

C H A R T E R
for the
City of Madras, Oregon

Submitted to the Mayor and Council
of the
City of Madras

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CHARTER

To provide for the government of the City of Madras, Jefferson County, Oregon, and to repeal all charter provisions of the City enacted prior to the time that this charter is enacted.

Be it enacted by the people of the City of Madras, Jefferson County, Oregon.

CHAPTER 1

NAMES, BOUNDARIES, AND GENERAL PROVISIONS

SECTION 1: TITLE OF ENACTMENT. This enactment may be referred to as the City of Madras Charter of 1989.

SECTION 2: NAME OF CITY. The City of Madras, Jefferson County, Oregon, shall continue to be a municipal corporation, with the "City of Madras".

SECTION 3: BOUNDARIES. The City includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the City's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the City during regular City office hours.

SECTION 4. EXISTING ORDINANCES, EXISTING RIGHTS AND LIABILITIES CONTINUED. All Ordinances of the municipality consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed. No right or liability of the municipality shall be impaired or discharged by the adoption of this charter, except as this charter otherwise provides.

CHAPTER 2

POWERS

SECTION 5: POWERS OF THE CITY. The City shall have 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. Except as the charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the City, all powers of the City are vested in the Council.

SECTION 5a: OCCUPATION TAX. The City Council may license and tax any occupation, business, trade or profession operating in said City.

SECTION 6: 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 was 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 cities may assume pursuant to the laws and to the municipal home rule provisions of the constitution of the state.

CHAPTER 3

FORM OF GOVERNMENT

SECTION 7: WHERE POWERS VESTED. Except as this charter provides otherwise, all powers of the City shall be vested in the Council and Mayor.

SECTION 8: COUNCIL. The Council shall be composed of six councilpersons elected from the City at large. The Councilors in office at the time this charter is adopted shall continue in office, each until the end of his or her term of office as fixed by the charter of the City in effect at the time this charter is adopted. At each subsequent biennial general election three councilpersons shall be elected, each for a term of four years.

SECTION 9: MAYOR. At each biennial general election a Mayor shall be elected for a term of two years.

SECTION 10: CITY ADMINISTRATOR.

1. The City Administrator is the administrative head of the City government.
2. A majority of the Council shall appoint and may remove the Administrator. The appointment shall be without regard to political consideration 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. The Administrator shall be appointed for a definite or an indefinite term and may be removed by the Council at its pleasure. Within six consecutive months after a vacancy occurs in the office, 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 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 Administrator's appointees in their service to the City;
 - g. Organize and reorganize the departmental structure of City government;
 - h. Serve as the City Budget Officer and prepare and transmit to the Council an annual City budget;
 - i. Supervise City contracts and act as purchasing and business agent;
 - 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 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 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 the Administrator in the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In Council meeting, members of the Council may discuss with, or suggest to, the Administrator anything pertinent to City affairs.

SECTION 11: OTHER OFFICERS. Additional officers of the City shall be a Municipal Judge, a Recorder, a Treasurer, a Police Chief, a Public Works Director, a City Attorney, and such other officers as the Council deems necessary. Each of these officers shall be appointed by the Mayor subject to confirmation by the Council and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices and may designate any appointive officer to supervise any other appointive officer except the Municipal Judge in the exercise of his judicial functions.

SECTION 12: SALARIES. The compensation for the services of each City officer and employee shall be whatever amount the Council fixes.

SECTION 13: QUALIFICATIONS OF OFFICERS. No person shall be eligible to fill an elective office of the City unless at the time of his election he is a qualified voter within the meaning of the state constitution and has resided in the City one year immediately preceding the election.

CHAPTER 4

COUNCIL

SECTION 14: MEETINGS. The Council shall hold a regular meeting at least once each month at a time and place in the City which it designates and shall adopt rules for the government of its members and proceedings. The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than three nor later than 48 hours after the notice is given.

SECTION 15: QUORUM. A majority of the members of the Council shall constitute a quorum for it to do business. For the purpose of reaching a quorum the Mayor shall be deemed a councilperson.

SECTION 16: 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 17: MEETINGS TO BE PUBLIC. All deliberations and proceedings of the Council shall be public, in accordance with state law.

SECTION 18: MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The Mayor shall be chairman of the Council and preside over its deliberations. He shall not vote except in case of a tie vote of the members of the Council present at the meeting. He 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 19: PRESIDENT OF THE COUNCIL. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered 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. Whenever the Mayor is unable, on account of absence, illness, or other cause, to perform the functions of his office, the president of the Council shall act as Mayor.

SECTION 20: VOTE REQUIRED. Except as this charter otherwise provides the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council, except in case of a tie vote, in which event the Mayor shall cast the deciding vote.

CHAPTER 5

POWERS AND DUTIES OF OFFICERS

SECTION 21: MAYOR. The Mayor shall appoint the committees provided for under the rules of the Council. He or another person designated by Council shall sign all approved records of proceedings of the Council and countersign all orders on the Treasurer. He shall have no veto power and shall sign all Ordinances passed by the Council within three days after their passage. With the consent of the Council he shall endorse all bonds of officers of the City and all bonds for licenses, contracts, and proposals.

SECTION 22: MUNICIPAL COURT AND JUDGE.

1. If the Council creates the office of Municipal Judge and fills it by appointment, the appointee shall hold, within the City at a place and time that the Council specifies, a court known as the Municipal Court for the City of Madras, Jefferson 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 the 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 judgments 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 against the City;
 - d. Issue and compel obedience to subpoenas;

- e. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
 - f. Penalize contempt of court;
 - g. Issue process necessary to effectuate judgments 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 of the functions of the Municipal Court to an appropriate state court.

