM OF GOVERNMENT**

**Section 3.01 Form of Government.** The form of government for King City shall be a Council/Manager form of government. The structure shall consist of a governing Council, a Mayor, a City Manager and other officers and personnel.

## **Article 4. CITY COUNCIL AND MAYOR**

**Section 4.01 General Powers and Duties.** All powers of the City shall be vested in the City Council, except as otherwise provided by law or this charter and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

**Section 4.02 Oath of Office.** Before entering upon the duties of the office, each elected officer of the City shall take an oath or shall affirm support of the Constitution and laws of the United States and the State of Oregon, and attest to the faithful performance of the duties of the office.

**Section 4.03 Composition.** The council shall consist of seven (7) councilors nominated and elected from the City at large. In the case of one or more vacancies in the Council, the Council shall consist of those members in office.

- A. A City Councilor shall be a qualified elector of the state and shall have resided in King City during the six (6) months immediately before being elected or appointed to the office.
- B. A person shall be nominated to run for City Council in a manner prescribed by general ordinance.
- C. Except as this Charter or a City Ordinance prescribes otherwise, a City election shall conform to state law applicable to the election and shall be non-partisan in nature. A nomination petition, election notice, ballot or other election document shall not indicate party affiliation or preference of a candidate for City office.

**Section 4.03 Term of Office.** The term of office of each elected councilor shall be four (4) years.

- A. A councilor's term of office shall begin at the first regular council meeting in the year immediately following the general election and shall continue until a successor assumes the office.
- B. The term of office of an appointee to the Council runs until expiration of the term of the predecessor who had left the office vacant.

### **Section 4.04 Vacancies.**

- A. A councilor's term of office shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.
- B. A council member shall forfeit the office if the council member:
  - 1. Fails to meet the residency requirements,
  - 2. Violates any express prohibition of this charter,
  - 3. Is convicted of a crime involving moral turpitude,
  - 4. Is absent from the city for 60 consecutive days without consent of the council,
  - 5. Is absent from two consecutive meetings of the council without consent.
- C. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one or more newspapers in the city at least one week in advance of the hearing.
- D. Appointments to fill vacancies in elective offices of the city shall be made by council action even if the membership falls below the quorum otherwise required.

**Section 4.05 Duties of Councilors.**

- A. Councilors shall attend all meetings of the Council and vote on all matters brought before the Council, except as provided otherwise in this charter.
- B. The City Council shall be the sole judge of the election and qualifications of its members, and of the grounds for forfeiture of their office.
- C. The Council shall have power to subpoena witnesses, administer oaths and require the production of evidence for the process of investigations into the affairs of the City and the conduct of any City department.
- D. The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary.

**Section 4.06 Prohibitions.**

- A. No Council member shall hold any other elected public office, any City office or City employment during their term of office. This shall not be construed to prohibit the Council from selecting any current or former council member to represent the city on regional or intergovernmental agencies or committees.
- B. Neither the City Council nor any of its members shall control or demand the appointment or removal of any City employee whom the City Manager is empowered to appoint. The Council may express its views and discuss with the City Manager anything pertaining to appointment and removal of employees.
- C. Except for the purpose of inquires and investigations, the Council or its members shall deal with City employees, who are subject to the direction and supervision of the City Manager, solely through the city manager, and, except in the absence of the City Manager, neither the Council nor its members shall give orders or direction to any employee, publicly or privately.

**Section 4.07 Compensation for Councilors.** Elected officers shall receive no compensation for service in an official capacity of the City. Actual and necessary expenses incurred in the performance of their duties of office shall be paid.

**Section 4.08 Mayor.** A mayor shall be elected by the members of the council from its membership at the first meeting in each odd-numbered year and shall serve at the pleasure of the council.

- A. The term of office of the mayor shall be two years.
- B. The mayor shall be a voting member of the council.
- C. The mayor shall attend and preside at council meetings, enforce council rules, preside over deliberations, and determine the meeting agenda.
- D. The mayor shall represent the city in intergovernmental relations and appoint members of citizen advisory boards and council committees.
- E. The mayor shall be recognized as head of the city government for all ceremonial purposes.

**Section 4.09 Council President.** A council president shall be chosen by the members of the council from its membership at the first meeting in each odd-numbered year. The council president shall function as mayor pro tem when the mayor is absent from a council meeting or is temporarily unable to function as mayor.

## **Article 5. CITY OFFICERS**

### **Section 5.01 Appointments.**

- A. The appointed City officers are the City Manager, City Attorney, Municipal Judge and City Recorder each of whom, except the City Recorder, serve at the pleasure of the Council and are appointed and removed by a majority vote of the entire Council.
- B. A majority of the Council may create, abolish, or combine additional appointive offices, and fill such offices by appointment and vacate them by removal. The qualifications of appointive officers of the City shall be as the Council prescribes.
- C. A vacancy in any appointed office shall be filled within six months.

