

RESOLUTION 2022-20

A RESOLUTION TO REFER TO THE ELECTORS OF THE CITY OF COBURG THE ADOPTION OF THE 2022 COBURG CHARTER, AND REPEALING 1992 COBURG CHARTER AND CHAPTER XII SECTION 45 OF THE 1950 COBURG CHARTER

WHEREAS, Article XI, Section 2 of the Oregon Constitution grants the legal voters of every city the power to enact and amend their municipal charter; and

WHEREAS, The 1950 Coburg Charter, except Section 45 of Chapter XII (Special Capital Improvement Bond Issue) was repealed by the voters on November 3, 1992; and

WHEREAS, The 1992 Coburg Charter in its present format and certain provisions are outdated and hinder understanding and efficient municipal operations; and

WHEREAS, In December 2021 Council directed staff to draft changes to the Charter; and

WHEREAS, Proposed changes were reviewed and discussed at the April 12, 2022, July 12, 2022, July 26, 2022 City Council Meetings; and

WHEREAS, City Council directed staff to move forward with a measure to the voters that would repeal the 1950 Coburg Charter XII, Section 45, Special Capital Improvement Bond Issue, and repeal the 1992 Coburg Charter and adopt the 2022 City of Coburg Charter; and

WHEREAS, City Attorney prepared the ballot title for approval by the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City of Coburg:

1. An election is hereby called for the City of Coburg to submit to City electors a new home rules charter, attached as Exhibit "A" to this resolution.
2. Tuesday, November 8, 2022, is designated as the date for holding the election for voting on this measure.
3. City Council approves the ballot title, as attached in Exhibit "B".
4. City Council authorizes and directs the City Recorder to publish the Ballot title as required by Coburg Ordinance A-75 and State Law.
5. The City Administrator is delegated the authority to make any changes to ballot title to, which is deemed necessary to carry out the purpose of placing the measure on the ballot.
6. The 2022 Coburg Charter, if passed by the voters at the November 8, 2022, General Election, will take effect December 1, 2022.
7. This Resolution is effective upon adoption.

Adopted by the **City Council** of the **City of Coburg**, Oregon, by a vote of ____ for and ____ against, this 9th day of August 2022.

Ray Smith, Mayor

ATTEST:

Sammy L. Egbert, City Recorder

EXHIBIT A

2022 Coburg Charter

PREAMBLE

We, the voters of the City of Coburg, 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 I NAMES AND BOUNDARIES

Section 1.1. Title. This charter may be referred to as the 2022 Coburg Charter.

Section 1.2. Name. The City of Coburg, Oregon, continues as a municipal corporation with the name City of Coburg

Section 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 and accurate and current description of the boundaries.

Section II POWERS

Section 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. The following shall be deemed a description of some, but not all of the powers of the City:

- To license certain businesses or occupations
- To levy license taxes for revenues
- To provide police protection
- To control disposal or refuse
- To levy taxes in the form of licenses
- To adopt taxes on sales and incomes
- To supply water
- To impose registration and license fees
- To impose fees and regulatory requirements on telecommunication providers
- To acquire property within or outside of the corporate limits
- To sell, lease, mortgage and manage properties as interests of the City
- To borrow money within the limits prescribed by general laws
- To purchase, hire, construct, maintain and operate or lease public utilities
- To grant local franchises for the use of public ways and regulate the exercise

- of all franchises
- To make local public improvements and to protect and preserve public improvements
- To license, tax and regulate for the purpose of Police power regulations and City revenue, all businesses, callings trades, and employments
- To annex areas to the City in accordance with State law.

Section 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.

Section 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. 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.

Section III GOVERNANCE

Section 3.1. Mayor. The Mayor shall be the Executive Officer of the City. 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 not a voting member of the Council, **has no veto authority**, and may only vote in order to break a tie.

The Mayor shall, in addition to the other powers and duties granted herein to the Mayor:

- a) Supervise all officers, except the Municipal Judge in the performance of their judicial duties.
- b) **The Mayor may delegate supervision duties set forth in subsection 8.2 and 8.3 to the City Administrator and City Recorder.**
- c) With the consent of Council, appoint members of **commissions** and committees as established by ordinance or resolution, and other persons required by the Council to be so appointed. The Mayor may appoint members of ad-hoc committees without Council consent.
- d) Promptly sign all ordinances, records of actions or proceedings, and agreements approved or authorized by the Council; and faithfully implement and enforce, or so cause to be, this Charter and all ordinances, resolutions, order, motions, agreements and policies of the Council.

e) The Mayor serves as the political head of the City government.

Section 3.2. Council. The Council shall be composed of six Councilors nominated and elected from the City at large, except that when one or more vacancies exist on the Council, it shall be deemed to be composed of those persons actually then holding the office of Councilor.

Section 3.3. Council President. At its first meeting in **odd numbered years**, 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 3.4. Rules. The Council must by resolution, adopt rules of governance of its members and meetings.

