

CHARTER

CHARTER:

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CHAPTER I
NAME AND BOUNDARIES

SECTION 1. TITLE OF CHARTER.

This charter may be referred to as the Condon City Charter of 2005.
(Passed by voters on 11-7-06)

SECTION 2. NAME OF CITY.

The City of Condon, Oregon, continues under this charter to be a municipal corporation under the name of City of Condon.
(Passed by voters on 11-7-06)

SECTION 3. BOUNDARIES.

The city shall include all territory encompassed by its boundaries as they now exist and as they are hereafter modified by the electorate of the city or by the Council. An accurate, up-to-date description of the boundaries shall be maintained at City Hall.
(Passed by voters on 11-7-06)

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 now or hereafter, expressly or impliedly, grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

(Passed by voters on 11-7-06)

SECTION 5. CONSTRUCTION OF CHARTER.

In this charter, no statement 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. All powers are continuing unless a specific grant of power clearly indicates the contrary.

(Passed by voters on 11-7-06)

SECTION 6. WHERE POWERS VESTED.

All powers of the city are vested in the Council except those reserved to the voters by the State Constitution.

(Passed by voters on 11-7-06)

CHAPTER III FORM OF GOVERNMENT

SECTION 7. COUNCIL.

The Council consists of a non-voting Mayor and six Councilors elected from the city at large. Any vacancy on the Council shall not divest the Council of its powers.

(Passed by voters on 11-7-06)

SECTION 8. COUNCILORS.

The Councilors in office or elected at the time this charter becomes effective shall continue in office until the end of their term. At each biennial general election thereafter, three shall be elected, each for a four year term.

(Passed by voters on 11-7-06)

SECTION 9. MAYOR.

The Mayor in office or elected at the time this charter becomes effective shall continue in office until the end of the Mayor's term. At each biennial general election thereafter, a Mayor shall be elected for a term of two years.

(Passed by voters on 11-7-06)

SECTION 10. OFFICIALS.

Other officials of the city shall be appointed and removed by the Mayor with the majority vote of the Council. The Council may designate any official to supervise any other appointed official except a municipal judge in the exercise of judicial functions.

(Passed by voters on 11-7-06)

SECTION 11. COMPENSATION OF COUNCIL AND OFFICIALS.

The compensation for each official shall be set by the Council. Members of the Council shall not receive an increase of compensation unless five lay members of the Budget Committee approve, by vote, such compensation.

(Passed by voters on 11-7-06)

SECTION 12. QUALIFICATIONS OF COUNCIL.

1. To be eligible to serve on the Council, a person must:

a. Have residency within the city for a continuous period of 12 months immediately preceding election or appointment;

b. Be registered to vote within the city for 12 continuous months immediately preceding election or appointment;

c. Continue residency within the city during any term of office; and

d. Not be an employee of the city unless the employee's position is substantially volunteer in nature.

2. No person shall be a candidate in a single election for more than one elective City Office.

3. No Councilor shall serve in more than one city elective office.
(Passed by voters on 11-7-06)

CHAPTER IV

COUNCIL

SECTION 13. MEETINGS.

The Council shall prescribe rules to govern its meetings and proceedings. The Council shall hold a regular Council meeting monthly in the city at a time and at a place designated by the Council and may meet at other times as provided for by the Council.
(Passed by voters on 11-7-06)

SECTION 14. QUORUM.

A majority 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.
(Passed by voters on 11-7-06)

SECTION 15. RECORD OF PROCEEDINGS.

A record of Council proceedings shall be kept. The results of all votes and the vote of each member of the Council, by name, shall be recorded.
(Passed by voters on 11-7-06)

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.
(Passed by voters on 11-7-06)

SECTION 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.

The mayor shall preside over deliberations of the Council, preserve order, enforce Council rules and determine the order of business under the rules and cast a tie-breaking vote in case of a tie vote among the Councilors.
(Passed by voters on 11-7-06)

SECTION 18. PRESIDENT OF THE COUNCIL.

At the first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the Council 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 or unwilling to perform the functions of office, the president shall act as Mayor.
(Passed by voters on 11-7-06)

SECTION 19. VOTE REQUIRED.

Except as this charter provides otherwise, express concurrence of a majority of the Council present is necessary to decide affirmatively any question before the Council.
(Passed by voters on 11-7-06)

***CHAPTER V
POWERS AND DUTIES OF CITY OFFICIALS***

SECTION 20. MAYOR.

