

CHARTER OF DUNES CITY, OREGON

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CHARTER

CHAPTER I

NAME AND BOUNDARIES

SECTION 1. TITLE OF ENACTMENT.

This enactment may be referred to as the Dunes City Charter of 1974.

SECTION 2. NAME OF CITY.

The municipality of Dunes City, Lane County, Oregon, shall continue to be a municipal corporation with the name "Dunes City."

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 the office at the city hall at least two copies of this charter in each of which shall be maintained 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 the 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 members elected from the city at large.

SECTION 8. COUNCIL MEMBERS.

The term of office of each council member in office when this charter is adopted shall continue until

the beginning of the first odd-numbered year after that time. At each subsequent biennial general election, three council members 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. RECORDER, JUDGE, TREASURER, AND OTHER OFFICERS.

Additional officers of the city may be a city recorder, a municipal judge, a treasurer, each of whom the council shall appoint, and such other officers as the council deems necessary. The council may combine any two or more appointive offices. In no such combination shall the municipal judge be subject in judicial functions to supervision by any other officer.

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 of the city unless at the time of the election said candidate is a qualified elector within the meaning of the state constitution and is a resident of Dunes City. The council shall be the final judge of the qualifications for election of its own members.

CHAPTER IV

COUNCIL

SECTION 13. MEETINGS.

The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor, upon the mayor's own motion or at the request of three members of the council, may call a special meeting. These special meetings must have at least 24-hours' notice. All regular and special meetings must comply strictly with all rules set forth in the document known as the Attorney General's public meetings and records manual.

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. RECORD OF PROCEEDINGS.

The council shall cause a record 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 entered in the record. Further, all records must comply strictly with all rules set forth in the document known as the Attorney General's manual on public meetings and public records.

SECTION 16. PROCEEDINGS TO BE PUBLIC.

No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

SECTION 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.

The mayor shall be chairman of the council and preside over its deliberations. The mayor shall vote only when a tie occurs. 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 18. 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 to perform the functions of the office, the president shall act as mayor.

SECTION 19. 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 questions before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

SECTION 20. MAYOR.

The mayor shall appoint, with the approval of the council, the committees provided by the rules of the council. The mayor shall sign all records of proceedings approved by the council. The mayor shall have no veto power and the mayor or the mayor-designate shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

SECTION 21. MUNICIPAL JUDGE.

The municipal judge shall be the judicial officer of the city and shall hold within the city a court known as the municipal court for the city of Dunes City, Lane 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 shall exercise original and exclusive jurisdiction of all 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. The judge 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 accused to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the court, 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 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. RECORDER.

The recorder shall serve ex officio as a 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. In the recorder's absence from a council meeting, the mayor 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 VI
ELECTIONS

SECTION 23. REGULAR ELECTIONS.

Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws. The recorder, pursuant to directions from the council, shall give at least ten (10) 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 24. SPECIAL ELECTIONS.

The council shall provide the time, manner, and means for holding any special election. The recorder shall give at least ten (10) days' notice of each special election in the manner provided by the action of the council ordering the election.

SECTION 25. 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.

Cross-reference:

Elections, see Chapter 34

SECTION 26. 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 on or before noon of the day following, and not later than five days after the election the council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the council. The entry shall state the total number of votes cast at the 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 said person 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 to that person 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.

SECTION 27. 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 28. COMMENCEMENT OF TERMS OF OFFICE.

The term of office of a person elected at a regular city election shall commence the first council meeting of the year immediately following the election.

SECTION 29. OATH OF OFFICE.

Before entering upon the duties of the office, each officer shall take an oath or shall affirm support of the constitutions and laws of the United States and of Oregon and agree to faithfully perform the duties of the office.

SECTION 30. NOMINATIONS.

A qualified elector who is a resident of the city may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than 20 electors. No elector shall sign more than one petition for each office to be filled at the election. If such is done, the signature shall be valid only on the first sufficient petition filed for the office. 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 the presence of person filing the petition and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation.

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 and date at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of this nomination, and that person shall file with the recorder a written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

CHAPTER VII

VACANCIES IN OFFICE

SECTION 31. WHAT CREATES VACANCY.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence, conviction of a felony, other offense pertaining to the office, or unlawful destruction of public records; resignation; recall from office, or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for the term of office to commence; or in the case of a mayor or council member, upon that person's absence from the city for 30 days without the consent of the council or upon absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

SECTION 32. FILLING OF VACANCIES.

Vacant elective offices in the city shall be filled by appointment. A majority vote of the council shall be required to validate the appointment. The appointee's term of office shall begin immediately upon appointment and shall continue until the beginning of the year following the next general biennial election and until the successor is qualified; and the successor for the unexpired term shall be chosen at the next general biennial election after said appointment. Of those elected, the three receiving the largest number of votes shall each hold office for four years and those receiving the lesser votes shall each hold office for the unexpired two years.

CHAPTER VIII**ORDINANCES****SECTION 33. ENACTING CLAUSE.**

The enacting clause of all ordinances hereafter enacted shall be "Dunes City ordains as follows: ."

SECTION 34. MODE OF ENACTMENT.

(1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.

(2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

(3) Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city and by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(4) Upon the final vote on an ordinance, the ayes and nays of the member shall be taken and entered in the record of proceedings.

(5) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and recorder's name and title of office.

SECTION 35. 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. An emergency is defined as any circumstance that appears to adversely affect the health or welfare of the citizens of Dunes City.

CHAPTER IX**PUBLIC IMPROVEMENTS****SECTION 36. 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 37. 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. Action on any proposed public improvement except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Cross-reference:

Local improvements and assessments, see § 35.01 et seq

effect until amended or repealed.

SECTION 38. 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.

Cross-reference:

Local improvements and assessments, see § 35.01 et seq.

SECTION 39. BIDS.

A contract in excess of \$2,000.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

Cross-reference:

Improvement construction by contract, see § 35.05

SECTION 42. 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 43. TIME OF EFFECT OF CHARTER.

This charter shall take effect the 4th day of November, 1980.

CHAPTER X

MISCELLANEOUS PROVISIONS

SECTION 40. DEBT LIMIT.

Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$10,000.00 at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

SECTION 41. EXISTING ORDINANCES CONTINUED.

All ordinances of the city consistent with this charter and in force when it takes effect shall remain in