Section 3.5. Meetings. The Council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.

- a) The Council may take up to two recesses per calendar year when agreed upon by a majority vote of the City Council.
- b) Any Council meeting may be cancelled by the Mayor or Council President for the lack of agenda items, or an emergency.

Section 3.6. Quorum. A majority of the Council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event, however that due to vacancies on the Council, the number of persons actually holding the Office of Councilor is reduced to less than three persons, the Council shall not enact any new or amended ordinances, except as shall be required by law, actual emergency or to continue the uninterrupted fiscal and other operations of the City, until its membership again numbers three or more persons.

Section 3.7. 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.

Section 3.8. 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 IV

LEGISLATIVE AUTHORITY

Section 4.1. Ordinances. The Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state, "The City of Coburg ordains as follows".

Section 4.2. Ordinance Adoption.

- a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and by approval by the majority of the Council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting.
- b) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read.
- c) At each meeting the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read unless any one of the Council asks that the ordinance be read in full.
- d) A Public Hearing shall be held at the minimum of one meeting, prior to the vote of the council on any ordinance.
- e) 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.
- f) Any substantive amendment to a proposed and previously read ordinance must be read aloud and made available in writing to the Council and public at least six days in advance before the Council adopts the ordinance at that meeting.
- g) After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.
- h) After adoption of an ordinance, the City Recorder must sign it with the date of adoption and his/her name and title, and obtain the signature of the Mayor within three days thereafter.

Section 4.3. Effective Date of Ordinances. Ordinances take effect on the 30th day 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 30 days after adoption if it contains an emergency clause.

Section V ADMINISTRATIVE AUTHORITY

Section 5.1. Resolutions. The Council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Coburg resolves as follows:"

Section 5.2. Resolution Approval.

- a) Approval of a resolution requires approval by a **quorum of the Council** at one meeting.
- b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.

- c) After approval of a resolution, the vote of each member must be entered into the Council minutes.
- d) After approval of a resolution, the **City Recorder** must endorse it with the date of approval and his/her name and title, and obtain the signature of the Mayor.

Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

Section V QUASI-JUDICIAL AUTHORITY

Section 6.1. Orders. The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state “The City of Coburg orders as follows.”

Section 6.2. Order Approval.

- a) Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.
- c) After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
- d) After approval of an order, the **City Recorder** must endorse it with the date of approval.

Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Section VII ELECTIONS

Section 7.1. Regulation of Elections. Except as this Charter or as the Council by ordinance provides to the contrary, the general law of the state apply to City elections. **All elections of the city must be non-partisan.**

Section 7.2. Councilors. The term of a Councilor in office when this charter is adopted is the term for which the Councilor was elected, or is elected at the time of adoption. At each biennial general election after this charter takes effect, three Councilors will be elected for four-year terms.

Section 7.3. Oath of Office. Before commencing the duties of office, each officer shall take an oath or shall affirm faithful performance of the duties of the office and support the constitution and laws of the United States and the State of Oregon.

Section 7.4. Mayor. The present Mayor shall serve the remainder of his or her term of office, and at the next biennial general election following enactment of this Charter, and every two years thereafter, a Mayor shall be elected.

Section 7.5. 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) The Council is the final judge of the election and qualifications of its members and Mayor.

Section 7.6. Nominations. A qualified elector who shall have resided in the City during the 12 months immediately preceding the election or the appointment may be nominated for an elective City office. Nomination for election shall be by petition specifying the elective office sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 25 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by general ordinance. The custodian of City records shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filled.

Section 7.7. 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.

Section 7.8. Oath. The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon, and the ordinances and charter of the city.

Section 7.9. Vacancies. The Mayor or a Council office becomes vacant:

- a) Upon the incumbent's:
 - 1. Resignation;
 - 2. Death;
 - 3. Adjudicated incompetence;
 - 4. Recall from the office;
 - 5. Failure to qualify for the office within 10 days of the time the term of office

- is to begin;
6. Absence from all Council meetings within a 60-day period, or four absences from all Council meetings in a 12 month period, and after the vote of the Council to vacate the office;
 7. Ceasing to reside in the city;
 8. Ceasing to be a qualified elector under state law;
 9. Conviction of a misdemeanor or felony crime;
 10. Removal under Section 8.2(r).

Section 7.10. Filling Vacancies. A Mayor or Councilor vacancy 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.

- a) 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;
- b) Any vacancy shall become effective upon declaration of such vacancy by majority vote of the City Council.

Section VIII APPOINTIVE OFFICERS

Section 8.1. Appointive Officers. A majority of the Council must appoint or remove Appointed Officers. 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.

- a) Appointive Officers need not reside in the city.
- b) Officers 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.

Section 8.2. City Administrator. The office of City Administrator is established as the administrative head of the City government. The City Administrator is responsible to the Mayor and Council for the proper administration of all city business. The City Administrator will assist the Mayor and Council in the development of city policies, and carry out policies established by ordinances and resolutions.

