RESOLUTION NO. 1434

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 4, 2014, FOR THE PURPOSE OF REFERRING TO THE VOTERS OF THE CITY OF MT. ANGEL, OREGON, A MEASURE AMENDING, UPDATING AND RENUMBERING THE MT. ANGEL CHARTER TO CORRECT CERTAIN DEFICIENCES AND TO BRING THE CHARTER INTO CONFORMITY WITH STATE LAW

WHEREAS, the City Council of the City of Mt. Angel created a Charter Review Committee composed of citizens and city councilors to make recommendations to the Council regarding updates to the City Charter; and

WHEREAS, the City Council received a report from the Charter Review Committee recommending amendments to several sections of the Mt. Angel Charter; and

WHEREAS, the City Council agrees with the recommendations of the Charter Review Committee and wishes to refer the recommended charter amendments to the voters of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MT. ANGEL:

Section 1. A city election is called for the purpose of submitting to the qualified electors of the City of Mt. Angel a measure that would amend, update and renumber the City's Charter.

Section 2. If the measure is adopted by the voters of the City of Mt. Angel, the language attached to this Resolution as Exhibit A will be adopted as the City of Mt. Angel Charter of 2014.

Section 3. The ballot title for this measure shall be as follows:

CAPTION: Measure Amending, Updating, and Renumbering the Mt. Angel City Charter

QUESTION: Shall the Mt. Angel Charter be amended to update and clarify its language and conform its provisions to state law?

SUMMARY: If adopted by the voters, this measure would amend, update, and renumber the Mt. Angel Charter. The Charter was last updated by the voters in 1982. The proposed amendments would correct certain deficiencies in the current charter and would bring the language of the current charter into conformity with state law. The proposed amendments would make the Mayor a voting member of the City Council. The proposed amendments would also clarify that city officers are appointed and removed by the City Council, rather than by the Mayor with the Council's consent. The proposed amendments would add the positions of City Manager and City Attorney as officers of the City and would add language setting out the duties of the City Manager and the City Attorney. The proposed amendments would assign the duties of the City Recorder to the City Manager. The proposed amendments would delete certain

charter provisions that are outdated. Finally, the proposed amendments would bring the charter provisions regarding city elections and indebtedness into compliance with state law.

Section 4. The City Council orders this City election to be held in the City of Mt. Angel, Oregon, concurrently with the general election, on the 4th day of November, 2014, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

Section 5. The election shall be conducted by Marion County. The County Clerk for Marion County is hereby instructed to prepare ballots and to take other actions necessary to conduct the election.

Section 6. If a majority of the legal voters of the City voting on this measure approve the proposed charter amendments, the amendments shall take effect January 1, 2015.

Section 7. The explanatory statement for this measure attached as Exhibit B to this Resolution is hereby approved by the Council.

Section 8. This Resolution, including the proposed ballot title and explanatory statement shall be delivered to the City Recorder on the date of its adoption in accordance with Section 23.05(E) of the Mt. Angel City Code.

Section 9. The City Recorder shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law.

Section 10. This Resolution shall become effective immediately upon its adoption.

ADOPTED by the Mt. Angel City Council this 4th day of August, 2014, by a vote of:

AYES: 4 **NAYS: 1**

APPROVED BY THE MAYOR this 4th day of August, 2014.

Andrew Otte, Mayor

ATTESTED BY:

Eileen Stein, City Administrator

Exhibit A

PREAMBLE

We, the voters of the **CITY OF MT. ANGEL, OREGON** exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

CHAPTER I - NAME AND BOUNDARIES

SECTION 1. TITLE OF ENACTMENT. This enactment may be referred to as the **CITY OF MT. ANGEL CHARTER OF 2014.**

SECTION 2. NAME OF CITY. The municipality of **MT. ANGEL, MARION COUNTY, OREGON** shall continue to be a municipal corporation with the name **"CITY OF MT. ANGEL"** ("City").

SECTION 3. BOUNDARIES. The City includes 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. No annexation, delayed or otherwise, unless mandated by State law, shall take effect unless approved by a majority of those voting in a City election. The City shall maintain as a public record an accurate and current description of the boundaries.

