

CHARTER
of the
CITY OF WESTFIR,
OREGON

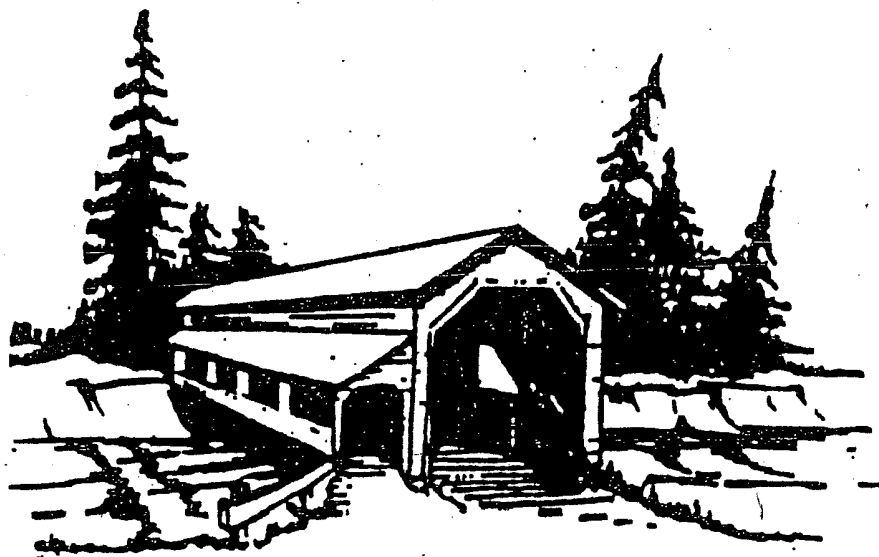


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CHARTER OF THE CITY OF WESTFIR, OREGON

A Charter to provide for the government of the City of Westfir, Lane County, Oregon.

Be it enacted by the people of the City of Westfir, Lane County, Oregon:

CHAPTER I NAME AND BOUNDARIES

Section 1: Title of Enactment

This enactment may be referred to as the Westfir City Charter of 1997.

Section 2: Name of City

The City of Westfir, Lane County, Oregon, shall continue to be a municipal corporation with the name City of Westfir.

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 city records shall keep at least two accurate up-to-date descriptions of the boundaries – to be kept at city hall. A copy shall be available for public inspection in the city hall, during regular office hours.

CHAPTER II POWERS

Section 4: Powers of the City

The city has all powers which the constitution, statutes, and common law of the United States and of this State expressly and/or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

Section 5: Construction of Charter Powers

In this charter, no mention of a particular power is exclusive or restricts 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 has all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III
FORM OF GOVERNMENT

Section 6: Distribution of Powers

Except as this charter provides 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 city council.

Section 7: Council

The Council consists of a Mayor and four (4) councilors, 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: Council Members

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 biennial general November election after the adoption, two councilors shall be elected, each for a four-year term.

Section 9: 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 biennial general November election, a mayor shall be elected for a two-year term.

Section 10: Other Officers

A majority of the council may create, abolish and combine appointed city offices and, except as the majority prescribes otherwise, may fill such offices by appointment and vacate them by removal. The council may designate any appointive officer to supervise or train any other appointive officer.

Section 11: Compensation

The council may prescribe reimbursement to be received by the council, mayor, other officers and employees for expenses incurred in serving the city, and prescribe compensation for city employees.

Section 12: Qualifications of Officers

No person shall be eligible for an elective office of the city unless at the time of election the person is a qualified elector within the meaning of the state constitution, and has resided in the city during the six (6) months preceding the election. No person shall hold an elective office of the city if the person is an employee of the city. No person may be a candidate at a single election for more than one (1) elective office of the city. The council is the final judge of qualifications and election of the city officers.

CHAPTER IV
CITY COUNCIL

Section 13: Meetings

The council shall hold a regular meeting at least once each month in the city at a time and place which the council designates. It shall adopt rules to govern its meetings and proceedings. The mayor, upon the mayor's own motion, or at the request of two members of council, may call a special meeting. Special meetings require at least a 24 hour notice. The mayor, upon the mayor's own motion, or at the request of two members of council, may call an emergency meeting. Emergency meetings require only that notice which is reasonable to give under the circumstance. All regular, special, and emergency meetings must comply with the rules of the city and applicable state law.

