

RESOLUTION NO. 844

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 determined that revisions be made to the Stayton Charter of 1993 ("the Charter");

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

WHEREAS, the Stayton City Council concurs with the recommendations as set forth in Attachment A, appended hereto, and directs the referral of the 2010 City of Stayton Charter to the voters of the City for approval.

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

1. The 2010 City of Stayton Charter, attached hereto as Attachment A ("the Measure"), is approved for submission to the voters of the City and the Council hereby directs and authorizes that the Measure be submitted to the legal voters of the City at the general election to be held on Tuesday, November 3, 2009.
2. Provided a majority of the legal voters of the City of Stayton approves the Measure, the 2010 City of Stayton Charter shall become effective January 1, 2010, 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:

Caption: MEASURE ADOPTING A REVISED CHARTER FOR THE CITY OF STAYTON

Question: Shall the proposed 2010 City of Stayton Charter be adopted?

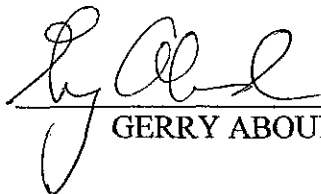
Summary: If this measure is adopted, it would provide a new Charter for the City of Stayton. A charter is the fundamental document governing how a city government operates. It is comparable to a constitution. This Charter proposes replacement of the Stayton Charter of 1993 with the 2010 City of Stayton Charter. Many of the provisions contained in the 1993 Charter have either become outdated or are covered by state law. The proposed new Charter would retain many of the same basic provisions as the current Charter, such as the number of council members and the term of office of the mayor and councilors. The proposed Charter would use simplified language with the intention of making the Charter more understandable and easy to use. The proposed Charter would require that annexations over one acre not required by state law must be approved by city voters before the annexations take effect. If approved, the new Charter would take effect January 1, 2010. 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 Stayton City Hall and in one other public place within the city. The notice shall contain the ballot title under which the question will appear on the ballot and shall set forth the election date.
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, 2009.

CITY OF STAYTON

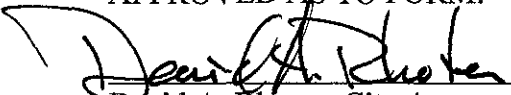
Signed: August 19, 2009

By: 
GERRY ABOUD, Mayor

Signed: 8/20, 2009

ATTEST: 
DON EUBANK, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

ATTACHMENT 'A'

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 2010 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 one acre 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 or from wards with boundaries set by ordinance.

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. 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. 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 at least three councilors, provided the proposed ordinance is available in writing 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 in writing 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) After ordinance enactment, the city recorder must attest to the ordinance by name, title and date of enactment. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(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 ordinance is not returned, it takes effect as enacted.

(g) At the first council meeting after demand for reconsideration by the mayor, the council must consider the reasons of the mayor and again vote on the ordinance. If at least three councilors vote to enact the ordinance, it takes effect.

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 and is unanimously approved.

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. At each general election after the effective date of this charter, three councilors will be elected. The two councilors receiving the highest number of votes are elected for four-year terms. The councilor receiving the third highest number of votes is elected to a two-year term.

Section 26. Mayor. At every other general election after the effective date of this charter, a mayor will be elected for a two-year term. A mayor may serve no more than three consecutive elected two-year terms. The term of the mayor in office when this charter takes effect continues until the beginning of the first odd-numbered year after charter adoption.

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. A petition for elective office must be signed by the nominee and at least 10 city electors.

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 the charter, ordinances and resolutions 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. Administrator.

- (a) 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.
- (b) 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.
- (c) The duties of the administrator must be set by ordinance.
- (d) 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.

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, 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, 2010.