

# **CHARTER OF THE CITY OF FOSSIL, OREGON**

## **PREAMBLE**

We, the people of Fossil, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the Constitutions and laws of the United States and the State of Oregon, through this Charter confer upon the City the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure and repeal all previous Charter provisions of the City.

## **Chapter I NAMES AND BOUNDARIES**

### **SECTION 1. TITLE OF CHARTER.**

This Charter may be referred to as the "2003 CHARTER OF THE CITY OF FOSSIL, OREGON".

### **SECTION 2. NAME OF CITY.**

The City of Fossil, Oregon, continues under this Charter to be a municipal corporation with the name City of Fossil

### **SECTION 3. BOUNDARIES.**

The City includes all territory within its boundaries as they now exist or hereafter are modified pursuant to State law. 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 has all powers that the Constitutions, statutes, and common law of the United States and of this State now or hereafter expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.

### **SECTION 5. CONSTRUCTION OF POWERS.**

In this Charter, no specification of a power is exclusive or restricts authority that the City would have if the power were not specified. This Charter shall be liberally construed so that the City

may exercise fully all its powers possible under this Charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates to the contrary.

**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 consists of a mayor and four Councilors nominated and elected from the City at large or, in case of one or more vacancies in the Council, the Council members whose offices are not vacant.

**SECTION 8. COUNCILORS.**

The term of office of a Councilor in office when this Charter is adopted is the term of office for which the Councilor has been elected before adoption of the Charter (or is elected at the time of the adoption.) Each Councilor elected thereafter shall be elected for a four year term.

**SECTION 9. MAYOR.**

The term of office of a Mayor in office when this Charter is adopted is the term of office for which the Mayor has been elected before adoption of the Charter. At each subsequent general election, a mayor shall be elected for a two-year term.

**SECTION 10. TERMS OF OFFICE.**

The term of office of an elective officer who is elected at a general election begins at the first Council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

**SECTION 11. APPOINTIVE OFFICES.**

A majority of the Council may:

- (1) Create, abolish, and combine appointive City offices and,
- (2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

## **Chapter IV Council**

### **SECTION 12. RULES.**

The Council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

### **SECTION 13. MEETINGS.**

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. The Mayor upon the Mayor's own motion or by written request of three Councilors shall call a special meeting.

### **SECTION 14. QUORUM.**

A majority of the Council constitutes a quorum for its business, but a smaller number of the Council may meet and compel attendance of absent Councilors as prescribed by Council rules. For the purpose of reaching a quorum, the Mayor shall be deemed a councilor.

### **SECTION 15. RECORD OF PROCEEDINGS.**

A record of Council proceedings shall be kept and authenticated in a manner prescribed by the Council.

### **SECTION 16. Mayor's Functions at Council Meetings.**

- (1) When present at Council meetings the mayor shall:
  - (a) Preside over deliberations of the Council,
  - (b) Preserve order,
  - (c) Enforce Council rules, and
  - (d) Determine the order of business under the rules.
- (2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a Council meeting and delegate the functions described in subsection (1) to another Council member.
- (3) The mayor shall not vote except in case of a tie vote of the council members present.

### **SECTION 17. COUNCIL PRESIDENT**

- (1) At its first meeting after this Charter takes effect, and at its first meeting of each odd-numbered year, the Council shall appoint a president from its Councilors.
- (2) Except in voting on questions before the Council, the president shall function as mayor when the mayor is:
  - (a) Absent from a Council meeting, or
  - (b) Unable to function as mayor.
- (3) When there is a vacancy in the office of mayor, the council president shall become mayor and shall no longer be considered a council member.

**SECTION 18. VOTE REQUIRED.**

Except as otherwise specifically prescribed otherwise in this Charter, the express concurrence of a majority of the Council present and constituting a quorum is necessary to decide affirmatively a question before the Council.

**SECTION 19. VACANCIES: OCCURRENCE.**

The office mayor or the office of a member of the Council becomes vacant:

- (1) Upon the incumbent's:
  - a. Death
  - b. Adjudicated incompetence, or Recall from the 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 days after the time for his or her term of office to begin,
  - b. Absence from all meetings of the Council within a 60 day period,
  - 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 20. VACANCIES: FILLING.**

A vacancy in the Council shall be filled by appointment by a majority of the Council. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. During a Council member's disability to serve on the Council or during a member's absence: from the City, a majority of the other Council members may by appointment fill the vacancy *pro-tem*.

