

RESOLUTION NO. 495

A RESOLUTION REFERRING TO THE VOTERS OF THE CITY OF STAYTON, OREGON, A MEASURE FOR ADOPTION OF A REVISED CHARTER FOR THE CITY.

WHEREAS, the Stayton City Council has determined that certain revisions be made to the 1974 Stayton City Charter; and

WHEREAS, the city staff, in consultation with the city attorney and staff members from the League of Oregon Cities, has reviewed the 1974 Charter and recommended revisions, attached hereto as Attachment A, for submission to the voters of the City of Stayton, which proposal shall be known and referred to as the "1993 Stayton City Charter;" and

WHEREAS, the Stayton City Council concurs with the recommendations as proposed by staff and wishes to refer the 1993 Stayton City Charter to the voters of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STAYTON, THAT:

1. The 1993 Stayton City Charter, attached hereto as Attachment A, is approved for submission to the voters of the City and the council hereby directs and authorizes that the 1993 Stayton City Charter be submitted to the legal voters of the City at the general election to be held on Tuesday, 3 November 1992.
2. Provided a majority of the legal voters of the City of Stayton approves the measure, the 1993 Stayton City Charter shall become effective 1 January 1993 upon certification of the vote by the county clerk of Marion County.
3. The election will be conducted by the Marion County Elections Department.
4. The ballot title for the measure, which shall appear on the ballot, shall be as follows:

**MEASURE ADOPTING A REVISED CHARTER
FOR THE CITY OF STAYTON**

Question: Shall the proposed 1993 Stayton City Charter be adopted?

Summary: This measure proposes replacement of the 1974 Stayton City Charter with the 1993 City Charter. Many of the provisions contained in the 1974 charter have either become outdated or are covered by state law. The new charter does not change from the mayor/council form of city government. If approved, the new charter will take effect January 1, 1993. The charter may be amended only by a vote of the people.

5. This resolution shall be filed at Stayton City Hall.

6. The city administrator, pursuant to directions from the Stayton City Council, shall give at least ten days' notice of this election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall contain the ballot title under which the question will appear on the ballot and shall set forth the time and place of the election.
7. The county clerk for Marion County is hereby instructed to prepare the ballots and to take other actions necessary to conduct the election.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of August 1992.

Date: 8-18-92 By: 
WILLMER VAN VLEET, Mayor

ATTEST

Date: 8-18-92 By: 
DAVID W. KINNEY, City Administrator

dk:b(7-27-92)

CITY OF STAYTON

CHARTER OF 1993

Enacted by Resolution No. _____
_____ 1992

Effective 1 January 1993

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STAYTON CHARTER OF 1993

A CHARTER

To provide for the government of the CITY OF STAYTON, Marion County, Oregon: and to repeal all charter provisions of the city, except provisions relating to existing debt, and authority of the municipal judge.

Be it enacted by the people of the CITY OF STAYTON, Marion County, Oregon:

CHAPTER I

SECTION 1: TITLE OF ENACTMENT

This enactment may be referred to as the "Stayton Charter of 1993."

SECTION 2: NAME OF CITY

The municipality of Stayton, Marion County, Oregon, is a municipal corporation which carries the name "City of Stayton."

SECTION 3: BOUNDARIES

The city includes all territory encompassed by its boundaries as now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The city administrator shall keep at the city hall at least four (4) copies of this charter and shall maintain in each an accurate, up-to-date description of the boundaries. The copies and boundary descriptions shall be available for public inspection at any time during regular office hours at city hall.

CHAPTER II: POWERS

SECTION 4: POWERS OF THE CITY

The city has all powers which the constitution, 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 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 has all powers necessary or convenient to conduct 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 are vested in the council.

SECTION 7: COUNCIL

The council is composed of five councilors elected from the city at large or from wards or districts if so designated by the council.

SECTION 8: COUNCILORS

At the first biennial general election after this charter is adopted, two councilors shall be elected for a term of four years. At each subsequent biennial general election, three councilors shall be elected. Of the three, the two receiving the two highest number of votes shall each hold office for four years, and the one receiving the third highest number of votes shall hold office for two years. No councilor shall serve more than two consecutive terms as councilor. An appointment pro tem to fill a vacancy is not considered part of a term.

