

2024 CITY OF BOARDMAN CHARTER



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PREAMBLE

We, the voters of Boardman, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state and enact this Home Rule Charter.

SECTION 1

NAMES AND BOUNDARIES

1.1 Title

This charter may be referred to as the 2024 City of Boardman Charter.

1.2 Name

The City of Boardman, Oregon, continues as a municipal corporation with the name City of Boardman.

1.3 Boundaries

The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

SECTION 2

POWERS

2.1 Powers

The city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

2.2 Construction

The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. This Charter's interpretation shall be examined in its entirety.

2.3 Distribution

The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides.

SECTION 3

COUNCIL

3.1 General Powers and Duties

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. 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.

3.2 Council

The council shall be composed of a mayor and six council members elected from the city.

Council members in office at the time this charter is adopted shall continue in office each until the end of his or her term of office. At each biennial general election after this charter takes effect, three members shall be elected, each for a term of four years.

3.3 Mayor

The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.

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.

- a) With the consent of the council, the mayor appoints members of commissions and committees established by ordinance or resolution.
- b) The mayor must sign all records of council decisions.
- c) The mayor serves as the political head of the city government but shall have no administrative duties.

3.4 Council President

At its first meeting each 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. In the absence of both mayor and president of the council, the remaining members of the council may elect president pro tem.

3.5 Rules

The council must by resolution adopt rules to govern its meetings.

3.6 Meetings

The council must meet at least once a month at a time and place designated by council rules and may meet at other times in accordance with the rules and laws of the state of Oregon.

3.7 Quorum

Except as specifically addressed, a majority of the council members is a quorum to conduct business. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules. In the event of a vacancy due to resignation or

other events, the quorum is reduced accordingly solely for the purpose to make necessary appointment(s) to reach the required quorum.

3.8 Vote Required

The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council. The voting requirement to fill council member vacancies, if there is less than a majority of council members remaining, is separate from the quorum requirement required to conduct all remaining city business unless otherwise stated.

3.9 Record

A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.

SECTION 4 LEGISLATIVE AUTHORITY

4.1 Ordinances

The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Boardman ordains as follows:”

4.2 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 Mayor and City Clerk shall sign the document with the date of its passage, name, and title of office.

4.3 Effective Date of Ordinance

Ordinances normally take effect thirty days after adoption or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than thirty days after adoption if it contains an emergency clause.

SECTION 5 ELECTIONS

5.1 Councilors

The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.

5.2 Mayor

The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.

5.3 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.

5.4 Qualifications

- a) The mayor and each councilor must be a qualified elector under state law and reside within the city for at least one year immediately before election or appointment to office.
- b) No person may be a candidate at a single election for more than one city office.
- c) Neither the mayor nor a councilor may be employed by the city.
- d) The council is the final judge of the election and qualifications of its members.
- e) Neither the mayor nor a councilor may be elected as a Port of Morrow Commission nor a Morrow County Commissioner.

5.5 Nominations

Nominations for elective office for the city of Boardman shall be made pursuant to the general ordinances of the city.

5.6 Terms

The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.

5.7 Oath

The mayor and each councilor, before entering upon the duties of office, shall take an oath or shall affirm that the officer will support the constitutions and laws of the United States and of the State of Oregon and will faithfully perform the duties of office.

5.8 Vacancies

The mayor or a council office becomes vacant:

- a) Upon the incumbent's:
 1. Death.
 2. Adjudicated incompetence.
 3. Recall from the 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. Unexcused absence from all council meetings within a 90-day period.

3. Ceasing to reside in the city.
4. Ceasing to be a qualified elector under state law.
5. Conviction of a felony crime.
6. Resignation from the office.

5.9 Filling Vacancies

A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members. Notwithstanding the quorum requirement set forth in Section 3.8, if at any time council membership is reduced to less than 7, the remaining members may, by majority action, appoint additional members to raise the membership to 7. As little as a single council member may constitute a majority for the purpose of filling vacant council seat(s), if all other council seats are vacant. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. 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.

Filling council vacancies beginning with one council member will proceed as follows: last remaining councilor appoints one seat, the two then appoint a third, and so on until a quorum of four is present.

5.10 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 6 APPOINTIVE OFFICERS

6.1 Appointive Officers

Additional officers of the city may be the city manager, city attorney, and municipal judge, each of whom the council may appoint and may remove by majority vote of all incumbent members of the council. These officers shall be subject to supervision by the council only, however, the judicial functions of the municipal judge shall not be subject to supervision by any elected or appointed officer.

6.2 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) A majority of the council must appoint and may remove the manager. The appointment 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.

- c) The manager will reside in the city.
- d) The manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.
- e) The 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 community.
 - 10. Perform other duties as directed by the council.
 - 11. Delegate duties but remain responsible for actions of all subordinates.
- f) The manager has no authority over the council or over the judicial functions of the municipal judge.
- g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
- h) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.
- i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

6.3 Municipal Judge

- a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such a place as the council directs. The court will be known as the Municipal Court.
- b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

- d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.
- e) The municipal judge may:
 - 1. Render judgments and impose sanctions on persons and property.
 - 2. Order the arrest of anyone accused of an offense against the city.
 - 3. Commit to jail or admit to bail anyone accused of a city offense.
 - 4. Issue and compel obedience to subpoenas.
 - 5. Compel witnesses to appear and testify and jurors to serve for trials before the court.
 - 6. Penalize contempt of court.
 - 7. Issue processes necessary to enforce judgments and orders of the court.
 - 8. Issue search warrants; and
 - 9. Perform other judicial and quasi-judicial functions assigned by ordinance.
- f) The council may appoint and may remove municipal judges pro tem.
- g) The council may transfer some or all the functions of the municipal court to an appropriate state court.

SECTION 7

PERSONNEL

7.1 Salaries

Through the approval of the annual budget, Council will authorize the compensation of city employees and city officers.

SECTION 8

PUBLIC IMPROVEMENTS

8.1 Special Assessments

The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

SECTION 9

MISCELLANEOUS PROVISIONS

9.1 Debt

City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

9.2 Ordinance Continuation

All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

9.3 Repeal

All charter provisions adopted before this charter takes effect are repealed.

9.4 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.

9.5 Time of Effect

This charter takes effect , 2024.