

OAKRIDGE CHARTER 2010, Revised 6 November 2012

A CHARTER

To provide for the government of the City of Oakridge, Lane County, Oregon; and to repeal all charters and all amendments thereto enacted before the time that this charter takes effect.

Be it enacted by the people of the City of Oakridge, Lane County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Oakridge Charter, as revised by the vote of the people Nov. 2, 2010, and effective January 1, 2011, and as again revised by a vote of the people November 6, 2012, and effective January 1, 2013.

Section 2. Name of City. The City of Oakridge, Lane County, Oregon, shall continue to be a municipal corporation with the name "City of Oakridge."

Section 3. Boundaries. The City includes all territory encompassed by its boundaries as they exist upon enactment of this charter or as they are subsequently modified according to State Law. The repository of City records shall include at least two copies of this charter, each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection.

CHAPTER II

POWERS

Section 4. Powers of the City. The City shall have all powers that the constitutions, statutes, and common law of the United States and of this state expressly or impliedly granted or 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 that the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that the city may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

Section 6. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

CHAPTER III

FORM OF GOVERNMENT

Section 7. The council shall be composed of a mayor and six councilors, elected from the city at large. No member of the council may be elected to serve more than two consecutive terms. Notwithstanding the term limits imposed by this section, the members of the council in office on November 6, 2012, shall continue in office, each

until the end of their term of office.

Section 8. The councilors in office at the time this charter is enacted shall continue in office, each until the end of their term of office. At each biennial general election, three councilors shall be elected, each for a term of four years, and at each biennial general election the number of councilors to be elected to fill vacancies pursuant to Section 28 of the Charter shall be elected.

Section 9. Mayor. The Mayor in office at the time this charter is enacted shall continue in office until the end of the mayor's term of office. At the biennial general election held in 1954 and every fourth year thereafter, a mayor shall be elected for a term of four years.

Section 10. Other Officers. Additional officers of the city shall be a municipal judge, a city administrator and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed at the pleasure of the mayor with consent of the council. The council may combine any two or more appointive city officers. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of judicial functions.

Section 11. Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office to the city if they are an employee of the city, and unless at the time of the election the person is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and election of its own member's subject, however, to review by a court of competent jurisdiction.

CHAPTER IV

COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once each month at a time and at a place in the City that it designates. It shall adopt rules for the government of its members and proceedings. Meetings of the Council shall be open to the public as provided in state law. The mayor or three councilors may call special meetings of the council in a manner prescribed by ordinance.

Section 14. Quorum. A majority of council shall constitute 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. Journal. The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken, and a record of the vote entered in the journal.

Section 16. Mayor's Functions at Council Meetings. The mayor shall be chairperson of the council and preside over its deliberations. The mayor shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 17. President of the Council. At its first meeting after this charter take's effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a president from its membership as provided in its rules. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of the mayor's office, the president shall act as mayor.

Section 18. Vote Required. Except as this charter otherwise provides, the concurrence of four members of the council shall be necessary to decide any question before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 19. Mayor. The mayor shall appoint the committees provided by rules of the council. The mayor shall sign all approved records of proceedings of the council. The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after its passing. Upon the approval of the council, the mayor shall endorse all bonds of city officers and all bonds for licenses, contracts, and proposals, and countersign all orders of the treasury.

Section 20. Municipal Court and Judge.

- (1) If the council creates the office of municipal judge and it is filled by appointment, the appointee shall hold, within the city at a place and times that the council specifies, a court known as the Municipal Court for the city of Oakridge, Lane County, Oregon.
- (2) Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.
- (3) All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.
- (4) 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.
- (5) The municipal judge may:
 - (a) Render judgment and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
 - (b) Order the arrest of anyone accused of an offense against the city;
 - (c) Commit to jail or admit to bail anyone accused of such an offense;
 - (d) Issue and compel obedience to subpoenas;
 - (e) Compel witnesses to appear and testify and jurors to serve in trial of matters before the court;
 - (f) Penalize contempt of court;
 - (g) Issue process necessary to effectuate judgment and orders of the court;
 - (h) Issue search warrants; and
 - (i) Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (6) The council may authorize the municipal judge to appoint municipal judges pro

tem for terms of office set by the judge or the council

- (7) Notwithstanding this section, the council may transfer some or all the functions of the municipal court to an appropriate state court.

Section 21. City Administrator.

