

CITY OF LA GRANDE

CHARTER

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT, EXCEPT THE CHARTER PROVISIONS AUTHORIZING THE ISSUANCE OF THOSE GENERAL OBLIGATION BONDS STILL OUTSTANDING

BE IT ENACTED by the People of the City of La Grande, Union County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. CHARTER. This Charter may be referred to as the 1998 Amended Charter.

Section 2. NAME OF CITY. The municipality of La Grande, Union County, Oregon, shall continue to be a municipal corporation with the name, City of La Grande.

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 Custodian of the City's Records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the City during regular City office hours.

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 POWERS. 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 law and to the municipal home rule provisions of the State Constitution.

Section 6. DISTRIBUTION OF POWERS. Except as this Charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the City, all powers of the City are vested in the Council.

CHAPTER III

FORM OF GOVERNMENT

Section 7. COUNCIL. The Council shall be composed of seven (7) Councilors, including the Mayor, elected by Position Number from the City at large.

Section 8. COUNCILORS. The Councilors in office at the time this Charter is adopted shall continue in office, each until the end of their term of office, as fixed by the Charter of the City in effect at the time this Charter is adopted.

The Position of Mayor shall be a two (2) year term and shall be assigned Position Number One (1). Councilors serving four- (4) year terms shall be assigned Position Numbers Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7). Candidates for Position Numbers One (1), Two (2), and Three (3), shall be nominated at the first Biennial Primary Election after the amended Charter is adopted (November, 1988). At the first Biennial General Election after the amended Charter is adopted (November, 1998), those candidates who receive a majority of the votes cast shall be elected.

At each Biennial Primary and General Election, the Mayor and number of Councilors required to fill vacancies pursuant to Sections 28. and 29., of this Charter shall be nominated and/or elected, respectively.

Effective January 1, 1999, the Councilor Rotation is reflected in the following Table, for Election Years 2000, 2002, 2004, 2006, 2008, 2010, and 2012. In the Year 2006, Position Numbers One (1), Five (5), Six (6), and Seven (7), shall be elected. In the Year 2008, Position Numbers One (1), Two (2), Three (3), and Four (4), shall be elected, and so on.

Section 9. QUALIFICATIONS OF OFFICERS. No persons shall be eligible for an elective office of the City unless at the time of their election they are qualified electors within the meaning of the State Constitution and City Charter and have resided in the City during the six (6) months immediately preceding the election.

Section 10. MAYOR PRO TEM. At its first meeting of each odd-numbered year, the Council shall elect from its membership a Mayor Pro Tem. The term of office for the Mayor Pro Tem shall be two (2) years. If a vacancy occurs in either the office of Mayor or Mayor Pro Tem, it shall be filled in accordance with **Section 31.** of this Charter.

Section 11. APPOINTIVE OFFICES. Except for the Office of the City Manager, a majority of the Council may create, abolish, and combine appointive City offices.

Section 12. COMPENSATION. The compensation for the services of each City officer and employee shall be the amount fixed by the Council. No increase in compensation of Councilors, however, shall take effect until the first day of the odd-numbered year following the first Biennial General Election after the increase is ordered.

CHAPTER IV

COUNCIL

Section 13. RULES. The Council shall, by Resolution, prescribe *Rules* to govern its meetings and proceedings.

Section 14. MEETINGS. The Mayor may, upon his or her own Motion, or at the request of at least four (4) members of the Council, call a Special Meeting of the Council. The Council shall meet in the City regularly at least once a month at a time and place designated by Council's *Rules* and may meet at other times in accordance with the *Rules*. No special meeting shall be held without at least twenty-four (24) hours' notice to the members of the Council then in the City and the general public. In case of an actual emergency, a Special Meeting may be held upon such public notice as is appropriate to the circumstances.

Section 15. QUORUM. Four (4) members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel attendance of absent members in a manner provided by Ordinance.

Section 16. RECORD OF PROCEEDINGS. A record of Council proceedings shall be kept and authenticated in a manner prescribed by the Council.