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. The Charter shall be liberally construed so that the City may exercise fully all powers possible under this Charter and under United States and Oregon law.

SECTION 6. WHERE POWERS VESTED. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council. The Council has legislative, administrative and quasi-judicial authority. The Council may not delegate its authority to adopt ordinances.

CHAPTER III – COUNCIL

SECTION 7. COUNCIL. The Council shall be composed of a Mayor and six (6) Councilors elected from the City at large.

SECTION 8. MAYOR. The term of the Mayor in office when this Charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption of this Charter, the Mayor will be elected for a two-year term.

SECTION 9. COUNCILORS. The term of a Councilor in office when this Charter is adopted is the term for which the Councilor was elected. At each general election after the adoption of this Charter, three Councilors will be elected for four-year terms.

SECTION 10. RULES. The Council must by resolution adopt rules to govern its meetings.

SECTION 11. 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 by rule.

SECTION 12. MAYOR'S FUNCTIONS AT COUNCIL MEETING. The Mayor shall preside over and facilitate Council meetings, preserve order, enforce Council rules, and determine the order of business under Council rules. The Mayor is a voting member of the Council and has no veto authority. The Mayor must sign all records of Council decisions. The Mayor serves as the elected head of the City government.

SECTION 13. 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 shall elect a President from its membership. In the Mayor's absence from a Council meeting, the President shall preside over the Council. Whenever the Mayor is unable to perform the functions of the office, the President shall act as Mayor.

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 as prescribed by Council rules.

SECTION 15. VOTE REQUIRED. Except as this Charter otherwise provides, the express approval of a majority of the Council shall be necessary to decide any question before the Council. No Council member shall be allowed to vote unless personally present at the meeting.

SECTION 16. RECORD OF PROCEEDINGS. The Council shall cause a record of its proceedings to be kept in a manner prescribed by Council rules. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered into the record.

CHAPTER IV - LEGISLATIVE AUTHORITY

SECTION 17. ORDINANCES. The Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "**THE CITY OF MT. ANGEL ORDAINS AS FOLLOWS:**".

SECTION 18. ORDINANCE ADOPTION.

(1) Except as authorized by subsection (2), adoption of an ordinance requires approval by a majority of the Council at two meetings.

(2) The Council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the Council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(3) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.

(4) After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.

(5) After adoption of an ordinance, the custodian of public records must endorse it with the date of adoption and the custodian's name and title.

SECTION 19. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or on another date less than 30 days after adoption if it contains an emergency clause.

CHAPTER V - ADMINISTRATIVE AUTHORITY

SECTION 20. RESOLUTIONS. The Council will ordinarily exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "**THE CITY OF MT. ANGEL RESOLVES AS FOLLOWS:**".

SECTION 21. RESOLUTION APPROVAL.

(1) Approval of a resolution or any other Council administrative decision requires approval by a majority of the Council at one meeting.

(2) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.

(3) After approval of a resolution or other administrative decision, the vote of each Council member must be entered into the Council minutes.

(4) After approval of a resolution, the custodian of records must endorse it with the date of approval and the custodian's name and title.

SECTION 22. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other Council administrative decisions take effect on the date of approval, or on a later date provided in the resolution.

CHAPTER VI - QUASI-JUDICIAL AUTHORITY

SECTION 23. ORDERS. The Council will ordinarily exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "**THE CITY OF MT. ANGEL ORDERS AS FOLLOWS:**".

SECTION 24. ORDER APPROVAL.

(1) Approval of an order or any other quasi-judicial decision requires approval by a majority of the Council at one meeting.

(2) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.

(3) After approval of an order or other Council quasi-judicial decision, the vote of each Council member must be entered in the Council minutes.

(4) After approval of an order, the custodian of records must endorse it with the date of approval and the custodian's name and title.

SECTION 25. EFFECTIVE DATE OF ORDERS. Orders and other Council quasi-judicial decisions take effect on the date of final approval, or on a later date provided in the order.

CHAPTER VII - ELECTIONS

SECTION 26. REGULAR ELECTIONS. Regular City elections shall be held at the same times and places as the State general election, in accordance with applicable State election laws unless this Charter or City ordinances otherwise provide. All elections for City offices must be nonpartisan.