- a) Plan and direct all administrative activities of the City, and take necessary actions to improve operations.
- b) Establish administrative procedures to increase the effectiveness and efficiency of City government, according to current practices in local government, and consistent with approved policies established by City Council.

- c) Supervise and coordinate the City's administrative policies and procedures, including personnel policies and purchasing procedures.
- d) Provide information and advice to the Mayor, City Council, other public officials and the public on the City's operations.
- e) Act as the City's representative in such areas as labor relations, intergovernmental relations, conferences, conventions, and seminars related to public management.
- f) Delegate responsibility as necessary to accomplish the desired objectives.
- g) Attend meetings of the City Council and other boards and commissions as necessary to coordinate and satisfy the administrative needs of the City.
- h) Act to resolve operational conflicts, decide and implement alternate courses of action, formulate administrative policies, and otherwise make decisions in the best interest of the City's operations.
- i) Recommend for adoption by the Council such measures as he or she may deem necessary or expedient.
- j) Prepare and submit to the Mayor and Council such reports as may be required by that body, or as he or she may deem advisable to submit.
- k) Keep the Mayor and Council fully informed and advised of the financial conditions of the City and its future needs.
- l) Coordinate and supervise preparation of the preliminary budget for submission to the Mayor, and administer the budget after its adoption.
- m) Appoint and remove all employees of the City except the Municipal Judge and City Recorder. Exercise all supervisory duties over all employees of the City, including officers of the City, but excluding the Municipal Judge.
- n) Perform such other duties as directed by the Mayor.
- o) The City Administrator has no authority over the Council or over the judicial functions of the Municipal Judge.
- p) The City Administrator and other employees designated by the Council may sit at Council meetings but have no vote. The City Administrator may take part in all Council discussions.
- q) When the City Administrator is temporarily disabled from acting as administrator or when the office of the administrator becomes vacant, the Mayor must appoint

an administrator pro tem. The City Administrator pro tem has the authority and duties of City Administrator, except that a pro tem City Administrator may appoint or remove employees only **with Mayors approval**.

- r) No Council member may directly or indirectly attempt to coerce the administrator or a candidate for the office of administrator 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 City Administrator relating to City business.

Section 8.3. City Recorder. The City recorder serves as the elected ex-officio clerk of the City Council, and attends all meetings unless excused by the Mayor. The City Recorder is responsible for preparing meeting notices and agendas, keeping accurate record of proceedings, serves as the records custodian of the City, responds to public records requests, and provides records certifications. The City Recorder also serves as the Election officer of the City.

In his/ her absence from the council meeting, the Mayor shall appoint a City Recorder of the Council Pro Tem, who while acting in the capacity, shall have all the authority of the recorder.

Section 8.4. Municipal Court and Judge.

- a) A majority of the Council may appoint and remove a municipal judge. The Judge shall hold, within the city, a court known as the Municipal Court for the City of Coburg, Lane County, Oregon.
- 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.
10. The Municipal Judge may appoint and may remove municipal judges pro tem. If the Municipal Judge is not able to appoint a pro tem, then the Council may appoint a pro tem.

Section IX PERSONNEL

Section 9.1. Compensation. The Council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 9.2. Merit Systems. The Council by resolution will determine the policies governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

Section X PUBLIC IMPROVEMENTS

Section 10.1. Procedure. The Council may by ordinance **or state law**, provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon **petition** by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Specifically, by ordinance or resolution the Council shall approve:

- a) The time, method, and manner of making all street, sidewalk, sewer, water, and other local improvements and the method of financing the same;
- b) The procedure for vacation, alteration, or abandonment of streets, and other City property and improvements.

Section 10.2. Special Assessments. The procedure for determining, levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Section XI MISCELLANEOUS PROVISIONS

Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in

force when it takes effect remain in effect until amended or repealed.

Section 11.3. Repeal. All charters and charter amendments of the City enacted prior to the time that this act takes effect, are hereby repealed.

Section 11.4. 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 except as the logical relationship between the two parts requires

Section 11.5. Time of Effect. This charter takes effect December 1, 2022 (if voters approval November 8, 2022.)

Exhibit B

Caption: 2022 City of Coburg Charter

Question: Should the 2022 City of Coburg be adopted repealing previous Charters?

Summary: Oregon Constitution allows City voters the right to adopt, amend and revise the home rule charter. The Charter grants legal authority to the city and sets duties.

Coburg voters adopted the most recent revision to the Charter in 1992. Many charter provisions are outdated and hinder effective and efficient municipal operation. The proposed 2022 Coburg Charter largely follows the League of Oregon Cities 2018 model charter. Among other things, the proposed Charter will add the City Administrator as an officer, clarify the responsibilities of the officers of the City, update the responsibilities of the Mayor and Council, update how vacancies are filled, and clarify what consists of a quorum.