- (1) The City Administrator is the administrative head of the city government.
- (2) The administrator shall be appointed and removed as provided in Section 10 hereof. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The administrator need not reside in the city or the state when appointed.
- (4) Upon accepting the appointment, the administrator shall furnish the city a bond in an amount and with a surety approved by the Council. The city shall pay the bond premium.
- (5) Within six consecutive months after a vacancy occurs in the office of administrator, the council shall fill the vacancy by appointment.
- (6) The administrator shall:
 - (a) Attend all council meetings unless excused by the council or mayor.
 - (b) Keep the council advised of the affairs and needs of the affairs and needs of the city.
 - (c) See that the provisions of all ordinances are administered to the satisfaction of the council.
 - (d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the city are fulfilled;
 - (e) Appoint, discipline and remove appointive personnel, except appointees of the mayor or council.
 - (f) Supervise and control the administrators' appointees in their service to the city.
 - (g) Organize and reorganize the departmental structure of city government.
 - (h) Prepare and transmit to the council an annual city budget.
 - (i) Supervise city contracts
 - (j) Supervise operation of all city-owned public utilities and property; and
 - (k) Perform other duties as the council prescribes consistently with this charter.
- (7) The administrator may not control:
 - (a) The council
 - (b) The municipal judge in the judge's judicial functions or
 - (c) Except as the council authorizes, appointive personnel of the city whom the administrator does not appoint.
- (8) The administrator and other personnel whom the council designates may sit with the council but may not vote on questions before it. The administrator may take part in all council discussions.
- (9) When the administrator is absent from the city or disabled from acting as

administrator, or when the office of the administrator becomes vacant, the council shall appoint an administrator pro tem, who has the powers and duties of administrator, except that the administrator pro tem may appoint or remove personnel only with approval of the council. No person may be administrator pro tem more than six consecutive months.

- (10) Except in the council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the administrator or a candidate for the office of administrator in the appointment, discipline, or removal of personnel except as provided for in state law, city ordinance, or other agreement. In council meeting, members of the council may discuss with, or suggest to the administrator anything pertinent to city affairs.

Section 22. Recorder. The recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused there from by the City Administrator, keep an accurate record of all its proceedings in a book provided for that purpose and sign all orders on the treasury. In the recorder's absence from a council meeting, the City Administrator shall appoint a clerk of council pro tem who, while acting in the capacity, shall have all the authority and duties of the recorder except over financial matters. Upon accepting appointment to the office of City Recorder, the City Recorder shall furnish the City a surety bond in an amount and with a surety approved by the Council. The City shall pay the bond premium.

CHAPTER VI

ELECTIONS

Section 23. State Law. Except as this charter or a general ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 24. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the city.

Section 25. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the first meeting of the year immediately following the election.

Section 26. Oath of Office. Before entering upon the duties of the office, each officer shall take an oath or shall affirm that the person will support the constitutions and laws of the United States and of Oregon and that the person will faithfully perform the duties of the office.

CHAPTER VII

VACANCIES IN OFFICE

Section 27. What Creates a Vacancy. An office shall be deemed vacant upon the incumbents death, incapacitation, conviction of an offense that has the statutory penalty of a year or more of incarceration, resignation, recall from office, establishing residency outside the City limits, failure to possess the qualifications necessary for the office, or upon the failure of the person elected or appointed to an office to qualify therefore within three days after the time for the term of office to commence. In the case of mayor or councilors a vacancy is created upon the person's absence from the city for 30 days or upon the person's absence from meetings of the council for 60 days without the consent

of the council and upon a declaration by the council of the vacancy.

Section 28. Filling of Vacancies. A vacancy in the council shall be filled by appointment by the council. The appointee's term shall begin immediately upon the appointment and shall continue until the beginning of the year following the next general biennial election and until a successor is qualified, and a successor for the unexpired term shall be chosen at the next general biennial election after appointment. During the temporary absence from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

ORDINANCES

Section 29. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Oakridge ordains as follows."

Section 30. Adoption by Council.

- (1) Except as subsection (2) of this section allows enactment 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 enacted by the Council.
- (2) Except as subsection (3) of this section allows reading by title only, the council may enact an ordinance at a single meeting by unanimous vote of all councilors present, provided the ordinance is read first in full and then by title.
- (3) A reading of an ordinance may be by title only if:
 - (a) No councilor 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 city records, and
 - (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 before the reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.
- (5) After enactment of an ordinance and signed by the Mayor, the custodian of city records shall endorse it with its date of enactment and the endorser's name and title of office.

Section 31. Effective Date. A non-emergency ordinance takes effect on the thirtieth day after its enactment or on a later day the ordinance prescribes. An ordinance enacted to meet an emergency may take effect as soon as enacted or upon a date specified in the ordinance which is less than thirty days.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 32. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by an action of the council describing the property and stating the uses to which it shall be devoted.

Section 33. 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. A remonstrance by the owners of two-thirds of the property to be specially assessed for a proposed public improvement shall suspend action regarding the improvement for six months. For this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the city recorder, and purchaser shall be deemed the "owner."

Section 34. 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.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 35. 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 36. Repeal of Previously Enacted Provision. All charters of the city, and all amendments thereto enacted before the time that this charter takes effect are hereby repealed.

Section 37. Time of Effect of Charter. This charter shall take effect November 1, 1993, and as revised by the Nov. 2, 2004 election, the amendments shall be effective Jan. 1, 2005, and again revised by the Nov. 2, 2010 election, the amendments shall be effective, Jan. 1, 2011, and the revisions to this charter adopted by the voters on November 6, 2012, shall take effect January 1, 2013.