The mayor shall appoint the committees provided by the rules of the Council. Other officials of the city shall be appointed and removed by the Mayor, with majority vote of the Council. The Mayor shall sign all approved documents and records of proceedings of the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council as this charter prescribes. The mayor may call extra session of the Council. Notice of any extra session shall be given in accordance with state law.
(Passed by voters on 11-7-06)

SECTION 21. CITY ADMINISTRATOR.

There shall be a City Administrator who shall be appointed by and serve at the will of the City Council. The City Administrator shall be responsible to the City Council for the proper administration of all affairs of the City of Condon and for carrying out the policies established by the City Council.
(Passed by voters on 11-7-06)

SECTION 22. MUNICIPAL JUDGE.

The municipal judge shall be the judicial officer of the city. The municipal judge shall hold, within the city, a court known as the Municipal Court for the City of Condon, Gilliam 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 municipal 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 him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the judge, 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 of 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.

(Passed by voters on 11-7-06)

SECTION 23. CITY RECORDER.

The City Administrator may act as city recorder. The recorder shall serve as the city election official, and shall maintain the records of the city and a record of the Council proceedings.

(Passed by voters on 11-7-06)

CHAPTER VI ELECTIONS

SECTION 24. CONDUCT OF ELECTIONS.

The election laws of the State of Oregon shall apply to elections held under this charter except as this charter or an ordinance of the city prescribes otherwise.

(Passed by voters on 11-7-06)

SECTION 25. REGULAR ELECTIONS.

Regular city elections shall be held at the same times and places as biennial general state elections in accordance with applicable state elections laws.

(Passed by voters on 11-7-06)

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 office to be filled by election, the ballot title of each measure to be voted upon, and the time and place of the election.

(Passed by voters on 11-7-06)

SECTION 27. SPECIAL ELECTIONS.

The Council shall provide the time, 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.

(Passed by voters on 11-7-06)

SECTION 28. TIE VOTES.

In the event of a tie vote for candidates for the Council, the successful member of the Council shall be determined by a public drawing of lots in a manner prescribed by the Council prior to the first day of the calendar year immediately following the election at which the tie vote occurred.

(Passed by voters on 11-7-06)

SECTION 29. COMMENCEMENT OF TERMS OF OFFICE.

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

(Passed by voters on 11-7-06)

SECTION 30. FORM OF OFFICIAL OATH.

Every officer elected or appointed to office under this charter, before entering upon the duties of the office, must take and file with the recorder an oath of office to the following effect:

“I do solemnly swear (or affirm) that I will support the constitution of the United States, and of the State of Oregon and the ordinances and laws of the City of Condon and that I will, to the best of my ability, faithfully perform the duties of the office of _____ during my continuance therein, so help me God.”

If the officer affirms, instead of the last clause, there must be added, “And this I promise under the pains and penalties of perjury.”

(Passed by voters on 11-7-06)

SECTION 31. NOMINATIONS.

A person qualified to serve on the Council may submit a petition to the City Recorder for nomination specifying the position sought. Each petition of nomination shall include the signature and residence address of the prospective nominee. The petition for nomination shall be signed by at least 20 electors who reside within the city or, in the alternative, a petition may be filed without signatures of electors by payment as determined by the City Council. The signatures to a nomination petition shall have an affidavit of the circulator of the petition attached indicating the number of signers to the petition and stating that each signature on the petition was made in the presence of the circulator of the petition. Each petition for nomination shall include each signer's residence by street address. If a nomination petition is deficient, the recorder shall return it to the prospective nominee and shall advise, in writing, of the deficiency within three working days of the date the nomination petition is filed. The deficient petition may be amended and refilled or a new petition for the same candidate may be filed. Nomination petitions shall be filed with the City Recorder as provided by ordinance or, if not so provided, as required by state law. The City Recorder shall furnish the County Clerk with a certified statement of the city offices and candidates for city offices in a timely manner as required by state law.
(Passed by voters on 11-7-06)

CHAPTER VII
VACANCIES IN OFFICE

SECTION 32. OCCURRENCE OF VACANCIES.

The office of a member of the Council becomes vacant:

1. Upon the member's:

- a. Death;
- b. Adjudicated incompetence;
- c. Recall from office;
- d. Ceasing full time residency in the city; or
- e. Resignation from the Council.