**CHAPTER V.  
POWERS AND DUTIES OF OFFICERS**

**SECTION 21. MAYOR.**

The Mayor shall appoint:

- (1) Members of committees established by Council rules, and
- (2) Other person required by the Council to be so appointed.

**SECTION 22. CITY RECORDER.**

The City 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 a book or books provided for that purpose and sign all orders on the treasury of the City. The City Recorder shall designate a Clerk of the

Council *pro-tem* to serve in the absence of the recorder and to have all of the authority and duties of the recorder while acting in that capacity.

**SECTION 23. MUNICIPAL COURT AND JUDGE.**

- (1) If the Council creates the office of Municipal Judge and fills it by appointment, the appointee shall hold, within the City at a place and times that the Council specifies, a Court known as the Municipal Court for the City of Fossil, Wheeler 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 area within the City and, to the extent provided by State law, area 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 jailor 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 the 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  
PERSONNEL**

**SECTION 24. QUALIFICATIONS.**

- (1) An elective City officer shall be a qualified elector under the State Constitution and shall have resided in the City during the 6 months immediately before being elected or appointed to the office. In this subsection, "City" means area inside the City limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective City office.

- (3) An elective officer may be employed in a City position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court or in some other manner, whichever the Council prescribes.
- (4) Except as subsection (3) of this section provides to the contrary, the Council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the City are whatever the Council prescribes or authorizes.

**SECTION 25. COMPENSATION.**

The Council shall prescribe the compensation of City officers. The Council may prescribe a plan for reimbursing City personnel for expenses that they incur in serving the City.

**SECTION 26. MERIT SYSTEM.**

Subject to all collective bargaining agreements between the City and one or more groups of its employees, the Council shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees, all of which shall be based on merit and fitness.

**SECTION 27. POLITICAL RIGHTS.**

By ordinance the Council may affirm the rights of City personnel to participate in political activities and may limit those activities to the extent necessary for orderly and effective operation of the City government.

**SECTION 28. OATH.**

Before assuming City office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the Constitution and laws of the United States and of the State of Oregon.

**Chapter VII  
ELECTIONS**

**SECTION 29. 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 30. NOMINATIONS.**

A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the City.

## **Chapter VIII ORDINANCES**

### **SECTION 31. ORDAINING CLAUSE.**

The ordaining clause of an ordinance shall be "THE CITY OF FOSSIL ORDAINS AS FOLLOWS:".

### **SECTION 32. ADOPTION BY COUNCIL.**

- (1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open Council meeting on two different days before being adopted by the Council.
- (2) Except as subsection (3) of this section allows reading by title only, the Council may adopt an ordinance at a single meeting by the express unanimous votes of all Council members present, provided the ordinance is read first in full and then by title.
- (3) A reading of an ordinance may be by title only if:
  - a. No Council member present at the reading requests that the ordinance be read in full or
  - b. At least one week before the reading:
    - i. A copy of the ordinance is provided for each Council member,
    - ii. Three copies of the ordinance are available for public inspection in the office of the custodian of City records, and
    - iii. Notice of their availability is given by written notice posted at the City hall and two other public places 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.
- (5) Upon the adoption of an ordinance, the ayes and nays of the Council members shall be entered in the record of Council proceedings.
- (6) After adoption of an ordinance, the custodian of City records shall endorse it with its date of adoption and the endorser's name and title of office.

### **SECTION 33. EFFECTIVE DATE.**

A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

## **Chapter IX PUBLIC IMPROVEMENTS**

### **SECTION 34. PROCEDURE.**

- (1) 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 applicable State law.

Proposed action on a Public improvement that is not declared by two-thirds of the Council present to be needed at once because of an emergency shall be suspended for six months upon remonstrance by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the Council.

- (2) 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 35. Special Assessments.**

The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

**Chapter X**  
**MISCELLANEOUS PROVISIONS**

**SECTION 36. DEBT.**

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 37. CONTINUATION OF ORDINANCES.**

Insofar as consistent with this Charter, and until amended or repealed, all ordinances in force when the Charter takes effect retain the effect they have at that time.

**SECTION 38. REPEAL.**

All Charter provisions adopted before this Charter takes effect are hereby repealed.

**SECTION 39. 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 40. TIME OF EFFECT.**

This Charter takes effect 30 days after passage by the voters.

Adopted by the people in regular election held the 20<sup>th</sup> day of May 2003.