SECTION 27. QUALIFICATIONS.

(1) The Mayor and each Councilor must be a qualified elector under State law, and reside continuously within the City for at least one year immediately before filing for election or appointment to office.

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

(3) Neither the Mayor nor a Councilor may be employed by the City

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

SECTION 28. NOMINATIONS. The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for Mayor or a Councilor position.

SECTION 29. 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 Council rule.

SECTION 30. COMMENCEMENT OF TERMS OF OFFICE. The term of Mayor or Councilor elected at a general election begins at the first Council meeting of the year immediately after the election, and continues until the successor legally assumes the office.

SECTION 31. OATH OF OFFICE. The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States, Oregon, and the City of Mt. Angel.

CHAPTER VIII - VACANCIES IN OFFICE

SECTION 32. VACANCIES. The office of Mayor or Councilor shall be considered vacant:

(1) Upon the incumbent's:

(a) Death;

(b) Adjudicated incompetence; or

(c) Recall from the office.

(2) Upon declaration by the Council after the incumbent's:

(a) Failure to qualify for the office within 10 days of the time the term of office is to begin;

(b) Absence from the City for 30 days without Council consent, or from all Council meetings 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;

(f) Resignation from the office; or

(g) Removal under Section 35(9).

SECTION 33. FILLING VACANCIES. A vacancy in the office of Mayor or Councilor will be filled by appointment by a majority of the remaining Council. The appointee's term of office shall run from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a Council member from attending Council meetings or a member is absent from the City, a majority of the Council may appoint a councilor pro tem.

CHAPTER IX - POWERS AND DUTIES OF OFFICERS

SECTION 34. OFFICERS. Officers of the City shall be a City Manager, City Attorney, Municipal Judge, and such other officers as the Council deems necessary. Each of these officers shall be appointed and may be removed by a majority of the Council.

SECTION 35. CITY MANAGER.

(1) The office of City Manager is established as the administrative head of the City government. The City Manager is responsible to the Council for the proper administration of all City business. The City Manager will assist the Council in the development of City policies, and will carry out policies established by the Council.

(2) A majority of the Council must appoint and may remove the City Manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(3) The City Manager need not reside in the City.

(4) The City Manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after the vacancy occurs.

(5) The City Manager must:

(a) Attend all Council meetings unless excused by the Mayor or the Council;

(b) Make reports and recommendations to the Council about the needs of the City;

(c) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other decisions;

(d) Appoint, supervise and remove employees;

(e) Organize departments and the administrative structure of the City;

(f) Prepare and administer the annual budget;

(g) Administer City utilities and property;

(h) Encourage and support regional and intergovernmental cooperation;

(i) Promote cooperation among the council, staff and citizens in developing policies and procedures, and building a sense of community;

(j) Perform other duties as directed by the Council;

(k) Delegate duties, but remain responsible for acts of all subordinates; and

(l) Function as the City Recorder and ex-officio clerk of the Council to keep an accurate record of its proceedings, function as the custodian of public records, and sign all orders on the treasury. The City Manager may designate a recorder pro tem, or the Mayor may do so in absence of the City Manager.

(6) The City Manager has no authority over the Council, the City Attorney, or over the judicial functions of the Municipal Judge.

(7) The City Manager and other employees designated by the Council may sit at Council meetings but have no vote. The City Manager may take part in all Council discussions.

(8) When the City Manager is temporarily disabled from acting as City Manager or when the office of City Manager becomes vacant, the Council must appoint an interim City Manager. The interim City Manager has the authority and duties of City Manager, except that an interim City Manager may appoint or remove employees only with Council approval.

(9) No Council member may directly or indirectly attempt to coerce the City Manager or a candidate for the office of City Manager regarding the appointment or removal of any City employee, or in administrative decisions regarding City personnel, property, or contracts. Violation of this prohibition is grounds for censure or removal from office by a majority of the Council after a public hearing. In Council meetings, Council members may discuss or suggest anything with the City Manager relating to City business.

SECTION 36. CITY ATTORNEY. The office of City Attorney is established as the chief legal officer of the City government. A majority of the Council must appoint and may remove the City Attorney.

