

CITY OF WASCO CHARTER

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF WASCO, SHERMAN COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT.

Be it enacted by the people of the City of Wasco, Oregon:

CHAPTER I NAME AND BOUNDARIES

Section 1. TITLE OF THE CHARTER. This charter may be referred to as the **City of Wasco Charter of 2002.**

Section 2. NAME OF THE CITY. The City of Wasco, Sherman County, Oregon, continues under this charter to be a municipal corporation under the name of City of Wasco.

Section 3. BOUNDARIES. The City shall include all territory encompassed by its boundaries as they now exist and as they are hereafter modified by the electorate of the City or by the Council. An accurate, up-to-date description of the boundaries shall be maintained at City Hall.

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 cities, as fully as though this charter specifically enumerated each of those powers.

Section 5. CONSTRUCTION OF CHARTER. In this charter, no statement 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 to the end that the City has all powers appropriate for the conduct of its affairs. This construction includes all powers that a city may assume pursuant to state laws and the state constitution.

Section 6. WHERE POWERS VESTED. Except as this charter provides otherwise, all powers of the City shall be vested in the Council.

CHAPTER III FORM OF GOVERNMENT

Section 7. COUNCIL. The Council consists of a mayor and five councilors, elected from the City at large. Any vacancy on the Council shall not divest the Council of its powers.

Section 8. COUNCILORS. The councilors in office or elected at the time this charter becomes effective shall continue in office until the end of their term. At the first biennial general election after the effective date of this charter, two shall be elected for a four-year term. At the next biennial general election thereafter, three shall be elected for a term of four years.

Section 9. MAYOR. The mayor in office or elected at the time this charter becomes effective shall continue in office until the end of the mayor's term. At each biennial general election thereafter, a mayor shall be elected for a term of two years.

Section 10. OFFICERS. Additional officers of the City shall be a City Clerk/Recorder and such other officers as the Council deems necessary. Each of these officers shall be appointed by, and may be removed by the vote of a majority of the councilors.

Section 11. SALARIES. The compensation for the services of each city officer and employee shall be the amount fixed by the Council. Members of the Council shall not receive compensation unless five lay members of the Budget Committee approve, by vote, such compensation.

Section 12. QUALIFICATIONS OF THE COUNCIL.

- (1) To be eligible to serve on the Council, a person must:
 - (A) Have residency within the City for a continuous period of 12 months immediately preceding election or appointment;
 - and

- (B) Be registered to vote within the City for 12 continuous months immediately preceding election or appointment; and
 - (C) Continue residency within the City during any term of office; and
 - (D) Not be an employee of the City unless:
 - (1) The employee's position is substantially volunteer in nature, or
 - (2) The employee's position is temporary, to serve at the will of Council, or
 - (3) The employee's position is to fill an interim vacancy
- (2) No person shall be a candidate in a single election for more than one elective City office.
- (3) No councilor shall serve in more than one public office.

CHAPTER IV COUNCIL

Section 13. MEETINGS. The Council shall prescribe rules to govern its meetings and proceedings. The Council shall hold regular monthly Council meetings in the City at times and places designated by the Council. The Council may, for good reason, suspend a regular monthly Council meeting.

Section 14. QUORUM. A majority 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. A record of Council Proceedings shall be kept. The results of all votes and the vote of each member of the Council by name shall be recorded, unless the vote is unanimous.

Section 16. PROCEEDINGS TO BE PUBLIC. No action by the Council shall have legal effect unless the motion for the action and the vote by which it is decided takes place at proceedings open to the public.

Section 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.

The mayor shall preside over deliberations of the Council, preserve order, enforce Council rules and determine the order of business under the rules.

Section 18. COUNCIL PRESIDENT. At its first meeting after this charter takes effect and at its first meeting in each odd numbered year, the Council shall elect a president from its membership. If the mayor is unable to function as mayor or is absent from a Council meeting, the president shall function as mayor. The president shall sign all approved documents and ordinances passed by the Council if the mayor fails to do so within a reasonable time. In the absence of both mayor and president, a mayor pro tem shall be elected from the councilors present.

Section 19. VOTE REQUIRED. Except as this charter provides otherwise, express concurrence of a majority (four members) of the Council is necessary to decide affirmatively 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. The mayor shall sign all approved documents and records of proceedings of the Council. The mayor shall have the right to vote, but shall have no veto power. The mayor shall sign all ordinances passed by the Council as this Charter prescribes.

Section 21. CITY CLERK/RECORDER. The City clerk/recorder shall serve as clerk of the Council and attend all meetings unless excused by the Council or mayor. The clerk/recorder shall serve as the City election official, shall maintain the records of the City and a record of Council proceedings, and shall perform such duties as designated by the Council. The City clerk/recorder shall designate another person to serve in the clerk/recorder's absence.

