

ORDINANCE NO. 917

AN ORDINANCE AMENDING THE PROVISIONS OF VARIOUS CHAPTERS OF THE STAYTON MUNICIPAL CODE, TO REFLECT THE 2010 CITY OF STAYTON CHARTER LANGUAGE; AND DECLARING AN EMERGENCY DESIGNATING JANUARY 01, 2010 AS THE EFFECTIVE DATE.

WHEREAS, the citizens of the City of Stayton approved revisions to the City Charter, effective January 01, 2010;

WHEREAS, there are provisions of the Stayton Municipal Code that do not conform to the terms of the revised City Charter;

WHEREAS, it is appropriate that the Stayton Municipal Code be amended to conform to the revised City Charter; and,

WHEREAS, Stayton City Council finds there is an emergency and that the provisions of this Ordinance should become effective January 01, 2010.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION I. Amendments to the Stayton Municipal Code:

2.04.020 QUORUM: FILLING OF VACANCIES.

1. ~~Three members of the city council shall constitute a quorum.~~ Three or more council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by council rules. If a quorum is not present, the city administrator shall immediately inform the absent members, except those known to be unavailable for the meeting, that their presence is required to enable the city council to proceed. If the absent member or members do not appear after the notice, the councilors present shall adjourn until a specified time and place or until the next regular meeting. In the absence of the mayor and the council president, the remaining members shall call the meeting to order and elect a presiding officer who shall conduct the meeting.
2. ~~If any council member is absent from council meetings for sixty (60) days without the consent of the council, his office may be declared vacant by the council and filled in the manner provided by the city charter. (Ord. 658, section 1 (part), 1989; prior code section 2.102)~~ Office of the mayor or councilor becomes vacant: (a) Upon the incumbent's: (1) Death, (2) Adjudicated incompetence, or (3) Recall from the office. (b) Upon declaration by the council after the incumbent's: (Failure to qualify for the office within 10 days of the time the term of office is to begin; (2) Absence from the

city for 30 days, or from all council meetings within a 60-day period without consent from the council; (3) Ceasing to reside in the city; (4) Ceasing to be a qualified elector under state law; (5) Conviction of a public offense punishable by loss of liberty; (6) Resignation from the office; or (7) Violation of Section 34(d) of the 2010 City of Stayton Charter.

3. A vacancy in the office of mayor will be filled by a majority of the council. A councilor vacancy will be filled by appointment by the mayor with the consent of the council. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, the mayor with the consent of the council may appoint a councilor pro tem.

#### 2.08.110 OFFICE CREATED

~~There is created the office of city administrator for the city, with the appointee of such office having general supervision, direction, and control over all nonelective officers and employees in the exercise of their duties and of work of all city departments, other than the office of municipal judge which is specifically exempt from the control of the administrator. (Ord. 658, section 1[part], 1989; prior code section 2.620)(Ord. 780, section 1[part], March 3, 1998)~~

The office of administrator is established as the administrative head of the city government. The administrator is responsible to the mayor and council for the proper administration of city business. The administrator will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.

#### 2.08.120 APPOINTMENT

~~The administrator shall be appointed by the mayor subject to the approval of the council. The administrator shall be chosen without regard to political considerations and solely with reference to executive and administrative qualifications. (Ord. 658, section 1[part], 1989; prior code section 2.623)~~

The mayor must appoint and may remove the administrator with the consent of the council. The appointment must be made without regard to political considerations and solely on the basis of education and experience relating to local government management.



2.08.130

POWERS AND DUTIES: GENERALLY

1. ~~The council desires to provide the city administrator with sufficient powers to enable him to handle the administrative affairs of the city in the most efficient and expeditious manner possible in accordance with the existing charter and pursuant to any limitation in existing charter and pursuant to any limitation in existing and subsequent ordinances of the city.~~
2. ~~The authority as generally set out in subsection 1. of this section is subject to complete control of the mayor and council, who shall continue to exercise and have primary responsibility for the affairs of city government as set out in the city charter. (Ord. 658, section 1[part], 1989; prior code section 2.625)~~

The duties of the administrator must be set by ordinance.

