

2009

CITY OF HAINES

CHARTER

PREAMBLE

We the people of the City of Haines, Baker County, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon, by 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 Charter procedures and governmental structure, and repeal all Charter provisions, except as hereinafter provided in Section 34.

CHAPTER I

Name and Boundaries

SECTION 1. Title and Enactment. This enactment may be referred to as the 2009 City of Haines, Oregon Charter.

SECTION 2. Name of City. The City of Haines, Baker County, Oregon shall continue to be a municipal corporation with the name City of Haines, Oregon.

SECTION 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified under state law. The custodian of the City records shall keep, at the City Hall, at least two copies of the Charter and an accurate, current description of the City's boundaries. The copies of the charter and the City boundary description shall be available for public inspection during regular city office hours.

CHAPTER II

Powers

SECTION 4. Powers of the City.

- (1) The City shall have all powers that the constitutions, statutes, and common law of the United States and of the State of Oregon expressly or impliedly grant or allow municipalities as though this Charter specifically enumerated each of those powers, including, without limitation, extramural powers.

- (2) The following shall be deemed to be a description of some of the powers conferred upon the City by this Charter, but shall not be interpreted to limit any or all of the powers herein conferred:
- (a) Property. To acquire property within or without the corporate limits of the City for any city purposes, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation; and to sell, lease, mortgage, and manage and control such property as the interests of the City may require;
 - (b) Indebtedness. To borrow money within the limits prescribed by general laws;
 - (c) Public Services. To purchase, hire, construct, maintain and operate or lease public utilities; to furnish all local public services, either within or without the corporate limits of the City; to grant local franchise for the use of public ways and to regulate the exercise of all franchisees.
 - (d) Public Improvements. To make local public improvements and to protect and preserve the improvements;
 - (e) Bonds. To issue and sell general obligation, refunding, revenue or other bonds on the security of the faith and credit of the City, or to issue and sell any of such bonds on the security, in whole or in part, of any property or any utility owned by the City, or the revenues thereof, or by both;
 - (f) Power to Regulate. To adopt and enforce regulations not in conflict with general law that are necessary for the public peace, health, safety and welfare; and,
 - (g) Annexations. To annex areas to the City in accordance with State law.

SECTION 5. Construction of Charter. In this Charter no specification 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 so that the City may exercise as fully as possible all powers possible for it under this Charter and under United States and Oregon law. A power of the City is continuing unless the grant of the power clearly indicates the contrary.

CHAPTER III

Form of Government

SECTION 6. Where Powers Vested. 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 and administrative authority. The council exercises legislative authority by ordinance and administrative authority by motion or resolution. The council may not delegate its authority to adopt ordinances.

SECTION 7. Council. The Council shall be composed of six Councilors nominated and elected from the city at large, except that when one or more vacancies exist on the council it shall be deemed to be composed of those persons actually then holding the office of councilor.

SECTION 8. Councilors. Councilors in the office at the time this Charter is adopted shall continue in the office until the end of the present term of office of each. At each biennial general election after this Charter takes effect, three Councilors shall be elected, each of a term of four (4) years.

SECTION 9. Term of Office. The term of office of city officers elected at a biennial general election commences at the first Council meeting of the calendar year immediately after the election and continues until the successor to the office assumes the office.

SECTION 10. Oath of Office. Before commencing the duties of the office, each officer shall take an oath or shall affirm faithful performances of the duties of the office and support for the constitution and laws of the United States and the State of Oregon.

SECTION 11. Mayor. The present Mayor shall serve the remainder of his or her term of office, and at the next biennial general election following enactment of this Charter and every two (2) years thereafter a Mayor shall be elected.

SECTION 12. Judge, City Recorder, Treasurer. Additional officers of the city may include a Municipal Judge, City Recorder, and Treasurer, as the Council deems necessary, each of whom shall be appointed and may be removed by the Mayor with the consent of the council. The Council may combine any two or more appointive offices, except that in judicial functions the Municipal Judge shall not be subject to supervision by any other appointive officer.

SECTION 13. Salaries. The Council shall fix the amount of the compensation for City officers and shall approve a compensation plan for City employees. Elected officers may receive compensation for serving in an official capacity as elected officers. In addition they may be reimbursed for actual authorized expenses.

SECTION 14. Qualifications of Officers. (Councilors)

- (1) No person shall be eligible for an elective office of the City unless at the time his or her term of office commences following election or appointment he or she is a qualified elector within the meaning of the State Constitution and has resided in the City for the twelve month period immediately preceding election or appointment.
- (2) No City appointive officer whose position was created under section 12 above or employee may serve on the Council.
- (3) No person may be a candidate at a single election for more than one elective office of the city.
- (4) No person shall serve a continuous period as Mayor or on the council of more than eight (8) years plus the portion of any partial term to which the official may have been originally appointed.
- (5) The Council shall be the final judge of the qualifications and election of its own members and the Mayor.

