

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, November 5, 2002, May 16, 2006, and May 19, 2015.

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. DISTRIBUTION. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

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 manager and a city attorney. These officers shall be appointed and may be removed by vote of a majority of the whole council including the mayor. The appointment of these officers must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management and local government law, respectively. Their tenure shall not be for any stated or fixed period of time. They shall serve at the pleasure of the council.

B. Additional employee positions may be created or eliminated as deemed necessary or convenient for the operation of the City and within the city budget. The council may adopt personnel policies and a classification and compensation plan to govern the employment relationship

Section 12. COMPENSATION. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

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 ring 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 by resolution 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 as prescribed by council rules.

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. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

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 must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

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

APPOINTED OFFICERS

Section 21. CITY MANAGER.

A. The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

B. The city manager must:

1. Attend all council meetings unless excused by the mayor or council;
2. Make reports and recommendations to the mayor and council about the needs of the city;
3. Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
4. Appoint, supervise and remove city employees;
5. Organize city departments and administrative structure;
6. Prepare and administer the annual city budget;
7. Administer city utilities and property;
8. Encourage and support regional and intergovernmental cooperation;
9. Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of common goals.
10. Perform other duties as directed by the council;
11. Delegate duties, but remain responsible for acts of all subordinates.

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

D. In case of the city manager's unauthorized absence from the city, disability to act as city manager, discharge by the council, or resignation, the mayor, with advice and consent of the councilors, shall appoint a city manager pro tem, who shall possess the powers and duties of the city manager. No city manager 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 city manager 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 city manager. 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 manager anything pertaining to city affairs or the interest of the city.

Section 22 CITY ATTORNEY. The city attorney shall be established as the chief legal officer of the city and perform whatever duties consistent with this Charter are required by the council or the city manager. The city attorney may be an employee or retained as outside counsel and shall be a member in good standing of the Oregon State Bar.

CHAPTER VI

ELECTIONS

Section 23. STATE LAW. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 24. 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 25. 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 26. 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 27. 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 28. VACANCIES. The mayor or a council office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Death;
 - (2) Adjudicated incompetence; or
 - (3) Recall from office.

- (b) Upon declaration by the council after the incumbent's:
 - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
 - (2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period,
 - (3) Ceasing to reside in the city,
 - (4) Ceasing to be a qualified elector under state law,
 - (5) Conviction of a public offense punishable by loss of liberty,
 - (6) Resignation from the office, or
 - (7) Removal under Section 21(E).

Section 29. FILLING VACANCIES. A vacancy in an elective office will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office, unless the vacancy occurs during the first two years of the predecessor's term and 90 days prior to the regular general election. In the latter case, the appointee's term expires on the first day of January following the general election, and the remaining two years of the unexpired term will be filled by nomination and election at the general election. If a disability prevents a council member from attending council meetings or a member is absent from the city a majority of the council may appoint a councilor pro tem.

CHAPTER VIII

ORDINANCES

Section 30. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be "The City of Wood Village ordains as follows."

Section 31. ORDINANCE ADOPTION.

- (a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- (e) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

Section 32. 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.

Section 33. PENALTIES FOR VIOLATION OF ORDINANCES. The council may by ordinance establish the penalties for violation of any city ordinance.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 34. 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 35. 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 36. 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 37. 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 38. 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.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 39. DEBT LIMIT. The debt limit of Wood Village shall not exceed debt limits imposed by State law. Any city officer or employee who expends any public moneys in excess of this limitation or for different purpose than authorized by law shall be civilly liable for the return of the money, if the expenditure constitutes malfeasance in office or willful or wanton neglect of duty. Amended November 4, 1997.

Section 40. 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 41. EXISTING RIGHTS AND LIABILITIES CONTINUED. Except as this charter provides otherwise, its adoption shall not impair or destroy any right, power, privilege, immunity or liability of the city existing at the time of its adoption.

Section 42. TIME AND EFFECT OF CHARTER. This charter shall take effect upon enactment by the voters of the City of Wood Village.

Section 43. SEVERABILITY. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.