

CITY OF SHANIKO

A CHARTER

To provide for the government of the City of Shaniko, Wasco County, Oregon, to amend the Charter of 1902, by repealing Chapters 1 through 8 and adding new Sections 1 through 47. Nothing in this enactment, nor the adoption of the enactment itself, shall be construed as an act of surrendering the Charter of Shaniko as passed by the Oregon Legislature in the session of 1902 and signed by the Governor, January 29, 1902.

Be it enacted by the people of the City of Shaniko, Wasco County, Oregon

CHAPTER 1 NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the City of Shaniko Charter of 1902, 2004 Amendments.

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

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 Recorder shall keep in the records of the City of Shaniko at least two copies of this Charter of which the Recorder 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 Recorder.

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 implied, grant or allow municipalities, as full 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 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 the municipal home rule provisions of the State Constitution, Article IX, Section 2, and the 1902 City of Shaniko Charter.

Section 6. Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.

CHAPTER III FORM OF GOVERNMENT

Section 7. Council. The Council shall be composed of a Mayor and six (6) Council members elected from the city at large.

Section 8. Council members. The term of office of each Council member in office when this Charter is adopted shall continue until the beginning of the first odd numbered year after that time. At the first general election after this Charter is adopted, six council members shall be elected. Of the six, the two receiving the two highest numbers of votes shall each hold office for four years, and the two receiving the next two highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, two council members shall be elected, each for a term of four years.

Section 9. Mayor. The term of the Mayor in office when this amendment is adopted shall continue for the remainder of the term to which the Mayor was elected or appointed. At each quadrennial general election thereafter the Mayor shall be elected for a term of four (4) years.

Section 10. Recorder. The term of the Recorder in office when this amendment is adopted shall continue for the remainder of the term to which the Recorder was elected or appointed. At each quadrennial general election thereafter the Recorder shall be elected for a term of four (4) years.

Section 11. Judge and other Officers. Additional officers of the City shall be a Municipal Judge, whom shall be appointed by the Council, and such other officers as the Council deems necessary. The Council may combine any two or more appointive offices. In no such combination shall the Municipal Judge's functions be subject to supervision by any other officer.

Section 12. Salaries. The compensation for the services of each City officer and employee shall be the amount fixed by the Council by resolution.

Section 13. Qualifications of Officers. No person shall be eligible for an elective office of the City unless, at the time of election, said person is a qualified elector within the meaning of the State Constitution and has resided in the City continuously for a twelve (12) month period immediately preceding the election. The Council shall be 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 once each 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, or three (3) members of the Council, may call a special meeting of the Council. Notice of special meetings shall be given to all members of the Council then in the City not earlier than (3) days nor later than forty-eight (48) hours prior to the meeting. Special meetings of the Council may be held at any time by the common consent of all the members of the Council.

Section 15. Quorum. A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 16. Record of Proceedings. The Council shall cause a record of its proceedings to be kept. The ayes and nays upon any question before it, shall be taken and entered in the record.

Section 17. Proceedings to be Public. No action by 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. The Mayor shall vote only to break a tie, have authority to preserve order, to enforce the rules of the Council, and to determine the order of business under the rules of the Council.

Section 19. President of the Council. At the first meeting following the swearing-in of the new Council members 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 the 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 then present shall be necessary to decide any questions 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; shall sign all records of proceedings approved by the Council; and shall endorse bonds approved by the Council for licenses, contracts, proposals, or bonds of City officers.

Section 22. Municipal Judge. The Municipal Judge, whether another city officer, a State Court, or another appropriate person, shall be the Judicial officer of the City, and the functions of the Municipal Judge and the Municipal Court may be fulfilled by a State Court when so appointed and designated by the Council within Wasco County, Oregon, a court known as the Municipal Court for the City of Shaniko, Wasco County, Oregon, shall be held. The Court shall be open for the transaction of Judicial business at times and at such places specified by the Council. All area within the City shall be within the territorial jurisdiction of the Court. The Municipal Court shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the City and all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City. The Court shall have authority to insure process for the arrest of any person accused of any offense against an ordinance of the City, to commit any such person to jail or admit to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in Court on the trial of any cause before the Court, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, to punish witnesses and others for contempt of Court. When not governed by ordinances or this Charter, all proceedings of the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Courts, or by the general laws of the state governing the State Court designated or appointed by the Council.

Section 23. Recorder. The Recorder shall serve ex officio as Clerk of the Council, attend all its meetings unless excused there from by the Council, keep an accurate record of its proceedings. In the Recorder'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 Recorder. The Recorder shall be bonded in an amount determined by the council to perform the duties of a treasurer. The recorder will receive and disperse all money and funds of the city, keep accurate financial records reporting regularly to the council as the council requires.

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 election laws. The Recorder, pursuant to directions from the Council, shall give at least ten (10) days prior notice of such regular City elections by posting notice thereof at three conspicuous places in 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 elections.