2. Upon declaration by the Council of the vacancy in the case of:

- a. Failure following election or appointment to the Council to qualify for the Council within ten days from the date the term is to begin;

b. Absence from all regular Council meetings within a 60-day period without the consent of the Council; or

c. Conviction of any felony or a crime relating to performance of Council duties.
(Passed by voters on 11-7-06)

SECTION 33. FILLING OF VACANCIES.

Vacant elective offices in the city shall be by appointment. In the event of the vacancy of the mayor, the appointment shall be by a majority vote of the City Council. In the event of a vacancy in the City Council, the appointment shall be by the mayor; however, a majority vote of the Council shall be required to validate the appointment. 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 disability of any officer, his office may be filled pro tem in the manner provided for filling vacancies in office permanently. Any vacancies in office shall be advertised for a minimum of ten days before position is filled.

(Passed by voters on 11-7-06)

CHAPTER VIII ORDINANCES

SECTION 34. ENACTING CLAUSE.

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

(Passed by voters on 11-7-06)

SECTION 35. METHODS OF ADOPTION.

1. An ordinance shall be fully and distinctly read in open Council meeting on two different meetings before being adopted by the Council.

2. An ordinance may be adopted at a single meeting by unanimous vote of the entire Council if:

a. Two readings, by title only or in full, shall occur; and

b. Any section of a proposed ordinance containing substantive change shall be read in full prior to consideration.

3. A reading of an ordinance may be by title only if:

a. No member of the Council present at the meeting requests that ordinance be read in full, and

b. At least one week before the reading:

i. A copy of the ordinance is provided to each member of the Council;

ii. Copies of the ordinance are available for public inspection in the office of the City Recorder; and

iii. Notice of the availability and the title page of the ordinance is posted at the City Hall.
(Passed by voters on 11-7-06)

SECTION 36. EMERGENCY ORDINANCES.

Ordinances necessary for the immediate preservation of the health, safety, and welfare of the city may become effective immediately if the ordinance states the reason and if the ordinance is approved by the affirmative vote of five members of the Council.
(Passed by voters on 11-7-06)

SECTION 37. WHEN ORDINANCES TAKE EFFECT.

An ordinance enacted by the Council shall take effect on the 30th day after its enactment; however, in the case of an emergency, so declared by the Council, the Council may provide that it shall take effect immediately.
(Passed by voters on 11-7-06)

CHAPTER IX PUBLIC IMPROVEMENTS

SECTION 38. CONDEMNATION.

A necessity of taking property for the city by condemnation shall be determined by the Council and so declared in a resolution of the Council describing the property and stating the uses to which it shall be devoted.
(Passed by voters on 11-7-06)

SECTION 39. IMPROVEMENTS.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by ordinance or, to the extent not so governed, by state law. Action on any proposed public improvement, except a sidewalk or an improvement unanimously declared by the Council to be needed immediately due to an emergency, shall be suspended for six months upon filing of remonstrances by owners of two-thirds of the property to be specially assessed for the improvements. "Owner" in this section refers to the record holder of legal title. However, as to land being purchased under a recorded land sale contract, the purchaser shall be considered the owner.

(Passed by voters on 11-7-06)

SECTION 40. 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 ordinance.

(Passed by voters on 11-7-06)

SECTION 41. PUBLIC CONTRACTS AND CONTRACTS FOR PUBLIC IMPROVEMENTS.

Public contracts and contracts for public improvements shall conform to the requirements of state law.

(Passed by voters on 11-7-06)

***CHAPTER X
MISCELLANEOUS PROVISIONS***

SECTION 42. LIENS AGAINST REAL PROPERTY.

Ordinances may provide that unpaid city utility charges or debts owed to the city may become a lien against real property and may further provide for foreclosure of such liens.

(Passed by voters on 11-7-06)

SECTION 43. DEBT LIMIT.

The city's indebtedness may not exceed the limit imposed by state law. Any city official or employee who creates or officially approves indebtedness in excess of the limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.

(Passed by voters on 11-7-06)

SECTION 44. CONTINUATION OF ORDINANCES.

All ordinances in force when this charter becomes effective shall remain in effect until modified or repealed.

(Passed by voters on 11-7-06)

SECTION 45. REPEAL.

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

(Passed by voters on 11-7-06)

SECTION 46. TIME OF EFFECT OF CHARTER.

This charter shall take effect on the 1st day of January, 2007.

(Passed by voters on 11-7-06)