

CHARTER OF THE CITY OF JOSEPH

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CHARTER OF THE CITY OF JOSEPH

To provide for the government of the City of Joseph, Wallowa County, Oregon; and to repeal all charter provisions of the city enacted prior to the time this charter takes effect.

Be it enacted by the people of the City of Joseph, Wallowa County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Joseph Charter of 1984.

Section 2. Name of City. The city of Joseph, Wallowa County, Oregon, shall continue to be Municipal Corporation with the name “City of Joseph.”

Section 3. Boundaries. The City includes all territory encompassed by its boundaries as they exist when this revision of the charter is adopted or as they are subsequently modified in accordance with state law. The repository of city records shall include at least two copies of this charter, each containing an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection during regular office hours.

CHAPTER II

POWERS

Section 4. Powers of the City. The city has all powers which the constitution, statutes, or common law of the United States or 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 Powers. In this charter, no mention of a particular power is exclusive or restricts 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 have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws or the municipal home rule provisions of the constitution of this state.

CHAPTER III

FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this charter provides otherwise, all powers of the city are vested in the council.

Section 7. Council. The council is composed of a mayor and six council members elected from the city at large.

Section 8. Mayor. The mayor shall be elected for four years and shall hold office until his or her successor is elected and qualified.

Section 9. Council Members. Members of the council shall be elected for four years. Three council members shall be elected at each biennial general election. Each council member shall hold office until his or her successor is elected and qualified.

Section 10. Other Officers. Additional officers of the city may be appointed and removed by the council as it deems necessary.

Section 11. Salaries. The compensation of council members, the mayor, other officers and employees shall be fixed by the council. However, no increase in the compensation of council members or the mayor shall take effect until the first day of the odd-numbered year following the first biennial general election after the increase is ordered.

Section 12. Qualifications of Officers. No person is eligible for an elective office of this city unless at the time of the officer's election, the officer is a qualified elector within the meaning of the state constitution, is a resident of the city, and has been a resident of the city during the twelve months immediately preceding the election. No person shall hold an elective office of the city if the person is an employee of the city. The council is the final judge of the qualifications and election of its own members.

CHAPTER IV

CITY COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor or three council members may call special meetings of the council. Special meetings may be held at any time by the common consent of a quorum of all members of the council at any regular meeting.

Section 14. Record of Proceedings. The council shall cause a record of its proceedings to be kept.

Section 15. Quorum. A majority of the incumbent 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. 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 17. Mayor's Function at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. He/she will cast a vote but he/she shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. Mayor Pro Tem. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a mayor pro tem from its membership. In the mayor's absence from a council meeting, the mayor pro tem shall preside over it. Whenever the mayor is unable to perform the functions of his/her office, the mayor pro tem shall act as mayor.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of a quorum present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. He/she may sign all records of proceedings approved by the council. He/she shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond or application for a license, permit, contract or proposal, the mayor shall endorse the bond or application.

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 Joseph, Wallowa County, Oregon. The court shall be open for the transaction of 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 trial 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 a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section or section 11 of this charter, the council may provide for the transfer of powers and duties of the municipal court to the appropriate district court of the State of Oregon.

Section 22. Recorder. The recorder shall serve ex officio as secretary to the council, attend all its meetings unless excused therefrom by the mayor, keep accurate record of its proceedings, and sign all orders on the treasury. In the recorder's absence from a council meeting, the council shall appoint a clerk of the council pro tem who, while acting in the capacity, shall have all the authority and duties of the recorder.

CHAPER VI

ELECTIONS

Section 23. 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 contests thereof.

Section 24. Votes. The person receiving the greatest number of votes cast for any of the candidates for the office of mayor at the election at which the office filled is elected to the office of mayor. The three persons receiving the greatest number of votes cast for any of the candidates for the office of councilor at the election at which the office is filled are elected to the office of councilor. In the event of a tie vote, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 25. Oath of Office. Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the constitution and laws of the United States and of Oregon and he/she will faithfully perform the duties of his/her office.

