

CHARTER

Millersburg - Charter

CHARTER

Section

- 1 Title
- 2 Name
- 3 Boundaries
- 4 Secretary of State filing
- 5 Laws and powers of the city
- 6 Interpretation of Charter
- 7 Existing ordinances and resolutions
- 8 Exercise of powers
- 9 The Council
- 10 Election of Mayor
- 11 Notice of election
- 12 Other officers and employees
- 13 Change in form of government
- 14 Council meetings
- 15 Quorum
- 16 Council vote required
- 17 President of the Council
- 18 Vacancies on the Council
- 19 Record of proceedings
- 20 Proceedings to be public-exceptions
- 21 Mayor=s function
- 22 Drafts and warrants-signatures
- 23 Mayor duties
- 24 Court- law enforcement
- 25 Recorder
- 26 Regular elections
- 27 Regulation of elections
- 28 Canvass of returns
- 29 Oath of office
- 30 Enacting clause
- 31 Mode of enactment
- 32 Condemnation
- 33 Improvements
- 34 Special assessments
- 35 Amendments
- 36 Effective date of Charter

Millersburg - Charter**MILLERSBURG CITY CHARTER**

BE IT ENACTED BY THE PEOPLE OF THE CITY OF MILLERSBURG, LINN COUNTY, OREGON:

Section 1. TITLE.

This enactment may be referred to as the City of Millersburg Charter of 1976.

Section 2. NAME.

The city shall be named CITY OF MILLERSBURG.

Section 3. BOUNDARIES.

The city boundaries are as follows:

Beginning at the Northwest corner of Section 33, T. 10 S., R. 3 W., of the Willamette Meridian, Linn County, Oregon, and running thence East along the North line of said Section 33 to the Easterly rightofway of the Oregon Electric Railroad; and thence North along said East line of said railroad rightofway to its intersection with the center of Linn County Road 310, and thence Easterly along the centerline of said county road and the extension thereof to the Westerly boundary of the rightofway of U.S. Highway Interstate 5; thence Southerly along said Westerly boundary of U.S. Highway Interstate 5 to its intersection with the city limits of the City of Albany, in the vicinity of Knox Butte Interchange; thence Westerly along the said City of Albany limits to the Easterly rightofway of the Oregon Electric and Southern Pacific Railway; thence Southerly along said Easterly boundary of the railroad rightofway to Cox Creek and thence Northerly and Westerly along the center of Cox Creek and the extension thereof, to the Linn County boundary at or near the center of the main channel of the Willamette River; thence Northerly and Westerly along the Linn County boundary on the main channel of the Willamette River to its intersection with the North line of Section 32, T. 10 S., R. 3 W., Willamette Meridian, and thence Easterly along the North line of said Section 32 to the place of beginning, all in Linn County, State of Oregon.

Section 3.

(1) **CHANGE IN BOUNDARIES.** The City shall include all territory encompassed in the above described boundaries, and all other territory added by annexation, by voter modification, or by any other legal process.

Charter

(2) **PUBLIC RECORDS.** The recorder shall keep for public inspection at least two copies of this Charter in each of which shall be an accurate, upto date description of the boundaries of the city.

Section 4. SECRETARY OF STATE FILING.

A certified true copy of this Charter shall be filed with the Secretary of State of the State of Oregon. Should the Charter be modified, a certified true copy of the Charter as modified shall be filed with the Secretary of State of the State of Oregon.

Section 5. LAWS AND POWERS OF THE CITY.

The city shall have all powers and obligations which the constitutions of the United States and the State of Oregon, the statutes of the United States and the State of Oregon, a common law of the United States and the State of Oregon, expressly or impliedly grant or allow cities, as though the same were fully set forth in this Charter. The city shall have all powers and obligations that have been determined to flow from general grants of power, and all the powers and obligations granted hereafter by the city council by ordinance or resolution.

Section 6. INTERPRETATION OF CHARTER.

This Charter shall be liberally construed to the end that the City may have all power necessary or convenient for the conduct of its municipal affairs.

Section 7. EXISTING ORDINANCES AND RESOLUTIONS.

All ordinances and resolutions heretofore passed by the city council of Millersburg shall remain in full force and effect.

Section 8. EXERCISE OF POWERS.

All legislative functions shall be performed by the City Council. The City Council may delegate administrative functions to subcommissions and officials.

Section 9. THE COUNCIL.

The Council shall be composed of five councilmen elected at large from the city.

(1) **QUALIFICATIONS FOR COUNCILMEN.** To be eligible for an elective office of the city,

Millersburg - Charter

a person must be a qualified elector within the meaning of the Oregon State Constitution which requires that the person be a citizen of the United States, 21 years of age or older, has resided in the State of Oregon during six months immediately preceding the election date, is registered to vote prior to the election date in the manner provided by law, and is able to read and write the English language. In addition, said person shall have resided within the City of Millersburg continuously for one year immediately preceding the election date.