CHAPTER VI ELECTIONS

Section 22. CONDUCT OF ELECTIONS. The election laws of the State of Oregon shall apply to elections held under this Charter except as this charter or an ordinance of the City prescribes otherwise.

Section 23. 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 petitions shall be in the form and filed in the manner and within the time prescribed by ordinance and state law. The City clerk shall make a record of the exact time in which each petition is filed and shall take and preserve the name and address by whom it is filed.

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 drawing of lots.

Section 25. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular City election shall commence the first Council meeting of the new year immediately following the election.

Section 26. OATH OF OFFICE. Before entering upon the duties of office, each officer shall take an oath, or shall affirm to support the constitution and laws of the United States of Oregon, and to faithfully perform the duties of office.

CHAPTER VII VACANCIES IN OFFICE

Section 27. OCCURRENCE OF VACANCIES. The office of a member of the Council becomes vacant:

- (1) Upon the member's:
 - (A) Death;

- (B) Adjudicated incompetence;
 - (C) Recall from office;
 - (D) Ceasing residency in the City; or
 - (E) Resignation from the Council
- (2) Upon declaration by the Council of the vacancy in the case of:
- (A) Failure, following election or appointment to the Council, to qualify for the Council within ten days from the date the term is to begin;
 - (B) Absence from all regular Council meetings within a 60 day period, without the consent of Council;
 - (C) Conviction of any felony or a crime relating to performance of Council duties.

Section 28. FILLING OF VACANCIES. Public notice of a vacancy in an elective office shall be given promptly. Council vacancies shall be filled by a majority of the remaining members of the Council. The appointee's term of office shall begin immediately. The term for that position shall be the un-expired portion of the remaining term and shall continue until the next general election.

CHAPTER VIII ORDINANCES

Section 29. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Wasco ordains as follows:"

Section 30. METHODS OF ADOPTION.

- (1) An ordinance shall be fully and distinctly read in open Council meetings on two different meetings before being adopted by Council; or
- (2) An ordinance may be adopted at a single meeting by unanimous vote of the entire Council, if:
 - (A) Two readings, by title only or in full, shall occur, and
 - (B) Any section of a proposed ordinance containing substantive change shall be read in full prior to consideration

- (3) A reading of an ordinance may be by title only if:
- (A) No member of Council present at the meeting requests that the ordinance be read in full, and
 - (B) At least one week before the reading:
 - (1) A copy of the ordinance is provided to each member of the Council, and
 - (2) Copies of the ordinance are available for public inspection in the office of the City Recorder, and
 - (3) Notice of the availability and the title page of the ordinance is posted at City Hall and the Wasco Post Office.

Section 31. EFFECTIVE DATE. A non-emergency ordinance passed by the Council shall take effect on the 30th day after its adoption unless the ordinance provides a later date. An emergency ordinance may take effective immediately upon its adoption or on a date indicated in the ordinance.

Section 32. EMERGENCY ORDINANCES. Ordinances necessary for the immediate preservation of the health, safety and welfare of the city may become effective immediately if the ordinance states the reason and if the ordinance is approved by the affirmative vote of five members of the council.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 33. CONDEMNATION. Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by resolution of the Council describing the property and stating the uses to which it shall be devoted.

Section 34. IMPROVEMENTS. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by ordinance or to the extent not so governed, by state law. Action on any proposed public improvement, except a sidewalk or an improvement unanimously declared by the Council to be needed immediately due to an emergency, shall be suspended for six months upon filing of remonstrances by owners of two-thirds of the property to be specially assessed for the improvements. *Owner*

in this section refers to the record holder of legal title. However, as to land being purchased under a recorded land sale contract, the purchaser shall be considered the owner.

Section 35. 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 ordinance.

Section 36. PUBLIC CONTRACTS AND CONTRACTS FOR PUBLIC IMPROVEMENTS. Public contracts and contracts for public improvements shall conform to the requirements of state law.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 37. LIENS AGAINST REAL PROPERTY. Ordinances may provide that unpaid City utility charges or costs incurred by the City for nuisance abatement may become a lien against real property and may further provide for foreclosure of such liens.

Section 38. DEBT LIMIT. The City's indebtedness may not exceed the limit imposed by state law. Any City official or employee who creates or officially approves indebtedness in excess of the limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

Section 39. 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 40. REPEAL. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 41. PROCEDURE FOR AMENDMENT. This charter may be amended by following procedures according to state law.

Section 42. TIME OF EFFECT OF CHARTER. This charter shall take effect on the 10th day of November, 2002.