Section 26. Nominations. A qualified elector who has resided in the city during the twelve months immediately preceding an election may be nominated for an elective city office to be filled at the election by written application. The recorder shall make a record of all applicants for city office and shall state the name and address of the person by whom it is filed. The recorder shall notify an eligible person of his/her nomination and that person shall file with the recorder his/her written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an elections hall 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 27. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offenses pertaining to his/her office, or unlawful destruction of public records; resignation, recall from office; removal of residency from the city; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his/her term of office to commence; or in the case of a mayor council member, upon his/her absence from the city for 30 days without the consent of the council or upon his/her absence from meetings of the council for 60 days without like consent and upon a declaration by the council of the vacancy.

Section 28. Filling of Vacancies. The council shall fill a vacancy in any elective city office by appointment within 90 days after the vacancy occurs. A majority vote of the council is required to validate the appointment. The appointee's term of office begins immediately upon the appointment and expires when the term of the person whose office has become vacant would have expired had that person continued in office. During the temporary disability of any officer or an officer's temporary absence from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in offices permanently.

CHAPTER VIII

ORDINANCES

Section 29. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Joseph ordains as follows."

Section 30. Adoption.

- (1) Except as subsection (3) of this section provides for reading by title or bill number only, and except as subsection (2) of this section provides for immediate adoption of emergency measures, an ordinance before being finally adopted, shall be full and distinctly read in open council meeting on two days.
- (2) Except as subsection (3) of this section provides for reading by title or bill number only, an ordinance necessary to meet an emergency may, upon being read in full and then by title, be adopted at a single meeting of the council by unanimous vote of all councilors present.
- (3) Any reading of an ordinance for purposes of adoption may be by title or bill number only:
 - (A) If no councilor present at the meeting requests that the ordinance be read in full; or
 - (B) If for one week prior to the scheduled reading, a copy of the ordinance is provided each councilor and copies are posted in at least two public places for inspection at the office of the mayor or city recorder during regular office hours.
- (4) An ordinance adopted after being read by title or bill number only has no legal effect if it differs substantially from its terms as they stand when so read, unless each section incorporating such a difference, as finally amended prior to being adopted by the council, is fully and distinctly read in open council meeting.

Section 31. Mayor's Signature. Upon the adoption of an ordinance by the council, the mayor shall sign the ordinance and indicate the date of the signing of his or her signature.

Section 32. When Ordinance Takes Effect. Except when a later time for it to take effect is provided, an ordinance adopted by the council takes effect on the thirtieth day after its adoption by the council unless it is necessary to have immediate effect for the preservation of the peace, health, safety and welfare of the city, in which event it takes effect immediately upon its adoption.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 33. 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. All such proceedings shall be in accordance with existing state laws pertaining to condemnation.

Section 34. Improvements. The procedure for making, altering, vacating to 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 therefor. In this section, "owner" shall mean the record holder of legal title or where land is being purchased under a land sale contract recorded in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 35. 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 36. Contracts. All contracts shall be in accord with State Contract Review Board laws and rules or as established by the city council in accordance with state laws as to public contracting.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 37. Presumption of Validity of City Action. In every proceeding in any court concerning the exercise or enforcement by the city or any of its officers or agencies of any power by this act given to the city or any of its officers or agencies, shall [be] presumed to be valid, and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage; and the court shall disregard every error or admission which does not affect a substantial right of the person. Any action committed by this charter to the discretion of the council is final when taken and may not be reviewed or called into question elsewhere.

Section 38. 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 39. 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 40. Procedure for Amendment. Amendments to this charter may be proposed by the city council by resolution duly adopted at any regular meeting of the council, and when so adopted, the same shall be submitted to a vote of the legal voters of the city upon the date of any general election in the State of Oregon, which may be held after giving notice as provided in this charter.

This charter may also be amended by proposal therefor under the initiative provisions of Oregon statutes by a petition duly signed by the appropriate number of qualified electors.