(2) **METHOD OF NOMINATION FOR COUNCILMEN.** Nominations for election to the position of councilman of the City of Millersburg shall be made by written application filed with the city clerk and recorder petitioning that the named person be placed on the ballot for the position of councilman. Each application shall be signed by 10 qualified resident electors, who may sign more than one application. The application must be filed with the city clerk and recorder no less than 30 days prior to the date of an election. The application need not be made by the person whose name is proposed for election. The application, if made by other persons, the person named as the proposed candidate for election shall file within 10 days following the filing of the application a written acceptance of the nomination. Both the filing of the application and the filing of the nomination must be made no less than 30 days prior to the date of an election,

(3) **DATE OF ELECTION.** Unless otherwise specified by the City Council, an election of a councilman shall occur at the State general biennial election.

(4) **ELECTION AND TERM OF OFFICE.** In any election, the person (should there be one council position open) or persons (should there be more than one council position open) nominated who receive the most votes shall be elected to serve as a councilman for a four year period commencing as of the first council meeting in January of the year following the date of election. In the event that there is a tie vote, then the City Council in office may direct either that a new election be held for the persons so tied, or that straws be drawn, in order to determine the winner.

(5) **EXISTING COUNCIL TERMS OF OFFICE.** The councilmen in office at the date of adoption of this Charter shall remain in office through the full term to which they were elected or appointed. It is acknowledged that in the original incorporation of the City not all councilmen were elected to serve a full four year term.

(6) **DETERMINATION OF QUALIFICATIONS.** The City Council shall be the final judge of the qualifications and election of its own members.

Section 10. ELECTION OF MAYOR.

A mayor shall be elected by a majority vote of the City Council at the first meeting in January following a general election of the City Council every two years, and the mayor shall serve for a two year period of time.

Charter

Section 11. NOTICE OF ELECTION.

Notice of an election, general or special, shall be posted by the recorder at least 10 days prior to an election in two public places. Said notice shall state the offices to be elected, the names of candidates, the ballot title of each measure to be voted upon, and the time and place of the election.

The general laws of the State of Oregon shall apply to the conduct of all city elections, recounts of the returns and contests.

Section 12. OTHER OFFICERS AND EMPLOYEES.

The city council shall appoint and hire a city clerk and recorder who shall serve at the pleasure of the council. The wages of the clerk and recorder shall be determined by the council in a written agreement with said person. The city council may appoint other officers, and may enter into agreements with other government agencies for sharing the services of such officers. Any officer or employee may be removed from office by a majority vote of the council. The city council may combine any two or more appointed city offices and designate the wage or payment for services for each office held. The city council may, by ordinance, determine that a councilman be paid a wage for services, provided insurance for his services, and that his expenses on behalf of the city be reimbursed.

Section 13. CHANGE IN FORM OF GOVERNMENT.

The form of government may be changed from a councilmayor form to a councilmanager or administrator form by ordinance passed by a unanimous vote of the city council following two public hearings at successive regular council meetings. Notice of said public hearings shall be given by direct mail to each property owner and resident of property within the city of Millersburg, and by publication in a newspaper of general circulation within the city for four successive weeks, with all such notice to occur prior to the first of the described two public hearings.

Section 14. COUNCIL MEETINGS.

The city council shall hold a regular meeting at least once each month in the city at a time and at a place which the city council designates. The city shall adopt rules for the governing of its members and proceedings. The mayor upon his own motion, or at the request of three members of the council, shall call a special meeting of the council at a time and at a place designated. The city clerk shall post notice at least 24 hours prior to said meeting in three public places within the city.

Section 15. QUORUM.

A majority of the members of the council shall constitute a quorum for doing business.

Millersburg - Charter

Section 16. COUNCIL VOTE REQUIRED.

The concurrence of a majority of the members of the council shall be necessary to decide any question before the council which requires council approval.

Section 17. PRESIDENT OF THE COUNCIL.

A member of the council shall be elected by a majority vote of the city council at the first meeting in January following a general election of the city council every two years, and shall serve for a two year period of time. In the mayor's absence from a council meeting, the president shall preside, and will fulfill the functions of the office of mayor when the mayor is unable to perform the same.

Section 18. VACANCIES ON THE COUNCIL.

