CITY OF SWEET HOME
SWEET HOME, OREGON

CHARTER

Completely Revised August 2014

AN ACT TO REVISE THE CHARTER OF THE CITY OF SWEET HOME, LINN COUNTY, OREGON.

Be it enacted by the City of Sweet Home, Linn County, Oregon:

CHAPTER I
NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1. Name and Boundaries. The City of Sweet Home, Linn County, Oregon shall, upon the taking effect of this charter, continue to be a municipal corporation under the name of the City of Sweet Home.

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.

Section 2. Powers of the City. Subject only to limitations provided in this charter, the city shall have all rights, powers, privileges and immunities now or hereafter granted either expressly or impliedly to municipalities by the constitution, statues and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this charter.

The enumeration of or reference to particular rights, powers, privileges and immunities in this charter shall not be construed to be exclusive. This charter shall be liberally construed to the end that the city may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.

CHAPTER II
FORM OF GOVERNMENT

Section 3. Council and Mayor. Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large.
At each biennial general election, four councilors shall be elected. The three receiving the highest number of votes shall each hold office for four years, and the one receiving the number of votes next to the three highest shall hold office for two years. Tie votes shall be determined by lot.

At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.

The mayor and councilors in office at the time of adoption of this charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this charter.

Section 4. *City Attorney*, Manager and Municipal Judge. The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who shall hold office subject to the discretion of the council and may be removed by the council with or without cause.

Section 5. Other City Officers and Employees. The city manager shall appoint a treasurer, a chief of police and such other officers and employees of the city as the council deems necessary, and may remove any of them at any time with or without cause. The council may by resolution require any officer to fill and perform the duties of two or more offices.

Section 6. Salaries. The council shall fix the compensation of all city officers and employees.

Section 7. Bonds of Officers, Employees and Contractors. If ordinances require, every person appointed to an office or place of public employment in the city or entering into a contact with the city shall give the city a bond for the faithful performance of his/her duties. Nothing in this section, however, shall detract from the effect of Section 20.

CHAPTER III
ELECTIONS

Section 8. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general law of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the city at least one year may be nominated for the council or for mayor.

Section 9. Special Elections. The council may by resolution or ordinance order a special election and provide the time, manner and means for holding it. At least 10 days notice shall be given of each special election.

Section 10. Commencement of Terms of Office. The term of office of each person elected to office at a regular city election shall commence on the first Monday of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon his/her office immediately.

Section 11. Oath of Office. Each officer, before entering upon the duties of his/her office, shall take an oath that he/she will support the constitution and laws of the United States and the state, and that he/she will faithfully perform the duties of his/her office.

CHAPTER IV
VACANCIES

Section 12. Vacancies in Office Generally. An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in case of the mayor, manager, municipal judge or councilor, or without the consent of the manager in case of officers appointed by the manager; upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefore on or before the day of his/her term of office commences; and in case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council.

Section 13. Manner in Which Vacancies Shall Be Filled. Vacancies in office filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his/her successor is chosen and qualified. Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 24 hours after his/her appointment qualify for office, and unless he/she does so, the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his/her office may be filled temporarily in the manner provided for filling vacancies in office.

CHAPTER V
THE COUNCIL

Section 14. Council Meetings. The council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the council may be called by the mayor, either upon his/her own motion or upon the request of at least three members of the council, and held at any time, upon verbal or written notice to all members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council.

Section 15. Quorum. A majority of council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public.

Section 16. Mayor's Duties at Council Meetings. The Mayor shall be chairperson of the council and shall preside over its deliberations. He/she shall have authority to preserve order, enforce the rules of council and determine the order of business, subject to the rules of the council. He/she may vote as a councilor.

Section 17. President Pro Tem. At its first meeting in the new term after each biennial election, the council shall elect from its membership, a president pro tem for a term of two years. The president pro tem shall perform the duties of the mayor in the absence of the mayor.

