

RESOLUTION NO. 961

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

Whereas, the Stayton City Council determined that revisions be made to the Stayton Charter of 2010;

Whereas, a Charter Review Committee, facilitated by the assistance of the Mid-Willamette Valley Council of Governments, convened and deliberated, proposing revisions to the Charter; and,

Whereas, the Stayton City Council concurs with the recommendations as set forth in Exhibit A, appended hereto, and directs the referral of the 2018 City of Stayton Charter to the voters of the City of Stayton for approval.

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

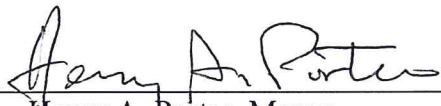
Section 1. The 2018 City of Stayton Charter, attached hereto as Attachment A, is approved for submission to the electors of Stayton at the next statewide general election on Tuesday, November 7, 2017.

Section 2. Provided a majority of the legal voters of the City of Stayton approves the Measure, the 2018 City of Stayton Charter shall become effective January 1, 2018, upon certification of the vote by the Marion County Clerk.


ADOPTED BY THE STAYTON CITY COUNCIL THIS 19TH DAY OF JUNE, 2017.

CITY OF STAYTON


Date: 6/19/2017

By: 
Henry A. Porter, Mayor

Date: 6/19/17

Attest: 
Keith D. Campbell, City Administrator

APPROVED AS TO FORM


David A. Rhoten, City Attorney

CITY OF STAYTON CHARTER

Effective January 1, 2018

This is a true and certified copy of the 2018 City of Stayton Charter as approved by voters on November 7, 2017.

Keith D. Campbell, City Manager

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PREAMBLE

We, the voters of Stayton, Oregon, exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

CHAPTER I - NAMES AND BOUNDARIES

SECTION 1. TITLE. This charter may be referred to as the 2018 City of Stayton Charter.

SECTION 2. NAME. The City of Stayton, Oregon, continues as a municipal corporation with the name City of Stayton.

SECTION 3. BOUNDARIES. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of its boundaries.

SECTION 4. ANNEXATIONS. Annexations over three acres not required by state law must be approved by city voters before the annexations take effect.

CHAPTER II - POWERS

SECTION 5. POWERS. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

SECTION 6. CONSTRUCTION. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

SECTION 7. DISTRIBUTION. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the 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 authority to adopt ordinances.

CHAPTER III - ELECTED OFFICIALS

SECTION 8. COUNCIL. The council consists of five councilors nominated and elected from the city at large.

SECTION 9. MAYOR. The mayor presides over and facilitates council meetings, preserves order, enforces council rules and determines the order of business under council rules. The mayor is not a member of the council and has no vote unless there is a tie vote. The mayor has authority to require the council to reconsider ordinances. The mayor appoints members of commissions and committees established by ordinance or resolution with the approval of a majority vote of the council. The mayor must sign all records of council decisions and as authorized by rule, unless otherwise provided in this Charter. The mayor serves as the political head of the city government.

SECTION 10. COUNCIL PRESIDENT. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties, including signing records of council decisions and as authorized by rule. When acting as mayor the president retains a vote, but does not have a tie vote or authority to require reconsideration of ordinances.

SECTION 11. RULES. The council must adopt by resolution rules to govern its meetings and proceedings.

SECTION 12. MEETINGS. The council must meet at least once a month at a time and place designated by council rules, and may meet at other times in accordance with the rules.

SECTION 13. 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.

SECTION 14. VOTE REQUIRED. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

SECTION 15. RECORD. A record of council meetings must be kept in a manner prescribed by the council rules.

CHAPTER IV - LEGISLATIVE AUTHORITY

SECTION 16. ORDINANCES. The council will exercise its legislative authority by enacting ordinances. The enacting clause for all ordinances must state "The City of Stayton ordains:"

SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30th day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

CHAPTER V - ADMINISTRATIVE AUTHORITY

SECTION 19. RESOLUTIONS. The council will normally exercise its administrative authority by adopting resolutions. The adopting clause for resolutions must state "The City of Stayton resolves:"

SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
- (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

CHAPTER VI - QUASI-JUDICIAL AUTHORITY

SECTION 22. ORDERS. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Stayton orders:"

SECTION 23. ORDER APPROVAL.

- (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a proposed order must be read aloud or made available in writing to the public at the meeting before the council approves the order.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each councilor must be entered in the council minutes.
- (d) After approval of an order, the city recorder must attest to the order by name, title and date of adoption.

SECTION 24. EFFECTIVE DATE. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later date provided in the order.

CHAPTER VII - ELECTIONS

SECTION 25. COUNCILORS. The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms. This cycle of electing councilors will continue at following general elections.

SECTION 26. MAYOR. The term of the Mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term. A mayor may serve no more than two consecutive elected four-year terms.

SECTION 27. STATE LAW. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

SECTION 28. QUALIFICATIONS.

- (a) 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.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.
- (d) The council is the final judge of the election and qualifications of elected officials.

SECTION 29. NOMINATIONS. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position.

SECTION 30. TERMS. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

SECTION 31. OATH. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon; and support the charter, ordinances, resolutions, and municipal code of the city.

SECTION 32. VACANCIES. 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:

- (1) 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).

SECTION 33. FILLING VACANCIES. 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.

CHAPTER VIII - APPOINTIVE OFFICERS

SECTION 34. CITY MANAGER.

- (a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.
- (b) The mayor must appoint and may remove the manager only with the consent of the majority of the existing council members. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- (c) The duties of the city manager must be set by ordinance.
- (d) The mayor and councilors may not directly or indirectly attempt to coerce the manager or a candidate for the office of manager 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 manager relating to city business.

SECTION 35. CITY ATTORNEY. 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.

SECTION 36. MUNICIPAL COURT AND JUDGE.

- (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.

CHAPTER IX - PERSONNEL

SECTION 37. PERSONNEL RULES. 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.

CHAPTER X - MISCELLANEOUS PROVISIONS

SECTION 38. DEBT. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

SECTION 39 ORDINANCE CONTINUATION. All ordinances, Stayton Municipal Code, resolutions, orders and rules in force and consistent with this charter when it takes effect remain in effect until amended or repealed.

SECTION 40. REPEAL. All charter provisions adopted before this charter takes effect are repealed.

SECTION 41. SEVERABILITY. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other term of this charter.

SECTION 42. TIME OF EFFECT. This charter takes effect January 1, 2018.