Should it occur that a council member resign or otherwise become unable to perform his function as a councilman, then the council by majority vote may appoint a new councilman to serve out the remainder of the term of his predecessor. The majority of the council shall be the sole judge of when a councilman becomes unable to perform his duties as a councilman. Should it occur that a councilman be absent from three successive council meetings without just cause, then the council by a majority vote may declare a vacancy and appoint a replacement as above. The majority of the council shall be the sole judge of whether or not the councilman who is absent is absent without just cause.

Section 19. RECORD OF PROCEEDINGS.

The council shall cause a record of its proceedings to be kept in writing. Upon the request of any of the council members, the ayes and the nays, together with the name of the councilman so voting, upon any question before the council, shall be taken and entered in the record.

Section 20. PROCEEDINGS TO BE PUBLIC EXCEPTIONS.

All council meetings where the council takes action by motion and voting shall take place at meetings open to the public. However, the council may, by majority vote, determine to discuss city matters at an executive meeting which shall not be open to the public, on matters of finance and personnel. Nothing in this provision shall prevent council members from meeting and discussing city business wherein no action by the council nor a vote by the council upon a motion will not take place.

Charter

Section 21. MAYOR=S FUNCTION.

The mayor shall be the chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. He may make motions. He shall have authority to preserve order, enforce the rules of the council, determine the order of business under the rules of the council.

Section 22. DRAFTS AND WARRANTSSIGNATURES.

All drafts and warrants upon the funds of the city shall be signed by the mayor and the president of the council, and in the absence of either one of these persons, by a council member designated by the mayor or president of the council, whichever one is present.

Section 23. MAYOR DUTIES.

The mayor shall appoint the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

Section 24. COURT LAW ENFORCEMENT.

The city council may appoint a municipal judge as the judicial officer of the city, whose qualifications shall be that he is a member of the Oregon State Attorney=s Bar. The city council may determine all matters with reference to his duties and conduct of a municipal court. The city council may also enter into an agreement with Linn County, Oregon, that all offenses committed within the city that would fall within the jurisdiction of a municipal court will be prosecuted in the Linn County District Court by the city attorney and the city may enter into an agreement with the Linn County District Attorney=s office that the district attorney will prosecute all such offenses. Such an agreement shall determine the distribution of all fines and forfeitures between the county and the city.

Section 25. RECORDER.

The recorder shall serve as clerk of the council, attend all its meetings unless excused therefrom by a council member 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, while acting in that capacity, shall have all the authority and duties of the recorder.

Millersburg - Charter

Section 26. REGULAR ELECTIONS.

Regular city elections shall be held at the same time and places as biennial general state elections in accordance with applicable state election laws.

Section 27. REGULATION OF ELECTIONS.

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

Section 28. CANVASS OF RETURNS.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election the council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 29. OATH OF OFFICE.

Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 30. ENACTING CLAUSE.

The enacting clause of all ordinances hereafter enacted shall be AThe People of the City of Millersburg do Ordain as Follows:@

Section 31. MODE OF ENACTMENT.

Charter

A proposed ordinance shall be read once in full at a council meeting. An ordinance shall be passed by a majority vote of the council. An ordinance shall become effective 30 days following passage by the council, unless there is a provision included in said ordinance and the council so determines that an emergency exists, and then the ordinance shall become effective upon passage by the council and signature of the mayor. An ordinance may provide a later time for taking effect.

Section 32. 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 33. IMPROVEMENTS.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. In this section Aowner@ shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the recorder in writing, or of record in Linn County, by the record holder of legal title to the land, the purchaser shall be deemed the Aowner@. Before commencement of any public improvement district the city shall obtain the consent in writing of at least 51% of the land owners affected, and/or the owners of at least 51% of the land affected.

Section 34. SPECIAL ASSESSMENTS.

The procedure for 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 35. AMENDMENTS.

Amendments to the charter may be proposed and submitted to the people by the city council, with or without an initiative petition, which meets statutory requirements, but if a petition is submitted it shall be filed with the city clerk for submission not less than 60 days before the election for which petition is to be voted on. The city council may amend the charter by ordinance without an election upon giving notice, posted in two public places, and by publishing the notice in a newspaper of general circulation for three consecutive weeks and having provided two public hearings thereon prior to passage. Amendment of the charter shall not be effective by initiative petition until it is approved by a majority of the votes cast thereon by the people of the City of Millersburg. The council may order an election on amendments proposed by the city council. Notice of an election for the purpose of amendment to the charter shall be published in a newspaper of general circulation within the city, three

Millersburg - Charter

times on three consecutive weeks, commencing at least four weeks prior to the election.

Section 36. EFFECTIVE DATE OF CHARTER.

This ACT, following city of Millersburg voter approval in the 1976 General Election, shall be and take effect January 1, 1977.

Enacted by the City Council of Millersburg, subject to the approval of the Voters of the City of Millersburg, this 14th day of September, 1976.