

CITY OF ESTACADA CHARTER OF 2006

We the voters of Estacada, 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 2006 Estacada Charter.

Section 2. Name of City. The City of Estacada, Oregon continues as a municipal corporation with the name "City of Estacada."

Section 3. Boundaries. The City includes all territory within its boundaries as they now exist or are legally modified. Unless mandated by State Law, annexation to the City of Estacada must be approved by a majority vote of electors. The city will maintain as a public record an accurate and current description of the boundaries.

Chapter II

POWERS

Section 4. Powers.

(a) 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.

(b) Reserved Powers. The citizens of Estacada reserve the following municipal taxation powers to themselves exclusively:

- (1) To enact or increase a tax of any kind;
- (2) To enact a new fee or charge;
- (3) To increase the amount of an existing fee or charge by more than 3% over the previous year;
- (4) To authorize another entity to collect any tax, fee or charge on behalf of the City;

(c) Exercise of Reserved Powers.

- (1) The qualified voters of the City may only exercise the powers listed in Section 4(b) by citizen initiative or legislative referral from the City Council at a general election in an even numbered year or an election where at least half of the eligible voters cast ballots.
- (2) Notwithstanding Section 4(b), a special assessment against property owners may be drafted and proposed in any manner provided by state law for local improvement districts. An assessment for non-emergency purposes may not be imposed until the

City has received the written consent of at least half the property owners within the proposed district. Written consent from a property owner may not be used to authorize a special assessment if such consent was obtained more than a year from the date of authorization. A special assessment for emergency purposes requires a finding of severe and imminent risk to public health or safety where the assessment is specifically limited to addressing such risk and is supported by at least a 4/5ths vote of the City Council.

(d) Implementation. Subsections 4(b) and 4(c) shall affect all municipal legislation enacted after August 1, 2008. Therefore, the City may not receive or collect revenue from any tax, fee or charge if such was incurred under affected municipal legislation prior to such legislation obtaining voter approval under Subsection 4(c)(1).

Section 5. 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 6. 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

COUNCIL

Section 7. Council. The council consists of a mayor and six councilors nominated and elected by positions from the city at large.

Section 8. 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 a voting member of the council and has no veto authority. With consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

Section 9. 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.

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.

Section 11. Meetings. The council must meet at least once each month at a time and at a place designated by its rules, and may meet at other times in accordance with the rules.

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel the attendance of absent members as prescribed by council rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the council present is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

CHAPTER IV

LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state, "The City of Estacada ordains as follows:".

Section 16. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.

(b) The council may adopt an ordinance at a single meeting by the approval of a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week 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 adopts the ordinance at that meeting.

(d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

Chapter V
ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council may delegate or exercise its administrative authority by approving resolutions. The approving clause for resolutions may state, "The City of Estacada resolves as follows:".

Section 19. Resolution Approval.

(a) Approval 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 approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

Chapter VI
QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council may delegate or exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Estacada orders as follows:"

Section 22. Order Approval.

(a) Approval of an order or any other quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other quasi-judicial decision, the vote of each council member must be entered in the council minutes.

(d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Chapter VII

ELECTIONS

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.

Section 25. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every each general election after the adoption, a mayor will be elected for a two-year term.

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city office must be nonpartisan.

Section 27. Qualifications.

(a) The mayor and each councilor must be qualified electors under state law, and must have resided 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 its members.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

Section 29. Terms. The term of an officer elected at a general election begins at the first meeting of the year immediately after the election, and continues until a successor qualifies and assumes the office.

Section 30. 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.

Section 31. Vacancies. The mayor or a council office becomes vacant:

- (a) Upon the incumbent's
 - (1) Death
 - (2) Adjudicated incompetence
 - (3) Recall from office, or
 - (4) Resignation from the office.

- (b) Upon declaration of vacancy 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 without council consent, or from all council meetings within a 60-day period,
 - (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, or
 - (6) Removal under Section 33 (i) of this charter.

Section 32. Filling Vacancies. A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members. An appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that position. If a temporary disability prevents a council member from attending more than two consecutive regular council meetings, or a member is absent from the city for more than two consecutive regular council meetings, a majority of the council may appoint a councilor pro tem for that position to serve until the disabled councilor returns to the position.

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions,

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of skill, education and experience in competencies and practices of local government management.

(c) Although the manager will be encouraged to live inside the city limits, the manager need not reside in the city.

(d) The manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after a vacancy occurs.

(e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the mayor and council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, orders, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Manage city utilities and property;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and other employees or consultants designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of the manager, except that a manager pro tem may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or candidate for the office of manager in the appointment or removal of any city employee, or in the administration of city property, contracts, or other matters within the authority of the manager's office. 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 manager relating to city business.

(j) Neither the manager's spouse nor any person related to the manager or his spouse by consanguinity or affinity within the second degree may hold any appointive office or employment with the city.

Section 34. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney.

Section 35. City 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, and sign orders on the treasury. The City Manager must appoint and may remove the City Recorder.

Section 36. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. The municipal judge shall be a member of the Oregon Bar. 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 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 such ordinances. The court also has jurisdiction under state law unless limited by city ordinances.

(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;
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter IX
PERSONNEL

Section 37. Compensation. The council must authorize the range of compensation of city officers and employees as part of its approval of the annual city budget. However, no councilor may receive compensation for serving in that capacity, but may receive reimbursement for expenses as provided by resolution of the council.

Section 38. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

Chapter X
PUBLIC IMPROVEMENTS

Section 39. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning public improvements. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 40. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter XI
MISCELLANEOUS PROVISIONS

Section 41. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 42. Ordinances Continuation. All ordinances consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 43. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 44. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 45. Time and Effect. This charter shall take effect January 1, 2007.