Section 25. Special Elections. The Council shall provide the time, manner and means for holding any special election. The Recorder shall give at least ten (10) days prior notice of each special election in the manner provided by the action of the Council ordering the election.

Section 26. 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 there from and contests thereof.

Section 27. 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 there from shall be filed with the Recorder not later than five (5) days after the election, and the Council shall meet forthwith and canvass the returns. The result of all elections shall be entered in the record of the 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 elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the Recorder shall make, sign and deliver a certificate of election to each person elected, within one (1) week after the canvass. The certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28. Tie 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 29. 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 30. Oath of Office. Before entering upon the duties of office, each officer shall take an oath or affirm the support of the Constitutions and laws of the United States and of Oregon and that the officer will faithfully perform the duties of office.

Section 31. Nominations. A qualified elector who has resided in the City continuously for a twelve (12) month period 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 of the elector which specifies the office sought and shall be in a form prescribed by the Council. The petition for nomination shall be filed by a deadline not later than sixty-five (65) days prior to the date of the election. Upon receipt of the petition, the Recorder shall cause the nominee's name to be printed on the ballots. The petition shall be preserved in the office of the Recorder until the term of office for which the candidate is elected expires.

CHAPTER VII VACANCIES IN OFFICE

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony while in office or conviction of another crime pertaining to the 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 the office to qualify therefore within ten (10) days after the time for the term of office to commence, or in the case of a Mayor or Council member, upon absence from the City for thirty (30) days without notification to the Council, or upon absence from regular meetings of the Council for two (2) months without consent, and upon a declaration by the Council of the vacancy.

Section 33. Filling of Vacancies. A vacancy occurring in any of the elective offices provided for in this Charter shall be filled by appointment by the Council, and such appointment shall continue until the next general election, at which time if a successor Council member is elected, the appointee's term shall continue until the newly elected Council member is sworn into office.

CHAPTER VIII ORDINANCES

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter shall be, "The City of Shaniko Ordains as follows:"

Section 35. Mode of Enactment.

(1) Every ordinance of the Council shall, before being put into its final passage, be read fully and distinctly in open Council meeting.

(2) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. No ordinance shall be passed without the affirmative vote of the majority of the entire Council.

(3) Upon the enactment of an ordinance, the Recorder shall sign it with name, title of office, and date of its passage, and within three (3) days thereafter, the Mayor may sign it with date of signature, name and title of office.

Section 36. When Ordinances Take Effect. An ordinance enacted by the Council shall take effect on the thirtieth (30) day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later date for it to take effect, and in the case of an emergency, it may take effect immediately.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 37. 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 slating the uses to which it shall be devoted.

Section 38. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by the 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 (6) months upon a remonstrance thereto by the owners of two-thirds (2/3) of the land to be specifically assessed therefore. In this section, "owner" shall mean the record holder of legal title or, where the land is being purchased under a land sale contract recorded or verified to the Recorder, in writing, by the record holder of legal title to the land, the purchaser shall be deemed the "owner".

Section 39. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessment for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. Bids. A contract in excess of \$2,000.00 for a 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 41. Personnel. Due to the remote location of Shaniko and the lack of work force, a council member may work as an employee or contract hours on a needed project, only under the following conditions:

- (1) No other person available is qualified for the job. (i.e. Water master).
- (2) No other person has applied and the position or project needs to be filled or accomplished.
- (3) A conflict of interest must be declared for the record and the council member abstain from any decision making related to the position or project related to his compensation.
- (4) Council will approve such a hire by a motion and reasons for it stated in the minutes.
- (5) If a qualified person becomes available and/or applies for the position or project that is not on city council, the employed councilor will decide to remain on the council or resign and keep the compensated position.

Section 42. Debt Limit. Except by consent of the voters, the City's floating indebtedness shall not exceed ten percent (10%) of its budget for the current tax year, or the sum of \$5,000.00, whichever is the lesser sum. 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 shall remain in effect until amended or repealed.

Section 44. Repeal of Previously Enacted Provisions. The Charter of 1902 is amended by the adoption of these new Sections 1 through 47 and the previous Chapters 1 through 8 are hereby repealed.

Section 45. Severability. The terms of this charter are severable. If a part of the charter is held invalid, the invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 46. Amendment and Repeal of Charter. The legal voters of the City shall have the exclusive power to amend or repeal this Charter. Said amendment shall be proposed by motion of the City Council or by initiative petition in accordance with State election laws. Said repeal shall be proposed in such manner as prescribed by State election law but shall only appear on the regular biennial general ballot at the same time and date city officers are to be elected.

Section 47. Time of Effect. This Charter shall take effect January 1, 2005 after its passage at the previous general election in November 2004.

Passed by the Council and approved by the Mayor
or duly authorized representative, this 11th day of January, 2005

Booker T. Pannell

Mayor

ATTEST:

Debra J. Hallbrook

City Recorder