Section 17. PROCEEDINGS TO BE PUBLIC. No action by the Council shall have legal effect unless the Motion or the action and the vote by which it is disposed of takes place at proceedings open to the public.

Section 18. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The Mayor shall be Chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council. The Mayor shall have authority to preserve order, enforce the *Rules of the Council*, and determine the order of business under the *Rules of the Council*. In the Mayor's absence from a Council meeting, the Mayor Pro Tem shall preside.

Section 19. VOTE REQUIRED. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting *and voting* shall be necessary to decide any question before the Council.

Section 20. INTERFERENCE IN ADMINISTRATION. Except in Council meeting, no Councilor may directly or indirectly, by suggestion or otherwise, attempt to influence the Manager or a candidate for the office of Manager in the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In Council meeting, members of the Council may discuss with, or suggest to, the Manager anything pertinent to City affairs. Nothing in this Section shall be construed, however, as prohibiting the Council while in open (Regular) Session or Executive Session from fully and freely discussing with or suggesting to the Manager anything pertaining to City affairs or the interests of the City.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 21. MAYOR AND MAYOR PRO TEM. The Mayor shall nominate the Council's Committee and Commission members, subject to a vote of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all Ordinances adopted by the Council within three (3) days after their adoption. Whenever the Mayor is unable to perform the functions of that office, the Mayor Pro Tem shall act as Mayor.

Section 22. CITY MANAGER. Appointment.

- (1) The City Manager is the administrative head of the City government.
- (2) A majority of the Council shall appoint and may remove the Manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The Manager need not reside in the City nor the State when appointed but promptly thereafter shall become and during the Manager's tenure remain a resident of the City.

(4) Upon accepting the appointment, the Manager shall furnish the City a bond in an amount and with a surety approved by the Council. The City shall pay the bond premium.

(5) The Manager may be appointed for a definite or an indefinite term and may be removed by the Council at its pleasure. Upon any vacancy occurring in the Office of Manager after the first appointment pursuant to this Charter, the Council at its next meeting shall adopt a Resolution of its intention to appoint another Manager. Within six (6) consecutive months after a vacancy occurs in the office, the Council shall fill the vacancy by appointment.

(6) Whenever the Manager intends to be absent from the City for a period of ten (10) days or less, the Manager shall appoint a Department Director as Manager Pro Tem and shall notify the Council of that appointment.

Section 23. CITY MANAGER. Powers and Duties.

The Manager shall:

- (1) Devote his/her entire time to the discharge of official duties;
- (2) attend all Council meetings, unless excused by the Council or the Mayor, and take part in all Council discussions but may not vote on questions before it;
- (3) keep the Council advised at all times of the affairs and needs of the City;
- (4) make reports annually or more frequently, if requested by the Council, of all the affairs and departments of the City;
- (5) see that the provisions of all Ordinances are administered or enforced to the satisfaction of the Council;
- (6) see that all provisions of all terms of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled;
- (7) appoint and remove appointive City officers and employees, except as this Charter otherwise provides, and have general supervision and control over them and their work, with power to transfer an employee from one department to another;
- (8) supervise the departments to the end of obtaining the utmost efficiency in each of them;
- (9) have general supervision and responsibility for all City purchases;
- (10) be responsible for preparing and submitting to the Budget Committee the annual Budget estimates and such reports as that body requests;
- (11) supervise the operation of all public utilities owned and operated by the City and have general supervision over all City property;

(12) perform other duties as the Council prescribes consistent with this Charter.

Section 24. CITY MANAGER. Limits on Authority.

(1) The Manager may not control:

(a) The Council;

(b) except as the Council authorizes, appointive personnel of the City whom the Manager does not appoint.

(2) Involvement in Elections

The Manager shall not take part in securing nor contributing any money for the nomination or election of any candidate for municipal office.

(3) Ineligible Persons

Neither the Manager's spouse nor any person related to the Manager or the Manager's spouse by consanguinity or affinity within the third degree may be appointed by the City Manager to any office within the City.

