

CITY OF CASCADE LOCKS A CHARTER

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF CASCADE LOCKS, HOOD RIVER 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 Cascade Locks, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. TITLE OF THE CHARTER. This Charter may be referred to as the City of Cascade Locks Charter of 1995.

Section 2. NAME OF THE CITY. The City of Cascade Locks, Oregon, continues under this Charter to be a municipal corporation under the name of City of Cascade Locks.

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 has all powers that the constitutions, statutes, and the 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 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.

All powers are continuing unless a specific grant of power clearly indicates the contrary.

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 six (6) 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 each biennial general election thereafter, three shall be elected, each for a four year term.

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. OFFICIALS. Other officials of the City shall be appointed and removed by the Mayor, with the majority vote of the Council. The Council may designate any official to supervise any other appointed official, except a municipal judge in the exercise of judicial functions.

Section 11. COMPENSATION OF COUNCIL AND OFFICIALS. The compensation for each official shall be set 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 the employee's position is substantially volunteer in nature.

(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 elective office.

CHAPTER IV

COUNCIL

Section 13. MEETINGS. The Council shall prescribe rules to govern its meetings and proceedings. The Council shall hold a regular Council meeting monthly in the City at a time and at a place designated by the Council and may meet at other times as provided for by the Council.

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.

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 disposed of take 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. The president and mayor pro tern shall have a vote on all questions.

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 CITY OFFICIALS

Section 20. MAYOR. The Mayor shall appoint the committees provided by the rules of the Council. Other officials of the City shall be appointed and approved by the Mayor, with the majority vote of the Council. The mayor shall sign all approved documents and records of proceedings of the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council as this Charter prescribes.

Section 21. CITY ADMINISTRATOR. There shall be a City Administrator who shall be appointed by and serve at the will of the City Council. The City Administrator shall be responsible to the City Council for the proper administration of all affairs of the City of Cascade Locks and for carrying out the policies established by the City Council.

Section 22. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the City. The municipal judge shall hold within the City a court known as the Municipal Court for the City of Cascade Locks, Hood River 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. The municipal judge 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 the trial of any cause before the judge, 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 of 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.

Section 23. CITY RECORDER. The recorder shall serve as the City election official, shall maintain the records of the City and a record of Council proceedings. The City Administrator shall designate another City employee to serve in the absence of the City Recorder.

CHAPTER VI

ELECTIONS

Section 24. 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 25. TIE VOTES. In the event of a tie vote for candidates for the Council, the successful member of the Council shall be determined by a public drawing of lots in a manner prescribed by the Council prior to the first day of the calendar year immediately following the election at which the tie vote occurred.

Section 26. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular City election shall commence the first day of the year immediately following the election.

Section 27. OATH OF OFFICE. Before beginning duties for a term of office, each member of the Council shall take an oath or affirm support of this charter, the ordinances of the City of Cascade Locks, the constitution and laws of the United States and State of Oregon, and faithful performance of the duties of a member of the Council.

Section 28. NOMINATIONS. A person qualified to serve on the Council may submit a petition to the City Recorder for nomination specifying the position sought. Each petition of nomination shall include the signature and residence address of the prospective nominee. The petition for nomination shall be signed by at least 20 electors who reside within the City or, in the alternative, a petition may be filed

without signatures of electors by the payment of a \$20.00 filing fee. The signatures to a nomination petition shall have an affidavit of the circulator of the petition attached indicating the number of signers to the petition and stating that each signature on the petition was made in the presence of the circulator of the petition. Each petition for nomination shall include each signer's residence by street address. If a nomination petition is deficient, the recorder shall return it to the prospective nominee and shall advise in writing of the deficiency within three working days of the date the nomination petition is filed. The deficient petition may be amended and re-filed or a new petition for the same candidate may be filed; Nomination petitions shall be filed with the City Recorder as provided by ordinance, or if not so provided, as required by state law. The City Recorder shall furnish the County Clerk with a certified statement of the City offices and candidates for City offices in a timely manner as required by state law.

CHAPTER VII

VACANCIES IN OFFICE

Section 29. 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 the Council; or

(C) Conviction of any felony or a crime relating to performance of Council duties.

Section 30. FILLING OF VACANCIES. Council vacancies shall be filled by a majority of the remaining members of the Council. The appointee's term of office shall begin immediately and shall continue until the next general election and the term for that position shall be the unexpired portion of the remaining term.

CHAPTER VIII

ORDINANCES

Section 31. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Cascade Locks ordains as follows:"

Section 32. METHODS OF ADOPTION.

(1) An ordinance shall be fully and distinctly read in open Council meeting on two different meetings before being adopted by the Council; and

(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 the Council present at the meeting requests that that 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 the City Hall.

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 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 37. 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 38. 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 39. LIENS AGAINST REAL PROPERTY FOR UNPAID UTILITY CHARGES. Ordinances may provide that unpaid City utility charges may become a lien against real property and may further provide for foreclosure of such liens.

Section 40. 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 41. CONTINUATION OF ORDINANCES. All ordinances in force when this charter becomes effective shall remain in effect until modified or repealed.

Section 42. REPEAL. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 43. TIME OF EFFECT OF CHARTER. This charter shall take effect on the 28th day of April, 1995.