**Section 5.02 City Manager.** The City Manager is the administrative head of the City government and is responsible to the Council for the management of all City affairs placed in the manager's charge by or under this Charter.

- A. The City Manager shall serve at the pleasure of the City Council. The City Council by a majority vote of its membership, shall appoint a City Manager for a specified or indefinite term and fix the manager's compensation. The City Manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but may reside outside the City while in office only with the approval of the Council. The City Manager, upon accepting appointment, shall furnish the City with a bond in an amount and with a surety approved by the City Council. The City shall pay the bond premium.
- B. The City Manager must:
  - 1. Be dedicated to the concepts of effective and democratic local government.
  - 2. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships.
  - 3. Submit policy proposals to the Council; provide facts and advice on policy, and uphold and implement municipal policies.
  - 4. Keep the community informed on local government affairs, emphasizing friendly and courteous service to the public while building a sense of community.

### **Section 5.03 Powers and Duties of the City Manager.**

- A. The City Manager shall:
  - 1. Attend all City Council meetings. The City Manager shall have the right to take part in Council discussion but shall not vote.
  - 2. Direct and supervise the administration of all departments, offices, agencies and properties of the city, except as otherwise provided by this charter or by law.
  - 3. Assure that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the manager's direction and supervision, are faithfully executed.
  - 4. With Council approval, prescribe rules governing suspension, layoff, and dismissal of city employees based on merit and fitness, and consistent with all collective bargaining agreements.
  - 5. Appoint and suspend, or remove all city employees and appointive administrative officers provided for by this Charter, except as otherwise

provided by law, this Charter or personnel rules adopted pursuant to this Charter.

6. Encourage and provide staff support for regional and intergovernmental participation and cooperation.
7. Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy.
8. Assist the Council to develop long term goals for the City and strategies to implement such goals.
9. Prepare and submit the annual budget and capital program to the City Council, and implement the budget approved by Council to achieve such goals of the City. Submit to the City Council and make available to the public an audit, prepared by a certified municipal auditor, on the finances and administrative activities of the City at the end of each fiscal year.
10. Keep the City Council fully advised as to the financial condition and future needs of the city and make any other reports as the Council may require concerning operations.
11. Provide staff support services for the Mayor and Council members.
12. Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community.

***Section 5.04 Acting City Manager.***

- A. The City Council shall designate a city officer or employee to exercise the powers and perform the duties of City Manager during the manager's temporary absence or disability; the City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns. The acting City Manager is not entitled to the protections of the removal procedure afforded the manager.
- B. A City Manager pro tem has the powers and duties of manager, except that the manager pro tem may appoint or remove personnel only with council approval. No person may be manager pro tem for more than six consecutive months.

***Section 5.05 City Recorder.*** The City Manager shall appoint an officer of the city who shall have the title of City Recorder. The City Recorder shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter, by the City Manager or Council, or by state law.

***Section 5.06 Legal Officer.***

- A. The City Attorney is the chief legal officer of the city government. A majority of the members of the Council must appoint and may remove the attorney.
- B. The City Attorney shall serve as chief legal adviser to the Council, the City Manager and all City departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

### **Section 5.07 Municipal Court and Judge.**

- A. The Council shall fill the office of Municipal Judge by appointment. The appointee shall be a member of the Oregon State Bar and be chosen without regard to political considerations.
- B. The Municipal Judge, upon authorization from the Council, shall appoint and set terms of office for Municipal Judges pro tem.
- C. The Municipal Judges shall hold a Municipal Court for King City at times and places determined by the judge and approved by the Council.
- D. Except as this Charter or city ordinances prescribe to the contrary, proceedings of the court shall conform to general laws of this state governing Justices of the Peace and Justice Courts.
- E. All areas within the city and, to the extent provided by state law, areas outside the city, are within the territorial jurisdiction of the court.
- F. 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.
- G. 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;
  - 9. Perform other judicial and quasi-judicial functions assigned by ordinance or authorized by state law.
- H. To the extent now or hereafter permitted by state law, the Council may by ordinance designate a state court and the judges thereof to perform and exercise all or any part of the Municipal Court's and Municipal Judge's powers, functions, and jurisdiction. If the designation is complete, the office of the Municipal Judge is abolished. The Council at any time may by ordinance recall any powers, functions and jurisdiction designated and such action shall reestablish the office of Municipal Judge.