Section 14: Quorum

A majority of members of council and the mayor shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner prescribed by council.

Section 15: Record of Proceedings

The council shall cause a record of its proceedings to be preserved and published.

Section 16: Proceedings to be Public

Except as state law provides otherwise, the deliberations and proceedings of the council shall be public.

Section 17: Mayor's Function at Council Meetings

When present at council meetings the mayor shall:

1. Preside over deliberations of the council
2. Preserve order
3. Enforce council rules, and
4. Determine the order of business under the rules.

The Mayor shall vote only to break a tie or to constitute a quorum.

Section 18: Council President

At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall elect a council president from its membership. The president shall function as mayor when the mayor is absent from a council meeting, or unable to function as mayor. The president, when acting as Mayor, shall vote only to break a tie or to constitute a quorum.

Section 19: Vote Required

Except as this charter prescribes otherwise, the express concurrence of a majority of the council members present and constituting a quorum is necessary to decide a question before the council.

CHAPTER V
POWERS AND DUTIES OF OFFICERS

Section 20: Mayor

The mayor shall appoint the committees and chairperson of each committee provided by the rules of the council. The mayor may sign all approved records of proceedings of the council and countersign all orders on the treasury. The mayor shall have no veto power and shall sign all ordinances passed by the council within five (5) days after their passage. Upon the approval of the council, all bonds of city officers and all bonds for licenses, contracts, and proposals shall be endorsed by the mayor. Upon the mayor's absence, the council president may act in the mayor's stead.

Section 21: Municipal Court and Judge

The provisions for municipal judge and municipal court that are in effect at the time this charter is adopted shall remain in effect until modified by action of the council.

Section 22: City Recorder

If the council creates the office of city recorder and fills it by appointment, the appointee shall serve ex-officio as secretary to the council, attend all council meetings unless excused by the council or mayor, and keep an accurate record of its proceedings. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro-tem, who shall have all the duties of the recorder.

The recorder shall:

1. Keep the council advised of the affairs and needs of the city;
2. See that the provisions of all ordinances are administered to the satisfaction of the council;
3. See that all terms of franchises, leases, contract, permits, and privileges granted by the city are fulfilled;
4. Prepare and transmit to the council an annual city budget;
5. Supervise city contracts;
6. Perform other duties as the council prescribes consistent with this charter.

CHAPTER VI
ELECTIONS

Section 23: Elections

Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 24: Special Elections

The council shall provide the time, manner, and means for holding any special election. The recorder shall give at least ten (10) day notice of each special election in the manner provided by the action of the council ordering the election.

Section 25: Regulation of Elections

Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general laws of the state law shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 26: 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 the council.

Section 27: 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 year immediately following the election.

Section 28: Oath of Office

Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.

Section 29: Nominations

A qualified elector who shall reside in the city during the six (6) months immediately preceding the election may be nominated for an elective city position. A person may be nominated in the manner prescribed by city ordinance to run for an elective office of the city. 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.

CHAPTER VII
VACANCIES IN OFFICE

Section 30: Vacancies: Occurrence

The office of a member of the council becomes vacant:

1. Upon the incumbent's
 - A. Death;
 - B. Adjudicated incompetence;
 - c. Recall from the office; or
2. Upon declaration of the council of the vacancy in case of the incumbent's

- A. Failure, following elections or appointment to qualify for the office within ten (10) days after the time for the office to begin;
- B. Absence 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 criminal offense punishable by loss of liberty;
- F. Resignation from office.

Section 31: Vacancies: Filling

A vacancy in the council shall be filled by appointment by a majority of the then existing council. 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 absence from the city, a majority of the other council members may, by appointment, fill the vacancy pro-tem.

CHAPTER VIII
ORDINANCES

Section 32: Ordaining Clause

The Ordaining clause of an ordinance shall be: "The City of Westfir, Oregon ordains as follows"

Section 33: 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, and ordinance shall be fully and distinctly read in open council meeting on two different days before being adopted by 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 vote of all council members present, provided the ordinance is read first in full and then by title.
3. A 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 reading:
 - (1) A copy of the ordinance is provided for each council member,
 - (2) Three copies of the ordinance are available for public inspection in The office of the custodian of city records, and;
 - (3) Notice of their 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 custodian of city records and the mayor shall endorse it with its date of adoption and the endorser's names and titles of office.

