

CITY OF ELGIN

AMENDED CHARTER

1987

Union County
State of Oregon

Filed in the Office of the
Supreme Court Librarian
Adopted May 19, 1987
Effective Date July 1, 1987
As Revised by Initiative Petition, per Resolution 1988-15

CHARTER INDEX

-- A --

ADMINISTRATOR, CITY

See RECORDER/ADMINISTRATOR, CITY

AUDITS

Requirements generally § 49

-- B --

BONDS

Officers, city § 48

-- C --

CHARTER

See also Specific Subject

Construal of provisions § 5

Effective date § 51

Prior enacted provisions, repeal § 46

Severability § 50

Title of enactment § 1

CITY

Boundaries § 3

Name § 2

Powers

construal of provisions § 5

generally § 4

vested in council § 6

CLAIMS AGAINST CITY

Limitations, procedures § 44

COMMITTEES

Appointment, powers, duties § 20

COUNCIL

City powers

See also CITY

vested in § 6

Composition § 7

Election

See also ELECTIONS

generally § 7

Elective officer

See OFFICERS, CITY

Meetings

generally § 13

journal § 15

mayor, functions § 17

public, exceptions § 16

quorum § 14

voting § 19

President, election, duties § 18
Term § 8

-- D --

DEBT LIMIT

Designated § 43

-- E --

ELECTIONS

Council § 7

Elective officers

nomination procedure § 33

oath of office § 32

term, commencement § 31

Mayor §§ 7, 9

Recorder/administrator, city § 10

Regular elections

See also Specific Subject

generally § 25

notice § 26

Returns, canvassing, results § 29

Special elections

See also Specific Subject

generally § 27

State regulations, applicability § 28

Tie votes, procedure when § 30

Voters, qualifications § 24

EMPLOYEES, CITY

See PERSONNEL

-- F --

FINANCIAL RECORDS, CITY

Audits, requirements § 49

FRANCHISES

Limitations § 47

-- I --

IMPROVEMENTS

See PUBLIC IMPROVEMENTS

-- J --

JUDGE

See MUNICIPAL JUDGE

-- M --

MAYOR

Council meetings, functions § 17

Election

See also ELECTIONS
generally §§ 7, 9

Elective officer

See OFFICERS, CITY

Powers, duties § 20

Term § 9

MUNICIPAL COURT

Jurisdiction, proceedings § 21

MUNICIPAL JUDGE

Powers, duties § 21

-- O --

OFFICERS, CITY

See also Specific Officer

Appointive officers, appointment procedure

§ 10

Bond requirements § 48

Elective officers

See also ELECTIONS
oath of office § 32
qualifications § 12
term, commencement § 31

Salaries § 11

Vacancy in office

conditions creating § 34

filling, procedures § 35

ORDINANCES

Effective date § 38

Enacting

clause § 36

procedure generally § 37

Existing, continuance § 45

-- P --

PERSONNEL

Salaries § 11

PROPERTY

Taking, condemnation procedure § 39

PUBLIC IMPROVEMENTS

Generally, procedures § 40

Procurement procedures § 42

Property, taking, condemnation procedure
§ 39

Special assessments, procedure § 41

-- R --

RECORDER/ADMINISTRATOR, CITY

Election

See also ELECTIONS
generally § 10

Elective officer

See OFFICERS, CITY

Powers, duties § 22

Recorder pro tem, appointment, powers,
duties § 23

Term § 10

-- T --

TORTS

Limitations, procedures § 44

-- V --

VOTERS

Qualifications § 24

AMENDED CHARTER of 1987

THE CITY OF ELGIN
UNION COUNTY
STATE OF OREGON

Filed in the Office of the
Supreme Court Librarian

Adopted May 19, 1987
Effective Date July 1, 1987
As Revised by Initiative Petition, per Resolution 1988-15

CHAPTER I NAME AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the Amended Charter of 1987.

Section 2. NAME OF CITY. The city of Elgin, Union County, Oregon, shall continue to be a municipal corporation with the name "City of Elgin."

Section 3. BOUNDARIES. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The Recorder shall keep in his/her office at least two copies of this charter in each of which he/she shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder.

