

City Charter for the City of Vale, Oregon

Section 1 - Title of Enactment

This enactment may be referred to as the Vale City Charter of 1970.

Section 2 - Name of City

The municipality of Vale, Malheur County, Oregon; shall continue to be a municipal corporation with the name of "CITY OF VALE."

Section 3 - Boundaries

The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Council, or by any other agency with legal power to modify them. The City Clerk shall keep in his office at the City Hall at least two copies of this Charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the City Clerk.

Section 4 - Description

(omitted)

Chapter II - Powers

Section 5 - Powers of the City

The City shall have all powers which the Constitution, state 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 6 - 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 were 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 state constitution.

Chapter III

Section 7 - Where Power is Vested

Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.

Section 8 - Council

The council shall be composed of a Mayor and five Councilmen elected from the City at large.

Section 9 - Councilmen

The Councilmen in office at the time this Charter is adopted shall continue in office, each until the end of his term of office as fixed by the charter of the City in effect at the time this charter is adopted. At the first biennial general election after this charter takes effect, three councilmen shall be elected, at the second biennial election after this Charter takes effect, two councilmen shall be elected, and at each subsequent biennial election councilmen shall be elected to fill the expired terms. Candidates receiving the highest number of votes shall be elected and, upon qualification, shall serve for four years.

Section 10 - Mayor

At each biennial general election a Mayor shall be elected for a term of two years.

Section 11 - Other Officers

Additional officers of the City shall be a municipal judge, a city clerk, and such other officers as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive city offices. The Council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

Section 12 - Salaries

The compensation for the service of each city officer and employee shall be the amount fixed by the Council.

Section 13 - Qualification of Officers

No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be the final judge of the qualifications and election of its own members.

Chapter IV - Council

Section 14 - Meetings

The council shall hold a regular meeting at least twice a month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The Mayor upon his own motion may, or at the request of three 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 two nor later than forty-eight hours after the notice is given. Special

meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 15 - Quorum

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

Section 16 - Record of Proceedings

The council shall cause a record of its proceedings to be kept. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record proceedings. Upon the request of any of its members, the ayes and nays upon any other question before it shall be taken and entered in the record.

Section 17 - Proceedings to be Public

No action of the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 18 - Mayor's Functions at Council Meetings

The Mayor shall be chairman of the council and preside over its deliberations. He shall have authority to preserve order and enforce the rules of the council.

Section 19 - President of the Council

At its first meeting after this Charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

Section 20 - Vote Required

Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council

Chapter V - Powers and Duties of Officers

Section 21 - Mayor

The Mayor shall appoint the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council and every ordinance passed by the council within three days after its passage, unless vetoed. 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. He shall have no vote, but he shall have the power to veto any action of the council upon the following conditions:

1. The veto shall be made in writing;

2. The veto shall be filed in the office of the City Clerk not later than the close of the regular office hours on the third day subsequent to the meeting at which the action vetoed occurred or the ordinance vetoed was enacted;
3. The reason for the veto may, but need not be stated;
4. The veto is waived by the signing of the ordinance enacted or by the failure to veto within the time provided;
5. At the first regular meeting of the council subsequent to the veto, the council may act or enact an ordinance notwithstanding the veto by an affirmative vote of four of its number and upon such vote, the action is affirmed or the ordinance is enacted.

Section 22 - Municipal Judge

The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the City of Vale, Malheur County, Oregon. The court shall be open for transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail, or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgements of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances of this Charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the general laws of the state governing justices of the peace and justice courts.

Section 23 - City Clerk

The city clerk shall serve ex officio as clerk of the council, attend all meetings unless excused therefrom by the council, keep an accurate record of its proceedings, and sign all orders on the treasury. In the city clerk'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 city clerk.

Chapter VI - Elections

Section 24 - Regular Elections

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

Section 25 - Notice of Regular Elections

The city clerk pursuant to directions from the council, shall give at least ten days notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 26 - Special Elections

The council shall provide the time, manner, and means for holding any special election. The city clerk shall give at least ten days notice of each special election in the manner provided by the action of the council ordering the election.

Section 27 - Regulations of Elections

Except as this Charter provides otherwise and as the council provides otherwise by ordinances relating to 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 city clerk on or before noon of the day following, and not later than five days after the election of the council shall meet and canvass the returns. The results of all elections shall be entered in the record of 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 city clerk 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 - The 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 30 - Commencement of Terms of Office

The term of office of a person elected at a regular! City election shall commence the first of the year immediately following the election.

Section 31 - 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 all the duties of his office.

Section 32 - Nominations

A qualified elector who has resided in the city during the 12 months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than 20 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the City Clerk as one instrument not earlier than 90 nor later than 30 days before the election. The City Clerk shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the City Clerk shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the City Clerk shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed within the regular time for filing nomination petitions. The City Clerk shall notify an eligible person of his nomination, and the person shall file with the City Clerk his written acceptance of nomination, in such form as the council may require, within five days of notification. Upon receipt of the acceptance of nomination, the City Clerk shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the City Clerk until the term of office for which the candidate is elected expires.

Chapter VII - Vacancies in Office

Section 33 - What Creates a Vacancy

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence, conviction of a felony, other offense pertaining to his office, or unlawful destruction of public

records, resignation, recall from office, or ceasing to possess the qualifications for the office, upon the failure of the person elected or appointed to qualify therefore within ten days after the time for his term of office to commence, or in the case of a mayor or councilman, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without the consent of the council and upon a declaration by the council of the vacancy.

Section 34 - Filling of Vacancies

Vacant elective offices in the city shall be filled by an appointment by the council. A majority vote of the council shall be required to validate the appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

Chapter VIII - Ordinances

Section 35 - Enacting Clause

The enacting clause of all ordinances hereafter enacted shall be, "The City of Vale ordains as follows:"

Section 36 - Mode of Enactment

1. Except as the second and third paragraphs of this section provide to the contrary, every ordinances of the council shall, before being put upon its final passage, be read fully and distinctly in open council meetings on two different days.
2. Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.
3. Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city clerk not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its term as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

Section 37 - When Ordinances Take Effect

An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When 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 38 - 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 39 - 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. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefore. In this section "owner" shall mean the record holder of legal title, or, where land is being purchased under a land sale contract re-recorded or verified to the city clerk in writing, the purchaser shall be deemed the "owner".

Section 40 - 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 41 - Bids

A contract in excess of \$1500.00 for public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

Chapter X - Miscellaneous Provisions

Section 42 - Debt Limit

Except by the consent of the voters, the city's voluntary floating indebtedness shall not exceed \$50,000.00 nor its bonded indebtedness, \$250,000.00 at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time of this Charter takes effect shall not be considered. All city officials and employees who create or

officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 43 - 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 44 - Repeal of Previously Enacted Provisions

All Charter provisions of the city enacted prior to the time that this Charter takes effect are hereby repealed.

Section 45 - Time of Effect of Charter

This Charter shall take effect, January 1, 1970.