Section 25. MANAGER PRO TEM

(1) Whenever the Manager intends to be absent from the City for a period of ten (10) days or less, the Manager shall appoint a Department Director as Manager Pro Tem and shall notify the Council of that appointment.

(2) Whenever the Manager is absent from the City for more than ten (10) days, is temporarily disabled from acting as Manager, or whenever the Office of Manager becomes vacant, the Council shall appoint a Manager Pro Tem, who shall assume the powers and duties of the Manager.

(3) No person may be Manager Pro Tem more than six (6) consecutive months.

(4) No Manager Pro Tem may appoint or remove a City officer or employee, except with the approval of four sevenths (4/7) of the members of the Council.

CHAPTER VI

ELECTIONS

Section 26. STATE LAW. Except as this Charter or a City Ordinance prescribes to the contrary, a City Election shall conform to State law applicable to the Election.

Section 27. NONPARTISAN ELECTIONS. All elections held under this Charter are to be nonpartisan. No Election Notice, Ballot or other election document shall indicate the party affiliation or party preference of a City officer or candidate for City office.

Section 28. NOMINATIONS. A qualified elector who has resided in the City of La Grande during the six (6) months immediately preceding an Election may be nominated for an elective office to be filled at the Election. The nomination shall be by a Petition that specifies the office sought, whether it be for a regular term or for a vacated term, and shall be in a form prescribed by State law. The Petition shall be signed by not fewer than twenty (20) electors. No elector shall sign more than one Petition for each office to be filled at the Election. All nomination papers comprising a Petition shall be assembled and filed with the Recording Officer of the City as one (1) instrument in compliance with filing deadlines established by the Recording Officer of the City and State Statute. The Recording Officer of the City shall notify an eligible person of nomination, and that person shall file with the Recording Officer written acceptance of nomination, in such form as the Council may require, within five (5) days of notification of nomination. Upon receipt of the acceptance of nomination, the Recording Officer shall cause the nominee's name to be printed on the ballots. Additional procedures pertaining to nominations shall be prescribed by General Ordinance, or to the extent not so governed, by the applicable election laws of the State.

Section 29. BIENNIAL PRIMARY ELECTION. Candidates for Position Numbers One (1), Two (2), and Three (3), shall be elected at the first Biennial Primary Election after the amended Charter is adopted (November, 1998). Candidates for Mayor and Councilor must file for office with the Recording Officer of the City, pursuant to Section 28. above, for a Biennial Primary Election held on the Third Tuesday in May. If at the Biennial Primary Election one candidate receives a majority of the votes cast (fifty percent [50%]) for all candidates for a particular Position Number, that candidate shall be the only one whose name appears on the Ballot for the November Biennial General Election that year as a candidate for that Position Number. If at the Biennial Primary Election no such candidates receive such a majority, the two candidates receiving the two highest numbers of votes cast for a particular Position Number shall be the only ones whose names appear on the Ballot for the November Biennial General Election that year as candidates for that Position Number. In those instances where two or less candidates file for any Position Number prior to the filing deadline for the Biennial Primary Election, those candidates' names shall appear *only* on the November Biennial General Election Ballot. The candidate who receives a majority of the votes cast (fifty percent [50%]) at the November Biennial General Election that year as a candidate for a particular Position Number is elected to that Position Number and is entitled to a Certificate of Election.

An incumbent, mid-term Councilor who desires to file for the Position of Mayor (Position Number One [1]) or any other expiring Council position shall do so twenty-one (21) days prior to the published deadline established in the preceding paragraph, to provide for the placement of the affected Position Number(s) on the subsequent Biennial Primary or Biennial General Election ballots, pursuant to the preceding paragraph. An incumbent, mid-term Councilor who desires to file for the Position of Mayor (Position Number One [1]) or any other expiring Council position shall be required to tender a resignation from the Council *prior* to filing for the Position of Mayor. The incumbent's resignation would become effective December 31, of that year.

Section 30. OATH OF OFFICE. Before entering upon the duties of office, each officer shall affirm support of the constitutions and laws of the United States and of Oregon and the faithful performance of the duties of office.

