

**CHARTER**

**OF**

**BAY CITY**

**OREGON**

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## NOTE ON THE CHARTER OF BAY CITY, OREGON

The charter of the City of Bay City was adopted by a general vote of the citizens of Bay City during the primary election of May 19, 1998.

## **CHARTER FOR THE CITY OF BAY CITY**

We, the people of Bay City, 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**

### **NAMES AND BOUNDARIES**

Section 1. Title of Charter. This charter may be referred to as the 1998 Bay City Charter.

Section 2. Name of City. The City of Bay City, Oregon, continues under this charter to be a municipal corporation with the name City of Bay City.

Section 3. Boundaries. The City includes all territory within its boundaries as they now exist or hereafter are modified pursuant to State law. The custodian of the City records 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 has all powers that the constitutions, statutes and common law of the United States and of this State now or hereafter expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Powers. 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 fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

Section 6. Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the City are vested in the Council.

## **Chapter III**

### **FORM OF GOVERNMENT**

Section 7. Council. The Council consists of the Mayor and six Councilors nominated and elected from the City at large or, in case of one or more vacancies in the Council, the Council members whose offices are not vacant.

Section 8. Mayor. The term of office of the Mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after that time. At each subsequent general election, a Mayor shall be elected for a two-year term.

Section 9. Councilors. The term of office of a Councilor in office when this charter is adopted is the term of office for which the Councilor has been elected before adoption of the charter. At each general election after the adoption three Councilors shall be elected, each for a four-year term.

Section 10. Terms of Office. The term of office of an elective officer who is elected at a general election begins at the first Council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

Section 11. Appointive Offices. The Mayor shall appoint or remove all appointed offices with Council approval. A majority of the Council may create, abolish, and combine appointive City offices.

## **Chapter IV**

### **COUNCIL**

Section 12. Rules. The Council shall, by resolution, prescribe rules to govern its meetings and proceedings.

Section 13. Meetings. The Council shall meet in the City regularly at least once a month at a time and place designated by Council rules and may meet at other times in accordance with the rules.

Section 14. Quorum. A majority of the Council, excluding the Mayor, constitutes a quorum for its business, except as provided in Section 17 and except that a smaller number of the Council may meet and compel attendance of absent Councilors as prescribed by Council rules.

Section 15. Record of Proceedings. A record of Council proceedings shall be kept and authenticated in a manner prescribed by the Council.

Section 16. Vote Required. The express concurrence of a majority of the Councilors present and constituting a quorum is necessary to decide affirmatively a question before the Council except as set forth in Section 17.

Section 17. Vacancies; Occurrence. The office of a member of the Council becomes vacant:

- (1) Upon incumbent's:
  - (a) Death,
  - (b) Adjudicated incompetence, or
  - (c) Recall from the office; or
- (2) Upon declaration by the Council of the vacancy in case of the incumbent's:
  - (a) Failure, following election or appointment to qualify for the office within ten days after the time for his or her term of office to begin,
  - (b) Absent from the City for 30 days without the Council's consent or from all meetings of the Council within a 60-day period,
  - (c) Ceasing to reside in the City,
  - (d) Ceasing to be a qualified elector under State law,
  - (e) Conviction of a public offense punishable by loss of liberty, or
  - (f) Resignation from the office.

Section 18. Vacancies: Filling. A vacancy in the Council shall be filled by appointment by appointment of the Mayor with approval of the Councilors. If the Mayor fails or refuses to fill an appointive office, then the Council, on its own motion may fill the vacancies upon majority vote. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. During a Council member's disability 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.

In the event there are Council vacancies which reduce the members below the quorum requirement, the remaining members holding office may meet for purposes of appointing, with Council approval, one additional Council position. The reconstituted body shall then meet to appoint, with Council approval, an additional Council member. This procedure shall continue until all Council positions are filled.

## **Chapter V**

### **POWERS AND DUTIES OF OFFICERS**

Section 19. Mayor.

- (1) The Mayor shall appoint, with Council approval, members of committees established by Council rules, and
- (2) Other persons required by the Council to be so appointed.
- (3) The Mayor shall sign all records and proceedings approved by the Council and countersign all orders on the treasury approved by the Council.

Section 20. Mayor's Functions at Council Meetings.

