

PREAMBLE

We, the people of The Dalles, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, through this charter confer upon the City the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure and repeal all previous charter provisions of the City.

Chapter I

NAMES AND BOUNDARIES

Section 1. Title of Charter. This charter may be referred to as the 1994 The Dalles Charter.

Section 2. Name of City. The City of The Dalles, Oregon, continues under this charter to be a municipal corporation with the name City of The Dalles.

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 the City's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the City during regular City office hours.

Chapter II

POWERS

Section 4. Powers of the City. The City has all powers that the constitutions, statutes, and 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 Powers. In this charter, no specification 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, so that the City may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

Section 6. Distribution of Powers. Except as this charter prescribes 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 Council.

Chapter III

FORM OF GOVERNMENT

Section 7. Council. The Council consists of five councilors. Four of the councilors shall be nominated by district, and one shall be nominated at large. All councilors shall be elected at large. In case of one or more vacancies in council, the council will consist of those members whose offices are not vacant.

Section 8. Districts. The four councilors to be nominated by district shall be classified into four positions, numbered 1 through 4. Two positions, numbered 1 and 2, shall be nominated from the West district, and two positions, numbered 3 and 4, shall be nominated from the East district. The district boundaries shall be fixed by ordinance. Within three months after an official census or census estimate indicates that the boundaries deny equal protection of the laws, the Council shall re-specify the boundaries so as to accord equal protection of the laws.

Section 9. Councilors. The term of office of the five councilors in office when this charter is adopted shall continue for the term of office for which each was elected. At the 1994 biennial election, two councilors shall be nominated, one from each district (Position #1 and Position #3), and elected at large for four year terms. The councilor at large position and the Mayor will be elected for two year terms. At the 1996 biennial election, two councilors shall be nominated, one from each district (Position #2 and Position #4), and elected at large for four year terms. The councilor at large position and Mayor will be elected for two year terms. For elections following the 1996 biennial election, one councilor from each district will be elected for four year terms on a rotating schedule based on position numbers. The councilor at large position and Mayor position will be elected for two year terms, each as their respective terms expire.

Section 10. Terms of Office. The term of office of an elective officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

Section 11. Appointive offices. A majority of the council shall appoint and may remove a city manager and a city attorney. The majority may:

- (1) Create, abolish, and combine additional appointive offices and,
- (2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

Chapter IV

COUNCIL

Section 12. Rules. The Council shall, by resolution, prescribe rules to govern its meetings and proceedings.

Section 13. Meetings. The council shall meet in the city regularly at least once a month at a time and place designated by the council's rules, and may meet at other times in accordance with the rules.

Section 14. Quorum. A majority of the council constitutes a quorum for its business, but a smaller number of the council may meet and compel attendance of absent councilors as prescribed by council rules.

Section 15. Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 16. Mayor's Functions at Council Meetings.

- (1) 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.
- (2) The mayor shall not vote, except in the case of a tie vote of the members of the council present at the meeting.

Section 17. Council President.

- (1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.
- (2) Except in voting on questions before the council, the president shall function as mayor when the mayor is:
 - (1) Absent from a council meeting, or
 - (2) Unable to function as mayor.

Section 18. Vote Required. Except as provided in this section and Sections 11, 20, 22, 31, and 33 of this charter, the express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the council. No

resolution, ordinance or motion shall be passed except upon a favorable vote of three members of the Council.

Section 19. Vacancies: Occurrence. The office of a member of the council becomes vacant:

- (1) Upon the incumbent's:
 - (1) Death,
 - (2) Adjudicated incompetence, or
 - (3) Recall from the office, or
 - (4) Resignation from the office.

- (2) Upon declaration by the Council of the vacancy in case of the incumbent's:
 - (1) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
 - (2) Absence from the city for 30 days without the council's consent or from all meetings of the council within a 60 day period,
 - (3) Ceasing to reside in the city,
 - (4) Ceasing to be a qualified elector under state law,
 - (5) Conviction of a public offense punishable by loss of liberty, or
 - (6) Moving his or her residence from a district from which he or she was elected or appointed to represent.

Section 20. Vacancies: Filling. A vacancy in an elective office of the City, including the mayor or a council position, shall be filled by appointment by a majority of the council. Persons appointed to fill a vacancy occurring in council Position #1, #2, #3, or #4 shall satisfy the qualification requirements set forth in Section 26 of this charter. 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 disability to serve on the council or during a member's absence from the city, a majority of the other council members may be appointment fill the vacancy pro tem.

Chapter V

POWERS AND DUTIES OF OFFICERS

Section 21. Mayor.

- (1) Appointive Powers. The mayor shall appoint, subject to confirmation by the City Council:
 - (1) Members of committees and commissions, which are established by City ordinance or created by the City Council, and
 - (2) Other persons required by the council to be so appointed.
- (2) Signature of Documents. The mayor shall have no veto power and shall sign all ordinances and resolutions passed by the Council within three (3) days after their passage.

Section 22. City Manager.