Section 34: When Ordinances Take Effect

An ordinance enacted by the council shall take effect on the thirtieth (30) 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 an emergency, it may take effect immediately.

CHAPTER IX
PUBLIC IMPROVEMENTS

Section 35: Condemnation

Any necessity for 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 abandon in a public improvement shall be governed by ordinance, or the applicable general laws of the state. Action on any proposed public improvement, except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six (6) months upon remonstrance by the owners of two-thirds of the land to be specially assessed for the improvements. In this section, "owner" shall mean the record holder of legal title or where land is being purchased under a land sale contract recorded 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 fixing, 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 general ordinance.

Section 38: Contracts

All contracts shall be let in accordance with the rules of the Lane County Contract Review Board or rules as established by the council acting as a public contract review board. All bids shall be let in accordance with those rules.

CHAPTER X
MISCELLANEOUS PROVISIONS

Section 39: Utility Funds

Funds and assessments deposited into the water and sewer funds shall be used exclusively for the respective departments.

Section 40: Debt

The city's indebtedness shall not exceed debt limits imposed by state law. A city officer 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: 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 42: Procedure for Amendment

Amendments to this charter may be proposed by the city council by resolution duly adopted at any regular or special meeting of the council. When so adopted, the same shall be submitted to a vote of the electors of the city during any general election in the State of Oregon after giving notice, as provided by state law or in this charter. This charter may also be amended by proposal under the initiative provisions of Oregon statutes by a petition duly signed by the appropriate number of qualified electors. Any such initiative charter amendment shall be voted on at the next general election occurring ninety (90) days after the initiative has been certified for the ballot.

Section 43: 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 require.

Section 44: Time of Effect

This charter takes effect immediately upon its approval by a majority of the voters of the city.

NOTICE OF CITY MEASURE ELECTION

Westfir, Oregon

(Name of city)

Notice is hereby given that on Tuesday, September 16, 1997
(Day of week) (Date of election)

a measure election will be held in Westfir, Lane County, Oregon.
(Name of city) (Name of county)

The county clerk has advised us (SELECT ONE):

- The election will be conducted at the polls. The polls will be open from 7:00 a.m. to 8:00 p.m.
- The election will be conducted by mail.

The following shall be the ballot title of the measure to be submitted to the city's voters on this date:

CAPTION (10 Words) CITY CHARTER OF WESTFIR, OREGON

QUESTION (20 Words) Shall the City of Westfir, Oregon enact the Charter proposed by its City Council following the public hearing on 05-22-97?

***SUMMARY**

A charter would allow Westfir to exercise virtually every governmental function and regulatory power and provide every public service. A charter would provide for the election of four Council positions and a Mayor. Provides for the organization of the City. Provides for the procedures for the enactment of City laws. Power granted by the Charter is limited only by the Constitution and general statutes. This charter will take effect immediately following its passage by a majority of the voters of the City.

The following authorized city official hereby certifies the above ballot title is true and complete.

July 15, 1997

Myron B. Smith
Signature of authorized city official (not required to be notarized)

Date signed

Myron B. Smith
Printed name of authorized city official

Mayor
Title

- *1. For measure authorizing tax levy or establishing new tax base: Concise and impartial statement of not more than 175 words, explaining chief purpose of the measure and giving reasons for the measure. ORS 310.390. Additional statement required by ORS 310.395 shall not be included in word count.
- *2. For any other measure: Concise and impartial statement of not more than 85 words, summarizing the measure and its major effect. Content meets requirements of ORS 250.035, 250.039 and 250.041.

9-16-97 OFFICIAL ABSTRACT OF VOTES
 20-87 CITY OF WESTFIR CHARTER

Page Number 2.001:001

RECEIVED
 10-1-97

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	CITY OF WESTFIR 20- 87 YES	CITY OF WESTFIR 20- 87 NO
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SALMON CREEK	138	52	37.6%	35	16
**** TOTALS ****	138	52	37.6%	35	16

I certify that the votes recorded on this September 16, 1997 Special Election abstract correctly summarize the votes cast for this measure.

Dated this 26th day of September, 1997.

Annette K. Newingham

Annette K. Newingham
 Chief Deputy County Clerk