- (1) When present at Council meetings the Mayor shall:
  - (a) Preside over and partake in deliberations of the Council,
  - (b) Preserve order,
  - (c) Enforce Council rules, and
  - (d) Determine the order of business under the rules.
- (2) Notwithstanding subsection (1) of this section, the Mayor may temporarily cease to chair a Council meeting and delegate the functions described in subsection (1) to another Council member.
- (3) The Mayor is a voting member of the Council only to break a tie vote.
- (4) The Mayor shall have the veto power. In the event the Mayor vetoes any ordinance or action of the Council, it shall require five Councilors voting in the affirmative to enact such ordinance and place it in full force and effect or to override the veto of the Mayor in any other action.

Section 21. Council President.

- (1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the Council shall elect a president from its Councilors.
- (2) Except in voting on questions before the Council, the president shall function as Mayor when the Mayor is:
  - (a) Absent from a Council meeting, or
  - (b) Unable to function as Mayor.

Section 22. 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, such order also to be countersigned by the Mayor (or Council president). In the 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 Recorder.

## Chapter VI

### ELECTIVE OFFICER QUALIFICATIONS



Section 23. Qualifications.

(1) An elective City officer shall be a qualified elector under the State constitution and shall have resided in the City during the 12 months immediately before being elected or appointed to the office. In this subsection **A**City**@** means area inside the City limits at the time of the election or appointment.

(2) No person may be a candidate at a single election for more than one elective City office.

(3) No person may hold elective office and be an employee of the City. An elective officer may be employed in a City position that is substantially volunteer in nature. Whether the position is so may be decided by the Council.

(4) The Council is the final judge of the election and qualifications of its members.

(5) The qualifications of appointive officers of the City are whatever the Council prescribes or authorizes.

Section 24. Compensation. The Council shall prescribe the compensation of City officers. The Council may prescribe a plan for reimbursing City officers for expenses that they incur in serving the City.

Section 25. Oath of Office. Before assuming the duties of elected or appointive office of the City of Bay City, the officer shall take the following oath:

**A** \_\_\_\_\_ (name) \_\_\_\_\_, do solemnly swear that I will support the Constitutions of the United States and the State of Oregon, and the Charter, Rules and Ordinances of the City of Bay City and that I will faithfully perform the duties of the office of \_\_\_\_\_ Mayor/Councilor/Officer (as appropriate) to which I have been duly elected/appointed (as appropriate) according to the best of my abilities**@**

## **Chapter VII**

### **ELECTIONS**

Section 26. State Law. Except as this Charter or a City ordinance prescribes to the contrary, a City election shall conform to State law applicable to the election.

## **Chapter VIII**

### **ORDINANCES**

Section 27. Ordaining Clause. The ordaining clause of an ordinance shall be **A**he City of Bay City ordains as follows: **@**

Section 28. Adoption by Council.

(1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open Council meeting on two different days before being adopted by the Council.

(2) Except as subsection (3) of this section allows reading by title only, the Council may adopt an ordinance at a single meeting by the express unanimous votes of all Council members present, provided the ordinance is read first in full and then by title.

(3) Any reading of an ordinance may be by title only if:

(a) No Council member present at the reading requests that the ordinance be read in full or

(b) At least one week before the reading:

(i) A copy of the ordinance is provided for each Council member,

(ii) A copy of the ordinance is available for public inspection in the office of the custodian of City records, the City Recorder, and

(iii) Notice of its availability is given by written notice posted at the City Hall and two other public places in the City.

(4) An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open Council meeting before the Council adopts the ordinance.

(5) Upon the adoption of an ordinance, the ayes and nays of the Council members shall be entered in the record of Council proceedings.

(6) After adoption of an ordinance the Mayor and the City Recorder shall endorse it with its date of adoption and the endorser's name and title of office.

Section 29. Effective Date. A nonemergency ordinance takes effect on the thirtieth day after its adoption or on a later day if the ordinance so prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

## **Chapter IX**

### **PUBLIC IMPROVEMENTS**

Section 30. Procedure. The procedure for making, altering, vacating, or

abandoning a public improvement or improvements allowed by law shall be governed by general ordinance or, to the extent not so governed, by applicable State law.

Section 31. Special Assessments. The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance or, to the extent not so governed, by applicable State law.

Section 32. Condemnation. Any necessity of taking property for the City by condemnation shall be determined by the Council and declared in accordance with procedures set forth in State law.

## **Chapter X**

### **MISCELLANEOUS PROVISIONS**

Section 33. Debt. The City's indebtedness may not exceed limits imposed by State law. A City officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

Section 34. Continuation of Ordinances. Insofar as consistent with this charter and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 35. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 36. 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 37. Time of Effect. This charter takes effect on approval of the voters within the City.

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