2.08.140

POWERS AND DUTIES: DESIGNATED

The powers and duties of the city administrator are as follows:

1. To act as budget officer for the city, and to prepare the annual budget including proposals for each department for consideration by the council and budget committee;
2. To act as purchasing agent to such limitations as may be from time to time adopted by the council, but in no event shall the administrator bind the city for any nonbudgeted purchase without prior council approval;
3. To act as administrative head and business agent of all departments of the city government, subject to the control and direction of the mayor and council;
4. To prepare and furnish all reports requested by the mayor and council;
5. To see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed;
6. To collect all sums of money due the city, whether by way of fees, liens, assessments, taxes, special assessments, or any other source whatsoever;
7. To supervise the operations of all public works utilities owned and operated by the city and to have general supervision over all city property;

8. To meet with private citizens and interested groups seeking information or bringing complaints and attempt to resolve problems and complaints fairly and to report same to the mayor and council;
9. To devote his entire time to the discharge of official duties, attend all meetings of the council unless excused there from by the council or mayor, and shall have the right to take part in all discussions coming before the council, but shall have no vote therein;
10. To have all the duties and powers of the office of city recorder as provided in the city charter and state law. (Ord. 658, section 1[part], 1989: prior code section 2.630)
11. The mayor and councilors may not directly or indirectly attempt to coerce the administrator or a candidate for the office of administrator in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the administrator relating to city business.

#### 2.12.210 APPOINTMENT AND DUTIES

1. There shall be appointed by the mayor and approved by the council one or more attorneys who shall attend all actions, suits, and legal proceedings in which the city may be interested, to advise the council or its members when required on any legal questions that may arise which involve the interests of the city, and to draft ordinances when directed by the council.
2. The city attorney shall also perform such other legal services as may be required by the city charter or may be requested by the council from time to time.
3. The city attorney shall receive for his services an amount agreed upon between himself and the council. (Ord. 658, section 1[part], 1989: prior code section 2.660)
4. The office of city attorney is established as the chief legal officer of the city government. The mayor must appoint and may remove the city attorney with the consent of the council. The city attorney may designate other lawyers to serve as assistant city attorneys or special counsel.

#### 2.20.410 JUDGE, MUNICIPAL JUDGE, JUDGE PRO TEM

- ~~1. The municipal judge shall be the chief judicial officer of the city. A city employee, designated as court clerk, shall be available for the transaction of court business during the usual business hours of each day and at least one day each week the municipal judge~~



~~shall conduct a court session. Trial of any cause may be filed and warrant may be issued and served from the court on any day.~~

~~2. The police department shall assist the municipal judge in the service of subpoenas, notice of jury duty, and such other orders of the court as are necessary for the proper conduct thereof.~~

~~3. (a) The mayor may appoint and remove a municipal judge with the consent of the council. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.~~

~~(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.~~

~~(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.~~

~~(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by ordinances. The court also has jurisdiction under state law unless limited by city ordinance.~~

~~(e) 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; and~~

~~(9) Perform other judicial and quasi-judicial functions assigned by ordinance.~~

~~(f) The mayor may appoint and may remove municipal judges pro tem with the consent of the council.~~

~~(g) The council may transfer some or all of the functions of the municipal court to a state court.~~

2.52.1350

PERSONNEL MANUAL

1. A personnel manual outlining personnel rules, policies, and procedures for the city shall be hereby adopted by separate resolution. The council may, from time to time, review the manual and develop new or modified policies and programs. A copy of the personnel manual shall be kept in the office of the city administrator. (Ord. 658, section 1[part], 1989: prior code section 2.268)

2. The council by resolution will adopt rules governing compensation, recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

2.60.1530

NOMINATION AND ELECTION OF MAYOR AND COUNCIL

~~1. A qualified elector, resident in the city during the thirty days immediately preceding a regular election, may be nominated as a candidate for an elective city office to be filled at the regular election.~~

1. The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

SECTION II. Emergency Clause; as the revised city charter changes provisions in the Stayton Municipal Code to become effective January 01, 2010 it is important that the related provisions in the code itself be amended and such amendments be effective January 01, 2010.

SECTION III. Upon adoption by the Stayton City Council and the Mayor's signing this ordinance shall become effective January 01, 2010.

ADOPTED BY THE STAYTON CITY COUNCIL this 19th day of January 2010.

CITY OF STAYTON

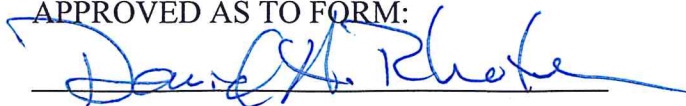
Signed: 1/19, 2010

BY:   
CATHERINE HEMSHORN, COUNCIL PRESIDENT

Signed: 1/19, 2010

ATTEST:   
DON EUBANK, CITY ADMINISTRATOR

APPROVED AS TO FORM:



DAVID A. RHOTEN, CITY ATTORNEY