CHAPTER II POWERS

Section 4. POWERS OF THE CITY. The City shall have all powers which the constitutions, 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.

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 which 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 Cities may assume pursuant to State laws and to municipal home rule provisions of the state constitution.

CHAPTER III FORM OF GOVERNMENT

Section 6. WHERE POWERS VESTED. Except as this charter provides otherwise, all powers of the City shall be vested in the council.

Section 7. COUNCIL. The Council shall be composed of a mayor and six council people elected

from the City at large.

Section 8. COUNCIL MEMBERS. The term of office of each council member shall be four years.

Section 9. MAYOR. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. (As revised: Resolution 1988-4) OTHER OFFICERS.

(1.) CITY RECORDER/ADMINISTRATOR. At every other biennial general election beginning in 2011 a City Recorder/Administrator shall be elected for a term of four (4) years.

(2.) OTHER OFFICES. Additional officers of the city (may) be a municipal judge and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by a majority vote of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive office except the municipal judge in the exercise of his judicial functions.

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

Section 12. QUALIFICATION OF OFFICERS. No person shall be eligible for an elective office of the city unless at the time of his/her election he/she 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 members, 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 which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his/her 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 forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council. All meetings shall conform to Oregon meeting laws.

Section 14. QUORUM. A majority of members of the 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. MEETINGS TO BE PUBLIC. All deliberations and proceedings of the council shall

be public. (Except executive sessions which may be held and which shall conform to State law.)
Section 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The mayor shall be chairman of the council and preside over its deliberations. He/she shall have a vote on all questions before it. He/she 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 18. PRESIDENT OF THE COUNCIL. At its first meeting after this charter takes effect the 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 to perform the functions of his/her office, the president shall act as mayor.

Section 19. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority only of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V POWERS AND DUTIES OF OFFICERS

Section 20. MAYOR. The mayor shall appoint council members to the committees provided for by the rules of the council. Additional committee members of the general public may be added at the discretion of the council. The function of such a committee shall be advisory to the common council.

He/she shall sign all approved records of proceedings of the council. He/she shall have no veto power and shall sign all ordinances passed by the council within three days after their passing. Upon the approval of the council, he/she shall endorse all bonds of city officers and all bonds for licenses, contracts and proposals.

Section 21. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. He/she shall hold within the city a court known as the municipal court for the city of Elgin, Union County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court.

The municipal judge may exercise original jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him/her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court.

When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 22. (As revised: Resolution 1988-15) RECORDER/ADMINISTRATOR. The Recorder/Administrator shall serve as Clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep an accurate record of its proceedings and sign all orders on the treasury. The Recorder/Administrator shall exercise administrative authority for conducting the day to day functions of the City under the general direction of the Common Council. The City Recorder/Administrator shall carry out other duties as assigned by the Common Council.

Section 23. RECORDER PRO TEM. When the recorder is disabled from acting as recorder, is out of the city, or when the office becomes vacant, the council shall appoint a recorder pro tem who shall possess the powers and duties of the recorder. The recorder pro tem may not appoint or remove any employee except with the approval of three-fourths of the incumbent members of the council. The recorder pro tem shall not hold the position for more than six months unless the term is extended with the approval of the common council.

Section 24. QUALIFICATION OF A VOTER. A city resident otherwise qualified by the laws of the State of Oregon shall be entitled to vote in all city elections.

Section 25. REGULAR ELECTIONS. The regular city elections shall be held at the same time and places as biennial general state elections, in accordance with applicable state election laws.

Section 26. NOTICE OF REGULAR ELECTIONS. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of 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 27. SPECIAL ELECTIONS. The council shall provide the time, manner, and means for holding any special election. The recorder shall give at least 61 days' notice of election prior to the general and primary election and at least 34 days' notice for each special election.

Section 28. REGULATION OF ELECTIONS. Except as this charter 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 29. CANVASS OF RETURNS. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election, the returns therefrom shall be filed with the recorder not later than 30 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. It shall contain a statement of the total number of votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved.

Section 30. TIE VOTES. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by

the council.

