

Durham Charter

CHARTER OF GOVERNMENT CITY OF DURHAM, WASHINGTON COUNTY, OREGON

PREAMBLE

We, the people of Durham, 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

NAME AND BOUNDARIES

Section 1. Title Of Enactment.

This enactment may be referred to as the City of Durham Charter of 1998.

Section 2. Name Of City.

The municipality of Durham, Washington County, Oregon, shall continue to be an Oregon municipal corporation with the name "City of Durham, Oregon."

Section 3. Boundaries.

The city includes all territory within its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency pursuant to state law. The Administrator / Recorder 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 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 Power Is Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the City Council.

Section 7. Council.

The City Council shall be composed of five councilors elected from the city at large.

Section 8. Councilors.

The term of office of each councilor in office when this charter is adopted shall continue until the expiration of the regular term for which the councilor is elected. At the first general election after the charter is adopted, two councilors shall be elected. At the second general election, three councilors shall be elected, each for a term of four years. At the following general election two councilors shall be elected, at the next general election following three councilors shall be elected. This alternate order of electing councilors shall continue unless changed by charter amendment.

Section 9. Mayor.

At its first meeting of each year, the Council shall choose from its membership a chairperson, who shall be Mayor and who shall hold the office of Mayor for one year. Upon the vacancy of the office of Mayor as defined in Section 27, the Council shall by majority vote select a replacement for the remainder of the unexpired term. The Council may remove the Mayor from that position with or without cause by a vote of four (4) in favor of such action.

Section 10. Other Officers.

The City Council shall appoint an Administrator / Recorder, City Attorney, and Independent Auditor who shall serve at the pleasure of the City Council. The Administrator / Recorder with the consent of the Council may engage agents and employees who shall serve under written contract and who shall be supervised and subject to removal by the Administrator/Recorder.

Section 11. Salaries.

The compensation for the services of each City officer shall be the amount fixed by the Council. The Council shall set a salary range for all employees who are under the supervision of the Administrator / Recorder. The Administrator / Recorder shall have the authority to set salaries within the given ranges. No councilor shall receive compensation for serving in that capacity except for reimbursement of expenses connected with the performance of duties required by the office, subject to approval by the City Council.

Section 12. Qualifications Of Officers.

No person shall be eligible for an elective office of the City unless at the time of the nomination the person is a qualified city elector under the Oregon Constitution and the person has resided continuously in the City during the twelve months immediately preceding the election. The Council shall be final judge of the qualifications and election of its own members.

CHAPTER IV

COUNCIL

Section 13. Meetings.

The Council shall hold a regular meeting at least once each month within the city or as near to it as is practical, at a time and at a place that the Council designates. The Council shall adopt rules for the government of its members and its proceedings by ordinance. The Mayor may, or at the request of two members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council. Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.

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.

Section 16. Proceedings To Be Public.

No action by the Council requiring a vote 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 chairperson of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council. 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 year, the Council by ballot shall choose a Council President from its membership. The Council President shall preside in the Mayor's absence from a Council meeting and shall act as Mayor pro-tem whenever the Mayor is unable to perform the functions of the office. Upon the vacancy of the office of President, as defined in Section 27, the Council shall by majority vote select a replacement for the remainder of the calendar year.

Section 19. Majority Required.

Except as this charter otherwise provides, the concurrence of at least three (3) members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20. Mayor.

The Mayor shall appoint representatives to area boards and commissions as provided

by Council rules, shall sign all records of proceedings approved by the Council and shall countersign all orders on the treasury. The Mayor shall have no veto power.

Section 21 Administrator / Recorder.

- (1) The Administrator / Recorder is the administrative head of city government.
- (2) A majority of the Council shall appoint and may dismiss the Administrator / Recorder with or without cause as provided for in a written employment agreement.
- (3) The Administrator / 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 all orders on the treasury. In the Administrator / 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 Administrator / Recorder with the exception of appointing or dismissing personnel. Personnel appointments and dismissal by the clerk of the Council pro-tem shall require Council approval.
- (4) The Administrator / Recorder shall be responsible for the supervision, hiring, dismissal, promotion, demotion and all other personnel decisions relating to any City employees or contract services with the exception of the City Attorney and Independent Auditor, who shall answer to, and shall be hired or dismissed by the Council.
- (5) The Administrator / Recorder shall be responsible for performing other duties as described by general ordinance and as provided for in a written employment agreement.

CHAPTER VI

ELECTIONS

Section 22. Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a flip of a coin.

