

WOODBURN CHARTER

CHAPTER I NAMES AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the City of Woodburn Charter of 1982.

Section 2. NAME OF CITY. The municipality of the City of Woodburn, Marion County, Oregon, shall continue to be a municipal corporation with the name "City of Woodburn."

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 any other agency with legal power to modify them. The recorder shall keep in his or her office at the city hall at least two copies of this charter, in each of which he or she 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 recorder.

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 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 six councilors. The city shall be apportioned into six wards for nomination and election of councilors. The Council of Woodburn shall alter the ward boundaries to maintain an equal population distribution not less than once every ten years.

Section 8. COUNCILORS. The councilors in office at the time this charter is adopted shall continue in office, each until the end of his or her term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, three councilors shall be elected, each for a term of four years.

Section 9. MAYOR. At each biennial general election, a mayor shall be elected from the city at large for a term of two years.

Section 10. ADMINISTRATOR, JUDGE, CITY ATTORNEY, AND OTHER OFFICERS. Additional officers of the city shall be a city administrator, a municipal judge, and a city attorney, each of whom the council shall appoint, and such other officers as the council deems necessary. The council may combine any two or more appointive offices, except the offices of city administrator and judge, or the offices of city attorney and judge. The municipal judge shall not be subject in judicial functions to supervision by any other officer.

Section 11. SALARIES. The compensation for the services and legitimate expenses of the mayor and councilors and each city officer and employee shall be the amount fixed by the council.

Section 12. QUALIFICATION OF OFFICERS. No person shall be eligible for an elective office of the city unless at the time of his or her election, he or she 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. Persons shall not be eligible for election as councilor unless at the time of his or her election the person is a resident of the ward from which he or she is elected. The council shall be the final judge of the qualifications and the election of the mayor and its own members. No person shall hold elective office of the city while an employee of the city. No former mayor or councilor may be employed by the city in any capacity for at least one (1) year after leaving office.

CHAPTER IV **COUNCIL**

Section 13. MEETINGS. The council shall hold a regular meeting at least once each month in the city at a time and at a place 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 notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than forty-eight hours after the notice is given. 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 the incumbent 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. Upon request of any of its members, ayes and nays upon any question before it shall be taken and entered into the record.

Section 16. PROCEEDINGS TO THE 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.

Section 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The mayor shall be chairman of the council and preside over its deliberations. The mayor shall vote only in case of a tie. The mayor shall have the authority to preserve order, enforce 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 regular meeting in the month following a biennial general election, 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 office, the president shall act as mayor. In any event, the president of the council shall retain the right to vote as a councilor.

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 be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of writs and other legal actions, however, this shall not be construed as conferring upon the office of mayor any powers or functions in conflict with other provisions of this

charter. The mayor shall appoint the committees of the council as provided by the rules of the council. The mayor shall appoint the members of the boards, committees, and commissions as provided by ordinance. The mayor shall sign all records of proceedings approved by the council. After the council approves a bond of a city officer or a bond for license, contract, or proposal, the mayor shall endorse the bond. In time of public danger or emergency, if so authorized by council, the mayor shall take command of the police and other departments of the city to maintain law and enforce order. The mayor shall, from time to time, communicate to the council such information and recommend such measures as, in his or her opinion, may tend to the improvement of the finances, the protection, the health, the security, the ornament, the comfort, the administrative management and the general welfare and prosperity of the city. The mayor shall establish a cooperative arrangement to interact between the council and the administrator, to assist in the interpretation of the council's objectives so that the implementation of the council's actions will derive the greatest benefit to the city. This does not preclude the administrator discussing problems with council members. All ordinances and resolutions shall, before they take effect, be presented to the mayor. If the mayor approves thereof, he or she shall sign the same, and such as he or she shall not sign shall be returned to the council with written objections thereto, by depositing the same with the city recorder to be presented to the council at their next regular meeting thereafter. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered and the questions shall again be put upon the passage of same notwithstanding the objections of the mayor; and if, upon such vote, the council shall pass the same by a majority vote of the incumbent members of the council, it shall have the same effect as if approved by the mayor. If any ordinance or resolution shall not be returned to the city recorder by the mayor within five working days after it shall have been presented to him or her, the same shall have the same force and effect as if approved by the mayor. It shall be the duty of the city recorder to endorse upon each ordinance or resolution upon the records of the proceedings of the council the time when such ordinance or resolution was delivered to the mayor, and the time when the same shall be returned to the recorder's office by the mayor.

