

CHARTER

for the

CITY OF WOOD VILLAGE

Multnomah County, Oregon

AN ACT

To provide for the government of the City of Wood Village, Multnomah County, Oregon.

Be it enacted by the people of the City of Wood Village, Multnomah County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the Wood Village Charter of 1953 as amended November 6, 1962, February 14, 1968, May 20, 1986, November 4, 1997 and May 16, 2006.

Section 2. NAME OF CITY. The City of Wood Village, Multnomah County Oregon, shall continue to be a municipal corporation with the name "City of Wood Village.

Section 3. BOUNDARIES. The City of Wood Village includes all territory encompassed by its boundaries as they now exist or may be modified by the voters, the City Council or any other agency with the legal power to modify the boundaries.

CHAPTER II

POWERS

Section 4. POWERS OF THE CITY. The city shall have all powers, rights, privileges and immunities which the constitutions, statutes, and common law of the United States of America and the State of Oregon expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers, rights, privileges and immunities.

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 the laws and to the municipal home rule provisions of the constitution of the State of Oregon.

Section 6. EXERCISE OF POWER. The city's exercise of a right, power, privilege or immunity where not prescribed by constitution or law shall be in the manner prescribed in this charter, or, where not prescribed by the constitution, law or this charter, then in the manner prescribed by ordinance or resolution of the City Council.

CHAPTER III

FORM OF GOVERNMENT

Section 7. WHERE POWERS VESTED. Except as this charter provides otherwise, all powers of the city shall be vested in the Council.

Section 8. COUNCIL. The Council shall be composed of five Councilors elected from the city at large.

Section 9. COUNCILORS. Councilors shall be elected at the biennial general election for a term of office of four years. Terms shall be staggered so that three Councilors are elected at one general election and two at next general election.

Section 10. MAYOR. The Council, from its members shall elect a mayor at the first meeting of the Council in each odd numbered year for a term of two years.

Section 11. OTHER OFFICERS AND EMPLOYEES.

A. Additional officers of the city shall be a City Administrator and a City Attorney. Each of these officers shall be nominated by the Mayor and appointed and removed by a majority of the whole Council which shall include the Mayor. Their tenure shall not be for any stated or fixed period of time. They shall serve at the pleasure of the Council.

B. The Council may create additional employee positions as it may deem necessary or convenient for the operation of the City. The Council may adopt personnel policies and a classification and compensation plan to govern the employment relationship. City employees shall be appointed, supervised, promoted, disciplined and removed by the City Administrator as provided in Section 23 of this Charter, subject to the personnel policies and classification and compensation plan, if any, adopted by the Council.

Section 12. SALARIES. The compensation for the services of each city officer shall be the amount fixed by the Council.

Section 13. QUALIFICATIONS OF OFFICERS. No person shall be eligible for an elective office of the city unless at the time of election the person is a qualified voter within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. No person currently employed by the city shall be eligible for an elective office of the City. The Council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction. The voter and residence qualifications provided in this section shall not have application to appointive officers.

CHAPTER IV

COUNCIL

Section 14. MEETINGS. The Council shall hold a regular meeting at least once each month at a time and at a place in the city which it designates. It shall adopt rules for the government of its members and proceedings. The Mayor may, upon his or her own motion or at the request of three

Members of the Council then in the city, call a special meeting of the Council. All meetings shall comply with the State of Oregon Public Meetings Law.

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

Section 16. JOURNAL. The Council shall keep a record of its proceedings pursuant to the State of Oregon Public Records and Public Meetings Laws.

Section 17. MEETINGS TO BE PUBLIC. All deliberations and proceedings of the Council shall comply with the State of Oregon Public Meetings Law.

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 it. 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.

Section 19. 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 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 the office, due to illness, absence from the city or other cause, the President of the Council shall act as mayor and while so acting, shall be clothed with all the power, authority, duties and functions vested in the Mayor by this charter and the ordinances of the City of Wood Village.