SECTION 9: MAYOR

At each biennial general election, a mayor shall be elected for a term of two years. No person shall serve more than three consecutive terms as mayor.

SECTION 10: QUALIFICATIONS OF ELECTED OFFICERS

No person is eligible for an elective office of the city unless at the time of election the person is a qualified elector within the meaning of the state constitution and has resided in the city during the thirty days immediately preceding the election. The council is the final judge of the qualifications and election of its own members. The mayor and councilors in office at the time this charter is adopted shall continue in office, each until the end of their term of office as fixed by the charter in effect at the time this charter is adopted.

SECTION 11: OTHER OFFICERS

Other officers of the city include a municipal judge, city attorney, city administrator, or any other officers the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the majority of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of the judicial functions.

SECTION 12: COMPENSATION

The compensation for the services of city officers and employees shall be in such amounts as is fixed by the council.

CHAPTER IV: COUNCIL

SECTION 13: MEETINGS

The council shall hold a regular meeting at least once a month in the city at a time and at a place which it designates. It shall adopt rules for the governance of its members and proceedings. The mayor, upon the mayor's own motion, may, or at the request of three members of the council shall, by giving notice to all members of the council, call a special meeting of the council. Special meetings of the council may also be held by the common consent of all the members of the council.

SECTION 14: QUORUM

A majority of the members of the council constitutes a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

SECTION 15: RECORD OF MEETINGS

The council shall cause a record of its meetings to be kept on file at city hall, and such record shall be available to the public.

SECTION 16: PROCEEDINGS TO BE PUBLIC

No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at meetings open to the public. All meetings of the council shall comply with public meeting laws established by general ordinance and state statute.

SECTION 17: MAYOR'S FUNCTIONS AT COUNCIL MEETINGS

The mayor is chair of the council and presides over its deliberations. The mayor shall preserve order, enforce the rules of the council, and determine the order of business under the rules of the council. The mayor does not have a vote unless a tie vote occurs.

SECTION 18: PRESIDENT OF THE COUNCIL

At its first meeting after this charter takes effect and thereafter at its first meeting of each calendar year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it and shall continue to perform as councilor, including the privilege to vote as a member of the council. The president shall not exercise the "mayor's vote" as to tie votes. Whenever the mayor is absent or is unable to perform the functions of the office, the president shall act as mayor.

SECTION 19: VOTE REQUIRED

Except as this charter otherwise provides, the express concurrence of a majority of the members of the council present is necessary to decide any question before the council.

CHAPTER V: POWERS AND DUTIES OF OFFICERS

SECTION 20: MAYOR

The mayor shall appoint committees as provided by the rules of the council; shall sign all records of proceedings approved by the council; sign or veto all ordinances passed by the council within seven days after their passage. If the mayor vetoes an ordinance, the reasons shall be stated in writing to the council and shall return it to the council at its next meeting. Re-passage by the majority of the council overrides the mayor's veto. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

SECTION 21: MUNICIPAL JUDGE

The municipal judge is the judicial officer of the city who shall conduct the city's municipal court. All areas within the city are within the territorial jurisdiction of the court, and the municipal judge has the authority and jurisdiction of a justice of the peace as provided by prior city charters.

The municipal judge has original and exclusive jurisdiction of all 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 ordinances of the city. The municipal judge may issue process for the arrest of any person accused of an offense against the ordinances of the city, commit persons to jail or to admit them to bail pending trial, issue subpoenas, issue any process necessary to carry into effect the judgments of the court, punish witnesses and others for contempt of court, and appoint a municipal pro tem judge to act in the absence of the municipal judge. 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. Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate court.

SECTION 22: CITY ADMINISTRATOR

The city administrator is clerk of the council, and shall attend all its meetings unless excused by the council, keep an accurate record of its proceedings, and sign all orders on the treasury. In the city administrator's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem. The duties of the city administrator are deemed the same as city recorder or clerk as may be referred to in state laws or otherwise.

