

2000 CITY OF WESTON CHARTER

PREAMBLE

We, the people of Weston, Umatilla County, 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 2000 Weston Charter.

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

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 I. Corporate Seal. The corporate seal of the city of Weston shall bear the name of the city surrounded by a burlled outer ring and a dotted inside ring with the words, "Official Seal," within the inner circle. The seal shall be used to authenticate all acts of this corporation. The seal of this city shall be kept by the City Recorder and shall be affixed by the recorder to all acts required to be authenticated.

Section 2. Powers of the City. The city has all powers that the constitutions, statutes, and common Jaw 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 3. 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 4. 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 1. Council. The council consists of a mayor and four councilors nominated and 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 2. Councilors. 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 (or is elected at the time of the adoption). At each general election after the adoption, two councilors shall be elected, each for a four year term.

Section 3. 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 general election, a mayor shall be elected for a four year term.

Section 4. 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 5. Appointive Offices. Additional officers of the city shall be a municipal judge, a recorder, and such other officers as the council deems necessary. Each of these officers shall be appointed. A majority of the council may:

- (1) Create, abolish, and combine appointive city offices and,
- (2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal and,
- (3) Designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his/her judicial functions.

Chapter IV
COUNCIL

Section I. Rules. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 2. Meetings. All deliberations and proceedings of the council shall be public, except for executive sessions.

(1) Regular meetings. The council shall meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

(2) Special meetings. The mayor upon his/her motion may, or at the request of two members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than twenty-four hours, except in dire emergencies.

Section 3. Quorum. A majority of the incumbent members 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 and ordinance.

Section 4. Mayor's Functions at Council Meetings.

- (1) When present at council meetings the mayor shall:
 - (a) Preside over deliberations of the council,
 - (b) Preserve order,
 - (c) Enforce council rules, and
 - (d) Determine the order of business under the rules.

(2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to the council president, if present, or otherwise to another council member.

- (3) The mayor is a voting member of the council.

Section 5. 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 elect a president from its councilors.

(2) Except in voting on questions before the council, the president shall function as mayor when the mayor is:

- (a) Absent from a council meeting, or
- (b) Unable to function as mayor.

Section 6. Vote Required. 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, except as the following sections of this charter prescribe otherwise:

- (1) Chapter III, Section 5,
- (2) Chapter IV, Section 9, and
- (3) Chapter VIII, Section 2.

Section 7. Vacancies: Occurrence. The office of a member of the council becomes vacant:

(1) Upon the incumbent's:

- (a) Death,
- (b) Adjudicated incompetence, or
- (c) Recall from the office; or

(2) Upon declaration by the council of the vacancy in case of the incumbent's:

- (a) 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,
- (b) Absence from the city for more than 30 days or from all meetings of the council within a 60 day period or from more than 4 regular meetings during a 12 month period, any or all of the above without the council's consent,
- (c) Ceasing to reside in the city,
- (d) Ceasing to be a qualified elector under state law,
- (e) Conviction of a public offense that carries a penalty of a possible loss of liberty, or
- (f) Resignation from the office.

Section 8. Vacancies: Filling.

(1) A vacancy in the council shall be filled by appointment by a majority of the full remaining council.

(2) 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.

(3) During such a vacancy or during a council member's disability to serve on the council or during a member's absence from the city for more than 30 days as approved by the council, a majority of the other council members may by appointment fill the vacancy pro tem.

(4) A councilor who has been recalled by an election shall return to office by election of the voters only.

Chapter V
POWERS AND DUTIES OF OFFICERS

Section 1. Mayor. The mayor shall:

- (1) Appoint the committees and other persons required by the council and its rules,
- (2) Sign all approved records of proceedings of the council and countersign all orders on the treasury,
- (3) Have no veto power,
- (4) Sign all ordinances passed by the council within three days after their passage,
- (5) Upon the approval of the council, endorse all bonds of officers of the city and all bonds for licenses, contracts, and proposals.

Section 2. Municipal Court and Judge.

- (1) The council will create the office of municipal judge and fill it by appointment. The appointee shall hold, within the city at a place and times that the council specifies, a court known as the Municipal Court for the City of Weston, Umatilla County, Oregon.
- (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:

(a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;

(b) Order the arrest of anyone accused of an offense against the city;

(c) Commit to jail or admit to bail anyone accused of such an offense;

(d) Issue and compel obedience to subpoenas;

(e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;

(f) Penalize contempt of court;

(g) Issue process necessary to effectuate judgments and orders of the court;

(h) Issue search warrants; and

(i) Perform other judicial and quasi-judicial functions prescribed by ordinance.

(6) The council may authorize the municipal judge to appoint municipal judges pro tern 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.

Section 3. Recorder. The recorder shall serve ex-officio as clerk of the council; attend all its meetings unless excused therefrom by the council; record on tape and accurately summarize within 24 hours in a book provided for that purpose all proceedings of its meetings; sign all orders on the treasury; and countersign all instruments and writings authorized by the charter, the state constitution, or laws, or the council. The tape recordings, transcriptions, and other official records shall be safely stored in City Hall. In the absence of the recorder from a council meeting, the mayor shall appoint a clerk of the council pro tern, who, while acting in that capacity, shall have all the authority and duties of the recorder.

Chapter VI
PERSONNEL

Section 1. 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 months immediately before being elected or appointed to the office. 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) No candidate for council may have been convicted within the past ten years of a public offense that carries a penalty of a possible loss of liberty nor released within the past five years from incarceration or from post-incarceration supervision.

(5) Except as subsections (3) and (4) of this section provide to the contrary, the council is the final judge of the election and qualifications of its members.

(6) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

Section 2. Compensation. The council shall prescribe the compensation of city officers. No councilor, however, may receive compensation for serving in that capacity. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city. The compensation for services of city employees shall be fixed by the council in accordance with state and federal laws.

Section 3. Terms of Employment. Subject to all collective bargaining agreements between the city and one or more groups of its employees, the council shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees. Said rules shall be also subject to all applicable state statutes and state and federal regulations.

Section 4. Oath. Before entering upon the duties of city office, each officer shall affirm or take an oath to support the constitutions and laws of the United States and of Oregon and to faithfully perform the duties of office.

Chapter VII
ELECTIONS

Section 1. 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 2. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the city.

Chapter VIII
ORDINANCES

Section 1. Ordaining Clause. The ordaining clause of an ordinance shall be "The city of Weston ordains as follows:"

Section 2. 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 (3) 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) 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 the reading:
 - (i) A copy of the ordinance is provided for each council member,
 - (ii) Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and
 - (iii) 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 3. Effective Date. A nonemergency ordinance takes effect on the thirtieth day after its adoption or on a later day the day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

Chapter IX PUBLIC IMPROVEMENTS

Section 1. 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. Proposed action on a public improvement that is not declared by two-thirds of the council present to be needed at once because of an emergency shall be suspended for six months upon remonstrances by owners of

land to be specially assessed for the improvement. 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 hold of legal title, the purchaser.

Section 2. 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 1. 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 2. 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 3. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 4. 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 5. Time of Effect of Charter. This charter shall take effect April 1, 2000.