Section 21. CITY ADMINISTRATOR.

(A) Qualifications. The city administrator shall be the administrative head of the government of the city. The administrator shall be chosen by the mayor and the council, collectively, and as a group, without regard to political considerations and solely with reference to his or her executive and administrative qualifications. The administrator need not be a resident of the city or of the state at the time of appointment but promptly thereafter shall become and during his or her tenure remain a resident of the city. Before taking

office, he or she shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(B) Term. The administrator shall be appointed for an indefinite term and may be removed at the pleasure of the mayor and council, collectively and as a group. Upon any vacancy occurring in the office of administrator after the first appointment pursuant to this charter, the council, at its next meeting, shall adopt a resolution of its intention to appoint another administrator.

(C) Powers and Duties: The powers and duties of the administrator shall be as follows:

(1) He or she shall devote his or her entire time to the discharge of official duties, attend all meetings of the council unless excused therefrom by the council or mayor, keep the council advised at all times of the affairs and needs of the city and make reports annually or more frequently if requested by the council, of all the affairs and departments of the city.

(2) He or she shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) He or she shall appoint and may remove a City Recorder, Police Chief, Fire Chief, Director of Finance, Director of Public Works, Library Director and Director of Recreation and Parks. Such appointment or removal shall be with the consent of the council. The administrator shall appoint and may remove all other city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. He or she shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He or she shall have no control, however, over the mayor, the council, or the judicial activities of the municipal judge.

(4) He or she shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by him or her or a designee.

(5) He or she shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) He or she shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(7) He or she may delegate certain management powers to any department head; however, the final responsibility for all management actions shall rest with the administrator.

(D) Seats at Council Meetings. The administrator and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The administrator may take part in all council discussions.

(E) Administrator Pro Tem. Whenever the administrator is absent from the city, is temporarily disabled from acting as administrator, or whenever his or her office becomes vacant, the council shall appoint an administrator pro tem, who shall possess the powers and duties of the administrator. No administrator pro tem, however, may appoint or remove a city officer or employee except with the approval of the majority of the incumbent members of the council. No administrator pro tem shall hold his position as such for more than four months, and no appointment of an administrator pro tem shall be renewed more than one time.

(F) Interference in Administration and Elections. No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the administrator in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for administrator; or discuss directly or indirectly with him the matter of specific appointments to any city office or employment. A violation of the foregoing provisions of this section shall be grounds for forfeiture of the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council, while in session, from fully and freely discussing with or suggesting to the administrator anything pertaining to city affairs or interest of the city. No employee of the city shall take part in securing, or contributing any money toward, the nomination or election of any candidate for a municipal office.

(G) Ineligible Persons. Neither the administrator's spouse nor any person related to the administrator or his or her spouse by consanguinity with affinity within the third degree may hold any appointive office or employment within the city.

Section 22. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. He or she must be a member of the Oregon State Bar. He or she must be a resident of the State of Oregon, but need not be a resident of the city. He or she shall hold within the city a court known as the municipal court for the city of Woodburn, Marion 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. He or she 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 or her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the court, 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 or this charter, all proceedings in the municipal court for violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 23. RECORDER. The 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 recorder's absence or inability to perform duties of office, the administrator shall appoint a recorder pro tem, who while acting in that capacity, shall have all the authority and duties of the recorder.

Section 24. CITY ATTORNEY. The City attorney shall perform all professional services incidental to the office, and shall appear and conduct all suits, prosecutions, and proceedings, civil or criminal, in which the City of Woodburn is directly or indirectly interested; and shall, when required, furnish opinions upon any subject pertaining to the affairs of the said city submitted by the council or its committees; he or she shall also advise with and counsel all city officers in respect to their official duties and attend the regular meetings of the council and of such committees and boards as shall request his or assistance.

CHAPTER VI **ELECTIONS**

Section 25. REGULAR ELECTIONS. City elections shall be held in accordance with applicable state election laws. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each city election by posting notice thereof at a conspicuous place in the city hall and in

two other public places within 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 26. TIE VOTES. In the event of a tie vote for candidates for elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 27. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular city election shall commence with the first regular council meeting in the month following the election.

