

## **BOARDMAN CHARTER OF 1985**

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF BOARDMAN, MORROW COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT.

Be it enacted by the people of the city of Boardman, Morrow County, Oregon:

### **CHAPTER I**

#### **Name and Boundaries**

Section 1. Title of Enactment. This enactment may be referred to as the Boardman Charter of 1985.

Section 2. Name of City. The city of Boardman, Morrow County, Oregon shall continue to be a municipal corporation with the name "City of Boardman."

Section 3. Boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of city records shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and the boundary description available for public inspection.

### **CHAPTER II**

#### **Powers**

Section 4. Powers of the City. The city shall have all powers which the constitution, 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, and all those powers provided by federal, state, and common law specifically in regard to urban renewal agencies.

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.

Section 8. Council Members. Council members in office at the time this charter is adopted shall continue in office each until the end of his or her term of office. At each biennial general election after this charter takes effect, three members shall be elected, each for a term of four years.

Section 9. Mayor. At each alternate biennial general election beginning in 1988 a mayor shall be elected for a term of four years.

Section 10. Appointive Officers. Additional officers of the city may be the city manager, city recorder, city attorney, and municipal judge, each of whom the council may appoint and may remove by majority vote of all incumbent members of the council. These officers shall be subject to supervision by the council only, however, the judicial functions of the municipal judge shall not be subject to supervision by any elected or appointed officer.

Section 11. Salaries. The council shall fix the amount of compensation for city officers and shall approve a compensation plan for city employees.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of their election they are a qualified elector within the meaning of the state constitution and have resided in the city during the 12 months immediately preceding the election. The council shall be the 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 regular meetings at least once a month in the city at a time and at a place that it designates. Regular and additional meetings of the council shall be held in accordance with procedures prescribed by state law and general ordinance. The council shall adopt rules for the government of its members and proceedings.

Section 14. Quorum. A majority of the incumbent members of the council, which may include the mayor, 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.

Section 16. Meetings to be Public. All deliberations and proceedings of the council shall be public except as otherwise authorized by state law.

Section 17. Mayor's Functions at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. The mayor shall have a vote on all questions before it, and 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 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 to perform the functions of office, the president shall act as mayor. In the absence of both mayor and president of the council, the remaining members of the council may elect a president pro tem.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of members of the council voting when a quorum of the council is present shall decide any question before it. No council member present at the council meeting shall abstain from voting without first stating at the meeting his or her reasons.

## CHAPTER V

### Powers and Duties of Officers

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. The mayor shall sign all approved records of the proceedings of the council. The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after their passing.

Section 21. Recorder. The recorder shall attend all council meetings unless excused therefrom, and keep an accurate record of its proceedings in a book provided for that purpose.

#### Section 22. Municipal Judge.

(1) The council may create a municipal court and appoint a municipal judge and such pro tem judges as it considers necessary, to hold office at the pleasure of the council. Notwithstanding this section or section 10 of this charter, the council may provide for the transfer of powers and duties of the municipal court to the appropriate court of the state of Oregon.

(2) A municipal judge shall hold within the city a court known as the municipal court for the city of Boardman, Morrow County, Oregon. The court shall be open for judicial business at times specified by the council. All area within the city and, as provided by law, territory outside the city, is within territorial jurisdiction of the court. All proceedings of the municipal court are governed by the general laws of the state for justice of the peace and justice courts except as this charter or city ordinance prescribe to the

contrary. The municipal court has original jurisdiction over all offenses that city ordinances or this charter define and make punishable and over all actions to recover or enforce forfeitures or penalties that city ordinances or this charter define or authorize.

(3) A municipal judge may:

(a) render judgments and impose sanctions for enforcement of judgments on persons and property within its jurisdiction.

(b) cause the arrest of a person accused of an offense against the city

(c) commit to jail or admit to bail pending trial a person accused of an offense against the city

(d) issue and compel obedience to subpoenas

(e) compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court

(f) punish witnesses and others for contempt of court

(g) issue any process necessary to carry into effect the judgment of the municipal court

(h) issue search warrants

(i) perform other judicial or quasi-judicial functions as the council prescribes by general ordinance

Section 23. City Manager.

(1) Qualifications. The city manager:

(a) shall be the administrative head of the city government

(b) shall be chosen by a majority vote of all members of the council in office without regard to political considerations and solely with reference to executive and administrative qualifications

(c) need not be a resident of the city or of the state at the time of appointment but shall promptly thereafter become a resident of the city and remain a resident during his or her employment

(2) Bond. Before taking office, the manager shall give a bond in an amount and with such surety as is approved by the council. The premiums on the bond shall be paid by the city.

(3) Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council.