Section 23. Terms Of Office.

The term of office of a councilor elected at a general election begins at the first Council meeting of the year immediately after the election and continues until a successor is elected or appointed as provided for by this charter.

Section 24. Oath Of Office.

Before entering upon the duties of the office, each councilor shall swear or affirm that he or she will support the constitutions and laws of the United States and of Oregon and will faithfully perform the duties of the office.

Section 25. Nominations.

A person qualified as a city elector under the Oregon Constitution who has resided continuously in the city during the 12 months immediately preceding election may be nominated for an elective City office to be filled at the election. The nomination shall be by petition that specifies the office sought and shall be signed by not fewer than 10 persons also qualified as city electors. All elections shall be conducted under provision of state law except as this charter or city ordinance prescribes otherwise.

CHAPTER VII

VACANCIES IN OFFICE

Section 26. What Creates Vacancy.

A Council position shall be deemed vacant upon the councilor's death, adjudicated incompetence, conviction of a felony or crime involving dishonesty, unlawful destruction of public records, resignation, recall from office, or ceasing to possess the qualifications for the office, including change of residency to a place outside the city limits. The position may be deemed vacant upon the person's absence from the city for 30 consecutive days or longer without the consent of the Council or upon absence from two or more Council meetings within 60 days without like consent, provided that the Council thereupon declares the position to be vacant.

Section 27. Filling Of Vacancies.

(1) A vacancy in the Council shall be filled by appointment by the Mayor with a majority vote of the Council. The appointee's term of office runs from the time of appointment and until expiration of the term of the predecessor who has left the office vacant.

(2) If the vacancy is filled more than 90 days before the next general election, the appointee's term of office runs only until the first Council meeting in the year immediately following the election, and at the general election a person shall be elected to the position for a two-year term. During a councilor's inability 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.

(3) A public notice advertising the vacancy must be posted at least 10 days prior to filling the vacancy. A candidate to fill any vacancy on the Council must be a qualified city elector, under the state Constitution, and must have resided in the City for the previous 12 months.

CHAPTER VIII

ORDINANCES

Section 28. Enacting Clause.

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

Section 29. Mode Of Enactment.

(1) Except in an emergency, every ordinance of the Council shall, before being put upon its final passage, be read in open Council session on two different days.

(2) An ordinance may be enacted at a single meeting of the Council only if all Council members present and voting vote unanimously to declare an emergency. The ordinance shall state the nature of the emergency. After the proposed ordinance has been read twice, a unanimous vote of all Council members present is required in favor of the enactment.

(3) Any and all of the readings may be by title only: (a) if no Council member present at the meeting requests to have the ordinance read once in full; or, (b) if a copy of the ordinance for each Council member and three copies for public inspection in the City offices are provided at least one week prior to the first reading of the ordinance; and, (c)

if written notice of the ordinance is posted at City Hall or advertised 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 members shall be taken and entered by the Administrator / Recorder in the record of proceedings.

(5) After adoption of an ordinance, the Administrator / Recorder shall endorse it with its date of adoption and the endorser's name and title of office. Within thirty (30) days after adoption, the Mayor or any Council member voting on the ordinance shall endorse it as an official enactment by affixing his or her signature, the date signed and the endorser's name and title of office.

Section 30. 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 an earlier or later time for it to take effect, and in case of an emergency, it shall take effect immediately.

CHAPTER IX

LOCAL IMPROVEMENT DISTRICTS

Section 31. Procedures.

The procedure for making, altering, vacating, or abandoning a local improvement district shall be governed by general ordinance or, to the extent not so governed, by applicable state law. A special majority of the owners of land to be specially assessed for the improvement may suspend formation of a local improvement district for six months upon filing of sufficient remonstrances against formation. The number of owners necessary to constitute a special majority shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the Council. In this section "owner" means the record holder of legal title or a contract vendee as to property purchased under a land sale contract that is either recorded or verified in writing by the contract vendor.

Section 32. 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.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 33. 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 34. Repeal Of Previously Enacted Provisions.

All charter provisions of the City enacted prior to the time that this charter takes effect are hereby repealed. Repeal shall not affect the validity of actions undertaken by the city under former charter provisions at the time those provisions were in effect.

Section 35. 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 36. Time Of Effect Of Charter.

This charter shall take effect December 31, 1998.

Election was held and City Charter was approved by Durham Citizens at the General Election on November 3, 1998.

I certify this is a true and correct copy.

Roel Lundquist, City Administrator / Recorder

November ____, 1998