Section 28. OATH OR AFFIRMATION. All elective officers, the municipal judge, the city administrator, and the city attorney, before entering upon the duties of their offices, shall subscribe and file with the head of the department in charge of city records, an oath or affirmation of office. The oath shall read: "I _____, do solemnly swear that I will support the constitution of the United States and of the State of Oregon, uphold the charter and ordinances of the City, and that I will, to the best of my ability, faithfully perform the duties of _____ during my continuance therein, so help me God." If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."

Section 29. NOMINATION. Nomination of a candidate for an elective office shall be in a manner prescribed by ordinance.

CHAPTER VII **VACANCIES IN OFFICE**

Section 30. WHAT CREATES A VACANCY. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his or her office, or unlawful destruction of public records; resignation; recall from office; in the case of elected officers or the city administrator, discontinuance of residency within the city limits or the ward in which he or she was elected; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his or her term of office to commence; or in the case of a mayor or councilor, upon his or her absence from the city for 30 calendar days without the consent of the council or upon his or her absence from meetings of the council for 60 calendar days without consent, and upon a declaration by the council of the vacancy.

Section 31. FILLING OF VACANCIES. Vacant elective offices in the city shall be filled by appointment by the mayor. A majority vote of the council shall be required to approve the appointment. The appointee's term of office shall begin immediately upon his or her appointment and shall continue throughout the unexpired term of his or her predecessor.

CHAPTER VIII ORDINANCES

Section 32. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Woodburn ordains as follows:".

Section 33. 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 fully and distinctly read 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 first read in full and then by title.

(3) Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder 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 hall and two other public places in the city or by advertisement 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 in the record of proceedings.

(5) Upon the enactment of an ordinance, the recorder shall sign it with the date of its passage and his or her name and title of office.

Section 34. 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 emergency, it may take effect immediately.

CHAPTER IX
PUBLIC IMPROVEMENTS

Section 35. 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 36. 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. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of a majority of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title, or where land is being purchased under a land sale contract recorded or verified to the recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 37. 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.

Section 38. DEBT LIMIT. Except by the consent of the voters, the city's voluntary floating indebtedness shall not exceed \$5,000.00 at any one time except as permitted by State Law. 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. The council shall have the authority to issue bonds in an amount that has been approved by a majority of the voters at an election held for that purpose. 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.

CHAPTER X
MISCELLANEOUS PROVISIONS

Section 39. EXISTING ORDINANCE 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 40. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except the provision of Chapter IV, Section 25 of the previous charter as added by amendment adopted at an election held on May 17, 1946, and an amendment adopted at an election held on May 18, 1962, as follows:

"Section 25. POWER TO LEVY TAX. The common council shall have power to assess, levy, and collect taxes for general municipal purposes upon all property both real and personal which is taxable by law for state and county purposes; provided, in addition thereto, the council may annually assess, levy, and collect a tax not to exceed three mills on the dollar of such taxable property to provide for and maintain a public library, provided further, in addition to the taxes above provided for, the council may at any time the city shall have outstanding bonds, assess, levy, and collect annually, a tax not to exceed one-tenth of such outstanding bonds, and annual interest thereon, for the purpose of redeeming such bonds and the payment of the interest thereon."

And the provision of Chapter X, Section 11, of the previous charter as added by amendment adopted at an election held on March 26, 1948, as follows:

Section 11. In addition to all other taxes authorized by the charter of the City of Woodburn and provided for in the budget of said city, the common council shall levy a tax of 5 mills upon each dollar of taxable property within the corporate limits of the City of Woodburn in the fiscal year 1948-49 for the purpose of providing necessary or expedient maintenance for and supervision of the parks, playgrounds, and other public recreational facilities of said city, and authorizing the common council to include in its budget for fiscal years succeeding the fiscal year 1948-49 a special levy not exceeding 5 mills for such purpose. The funds derived from such tax shall be turned over by the common council to a board known as the Woodburn Recreation and Park Board, which board shall be appointed by the mayor under the provisions of an ordinance covering such appointment, which shall have been or shall be passed by the council."