CHAPTER VI: ELECTIONS

SECTION 23: ELECTIONS

Except as this charter prescribes to the contrary, a city election shall conform to the applicable state laws and general ordinances.

SECTION 24: COMMENCEMENT OF TERMS

The term of office of an elected officer who is elected at a biennial general election shall commence at the first regular January council meeting of the succeeding calendar year immediately after the election and continue until the successor to the office assumes the office.

SECTION 25: OATH OF OFFICE

Before entering upon the duties of their office, officers shall take an oath or shall affirm to support the constitutions and laws of the United States, the state of Oregon, the charter and general ordinances of the City of Stayton, and to faithfully perform the duties of the office.

SECTION 26: NOMINATIONS

A person may be nominated to run for an elective office of the city by filing a petition signed by the nominee and not fewer than ten qualified electors. The council may prescribe the nominating procedures by general ordinance, which shall comply with applicable state laws.

CHAPTER VII: VACANCIES IN OFFICE

SECTION 27: WHAT CREATES VACANCY

The office of mayor or councilor is deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, or other offense pertaining to the office, unlawful destruction of public records, resignation, recall from office, ceasing to possess the qualifications for the office, failure of the person elected or appointed to the office to qualify therefore within ten days after the term of office commences, upon that officer's absence from the city for thirty days without the consent of the council, upon that officer's absence from meetings of the council for sixty days without like consent, or ceasing to reside in the city, and upon a declaration by the council of the vacancy.

SECTION 28: FILLING OF VACANCIES

Vacant elective offices in the city are filled by appointment by the mayor. A majority vote of the remaining councilors is required to validate the appointment. During the temporary disability or absence of any elected officer, that office may be filled pro tem in the manner provided for filling vacancies in office permanently. The appointee's term of office commences from the time of qualifying for the office, and after validation of the appointment by the council, and continues until the successor to the office assumes the office at the first regular council meeting of a calendar year after a biennial general election.

CHAPTER VIII: ORDINANCES

SECTION 29: ENACTING CLAUSE

The enacting clause of all ordinances shall be, "The CITY OF STAYTON ordains as follows:".

SECTION 30: MODE OF ENACTMENT

1. Except as subsection 2. of this section allows adopting 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 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 if:
 - a. No council member present at the reading requests that the ordinance be read in full; or
 - 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 the custodian of the city records;
 - iii. Notice of their availability is given by written notice posted at the city hall and two 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 final vote on an ordinance, the ayes and nays of the councilors shall be taken and entered in the record of proceedings.
6. Upon the enactment of an ordinance, the city administrator shall sign and date it with the date of passage; within seven days thereafter, the mayor either shall sign and date it, or shall veto it. The signators shall designate the title of their office.

SECTION 31: WHEN ORDINANCES TAKE EFFECT

An ordinance enacted by the council takes 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 32: 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 curb or 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 land to be specially assessed.

SECTION 33: 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.

SECTION 34: BIDS

Contracts for public improvements to be made by a private contractor shall be governed by rules prescribed by general ordinance. The general ordinance shall provide for bids to be awarded to the lowest responsible bidder and for exemptions.

CHAPTER X: MISCELLANEOUS PROVISIONS

SECTION 35: DEBT LIMIT

The city shall not incur debt unless the indebtedness is authorized by statute or is approved by a majority of the electors of the city voting on the question of incurring the debt.

SECTION 36: 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 37: SEVERABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected.

SECTION 38: PREVIOUS CHARTER PROVISIONS

All charter provisions of the city enacted prior to the time that this charter takes effect, except such as relate to outstanding bonded indebtedness and authority of the municipal judge, are repealed. Provisions relating to such indebtedness and to indebtedness incurred to refund the same shall be deemed repealed upon complete payment of such indebtedness and the interim thereon, without specific repeal of the charter provisions authorizing such indebtedness.

SECTION 39: TIME OF EFFECT OF CHARTER

This charter shall take effect 1 January 1993.

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