Section 18. Vote Required. The concurrence of a majority of a quorum shall be required to determine any matter before the council except as provided otherwise in this charter.

CHAPTER VI
POWERS AND DUTIES OF THE CITY OFFICERS

Section 19. Mayor. The mayor shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. He/she shall sign all ordinances passed by the council within three days after their passage. He/she shall sign all instruments and writings authorized by this charter, the laws of the state or the council. In the absence of the mayor, such instruments shall be signed by the president pro tem of the council. All orders on the city treasurer shall be signed by two of the three following named city officers, being the mayor, the city manager and the city treasurer.

Section 20. Manager.

(a) Qualifications. The manager shall be the administrative head of the city government. He/she shall be chosen by the council without regard to political consideration and solely with reference to his/her executive and administrative qualifications.

Before entering upon his/her duties, the manager shall file with the mayor an official bond for faithful performance thereof, payable to the city in the sum of $10,000, the premium of which shall be paid by the city. The bond shall be to the satisfaction of the council, and the approval of the mayor shall be endorsed thereon.

(b) Term. The manager shall be appointed for an indefinite term, but may be removed with a vote of four members of the council. Upon any vacancy occurring in the office of the manager subsequent to the first appointment hereunder, the council shall, at its next meeting, adopt a resolution of its intention to appoint a manager, and no such appointment shall be made until at least four weeks after adoption of the resolution. The council shall appoint a manager within a reasonable time after the adoption of the resolution of intention.

(c) Powers and duties. The powers and duties of the manager shall be:

(1) To see that all ordinances are enforced.

(2) To appoint all heads of departments and other city officers and employees, and remove them at pleasure, and to have general supervision and control over them, except as otherwise provided in this charter. All such appointments shall be made upon the basis of merit and fitness alone.

(3) To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are fully observed, and to report to the council any violations thereof.

(4) To attend all meetings of the council unless excused therefrom by three councilors or by the mayor.

(5) To act as purchasing agent for all departments of the city. All purchases shall be made in accordance with the council approved city purchasing policy.

(6) To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of city government, except councilors.

(7) To keep the council advised to the needs of the city.

(8) To prepare and submit to the budget committee the annual budget estimate and such reports as may be required by that body.

(9) To submit to the council an annual report of all departments of the city and such other reports as the council may require.

(10) To prepare or cause to be prepared plans and specification for work coming under his/her supervision which the council orders, and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

(11) To have control, subject to such ordinances as may from time to time be adopted, for all public utilities owned or operated by the city.

(12) To have general supervision over all city property and its use by the public or city employees.

(13) To appoint such advisory boards as he/she may deem desirable to advise on, assist him/her in his/her work; but the members of such boards will receive no compensation as such board members.

(14) To perform such other duties as may be required by this charter or as the council may require of him/her.

(15) From time to time, in order to facilitate the prompt, economical and efficient dispatch of city business, to organize the work of the departments under his/her control, to assign assistants, deputies, and employees from any office or department of the city government to perform work or service in connection with any other office or department thereof, or to work in more than one said offices or departments thereof; provided, that no such change shall affect the powers or duties of any elective officer to the city.

(16) To serve as the city recorder and such to be clerk of the council, keep an accurate record of its proceedings in a book provided for that purpose, and countersign all instruments and writings by this charter or by the laws of the state or the city.

(d) Seats at Council Meetings. The manager and such other officers of the city as may be designated by vote of the council shall be entitled to seats with the council, but shall have no vote therein. The manager shall have the right to take part in the discussion of all matters coming before council.

(e) Manager Pro Tem. During the absence of the manager from the city, during his/her temporary disability to act as manager, or during the interim when the council is seeking a manager, the council shall appoint a manager pro tem who shall possess the powers and discharge the duties of the manager during such absence or disability only; provided, however that a manager pro tem shall have no authority to appoint or remove any city officer or employee except with the approval of five members of the council. No manager pro tem shall hold his/her position for more than six months. No appointment of a manager pro tem shall be consecutively renewed.