## ***Article 6. DEPARTMENTS, OFFICES, AND AGENCIES***

### **Section 6.01 Creation and Supervision.**

- A. The City Council may establish city departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies.
- B. All departments, offices, and agencies shall be organized and reorganized, and shall be under the direction and supervision of the City Manager.
- C. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- D. By ordinance, the Council may affirm the rights of city personnel to participate in political activities and may limit those activities to the extent necessary for orderly and effective operation of the city government.

## **Article 7. PROCEDURE**

**Section 7.01 Meetings.** The Council shall meet regularly in the City at least once each month at a time and place designated by the Council's rules and may meet at other times in accordance with the rules. Special meetings may be held on the call of the Mayor or of four (4) or more Council members and, whenever practicable, upon no less than twenty-four hours notice to each member. Except as allowed by state law, all Council meetings shall be public; however, the Council may meet in a closed or executive session as allowed by state law.

**Section 7.02 Rules and Journal.** The Council shall determine its own procedural rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be public records.

### **Section 7.03 Quorum and Vote.**

- A. A majority of the Council members shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. When a quorum of the Council is present, the concurrence of a majority of those present and voting shall decide any matter before it except as this Charter provides otherwise. No council member present shall abstain from voting without first stating reasons in detail at the meeting
- B. No action of the Council, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum.
- C. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes.

## **Article 8. ORDINANCES**

**Section 8.01 Generally.** The City Council will exercise its legislative authority by adopting ordinances. The enacting clause of all ordinances shall be "The City of King City ordains as follows:"

### **Section 8.02 Adoption.**

- A. Written notice of ordinances shall be posted at City Hall and two other public places one week prior to the meeting at which the proposed ordinance will be considered. Notice shall include the title of the proposed ordinance and the date, time and place of the council meeting and shall state that copies of the ordinances are available at City Hall.
- B. Adoption of an ordinance shall require a reading of the title of the ordinance at two meetings, and approval by the majority of a quorum.
- C. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.
- D. An emergency ordinance may be introduced in the form and manner for all ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. It may be adopted at a single meeting by a unanimous vote of all Council members present without complying with the requirements stated in 8.02-A and B.

- E. After adoption of an ordinance, the ayes and nays of the council members shall be entered in the council minutes and the City Recorder must endorse it with the date of adoption and the recorder's name and title.
- F. An ordinance takes effect on the 30<sup>th</sup> day after its adoption or on a later day if provided in the ordinance. An emergency ordinance may take effect upon the date of adoption.

## ***Article 9. FINANCIAL MANAGEMENT***

**Section 9.01 Fiscal Year.** The fiscal year of the City shall begin on the first day of July and end on the last day of June.

**Section 9.02 Budget.**

- A. The City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message in accordance with the Oregon Local Budget Law.
- B. The City Council shall adopt the budget on or before the 30<sup>th</sup> day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.
- C. Nothing in this Article 9 shall preclude preparation and adoption of biennial budgets as permitted by state law.

## ***Article 10. GENERAL PROVISIONS***

**Section 10.01 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 10.02 Continuation of Ordinances.** Insofar as consistent with this charter, all ordinances in force when this Charter takes effect shall remain in effect until amended or repealed.

**Section 10.03 Severability.** The terms of this Charter are severable. If a part of this charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

**Section 10.04 Time of Effect of the Charter.** This Charter shall take effect upon certification of an affirmative vote of the people of King City.

**Section 10.05 City Resources - Public Rail Transit System.**

A. The King City, City Council may not authorize the use of city resources for the financing, design, construction or operation of any public rail transit system, including, but not limited to, the extension of an existing public rail transit system operating outside the city limits, without first obtaining the approval of city voters at an election on an authorization ordinance. "City Resources" shall include any public funds, staff time, lobbying agreements, property interests or other tangible or intangible city assets, and the right to direct or permit the use of such resources. This subsection does not apply to the use of city resources to respond to or prevent a public safety concern caused by the operation of a public rail transit system.



B. Any authority extended to the King City City Council by an election held under section (A), shall be strictly limited to the parameters of the authorization ordinance. An authorization ordinance submitted to voters under section (A) must provide sufficient public notice of the authority conveyed and shall not be effective unless the following parameters are specified:

1. The types of city resources to be authorized;
2. The permissible uses of such resources
3. The estimated cash value of any authorized resources and any associated personnel costs; and,
4. The duration of the authority extended

C. Sufficient public notice for an authorization ordinance under this subsection is provided to city voters if the certified ballot title accurately summarizes the authorized parameters and provides a link to a detailed description hosted on a city website. If sufficient public notice cannot be accomplished in the manner above, the city shall provide such information to voters by mail at least 21 days in advance of the election.

*Section 10.05 added to the City Charter by Measure 34-199 on  
September 18, 2012*