



# Charter

# **CHARTER**

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## **FOREWORD**

### **MUNICIPAL HOME RULE AMENDMENTS TO THE CONSTITUTION OF OREGON**

The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon. [Article XI, section 2]

The initiative and referendum powers reserved to the people by subsections (2) and (3) of this section are further reserved to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district. The manner of exercising those powers shall be provided by general laws, but cities may provide the manner of exercising those powers as to their municipal legislation. In a city, not more than 15 percent of the qualified voters may be required to propose legislation by the initiative, and not more than 10 percent of the qualified voters may be required to order a referendum of legislation. [Article IV, section 1(5)]

## **PREAMBLE**

We, the people of Monroe, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the state of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions of the city.

## **CHAPTER I: NAMES AND BOUNDARIES**

### **SECTION 1. TITLE OF CHARTER.**

This charter may be referred to as the 2000 Monroe Charter.

### **SECTION 2. NAME OF CITY.**

The city of Monroe, Oregon, continues under this charter to be a municipal corporation with the name city of Monroe.

### **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.

## **CHAPTER II: POWERS**

### **SECTION 4. POWERS OF CITY.**

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

### **SECTION 5. CONSTRUCTION OF POWERS.**

In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

### **SECTION 6. DISTRIBUTION OF POWERS.**

Except as this 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.

## **CHAPTER III: FORM OF GOVERNMENT**

### **SECTION 7. COUNCIL.**

The council consists of a mayor and six councilors nominated and elected from the city at large or, in case of one or more vacancies in the council, the council members whose offices are not vacant.

### **SECTION 8. COUNCILORS.**

The term of office of a councilor in office is when this charter is adopted is the term of office for which the councilor has been elected before adoption of the charter (or is elected at the time of the adoption). At each general election after the adoption, three councilors shall be elected, each for a four-year term.

### **SECTION 9. MAYOR.**

The term of office of the mayor in office is when this charter is adopted continues until the beginning of the first odd-numbered year after that time. At each subsequent general election, a mayor shall be elected for a two-year term.

### **SECTION 10. TERMS OF OFFICE.**

The term of office of an elective officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

### **SECTION 11. APPOINTIVE OFFICES.**

A majority of the council may:

- (1) Create, abolish, and combine appointive city offices and,
- (2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

## **CHAPTER IV: COUNCIL**

### **SECTION 12. RULES.**

The council shall, by ordinance, prescribe rules to govern its meeting and proceedings.

### **SECTION 13. MEETINGS.**

The council shall meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

### **SECTION 14. QUORUM.**

A majority of the council constitutes a quorum for its business, but a smaller number of the council may meet and compel attendance of absent councilors as prescribed by council rules.

### **SECTION 15. RECORD OF PROCEEDINGS.**

A record of council proceeding shall be kept and authenticated in a manner prescribed by the council.

### **SECTION 16. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.**

(1) When present at council meetings, the mayor shall:

- a. Preside over deliberations of the council,
- b. Preserve order,
- c. Enforce council rules, and
- d. Determine the order of business under the rules.

(2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to another council member.

(3) The mayor shall vote only in the event of a tie.

### **SECTION 17. COUNCIL PRESIDENT.**

(1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.

(2) Except in voting on questions before the council, the president shall function as mayor when the mayor is

- a. Absent from a council meeting, or
- b. Unable to function as mayor.

### **SECTION 18. VOTE REQUIRED.**

Except as this charter may specifically prescribe otherwise, the express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the council.

### **SECTION 19. VACANCIES: OCCURRENCE.**

The office of a member of the council becomes vacant:

(1) Upon the incumbent's:

- a. Death,
- b. Adjudicated incompetence, or
- c. Recall from the office; or

(2) Upon declaration by the council of the vacancy in case of the incumbent's:

- a. Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
- b. Absence from the city for 30 days without the council's consent or from all meetings of the council within a 60-day period,
- c. Ceasing to reside in the city,
- d. Ceasing to be a qualified elector under state law,
- e. Conviction of a public offense punishable by loss of liberty, or

f. Resignation from the office.

**SECTION 20. VACANCIES: FILLING.**

A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. During a council member's disability to serve on the council or during a member's absence from the city, a majority of the other council members may by appointment fill the vacancy pro tem.



## **CHAPTER V: POWERS AND DUTIES OF OFFICERS**

### **SECTION 21. MAYOR.**

The mayor shall appoint:

- (1) Members of committees established by council rules, and
- (2) Other persons required by the council to be so appointed.

### **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 times that the council specifies, a court known as the Municipal Court for the city of Monroe, Council Chambers, Benton 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 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 of such an offense;
- 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; if so needed.
- 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 appropriate state court.

## **CHAPTER VI: PERSONNEL**

### **SECTION 23. QUALIFICATIONS.**

(1) An elective city officer shall be qualified elector under the state constitution and shall have resided in the city during the twelve months immediately before being elected or appointed to the office. In this subsection "city" means area inside the city limits at the time of the election or appointment.

(2) No person may be a candidate at a single election for more than one elective city office.

(3) An elective officer may be employed in a city position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court at the request of the council or in some other manner, whichever the council prescribes.

(4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.

(5) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

### **SECTION 24. COMPENSATION.**

The council shall prescribe the compensation of city officers. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

### **SECTION 25. EMPLOYMENT STATUS.**

All employees of the city serve at the discretion and pleasure of the city council. The city council shall prescribe rules for all personnel of the city. The city council may assign, as they see fit, supervisory functions to various city positions. All city employees are "at will", subject to the rights of any collective bargaining agreement or specific contracts entered into by the council.

### **SECTION 26. OATH.**

Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the state of Oregon.

## **CHAPTER VII: ELECTIONS**

### **SECTION 27. STATE LAW.**

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

### **SECTION 28. NOMINATIONS.**

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

## **CHAPTER VIII: ORDINANCES**

### **SECTION 29. ORDAINING CLAUSE.**

The ordaining clause of an ordinance shall be "The city of Monroe ordains as follows:".

### **SECTION 30. 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 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 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 the endorser's name and title of office.

### **SECTION 31. EFFECTIVE DATE.**

A non-emergency ordinance takes effect on the 30th 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 IX: PUBLIC IMPROVEMENTS**

### **SECTION 32. 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 33. SPECIAL ASSESSMENTS.**

The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

## **CHAPTER X: MISCELLANEOUS PROVISIONS**

### **SECTION 34. 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 35. 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 36. REPEAL.**

All charter provisions adopted before this charter takes effect are hereby repealed.

### **SECTION 37. 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 38. TIME OF EFFECT.**

This charter takes effect January 1, 2001.