

**CHARTER
CITY OF EAGLE POINT, OREGON**

ORDINANCE NO. 1-1

AN ORDINANCE SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF EAGLE POINT A PROPOSED CHARTER TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF EAGLE POINT, JACKSON COUNTY, OREGON.

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:

SECTION 1: That the following proposed charter for the City of Eagle Point, and the same hereby is, proposed for submission to the legal voters of said City of Eagle Point for their adoption or rejection, and that the same be filed with the Recorder upon its adoption and approval by the Mayor.

"EAGLE POINT CITY CHARTER - 1997 REFERRED TO THE PEOPLE BY THE CITY COUNCIL"

A CHARTER

To provide for the government of the City of Eagle Point, Jackson County, Oregon: and to repeal all charter provisions of the City enacted prior to the time that this charter takes effect.

Be it enacted by the people of the City of Eagle Point, Jackson County, Oregon:

Chapter I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Eagle Point Charter of 1997.

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

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 his/her office at the City Hall 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 fully 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 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 Provision of the State Constitution.

Chapter III

DISTRIBUTION OF POWERS

Section 6. **Where Powers Vested.** The City of Eagle Point shall have a Council/Administrator form of government. Except as this charter prescribed 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 IV

COUNCIL

Section 7. **Council.** The Council shall be composed of a mayor and six councilors elected from the City at large who are residents of the City.

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. At each biennial general election after this Charter takes effect, three councilors shall be elected, each for a term of four years.

Section 9. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. Term Limits. No person shall serve as city councilor for more than two consecutive full four-year terms. No person shall serve as mayor for more than four consecutive full two-year terms. This term limitation shall apply prospectively such that no terms in office commencing before the effective date of this Charter Amendment shall be counted towards any term limit disqualification. Any term served to fill a vacancy shall not count unless such term equals a full term. However, any term served by an individual pursuant to a tie vote election or drawing shall be considered a full term and shall count towards this term limit disqualification.

Section 11. Other Officers. Additional officers of the City shall be a municipal judge, a recorder and such other officers as the Council deems necessary. Each of these officers shall be appointed and 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 and Compensation. The Council will approve salary schedules of city officers and employees.

Section 13. Qualifications of Officers. No person shall be eligible for an elective office of the City unless at the time of election 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 final judge of the qualifications and election of its own members, subject, however, to a review by a court of competent jurisdiction. It shall not be necessary for any person to be a qualified elector within the meaning of the State Constitution or to be a resident elector within the meaning of the State Constitution or to be a resident of the City of Eagle Point to be eligible for any appointive office of the City.

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 and it may meet at other times in accordance with Council rules and state laws. All deliberations and meetings of the Council shall be in accordance with state law.

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

Chapter V

POWERS AND DUTIES OF OFFICERS

Section 16. Mayor.

- (1) The Mayor shall appoint:
 - (a) members of committees established by Council Rules, and
 - (b) other persons required by the Council to be so appointed.
- (2) The Mayor shall sign all records of proceedings approved by the Council.
- (3) The Mayor has no veto power and shall sign all ordinances and resolutions adopted by the Council within three days of their passage.
- (4) The Mayor (or the Council President or a Council member in the Mayor's absence) shall sign all orders on the City treasury.
- (5) The Mayor is a voting member of the Council.
- (6) When present at Council meetings, the Mayor shall;
 - (a) Preside over deliberations of the Council
 - (b) Preserve order
 - (c) Enforce Council rules, and
 - (b) Determine the order of business under the rules.
- (7) Notwithstanding subsection 6 of this Section, the Mayor may temporarily cease to chair a Council meeting and delegate the functions described in subsection 6 to another Council member.

Section 17. 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 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 18. City Administrator.

(1) **Qualifications.** The City Administrator shall be appointed by the Council without regard to political considerations and solely with reference to executive and administrative qualifications.

(2) **Term.** The City Administrator shall be appointed for an indefinite term and may be removed at the pleasure of the Council.

(3) **Powers and Duties.** The powers and duties of the City Administrator shall be as follows:

(a) Supervise and direct the operations of the City, through appropriate department heads; provide policy and program guidance and interpretation to the departments of the City and recommend policy changes and programs to the Council; compile and administer the budget and provide financial guidance to the Council and other departments; represent the City to other agencies, groups and the media.

(b) Ensure that all monies that come to the City by taxation or otherwise are managed under sound financial principals.

(c) Countersign all orders on the City treasury.

(d) Ensure that an accurate record is kept of the City's proceedings.

(e) Ensure that all books, papers, records and other documents connected with business of the Council or which may be the property of the City are securely kept.

(f) Perform other duties inherent to the position of City Administrator as responsibilities necessitate, and as directed by the Council.

(g) Attend all Council meetings unless excused by the Council or Mayor.

(h) Keep the Council advised of the affairs and needs of the City.

(i) Supervise City contracts, franchises, leases and permits.

(j) See that the provisions of all ordinances are administered to the satisfaction of the Council.

(k) Hire and fire employees.

Section 19. Municipal Court and Judge.

(1) The Municipal Judge shall hold within the City as necessary a court known as the Municipal Court for the City of Eagle Point, Jackson County, Oregon.