CHAPTER IV

Council

SECTION 15. Meetings. The Council shall hold regular meetings at least once a month in the City at a time and place that it designates. Other meetings of the Council may be held as prescribed by State law. The council may adopt rules for the governance of its *members and proceedings*.

SECTION 16. Quorum . A majority of the number of person actually holding the office of a councilor at any given time shall constitute a quorum for it to conduct business, but a smaller number may meet and compel the attendance of the absent members in a manner provided by council rules. In the event, however, that due to vacancies on the Council the number of persons actually holding the Office of Councilor is reduced to less than three persons, then the Council shall not enact any new or amended ordinances, except as shall be required by law, actual emergency or to continue the uninterrupted fiscal and other operations of the City, until its membership again numbers three or more persons.

SECTION 17. Record of Proceedings. Except when exempt from public disclosure under State law, the record of the council proceedings shall be open for public inspection at City Hall during normal business hours under reasonable Council rules for preservation of the records, efficiency of the City operations and recovery of costs.

SECTION 18. Mayor's Function at Council Meetings. The Mayor shall:

- (1) Preside over Council deliberations and preserve order;
- (2) Not vote except in the case of a tie;
- (3) Enforce the rules of the Council; and,
- (4) Determine the order of business under the Council rules.

SECTION 19. President of the Council. At its first meeting of each odd-numbered year, or upon a vacancy in the position of council president, 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 that office, the President shall exercise and perform during that time, unless and until a Mayor pro tem is appointed, the powers and duties of the Mayor as provided in this Charter, and shall for that time not be member of the Council.

SECTION 20. Vote Required. Except as this Charter otherwise provides, the affirmative concurrence of a majority of the members of the Council voting when a quorum of the Council is present shall decide any question before the Council. No Councilor present at a Council meeting shall abstain from voting without first stating at the meeting the reasons for so abstaining. An abstention by a Councilor shall be counted as a vote cast on a question, but it shall not be considered as a vote cast with the majority of the councilors who voted other than by abstaining. In the event that a question before the Council cannot be decided by reason of one or more Councilors abstaining due to declared potential or actual legal conflicts of interest, then by the concurrence of a majority of the members of the Council who did not abstain from voting due to such declared potential or actual legal conflicts of interest, or if there be no such Councilors, then by order of the Mayor, all Councilors who abstained for declared potential or actual

legal conflicts of interest may be by necessity authorized to vote on the question before the Council.

CHAPTER V

Powers and Duties of Officers

SECTION 21. Mayor. The Mayor shall be the executive officer of the City. The Mayor shall, in addition to the other powers and duties granted herein to the Mayor:

- (1) Appoint members of committees established by the Council rules and other persons required by the Council to be so appointed
- (2) Promptly sign all ordinances, records of actions or proceedings, and agreements approved or authorized by the Council; and faithfully implement and enforce, or so cause to be, this Charter and all ordinances, resolutions, orders, motions, agreements and policies of the Council; and,
- (3) Supervise all officers, except the municipal judge in the performance of his or her judicial duties, employees, agents, commissions and committees of the city, but shall have the power to delegate such duties of supervision to members of the Council as the Mayor may deem appropriate for the effective and efficient administration of the City government.

SECTION 22. Municipal Judge.

- (1) The Municipal Judge shall hold within the City at a place and times that Council specifies a court known as the Municipal Court for the City of Haines, Baker County, Oregon.
- (2) Except as this Charter or City ordinance prescribes to the contrary, proceedings of the Court shall conform to the general laws of the State governing justices of the peace and justice courts.
- (3) All areas within the City and, to the extent provided by state law, area outside the City is within the territorial jurisdiction of the Court.
- (4) The Municipal Court has original jurisdiction over all offenses that ordinances of the City make punishable. The Court may enforce forfeitures and other penalties that the ordinances prescribe for the offenses.
- (5) The Municipal Judge may:
 - (a) Render judgments and, for enforcing them, impose sanctions on person and property within the Court's territorial jurisdiction;
 - (b) Order the arrest of anyone accused of an offense against the City;
 - (c) Commit to jail or admit to bail anyone accused of such an offense;
 - (d) Issue and compel obedience to subpoenas;
 - (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the Court;
 - (f) Penalize contempt of Court;
 - (g) Issue process necessary to effectuate judgments and orders of the Court;
 - (h) Issue search warrants; and
 - (i) Perform other judicial and quasi-judicial functions prescribed by City ordinance.