Section 31. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular city election shall commence with the first regular council meeting of the year immediately following the election.

Section 32. OATH OF OFFICE. Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the constitutions and laws of the United States and of Oregon and that he/she will faithfully perform the duties of his/her office.

Section 33. NOMINATIONS. A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective position.

Nomination shall be by petition specifying the position sought in a form prescribed by the council. Such petition shall be signed by not fewer than 20 electors. No elector shall sign more than one such petition for the same office. If he/she does so, his/her signature shall be valid only on the first petition filed. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 90 nor later than 65 days before the election. The recorder shall make a record of the exact time at which the petition is filed and take and preserve the name and address of the person by who it is filed. If the petition contains an inadequate number of valid signatures, or is in any other way deficient, the recorder shall notify in writing the candidate and the person who filed the petition within five days of the filing. Time permitting, such a deficient petition may be amended and re-filed not later than sixty-five (65) days prior to the election. Upon receipt of appropriate petition, the recorder shall file same with the county clerk.

CHAPTER VI VACANCIES IN OFFICE

Section 34. WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation, or recall from office; upon the incumbent's ceasing to possess the qualifications necessary for his/her 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/her term of office to commence; and in case of mayor or council person, upon his/her absence from the city for 30 days or upon his/her 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 35. 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/her appointment and shall continue throughout the unexpired term of his/her predecessor. During the temporary disability of any officer or during his/her absence temporarily from the city for any cause, his/her office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VII ORDINANCES

Section 36. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be "The city of Elgin ordains as follows:"

Section 37. INTRODUCTION, READING AND PASSAGE. Every ordinance of the council shall be fully and distinctly read in open council meeting on two different days previous to being put upon its final passage. Any ordinance, however, may be introduced, read twice, once in full and once by title, and put on its final passage at a single meeting by a unanimous vote of all members of the council present at the meeting. Upon the final vote on an ordinance, the ayes and nays of the members of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall sign it with the date of its passage and his/her name and title of office, and within three days thereafter, the mayor shall sign it with the date, his/her name, and the title of his/her office.

Section 38. WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER VIII PUBLIC IMPROVEMENTS

Section 39. CONDEMNATION. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 40. 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 the purpose of 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, the said purchaser shall be deemed the "owner."

Section 41. 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.

Section 42. PROCUREMENT. Procurement of materials, equipment and services shall be in accordance with regulations pertaining to state agencies or in accordance with procedures recommended by the Oregon State Department of General Services for local governments.

CHAPTER IX MISCELLANEOUS PROVISIONS

Section 43. DEBT LIMIT. No debt shall be incurred contrary to municipal budget law or other relevant state law, nor regardless of state law shall General Obligation Bonds be issued without a vote of the people.

Section 44. TORTS. In no event shall the city be liable in damages to any person for an injury to person or property caused by a defect or dangerous place in a sidewalk, crosswalk, street, sewer,

public ground, public building, drain, gutter, ditch, or way, unless the city has had actual notice prior to the injury that the defect or dangerous place existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500.00 be recovered as damages for an injury resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such an injury unless the claimant first gives written notice to the council within 30 days after the injury is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he/she will claim damages therefor of the city in an amount which he/she specifies. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

Section 45. 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 46. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 47. FRANCHISE LIMITATIONS. Except by the consent of the voters, council shall not enter into a franchise agreement for a period longer than 10 years; no franchise entered into by the council shall be exclusive.

Section 48. OFFICERS TO GIVE BONDS. Any officer whose duties require the handling of any monies, drawing of warrants, checks or other evidences of money due or to be due for the city, or whose duties requires the keeping or maintaining any books of account, or record of money transactions for the city, and any other officer as the council deems necessary, shall give a bond in such an amount and with such surety as may be approved by the council. The premium for such bond shall be paid by the city.

Section 49. AUDIT OF CITY RECORDS. The council shall cause, at least once annually an audit to be made of all the city's financial records by a certified public accountant or licensed public accountant.

Section 50. SEVERABILITY. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Section 51. TIME OF EFFECT OF CHARTER. This charter shall take effect July 1, 1987.