(2) Except as this Charter or city ordinance prescribes to the contrary, proceedings of the Court shall conform to general laws of this state governing justices of the peace and justice courts.

(3) All areas within the City and, to the extent provided by state law, areas outside the City is within the territorial jurisdiction of the Court.

(4) The Municipal Court has original jurisdiction over every offense that an ordinance of the City makes punishable. The Court may enforce forfeitures and other penalties that such ordinances prescribe.

(5) The Municipal Judge may:

- (a) Render judgments and, for enforcing them, impose sanctions on persons and property within the Court's territorial jurisdiction;
- (b) Order the arrest of anyone accused of an offense against the City;
- (c) Commit to jail or admit to bail anyone accused of such an offense;
- (d) Issue and compel obedience to subpoenas;
- (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the Court;
- (f) Penalize contempt of Court;
- (g) Issue process necessary to effectuate judgments and orders of the court;
- (h) Issue search warrants; and
- (i) Perform other judicial and quasi-judicial functions prescribed by ordinance.

(6) The Council may authorize the Municipal Judge to appoint municipal judges pro-tem for terms of office set by the Judge or Council.

(7) Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate state court.

Chapter VI

ELECTIONS

Section 20. State Law. Except as this Charter or a city ordinance prescribes to the contrary, City elections shall conform to state law applicable to the election.

Section 21. Nominations. A person may be nominated in a manner prescribed by City ordinance to seek an elective office of the City.

Section 22. Tie Vote. In the event of a tie vote for candidates for an elective office, the City Council may fill the vacant position pro-tem. The candidates receiving an equal number of votes creating the tie shall be placed in a runoff election on the ballot for the City's next available election date. Whichever candidate receives the majority of votes in said runoff election shall succeed to the elective office position.

Section 23. Commencement of Terms of Office. The term of office a person elected at a regular city election shall commence at the first regular meeting of the calendar year immediately following the election.

Section 24. Oath of Office. Before entering upon the duties of office, each elected officer shall affirm or take an oath supporting the constitutions and laws of the United States and of Oregon, and to faithfully perform the duties of the office.

Chapter VII

VACANCIES IN ELECTIVE OFFICE

Section 25. Vacancies. The office of a member of the Council becomes vacant:

- (1) Upon the incumbent's
 - (a) Death;
 - (b) Adjudicated incompetence.
 - (c) Resignation
 - (d) Recalled from office.
- (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 days after the time for his or her term of office to begin;
 - (b) Absence from the City or from meetings of the Council for 60 days without consent of the Council;
 - (c) Ceasing to reside in the City;
 - (d) Ceasing to become a qualified elector under state law; or
 - (e) Conviction of a felony.

Section 26. Filing of Vacancies. Vacancies in elective offices in the City shall be filed by appointment by a majority of the incumbent members of the Council. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the predecessor. During the temporary disability of any officer or during a member's absence temporarily from the City for any cause, the office may be filled pro tem in the manner provided for filing vacancies in office permanently.

Chapter VIII

ORDINANCES

Section 27. Enacting Clause. The enacting clause of all ordinances hereafter shall be, "The City of Eagle Point Ordains as Follows:"

Section 28. Mode of Enactment.

- (1) Except as this section provides 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.

(2) The reading may be by title only;

(a) If no Council member present at the meeting requests to have the ordinance read in full.

(b) If a copy of the ordinance is provided for each Council member not later than 24 hours before the reading of the ordinance. An ordinance enacted before being read by title alone may have no effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by Council.

(3) Upon the final vote on an ordinance, the recorder shall endorse it with the date of adoption, the endorser's name and title of office. Within three days thereafter, the Mayor shall endorse it with the date of signature and name and title of office.

Chapter IX

PUBLIC IMPROVEMENTS

Section 29. Improvements. The procedure for making, altering, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable laws of the State.

Section 30. 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.

Chapter X

MISCELLANEOUS PROVISIONS

Section 31. Debt. The City's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who created 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 the City indebtedness.

Section 32. 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 33. Repeal of Previously Enacted Provision. All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed, except this Charter shall in no way be construed to revoke or repeal the continuing levy not to exceed 25 mills passed by the voters of Eagle Point.

Section 34. Severability. The terms of this Charter are severable. If any part of the Charter is held invalid, that invalidity does not affect any other part of the Charter, except as the logical relation between the two parts requires.

Section 35. Time of Effect of Charter. This Charter shall take effect on July 1, 1997.

SECTION 2: That the foregoing proposed Charter of the City of Eagle Point be submitted to the legal voters of said City for their adoption or rejection at the general election of said City to be held on the 20th day of May, 1997.

SECTION 3: It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety and owing to the urgent necessity of providing adequate and proper government for the City of Eagle Point, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect immediately upon its passage.

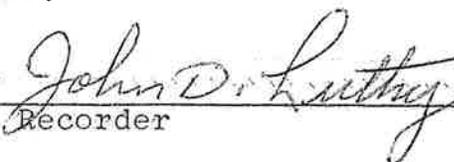
ADOPTED by the Council and signed by me in authentication of its adoption this

27th day of May, 19 97.



Mayor

ATTEST:



City Recorder