Section 20. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question 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. The Mayor shall sign all approved records of proceedings of the Council and countersign all orders on the treasury. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passing. Upon the approval of the Council, the Mayor shall endorse all bonds of city officers and all bonds for licenses, contracts, and proposals.

Section 22. PENALTIES FOR VIOLATION OF ORDINANCES. The Council may by ordinance establish the penalties for violation of any City ordinance.

Section 23. CITY ADMINISTRATOR.

- A. The City Administrator shall be chosen on the basis of administrative qualifications.
- B. The City Administrator:

1. Is the full time chief executive officer of the City and shall be responsible to the Council for the proper administration of those City affairs over which he or she is charged with responsibility pursuant to this Charter;

2. Shall appoint, remove, promote, discipline and supervise all employees of the City, except as otherwise provided by this Charter;

3. Shall annually prepare and submit a proposed City budget for the ensuing fiscal year and properly administer the budget as adopted;

4. Shall keep the Council advised of the financial condition and needs of the City;

5. Shall make recommendations to the Council concerning the affairs of the City;

6. Shall, after authorization from the Council, conduct all aspects of real property transactions on behalf of the City;

7. Shall act as the purchasing agent for the City;

8. Shall provide for enforcement of all City laws and regulations;

9. Shall perform other duties consistent with this Charter and required by the Council; and

10. Shall designate a City Recorder who shall serve as the clerk of the Council and keep the journal of the Council proceedings.

11. Shall engage in no incompatible business or occupation.

C. The City Administrator is entitled to sit with the Council but has no vote on questions before it. The Administrator may take part in all Council discussions.

D. In case of the Administrator's unauthorized absence from the City, disability to act as Administrator, discharge by the Council, or resignation, the Mayor, with advice and consent of the Councilors, shall appoint a City Administrator Pro Tem, who shall possess the powers and duties of the City Administrator. No City Administrator Pro Tem, however, may appoint or remove a City employee except with the approval of a majority of the entire Council.

E. No Council member may directly or indirectly, by suggestion, or otherwise, attempt to influence or coerce the Administrator in the making of any appointment or the removal of any employee, in the purchase of supplies or to exact a promise relative to an appointment from any candidate for Administrator. A violation of this Subsection forfeits the office of the offending Council member after a public hearing by the Council is held and the Council determines that a violation of this Subsection has taken place. Nothing in this Subsection, however, prohibits the Council in open session from fully and freely discussing with or suggesting to the Administrator anything pertaining to City affairs or the interest of the City.

Section 24. CITY ATTORNEY. The City Attorney shall be a member in good standing of the Oregon State Bar and be chosen solely pursuant to his or her legal qualifications. The City Attorney shall be the chief legal officer of the City and perform whatever duties consistent with this Charter are required by the Council or the City Administrator. The City Attorney may be an employee or retained as outside counsel.

CHAPTER VI

ELECTIONS

Section 25. REGULAR ELECTIONS. Regular City elections shall be held at the same times and places as general State elections, and all City elections shall meet the requirements of applicable State laws. Amended November 4, 1997.

Section 26. NOTICE OF REGULAR ELECTIONS. The recorder, pursuant to directions from the Council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and, in addition thereto, post five (5) notices in five (5) public and conspicuous places of 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 election.

Section 27. SPECIAL ELECTION. The Council shall provide the time, manner, and means for holding any special election which shall be consistent with the requirements of 'applicable State law. The recorder shall give at least ten days notice of each special election in the manner provided by the action of the Council ordering the election. Amended November 4, 1997.

Section 28. QUALIFICATIONS OF ELECTORS. Every legal voter of the state of Oregon who is a resident of the City of Wood Village and is duly registered, shall be entitled to vote at a city election.

Section 29. REGULATION 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 therefrom, and contests thereof.