- (1) The city manager is the administrative head of the city government.
- (2) A majority of the council shall appoint and may remove the manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The manager need not reside in the city or the state when appointed, but promptly thereafter, the manager shall become, and during his or her tenure of office, remain a resident of the city, unless the residency requirement is waived by City Council.
- (4) Upon accepting the appointment, the manager shall furnish the City a bond in an amount and with a surety approved by the council. The City shall pay the bond premium.
- (5) The manager shall be appointed for an indefinite term and may be removed by the council at its pleasure. Within six consecutive months after a vacancy occurs in the office, the council shall fill the vacancy by appointment.
- (6) The manager shall:
 - (1) Attend all council meetings unless excused by the council or mayor;
 - (2) Keep the council advised of the affairs and needs of the City;
 - (3) See that the provisions of all ordinances are administered to the satisfaction of the Council;
 - (4) See that all terms of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled;
 - (5) Appoint, discipline and remove appointive personnel, except appointees of the mayor or council;

- (6) Supervise and control the manager's appointees in their service to the City;
 - (7) Organize and reorganize the departmental structure of City government;
 - (8) Prepare and transmit to the council an annual City budget;
 - (9) Supervise City contracts;
 - (10) Supervise operation of all City-owned public utilities and property;
 - (11) Delegate responsibility to appropriate personnel to perform the function of City Clerk, concerning the maintenance of records of all Council proceedings and the maintenance and custody of the City's public records and documents; and
 - (12) Perform other duties as the Council prescribes consistent with this charter, and as may be outlined in a written employment agreement, including a job description and salary and benefit considerations, for the manager. Any written employment agreement shall include provisions concerning the termination and removal of the City Manager, and may include provisions for severance pay. The Council should evaluate the city manager's performance on an annual basis.
- (7) The manager may not control:
- (1) The council;
 - (2) The municipal judge in the judge's judicial functions; or
 - (3) Except as the council authorizes, appointive personnel of the City whom the manager does not appoint.
- (8) The manager and other personnel whom the council designates may sit with the council but may not vote on questions before it. The manager may take part in all council discussions.
- (9) When the manager is absent from the city or disabled from acting as manager, or when the office of manager becomes vacant, the council shall appoint a manager pro tem, who has the powers and duties of manager, except that the manager pro tem may appoint or remove personnel only with approval of the council. No person may be manager pro tem more than six consecutive months.
- (10) Except in council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the manager or a candidate for the office of manager in the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In council meeting, members of the council may discuss with, or suggest to, the manager anything pertinent to City affairs.

Section 23. Municipal Court and Judge.

- (1) If the council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the city at a place provided by the council, a court known as the Municipal Court for the City of The Dalles.
- (2) Except as this charter or City ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.
- (3) All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.
- (4) The municipal court has original jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.
- (5) The municipal judge may:
 - (1) Render judgements and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
 - (2) Order the arrest of anyone accused of an offense against the City;
 - (3) Commit to jail or admit to bail anyone accused of such an offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
 - (6) Penalize contempt of court;
 - (7) Issue process necessary to effectuate judgements and orders of the court;
 - (8) Issue search warrants and inspection warrants; and
 - (9) Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (6) The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.
- (7) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter VI

ELECTIONS

Section 24. State Law. 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 25. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the City.

Section 26. Qualifications.

- (1) An elective City officer shall be a qualified elector under the state constitution and shall have resided in the city during the twelve (12) months immediately before being elected or appointed to the office. In the case of a councilor elected or appointed to represent a district, the councilor shall also be subject to the requirement that he or she must have been a resident of the district for a period of 90 days prior to the election or appointment. In this subsection “city” means area inside the City limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective City office.
- (3) An elective officer may be employed in a City position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court or in some other manner, whichever the council prescribes.
- (4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the City are whatever the council prescribes or authorizes, except as Section 22 of this charter provides to the contrary regarding the city manager’s qualifications.

Section 27. Oath. Before assuming City office, an elective 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, and the ordinances of the City of The Dalles.

Chapter VII

PERSONNEL

Section 28. Compensation. The council shall prescribe the compensation of City personnel. The council may prescribe a plan for reimbursing City personnel and councilors or mayor for expenses that they incur in serving the City. No councilor or mayor, however, may receive compensation for serving in that capacity.

Section 29. Merit Systems. Subject to council approval and to all collective bargaining agreements between the City and one or more groups of its employees, the city manager shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees.

Chapter VIII

ORDINANCES

Section 30. Ordaining Clause. The ordaining clause of an ordinance shall read:

- (1) In case of adoption by the council alone, “The council of the City of The Dalles ordains as follows:”.
- (2) In case of adoption or ratification by the voters of the City, “The people of the City of The Dalles ordain as follows:”.

Section 31. 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, an ordinance shall be fully and distinctly read in open council meeting on two different days before being adopted by the council.
- (2) Except as subsection 93) of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all council members present, provided the ordinance is read first in full and then by title.
- (3) An ordinance may be adopted, without being read in full, and read by title only, under the following conditions:
 - (1) No council member present at the reading requests that the ordinance be read in full; and
 - (2) At least two weeks before the 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 shall endorse it with its date of adoption and the endorser's name and title of office.

Section 32. Effective Date. A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An emergency ordinance is an ordinance necessary to have immediate effect for the preservation of the peace, health, or safety of the City. An emergency ordinance must state the reasons for the emergency in a separate section, and must be approved by an affirmative vote of three members of the Council. An ordinance adopted to meet an emergency may take effect as soon as adopted.

Chapter IX

PUBLIC IMPROVEMENTS

Section 33. Procedure.

- (1) 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 applicable state law. A proposed public improvement, which is defeated by remonstrance's filed by owners of land to be specially assessed for the improvement, shall be suspended for six months; except for a public improvement which has been declared by an affirmative vote of three members of the council present to be needed at once because of an emergency. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the Council.
- (2) In this section "owner" means the record holder of legal title, or as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Section 34. 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 general ordinance.

Chapter X

MISCELLANEOUS PROVISIONS

Section 35. Debt. The City's indebtedness may not exceed debt limits imposed by state law. A City officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

Section 36. Airport. The City of The Dalles shall have the power and authority to own, operate, develop, and maintain an airport inside or outside the city limits of the City of The Dalles, and inside or outside the territory of the State of Oregon.

Section 37. Continuation of Ordinances. Insofar as consistent with this charter, and until amended or repealed all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 38. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 39. 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 requires.

Section 40. Time of Effect. This charter shall take effect upon certification of the vote thereon.