(4) Powers and Duties. The manager shall:

(a) be directly responsible to the mayor subject to the direction of the council as a body and not to other individual council members

(b) attend all meetings of the council unless excused by the council or mayor

(c) keep the council advised of the affairs and needs of the city

(d) make reports annually, or more frequently if requested by the council, about the affairs and departments of the city

(e) be responsible for enforcement of all ordinances

(f) see that the provisions of all franchises, leases, contracts, permits, licenses, and privileges granted by the city are observed

(g) appoint and remove all employees except as otherwise provided by this charter

(h) generally supervise and control all employees, except as otherwise provided by this charter

(i) organize and, as necessary, reorganize the various city departments

(j) prepare the annual budget for transmittal to the council

(k) be responsible for making all purchases

(l) supervise the operation of all city-owned public utilities and city-owned property

(m) perform such other duties as the council directs

(5) the manager shall not have control over the council, the city attorney, city recorder, or municipal judge

(6) Participation in Council Meetings. The manager may take part in all council discussions.

(7) City Manager: Vacancy. If the office of city manager becomes vacant or if the city manager is absent from the city or disabled, the council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with the approval of the council. The term of office of the city manager pro tem ends when the city manager returns to the city or takes office, or at the pleasure of the council.

(8) Interference in Administration and Elections. A member of the council shall not directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment or in removal of an employee or in purchasing supplies; or attempt to exact a promise relative to an appointment from any candidate for manager. A violation of this subsection forfeits the office of the offending member of the council, who may be removed by the council or a court of competent jurisdiction. The council may, however, in session, discuss with or suggest to the manager anything pertinent to city affairs or the interests of the city. Further, a council member may, at any time, re-

quest and receive from the manager or any other city employee information to which a private citizen is entitled.

## CHAPTER VI

### Elections

Section 24. Regulation of Elections Generally. Except as this charter provides otherwise, and as the council provides otherwise by ordinance, the general laws of the state apply to city elections.

Section 25. 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 26. Commencement of Terms of Officer. The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 27. Oath of Office. Before entering upon the duties of office, each officer shall take an oath or shall affirm that the officer will support the constitutions and laws of the United States and of the State of Oregon and will faithfully perform the duties of office.

Section 28. Nominations. Nominations for elective office for the city of Boardman shall be made pursuant to the general ordinances of the city.

## CHAPTER VII

### Vacancies in Office

Section 29. What Creates a 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 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 term of office to commence; and, in the case of

the mayor or a council member missing three (3) consecutive regular council meetings without the council's consent, and upon the council's declaration of the vacancy.

Section 30. Filling of Vacancies. Vacancies in elective offices of the city shall be filled by appointment by a majority of the remaining members of the council. The appointee's term of office shall begin immediately upon appointment and shall continue through the unexpired term of the predecessor. During the temporary disability of any officer or during an absence temporarily from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently.

## CHAPTER VIII

### Ordinances

Section 31. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be: "The people of Boardman do ordain as follows."

Section 32. Mode of Enactment. (1) Except as paragraph (2) or (3) of this section provides to the contrary, every ordinance of the council shall, before final passage, be read fully and distinctly in one open council meeting, and by title only at a second meeting; (2) an ordinance may be enacted at a single meeting of the council by majority vote of all council members, upon first being read by title only if:

(a) a copy is provided for each council member and copies provided for the public in the office of the custodian of city records not later than one week before the reading of the title of the ordinance; and

(b) notice of availability of the ordinance is posted at the city hall and two other public places in the city; and

(c) copies are made available for public use in the council chambers at the meeting of the council; and

(d) provided no member of the council requests the ordinance be read in full

(3) an ordinance may be adopted after being read by title only at two separate meetings when unanimous attendance of the council cannot be obtained provided the provisions of paragraph (2) of this section are met.

(4) Any section of an ordinance changing substantially the legal effect of the ordinance as previously circulated shall be read in full in open council meeting prior to being adopted by the council.

(5) Upon the final vote of an ordinance, the ayes and nays of the council members shall be taken and entered in the record of the proceedings.

(6) Upon the enactment of an ordinance, the Mayor shall sign it with the date of its passage and the mayor's name and title of office, and immediately thereafter the recorder/clerk shall sign it with the date of the recorder/clerk's signature and the title of the office. All ordinances enacted by the council shall take effect thirty days after their passage unless a later date is fixed therein, in which event they shall take effect at such later date, subject to referendum if legislative. Provided, however, an ordinance (a) making appropriations and the annual tax levy; (b) relative to local improvements and assessments thereof; or (c) emergency ordinance, shall take effect immediately upon their passage, or any special date less than thirty days after passage, specifically fixed in such ordinance. The council may, by declaring an emergency, provide an earlier effective date for an ordinance or that it take effect immediately upon its final passage upon a unanimous vote of the members present and voting.

## CHAPTER IX

### Public Improvements

Section 33. 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 34. 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 the proposed public im-

provement 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 or legal title to the land filed with the city, the purchaser shall be deemed to be the "owner."

Section 35. 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 36. Bids. Except as otherwise authorized by state law or general ordinance, all municipal contracts shall be based on competitive bids.

## CHAPTER X

### Miscellaneous Provisions

Section 37. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$75,000 nor its bonded indebtedness \$50,000 at any one time. For purposes of calculating the limitations, 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 38. 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 39. Repeal of Previously Enacted Provision. All charter provisions of the city enacted prior to the time this charter takes effect are hereby repealed.

Section 40. 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 circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Section 41. Time of Effect of Charter. This charter shall take effect on the first day of January, 1985.