Section 30. CANVASS OF RETURNS. To all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the County Clerk apply. The results of all elections shall be recorded in the journal of the Council. The journal shall contain a statement of the total number of votes cast at the election, of the votes cast for each person elected to office, of the office to which he or she has been elected and of each measure enacted or approved. As soon as practical after the canvass is completed, the Recorder shall make and sign a certificate of election of each person so elected. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 31. 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 32. COMMENCEMENT OF TERM 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 33. OATH OF OFFICE. Before entering upon the duties of his or her office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he or she will faithfully perform the duties of the office.

Section 34. CANDIDACY FOR CITY OFFICE. A person shall file or be nominated for candidacy for an elected city office as provided by state law or City ordinance.

CHAPTER VII

VACANCIES IN OFFICE

Section 35. WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation, or recall from

office; upon the incumbent's ceasing to possess the qualifications necessary for his or her office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for his or her office to commence; and in the case of Mayor or Councilor upon his or her absence from the city for 30 days or upon his or her absence from meetings of the Council for 60 days without the consent of the Council and upon a declaration by the Council of the vacancy.

Section 36. FILLING OF VACANCIES. Vacancies in elective offices of the city shall be filled by appointment by a majority of the entire membership of the Council. The appointee's term of office shall begin immediately upon his or her appointment and qualification. The appointee's term of office shall continue for the unexpired term of the predecessor, unless the vacancy occurs during the first two years of the predecessor's term and 90 days or more prior to the regular general election date. In the later case, the appointee's term shall expire on the first day of January following the general election, and the remaining two years of the unexpired term shall be filled by nomination and election at the general election. During the temporary disability of any officer or during his or her absence temporarily from the city for any cause, his or her office may be filled pro tem in the manner provided for filling vacancies in office permanently. Amended May 20, 1986.

CHAPTER VIII

ORDINANCES

Section 37. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be "The City of Wood Village ordains as follows".

Section 38. INTRODUCTION, READING AND PASSAGE.

A. Every City ordinance shall be read fully in open Council meeting on two different dates before adoption; provided however, any ordinance reading may be by title only if so requested by a Council member and approved by the unanimous vote of all members of the Council present there being present a quorum. In addition, any ordinance may be read twice in full or by title only, and put to its final passage at a single meeting by the unanimous consent of all Council members present at the meeting.

B. All proposed ordinances of the City shall be provided Council members and made available to the public for inspection and review in the office of the City Administrator prior to and at the concerned Council meeting. Public notice of the availability of proposed ordinances of the City for review and inspection shall be given to the public.

C. Upon final vote of an ordinance, the yeas or nays of each member of the Council shall be taken and recorded in the Council records. If the ordinance passes, the City Recorder shall sign it with the date of its passage and within three days thereafter, the Mayor shall sign and date it. Amended November 4, 1997.

Section 39. WHEN ORDINANCES TAKE EFFECT.

A. An ordinance enacted by the Council shall take effect on the thirtieth 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 the case of an emergency, it may take effect immediately.

B. Notwithstanding subsection (A) of this section, no ordinance creating a new tax or increasing an already existing tax shall become effective unless the tax is approved by a majority of the voters of Wood Village at the next regularly scheduled election. Added May 16, 2006.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 40. 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 41. ACQUISITION AND DISPOSITION. The city shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of protecting, preserving or facilitating any improvements, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The city shall also have power to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease the excess of that needed for the actual improvement and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent public improvements. The city shall have power to provide for the payment of any part or all of the cost of land or other property acquired for public use, of the cost of constructing, reconstructing, repairing, operating or maintaining any structure or work in the nature of a public facility or improvement including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specially benefited thereby.

Section 42. IMPROVEMENTS. 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. A remonstrance by the owners of property representing at least two-thirds of the land area within the boundaries of the territory to be specially assessed for a proposed public improvement shall suspend action regarding the improvement for six months. For the purpose of this section, "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the city recorder, the said purchaser shall be deemed the owner.

Section 43. 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 44. BIDS PROCEDURES. Bids for public contract, including public improvements, shall be governed by State law including competitive bidding procedures, exemptions and emergency conditions, and the requirements of City ordinance consistent therewith. Amended November 4, 1997.