SECTION 23: RECORDER. The Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep an accurate record of its proceedings in a book provided for that purpose. In his absence from a Council meeting the Council shall appoint a clerk of the Council pro tem, who, while acting in that capacity, shall have all the authority and duties of the Recorder.

CHAPTER 6

ELECTIONS

SECTION 24: REGULAR ELECTIONS. Regular City elections shall be held at the same time and places as biennial general State elections, in accordance with the applicable state election laws.

SECTION 25: NOTICE OF REGULAR ELECTIONS. The Recorder pursuant to the directions from the Council shall give a least ten days notice of each regular election by publication in some newspaper of general circulation in the City of Madras or by posting notice thereof at a conspicuous place in the City Hall and at two other public places in the City. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

SECTION 26: SPECIAL ELECTIONS. The Council shall provide the times, manner and means for holding any special election. The Recorder shall give at least ten days notice of each special election in the manner provided by the action of the Council ordering the election.

SECTION 27: REGULATION OF ELECTIONS. Except as this chapter provides otherwise and as the Council provides otherwise by Ordinances relating to elections, the general laws of the state shall apply to the conduct of all City elections, recounts of the returns therefrom, and contests thereof.

SECTION 28: CANVASS OF RETURNS. In all elections held in conjunction with the state and county elections the state laws governing the filing of returns by the county clerk shall apply. On or before noon of the day following each special City election the returns therefrom shall be filed with the Recorder and not later than five days after the election the Council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the Council, which shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed the Recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it, except that the Council shall be the final judge of the qualifications and election of its own members, subject, however, to review by any court of competent jurisdiction.

SECTION 29: COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected to an office at a regular City election shall commence the first of the year immediately following the election.

SECTION 30: OATH OF OFFICE. Before entering upon the duties of his office each officer shall take an oath that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

SECTION 31: NOMINATIONS OR ELECTION BY "WRITE IN". Any qualified elector may be nominated to be a candidate for election to any elective office in Madras, if such candidate shall have resided in said City for one year immediately preceding the time that his name is submitted to the voters. The name of such an

elector shall be printed upon the ballot whenever a petition and a written acceptance of nomination, both is substantially in such form as the Council prescribes, have been filed in his behalf with the Recorder. Such a petition shall be signed by not fewer than 20 electors. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, identified by its street and number or other description sufficient to identify it. All nomination papers comprising a petition shall be assembled and filed with the Recorder as one instrument not earlier than 90 nor later than 30 days before the election. The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. Within five days after the filing the Recorder shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors. If it is found insufficient, the Recorder shall return it immediately to the person who filed it, with a statement certifying wherein the petition is insufficient. Within the regular time allowed for the filing of nomination petitions such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. Any eligible person placed in nomination as hereinbefore provided shall have his name printed on the ballots for the election if within five days after notification to him by the Recorder of the nominations an acceptance of nomination is filed with the Recorder on his behalf. The nomination petition for a successful candidate for election to the Council shall be preserved in the office of the Recorder until the expiration of the term of office for which the candidate is elected.

The name of any person qualified to hold elective office in the City may be written in upon the ballot in space provided therefore, for any elective office for which an election is being held in the City.

CHAPTER 7

VACANCIES IN OFFICE

SECTION 32: WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation, or absence from the City for 30 days without the consent of the Mayor in the case of an

appointed officer; upon the incumbent's ceasing to possess the qualifications necessary for his office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for his term of office to commence; and in case of the Mayor or a councilperson, upon his absence from meetings of the Council for 60 days without the consent of the Council.

SECTION 33: FILLING OF VACANCIES. Vacancies in elective offices of the City shall be filled by appointment by a majority of the entire membership of the Council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary absence of any officer from the City for any cause his office may be filled temporarily in the manner provided for filling vacancies in office permanently.

CHAPTER 8

ORDINANCES

SECTION 34: ORDAINING CLAUSE. The ordaining clause of an Ordinance shall be "The City of Madras ordains as follows:"

SECTION 35: ADOPTION BY COUNCIL.

1. Except as subsection (2) of this section allows adoption 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 only if:
 - a. No Council member present at the reading requests that the Ordinance be read in full, or
 - b. At least one week before 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 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 adoption of an Ordinance, the ayes and nays of the Council members shall be entered in the record of Council proceedings.
 6. After adoption of an Ordinance, the custodian of city records shall endorse it with its date of adoption and endorser's name and title of office.

SECTION 36: EFFECTIVE DATE. A non-emergency Ordinance takes effect on the thirtieth day after its adoption or on a later day the Ordinance prescribes. An Ordinance adopted to meet an emergency may take effect as soon as adopted.

CHAPTER 9

PUBLIC IMPROVEMENTS

SECTION 37: PROCEDURE.

1. 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 applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the Council present to be needed at once because of an emergency shall be suspended for six months upon remonstrances by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general Ordinance. A second such remonstrance suspends the action only with the consent of the Council.
2. In this section "owner" means the record holder of legal title or, as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

SECTION 38: SPECIAL ASSESSMENTS. The procedure for fixing, levying, and collection of special assessments against real property for public improvements or other public services shall be governed by general Ordinance, or if no general Ordinance, then by state law.

CHAPTER 10

MISCELLANEOUS PROVISIONS

SECTION 39: DEBT. The City's indebtedness may not exceed debt limits imposed by state law. A City officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

SECTION 40: CONTINUATION OF ORDINANCES. Insofar as consistent with this charter, and until amended or repealed, all Ordinances in force when the charter takes effect retain the effect they have at that time.

SECTION 41: REPEAL. All charter provisions adopted before this charter takes effect are hereby repealed.

SECTION 42: SEVERABILITY. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

SECTION 43: TIME OF EFFECT. This charter takes effect

November 14, 1989.