CHAPTER VII VACANCIES IN OFFICE

Section 31. VACANCIES: OCCURRENCE. The office of a member of the Council becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,
 - (b) adjudicated incompetence,
 - (c) recall from office; or

- (2) Upon declaration by the Council of the vacancy in case of the incumbent's:
 - (a) Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time for his or her term of office to begin,
 - (b) absence from all regular meetings of the Council within a forty-five (45) day period without the Council's consent,
 - (c) ceasing to reside in the City,
 - (d) ceasing to be a qualified elector under State law,
 - (e) conviction of a public offense punishable by loss of liberty, or,
 - (f) resignation from the office.

Section 32. FILLING OF VACANCIES. Vacant elective offices in the City shall be filled as follows:

- a. Upon a vacancy occurring or being declared for any reason by the remaining members of the Council under Section 31., above, and there are two (2) or more years remaining in the affected Position Number's term, the subject Position shall be filled by election in compliance with State Statutes governing local elections.

b. Upon a vacancy occurring or being declared for any reason by the remaining members of the Council under Section 31., above, and there are less than two (2) years remaining in the affected Position Number's term, the subject Position shall be filled by appointment by a majority vote of the remaining members of the Council.

c. The term of the new member, whether elected or appointed, shall begin immediately upon being elected or appointed and shall continue for the remainder of the term for the vacant position which was filled.

d. During the temporary disability of any officer or during any officer's absence temporarily from the City, for any cause, or during the time period a vacant office is waiting to be filled by Special Election, that office may be filled Pro Tem by appointment by the majority vote of the remaining members of the Council.

CHAPTER VIII

ORDINANCES

Section 33. ENACTING CLAUSE. The enacting clause of all Ordinances hereinafter enacted shall be: "The City of La Grande Ordains as follows:"

Section 34. MODE OF ENACTMENT

(1) Except as the second and third paragraphs of this Section provide to the contrary, every Ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two (2) 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 Councilors present, upon being read first in full and then by title.

(3) Any of the readings may be by title only if no Councilors present at the meeting request to have the Ordinance read in full and when a copy of the Ordinance is provided for each Councilor and three (3) copies are provided for public inspection in the City offices not later than one (1) 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 offices and by advertisement in a newspaper of general circulation in the City.

(4) An Ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading, unless each section so differing is read fully and distinctly in open Council meeting before the Council adopts the Ordinance.

Section 35. WHEN ORDINANCES TAKE EFFECT. An Ordinance enacted by the Council shall take effect upon the thirtieth (30th) day after its enactment. When the 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 36. 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 37. IMPROVEMENTS.

(1) Procedures

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 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 specially assessed therefor. A second such remonstrance suspends the action only with the consent of the Council.

(2) Definition of Owner

In this Section, "owner" means the record holder of legal title or, as to land being purchased under a land-sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Section 38. SPECIAL ASSESSMENTS. The procedures 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.

CHAPTER X

COLLECTIVE BARGAINING

Section 39. COLLECTIVE BARGAINING. The City Council of the City of La Grande, Oregon, or its agents, is hereby directed to enter into a collective bargaining process and bilateral negotiations with certified bargaining units, under appropriate provisions of State law.

CHAPTER XI

MISCELLANEOUS PROVISIONS

Section 40. DEBT LIMIT. The City's indebtedness may not exceed debt limits imposed by State law. A City officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A Charter amendment is not required to authorize City indebtedness.

Section 41. 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 42. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All Charter provisions of the City enacted prior to the time this Charter takes effect are hereby repealed.

Section 43. SEVERABILITY. The terms of this Charter are severable. If a part of the Charter is held invalid, that invalidity does not affect another part of the Charter, except as the logical relation between the two parts requires.

Section 44. AVAILABILITY OF CHARTER. The Custodian of the City's Records shall make a copy of the Charter available for public inspection during regular City office hours.

Section 45. TIME OF EFFECT OF CHARTER. This Charter shall take effect January 1, 1999; except that that portion of Section 32., *a. through c.*, governing the Filling of Vacancies, shall become effective immediately.