

CHARTER

ISLAND CITY CHARTER

To provide for the government of the City of Island City Union County, Oregon; and to repeal all charter provisions of the City enacted prior to the time that this charter takes effect, except the charter provisions authorizing the issuance of those general obligation bonds still outstanding.

Be it enacted by the people of the City of Island City, Union County, Oregon:

CHAPTER I

Name and Boundaries

Section 1. Title of Enactment. This enactment may be referred to as the amended charter of 1984.

Section 2. Name of City. The City of Island City, Union County, Oregon, shall continue to be a municipal corporation with the name "City of Island 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 recording officer of the City shall keep in his office at least two copies of this Charter in each of which he shall maintain 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 recording officer.

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 of 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 councilmen elected from the City at large.

Section 8. Councilmen. The term of office of the councilmen elected when this charter is adopted shall be as follows:

(a) The three councilmen receiving the three highest number of votes shall each hold office for four years. The remaining three councilmen shall each hold office for two years, any tie vote shall be resolved in accordance with §28 of this charter.

(b) At each subsequent biennial general election, three councilmen shall be elected, each for a term of four years, and when applicable additional councilmen may be elected to fill vacancies pursuant to Section 31 of this Charter.

(c) At each biennial general election this number of councilmen elected to fill vacancies pursuant to Section 31 of this charter shall be elected.

Section 9. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. City Officers. City officers shall be a recorder-treasurer, and such other officers as the council deems necessary. Each of these officers 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 City offices. The council may designate any appointive officer to supervise any other appointive officer except the office of municipal judge in the exercise of his judicial functions.

Section 11. Salaries. The compensation for the services of the mayor and each City officer and employee shall be the amount fixed by the council.

Section 12. Qualifications of Elected Officials. No person shall be eligible for an elective office of the City unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the City during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and elec-

tion of its own members, subject, however, to review by a court of competent jurisdiction.

CHAPTER IV

Council

Section 13. Meetings. The council shall hold a regular meeting at least once each month at a time and at a place in the City which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at the request of three members of the council shall, by giving written notice thereof to all members of the council, call a special meeting of the council. No special meeting shall be held without at least 24 hours notice to council members. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

All meetings and notices thereof shall comply with Oregon's open meeting law.

Section 14. Quorum. A majority of members of the council shall constitute a quorum for its business, but a small 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 the vote recorded.

Section 16. Proceedings to be Public. No action by the council shall have legal effect unless the motion or the action and the vote by which it is disposed of takes 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. He shall have a vote on all questions before it. He 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 his 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 question before the council.

CHAPTER V

Powers and Duties of Officers

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. He shall sign all approved records of proceedings of the council. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passing. Upon the approval of the council, he shall endorse all bonds of city officers and all bonds for licenses, contracts and proposals.

Section 21. Municipal Judge and Judicial Services.

(1) The municipal judge shall be judicial officer of the City. He shall hold within the City a court known as the Municipal Court for the City of Island City, Union County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All areas within the City shall be within the territorial jurisdiction of the court. The municipal judge shall have 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. He 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 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 the 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.

The City Council, when it deems necessary, may contract with the Union County Court to provide that the District Court of the State of Oregon, for the County of Union, provide the services and exercise jurisdiction, power and authority granted to the Municipal Judge herein. In the event the City Council of the City of Island City contracts with the Union County Court for judicial services, the District Court Judge shall exercise the jurisdiction, power and authority granted to the Municipal

Judge by this Charter, and shall be the judicial officer of the City.

(2) If the provisions of this section of Chapter V or the application thereof to any person or circumstance is held invalid, the remainder of this section of Chapter V and the application of such provisions to other persons or circumstances shall not be affected thereby, and to this end the provisions of this section of Chapter V are declared to be severable.

Section 22. Recorder-Treasurer. The recorder-treasurer 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 in a book provided for that purpose, and sign all orders on the treasury. In the recorder-treasurer'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 authority and duties of the recorder-treasurer. The recorder-treasurer shall countersign all instruments and writings authorized by this charter, the State constitution or laws of the council.

The recorder-treasurer shall make a monthly statement to the council of all monies received or collected, licenses issued and warrants drawn.

The recorder-treasurer shall have authority to administer oaths in any City proceeding.

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.