In case of the absence of the manager or the manager pro tem from council meetings, the council shall appoint a clerk of the council pro tem.

(f) Interference in Administration. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of council, may be removed therefrom by the council or by any court of competent jurisdiction; provided, however, that nothing herein contained shall be construed as prohibiting the council, while in open session, discussing with or suggesting to the manager, fully and freely, anything pertaining to city affairs and for the best interest of the city. Neither the manager nor any person in the employ of the city shall take any part in securing, or shall contribute any money toward, the nomination or election of any candidate for the municipal office.

(g) Ineligible Persons. No person related to the manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the city.

Section 21. Municipal Judge. The municipal judge shall be the judicial officer of the city. He/she shall hold within the city a court known as the municipal court for the City of Sweet Home, Linn County, Oregon. The court shall be open for the transaction of the judicial business at times specified by the council. All areas 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 or authorized by ordinances of the city. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinance of the city, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trail of any cause before him/her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of the city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section of this charter, the council may provide for the transfer of power and duties of the municipal court to the appropriate state court of the State of Oregon.

Section 22. Other Officers. The council shall fix the powers and duties of all appointive offices other than those provided for in this charter.

CHAPTER VII
ORDINANCES

Section 23. Enacting Clause. The enacting clause of all ordinances hereafter passed shall be "The City of Sweet Home does ordain as follows."

Section 24. Introduction, Reading and Passage. Every ordinance shall be fully and distinctly read in open council meeting on one day and shall be read by title only on two different days previous to being put upon its final passage provided that the council may have the ordinance fully and distinctly read at any reading thereof; provided, however, that any ordinance may be introduced and read the first time at any meeting and may upon a unanimous vote of all the members of council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day.

Section 25. When Ordinances Take Effect and Publication Thereof. Each ordinance passed by the council shall take effect on the thirtieth day after its passage; provided, that when the council deems it expedient or in case of emergency, an ordinance may provide a different time when it shall take effect, that it shall take effect immediately. All ordinances shall be posted for 10 days after passage in three or more conspicuous places in the city.

CHAPTER VIII
PUBLIC IMPROVEMENTS

Section 26. Power of Condemnation and Purchase. The city shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of (a) protecting, preserving and facilitating an improvement or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the City of Sweet Home shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and stating the use to which it is to be devoted. The city shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use of the construction, reconstruction, repair, operation or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility and of any other public work or service, by levying and collecting special assessments upon property specially benefited.

Section 27. Special Assessment. The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district or area to be assessed; for the making and approval of the plans and specifications; for the notices of property owners and other interested parties; for the hearings, for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, resolutions, ordinances and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state or (b) the provisions of a general ordinance setting forth such method and procedure, which general ordinance may be enacted by council and shall be subject to amendment or repeal.

Section 28. Improvements. Street, sewer, sidewalk and such other improvements as may be deemed necessary by the council may be made on the motion of the council or on petition of a majority of the property owners interested. Remonstrance of two-thirds of the front footage of property owners concerned shall operate to defeat such motion of petition and the same may not again be considered by the council for a period of six months.

Section 29. Savings Clause. All ordinances, resolutions, policies, procedures, contracts and regulations heretofore passed by the city, in force when this charter takes effect, if not inconsistent with it, shall remain in full force after it takes effect and until they are amended or repealed by the council.

Section 30. City to Retain Rights and Be Subject to Liabilities in Existence at Time This Charter Takes Effect. No right vested in the city and no liability which it has incurred under this charter, prior charters, and any revisions and amendments thereof and laws of the state shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides.

Section 31. Limitations on Indebtedness. City indebtedness may not exceed the debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 32. Repealing Clause. All charter provisions adopted before this charter takes effect are repealed.

Section 33. 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.