

CITY OF CENTRAL POINT CHARTER OF 2010

A CHARTER

To provide for the government of the City of Central Point, Jackson County, Oregon; and to repeal all charter provisions of the City enacted prior to the time that this charter takes effect, except as herein otherwise provided.

PREAMBLE

We, the voters of Central Point, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment shall be referred to as the city of Central Point Charter of 2010.

Section 2. Name of City. The municipality of Central Point, Jackson County, Oregon, shall continue to be a municipal corporation with the name "City of Central Point".

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

CHAPTER II

POWERS

Section 4. Powers of the City. The City shall have all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power was not mentioned. The charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the Oregon Constitution.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers

in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

CHAPTER III

COUNCIL

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city at large provided, however, that the council shall have the right by ordinance to establish wards and to designate one or more council members to be elected by ward.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform mayoral duties.

Section 10. Rules. The council must, by resolution, adopt rules to govern its meetings.

Section 11. Meetings. The Council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules.

Section 12. Quorum. A majority of the council constitutes a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

CHAPTER IV

LEGISLATIVE AUTHORITY

Section 15. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be “The people of the City of Central Point do ordain as follows:”.

Section 16. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of a quorum at two meetings.

(b) The council may adopt an ordinance at a single meeting by the approval of a majority of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public at the meeting before the council adopts the ordinance.

(d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian’s name and title.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

CHAPTER V

ADMINISTRATIVE AUTHORITY

Section 18. Resolution Approval Clause. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions shall state “The City of Central Point resolves as follows:”.

Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the majority of a quorum at a single meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public at the meeting before the council adopts the resolution.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

CHAPTER VI

QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders shall state "The City of Central Point orders as follows:".

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the majority of a quorum at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

CHAPTER VII

ELECTIONS

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected³⁶ for four-year terms.

Section 25. Mayor. The term of a mayor in office when this charter is adopted is the term for which the mayor was elected. At every other general election after the adoption, a mayor will be elected for a four year-term.

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 27. Qualifications.

- (a) The mayor and each councilor must be qualified electors under state law, and reside within the city limits for at least one full year immediately prior to election or appointment to office.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.
- (d) The council is the final judge of the election and qualifications of its members.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

Section 29. Terms. The term of a council member elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and the State of Oregon.

Section 31. Vacancies: The mayor or a council office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Death,
 - (2) Adjudicated incompetence, or
 - (3) Recall from the office.
- (b) Upon declaration by the council after the incumbent's:
 - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
 - (2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period.
 - (3) Ceasing to reside inside the city limits,
 - (4) Ceasing to be a qualified elector under state law,
 - (5) Conviction of a public offense punishable by loss of liberty,
 - (6) Resignation from the office, or
 - (7) Removal under Section 33(h).

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office shall run from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absence from the city for an extended period of time, a majority of the council may appoint a councilor pro tem.

CHAPTER VIII
APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the council for the proper administration of all city business. The city manager will assist the council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after a vacancy occurs.

(d) The manager or the manager's designee must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the mayor and council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Administer city utilities and property;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for acts of all subordinates.

(e) The manager has no authority over the council or over the judicial functions of the municipal judge.

(f) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(g) The city manager shall designate an assistant city manager. In the event the city manager is unable to carry out his/her duties as manager for a prolonged or unspecified period of time or if the office of city manager becomes vacant, the council must appoint a city manager pro tem. If the city manager pro tem is someone other than the assistant city manager, the city manager pro tem may appoint or remove employees only with city council approval.

(h) No council member may directly or indirectly attempt to coerce the manager, a candidate for the office of manager, or a city employee with personnel decision authority in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Section 34. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.

(b) All proceedings of the court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city as permitted by state law shall be within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

(1) Render judgments and impose sanctions on persons and property;

(2) Issue and compel obedience to subpoenas;

(3) Compel witnesses to appear and testify and jurors to serve for trials before the court;

- (4) Penalize contempt of court;
- (5) Issue search warrants; and
- (6) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The council may appoint and may remove municipal judges pro tem.
- (g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER IX

PERSONNEL

Section 36. Compensation. The compensation for the services of each City officer and employee shall be under the supervision of the city manager in accordance with an employee compensation plan adopted by the City Council.

CHAPTER X

PUBLIC IMPROVEMENTS

Section 37. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 38. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

CHAPTER XI

MISCELLANEOUS PROVISIONS

Section 39. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 40. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 41. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 42. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 43. Charter Review. The City Council shall appoint a committee to review this charter within 10 years of adoption.

Section 44. Time of Effect. This charter takes effect January 1, 2011.