SECTION 37. MUNICIPAL COURT AND JUDGE.

(1) A majority of the Council may appoint and remove a Municipal Judge. The Municipal Judge will hold court in the City at such place as the Council directs. The court will be known as the "Mt. Angel Municipal Court."

(2) All proceedings of this court will conform to State laws governing justices of the peace and justice courts.

(3) All areas within the City and areas outside the City as permitted by State law are within the territorial jurisdiction of the court.

(4) The court has jurisdiction over every offense created by City ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by City ordinance.

(5) The Municipal Judge may:

(a) Render judgments and impose sanctions on persons and property;

(b) Order the arrest of anyone accused of an offense against the City;

(c) Commit to jail or admit to bail anyone accused of a City offense;

(d) Issue and compel obedience to subpoenas;

(e) Compel witnesses to appear and testify and jurors to serve for trials before the court;

(f) Penalize contempt of court;

(g) Issue processes necessary to enforce judgments and orders of the court;

(h) Issue search warrants; and

(i) Perform other judicial and quasi-judicial functions assigned by ordinance.

(6) The Council may appoint and may remove Municipal Judges pro tem.

(7) The Council may transfer some or all of the functions of the Municipal Court to an appropriate state or municipal court.

CHAPTER X – PERSONNEL

SECTION 38. COMPENSATION. The Council must authorize the compensation of City officers and employees as part of its approval of the annual City budget.

SECTION 39. POLICIES. The Council by resolution will authorize policies pertaining to the employment, compensation and merit of City officers and personnel.

CHAPTER XI - PUBLIC IMPROVEMENTS

SECTION 40. PROCEDURE. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon.

SECTION 41. SPECIAL ASSESSMENTS. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

CHAPTER XII - MISCELLANEOUS PROVISIONS

SECTION 42. DEBT. City indebtedness may not exceed debt limits imposed by State law.

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. 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 45. SEVERABILITY. The terms of this Charter are severable. If any provision is held invalid by a court of competent jurisdiction, the invalidity does not affect any other part of this Charter.

SECTION 46. TIME OF EFFECT OF CHARTER. This Charter shall take effect January 1, 2015.

Exhibit B

Explanatory Statement for Printing in the

Marion County Voter Pamphlet

August 4, 2014

MEASURE PROPOSING A REVISED CHARTER FOR THE CITY OF MT. ANGEL

Background

A city charter acts as the organizational document for a city by establishing the basic structure and powers of city government. A charter may only be amended by a vote of city voters.

What this Measure Proposes

If adopted by the voters, this measure would amend, update, and renumber the Mt. Angel Charter.

The City of Mt. Angel currently operates under a charter adopted in 1982. The Charter of 1982 contains several provisions that have been superseded by state law or that unnecessarily restrict the operations of the City in areas that are already governed by state law. The proposed amendments would correct certain deficiencies in the current charter and would bring the language of the current charter into conformity with state law. In proposing this revised Charter, the City Council intended to update the Charter and make the most of state laws governing the City.

The proposed Charter includes many amendments. A complete analysis of all the proposed changes is not possible in this explanatory statement. In broad terms, the revised Charter would do the following:

- Require voter approval of annexations;
- Require an affirmative vote by the majority of the entire City Council (rather than the councilors present at a meeting) in order for the Council to take action;
- Make the Mayor a voting member of the City Council;
- Clarify that city officers are appointed and removed by the City Council, rather than by the Mayor with the Council's consent;
- Add the positions of City Manager and City Attorney as officers of the City and add language setting out the duties of the City Manager and the City Attorney;
- Assign the duties of the City Recorder to the City Manager;
- Clarify that City elections are nonpartisan;

- Delete a provision concerning the City's contract authority that is already governed by state law;
- Allow state law to govern the City's debt limits; and
- Formalize City Council's legislative, administrative, and quasi-judicial authority as allowed by state law.

If approved, the revised Charter would take effect January 1, 2015.

To review the entire proposed Charter, visit Mt. Angel City Hall at 5 N. Garfield Street, Mt. Angel, Oregon.

Total Words:	367		
Authorized Signature:	_____	Name:	Eileen Stein
Local Government Unit:	City of Mt. Angel	Title:	City Administrator