- (6) The Council may authorize municipal judges pro tem.
- (7) Notwithstanding this Section and Section 12 of the Charter, the Council may transfer some or all of the functions of the municipal court to any appropriate court of this State or convert those to a civil violation hearing process.

CHAPTER VI

Elections

SECTION 23. Regulation of Elections Generally. Except as the Charter or as the Council by ordinance provides to the contrary, the general laws of the State of Oregon apply to City elections.

SECTION 24. 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 25. Nominations. A qualified elector who shall have resided in the City during the 12 months immediately preceding the election or the appointment may be nominated for an elective City office. Nomination for election shall be by petition specifying the elective office sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 20 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by general ordinance. The custodian of the City records shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed.

CHAPTER VII

Vacancies in Office

SECTION 26. Vacancies in Office.

- (1) The office of Mayor or Councilor becomes vacant upon the incumbent's;
 - (a) Death
 - (b) Adjudicated incompetence
 - (c) Conviction of a public offense which is punishable by loss of liberty for one year or more.
 - (d) Unlawful destruction of public records
 - (e) Resignation
 - (f) Recall from office.
 - (g) Ceasing to possess the qualifications for office.
 - (h) Failure, following election or appointment, to qualify for the office as defined in this Charter at the time the term of office is to commence.

(2) In the case of a Mayor or Councilor, an office also becomes vacant upon the incumbent's removal from residency in the City, absence from the City for 30 consecutive days without consent of the Council, or absence from four consecutive regular meetings of the Council without like consent, and upon a declaration by the Council of the vacancy.

SECTION 27. Filling Vacancies.

- (1) Written public notice of any vacancy in an elective office shall be promptly given by posting in three public places in the City. Application for vacant elective offices shall be made on forms prescribed by Council and submitted to the City in compliance with the rules and by the time established by the Council consistent with the Charter. The filling of a vacancy in an elective office shall be made by the Council without unreasonable delay.
- (2) Vacancies in elective offices shall be filled by appointment by majority vote of the remaining persons actually holding the office of Councilor. The term of office of a person appointed to fill a vacancy in an elective office shall begin immediately.
- (3) In the event that all positions of Councilors shall be vacant at the same time, the Mayor shall appoint three persons as Councilors and those appointed Councilors shall fill the remaining vacancies as provided in this Section 27.
- (4) During the temporary disability of any elected officer or during an elected officer's temporary absence 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 28. Enacting Clause. The enacting clause of all ordinances shall read:

- (1) In case of enactment by the Council alone, "The City of Haines ordains as follows:"
- (2) In case of enactment of ratification by the electors of the City, "The people of the City of Haines ordain as follows:"

SECTION 29. Mode of Enactment.

- (1) Before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days, providing, if no later than seven (7) days prior to the first reading of the ordinance:
 - (a) A copy of the ordinance is provided to each council member;
 - (b) A copy is provided for public inspection at City Hall;
 - (c) A notice of availability is posted in three (3) public places in the city;
 - (d) A notice is published in a newspaper of general circulation in the city.
- (2) As used in Subsection (1) of this Section, an ordinance is deemed to be read by using one of the following methods:

- (a) Being read fully and distinctly;
 - (b) By title only, if no Council member present at the time of the reading requests that the ordinance be read in full.
- (3) Upon the final vote on an ordinance, the ayes and nays of the members of the Council shall be taken and entered in the record of the proceedings.
- (4) Upon the enactment of an ordinance, the custodian of city records shall endorse it with the date of its enactment and the endorser's name and title of office and within three days thereafter the Mayor shall endorse it and date it.
- (5) Subsection (1), (2), (3), and (4) of this section shall apply to any amendment to this City Charter.

SECTION 30. When Ordinances Take Effect. An ordinance or charter amendment shall take effect on the thirtieth (30) day after its enactment. When the Council deems it advisable, however, an ordinance or charter amendment may provide a later or earlier time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX

Local Improvements

SECTION 31. Procedure for Making Local Improvements. The following shall be governed by general ordinance of the City or to the extent not so governed by applicable State law;

- (1) The time, method, and manner of making all street, sidewalk, sewer, water and other local improvements and the method of financing the same;
- (2) The procedure for vacation, alteration, or abandonment of streets and other City property and improvements.

SECTION 32. Special Assessments. The procedure for determining, levying, collecting and enforcing the payment of special assessments for local 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.

SECTION 35. Severability. The terms of this Charter are severable. If a part of this Charter is held invalid, that invalidity shall not affect the legal validity of any other part of this Charter except as the logical relationship between the two parts requires.

SECTION 36. Time of Effect of Charter. This Charter shall take effect on the thirtieth (30th) day after passage.