Section 24. Notice of Regular Elections. The recorder-treasurer, 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 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 25. Special Elections. The council shall provide the time, manner and means for holding any special election.

The recorder-treasurer shall give at least ten days notice of each special election in the manner provided for notice of regular elections.

Section 26. 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.

Section 27. 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-treasurer 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 made a matter of record in the journal of the proceedings of the council. It shall contain a statement of the total number of votes cast at each 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 he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder-treasurer shall make and sign a certificate of election of each person elected and deliver the certificate to him 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 28. 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 29. Commencement of Terms of Office. 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 30. Oath of Office. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 31. Nominations. A qualified elector who shall have resided in the City during the twelve months immediately preceding the election may be nominated for an elective City position. Nomination shall be by petition specifying the

position sought in a form prescribed by the council. Such petition shall be signed by not fewer than five electors. No elector shall sign more than one such petition for the same office. If he does so, his signature shall be valid only on the first petition filed. 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 his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence. All nomination papers comprising a petition shall be assembled and filed with the recorder-treasurer as one instrument not earlier than 90 nor later than 30 days before the election. The recorder-treasurer 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. If the petition is not signed by the required number of qualified electors, the recorder-treasurer 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-treasurer shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a different petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder-treasurer shall notify an eligible person of his nomination, and such person shall file with the recorder-treasurer his written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of such acceptance of nomination, the recorder-treasurer 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-treasurer until the term of office for which the candidate is elected expires.

CHAPTER VII

Vacancies in Office

Section 32. What Creates 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 his 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 mayor or councilman, upon his absence from the City for 30 days or upon his absence from meetings of the council for 60 days without the consent of the council and upon a declaration by the council of the vacancy.

Section 33. Filling of Vacancies. Vacancies in elective offices of the City shall be filled by appointment of a majority vote of the remaining members of the council. 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 or during his absence temporarily from the City for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

Ordinances

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Island City ordains as follows."

Section 35. 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 members present at the meeting requests to have the ordinance read in full and when a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the City offices 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 offices and by advertisement, of the notice of availability, in a newspaper of general circulation in the City.

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

(5) Upon the enactment of an ordinance the recording officer of the City shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date of his signature, his name and the title of his office.

Section 36. 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.

CHAPTER IX

Public Improvements

Section 37. 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 38. 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 a proposed public improvement 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 of legal title to the land filed with the City recorder-treasurer, the said purchaser shall be deemed the "owner."

Section 39. Special Assessments. The procedure for levying, collection 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 40. Bids. A contract in excess of \$2,000.00 for a public improvements 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 the plans and specifications approved by the council. Any purchase of equipment or of supplies, with the exception of repair parts, in excess of \$2,000.00 in value shall be made by bid.

CHAPTER X

Miscellaneous Provisions

Section 41. Debt Limit. Except by consent of the voters, the City's voluntary floating indebtedness shall not exceed \$25,000.00, nor its bonded indebtedness \$35,000.00, 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 42. Torts. In no event shall the City be liable in damage to any person for an injury to person or property caused by a defect or dangerous place in a sidewalk, crosswalk, street, alley, sewer, public ground, public building, drain, gutter, ditch, or way, unless the City has had actual notice prior to the injury that the defect or dangerous place existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500.00 be recovered as damages for an injury resulting from such a defect or dangerous place. No action shall be maintained against the City for damages growing out of such an injury unless the claimant first gives written notice to the council within 30 days after the injury is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefor of the City in an amount which he specifies. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

Section 43. 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 44. Initiative and Referendum. Except as City ordinance prescribes to the contrary, the manner of exercising the initiative and referendum with reference to City proposition, including an amendment, revision, or repeal of this charter, shall be the manner prescribed by the constitution and laws of the state for doing so.

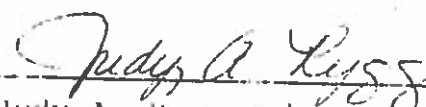
Section 45. Time of Effect of Charter. This charter shall take effect immediately upon passage by the voters at the biennial election held November 6, 1984.

Section 46. Signatures. This Charter was passed November 6, 1984 by the voters of the City of Island City with a vote of 134 yes votes and 48 no votes. Signed and approved this 27th day of November, 1984.



Fred Beeman, Mayor

ATTEST:



Judy A. Bygg, City Recorder