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THE CITY OF  
HERMISTON

~~2015~~-2027

CHARTER

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## PREAMBLE

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

### Chapter I

#### NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the [2015-2027](#) Hermiston Charter.

Section 2. Name. The City of Hermiston, Umatilla County, Oregon, continues as a municipal corporation with the name "City of Hermiston."

Section 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.

### Chapter II

#### POWERS

Section 4. 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.

Section 5. 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.

Section 6. 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.

### Chapter III

#### COUNCIL

Section 7. Council. The council shall be made up of eight councilors, one person from each ward who must be a resident of that ward and is elected by the [city-at-large,electors of each respective ward](#)- and four persons who are residents of the city and are elected by the [electors of the city at large](#).

## Section 8. Council Wards.

For the purpose of electing members to the city council, the city shall be divided into four wards of approximately equal population. The boundaries of the wards in existence at the time this Charter is adopted shall remain in effect until such time as the wards are redefined by Council. The council shall, by ordinance, redefine the boundaries of the wards as necessary to accord persons in the city equal protection of the laws. When the boundaries of the wards are redefined, each ward shall have one continuous boundary. Ward boundaries shall conform to the principles of neighborhood groupings, compactness of area, and regularity of boundaries insofar as can reasonably be attained.

Whenever the ward boundaries are reapportioned to comply with this section, the council members in office at that time shall not lose their qualification for office by reason of the boundary change and shall continue in office for the remainder of their terms unless otherwise disqualified.

The city of Hermiston is ~~hereby~~ currently divided into four wards, designated and bounded as follows:

~~Ward I shall consist of the northwest quarter of the city having its easterly boundary being First Street commencing at Gladys Avenue and thence north to the city limits and its southern boundary being Gladys Avenue and Hermiston Avenue with extension thereto commencing at Gladys Avenue and First Street thence west to the city limits.~~

~~Ward II shall consist of the southwest quarter of the city having its northern boundary being Gladys Avenue and Hermiston Avenue with extension thereto commencing at Gladys Avenue and First Street thence west to the city limits and its easterly boundary being First Street commencing at Gladys Avenue thence south to the city limits.~~

~~Ward III shall consist of the northeast quarter of the city having its westerly boundary being First Street commencing at Gladys Avenue thence north to the city limits and its southern boundary being Gladys Avenue from First to 7th streets thence south on 7th Street to Diagonal Boulevard thence northeast along Diagonal Boulevard to the east city limits.~~

~~Ward IV shall be the southeast quarter of the city having its northern boundary being Gladys Avenue from First to 7th streets thence south on 7th Street to Diagonal Boulevard thence northeast along Diagonal Boulevard to the city limits and its westerly boundary being First Street commencing at Gladys Avenue thence south to the city limits.~~

All ward ~~quadrant~~ boundary lines will extend to the Urban Growth Boundary so that annexed territory will automatically become part of the appropriate ward.~~be extended upon annexation.~~

Section 9. 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 has no veto authority and shall sign all ordinances passed by the council within ten days after their passage. The mayor has no vote on council matters unless there is a tie vote, and in the case of a tie vote on any matter before the council, the mayor shall cast the deciding vote. The Mayor shall be deemed a member of the Council for the purposes of any voting requirements set forth in this Charter whenever the Mayor votes to break a tie on any matter before the Council. The mayor must sign all approved records of council proceedings. The mayor shall appoint members of the council to commissions, boards and committees that are established by state law, ordinance, council rules, resolution or motion, and with the consent of council, shall appoint non-council members to commissions, boards and committees established by state law, ordinance or resolution. The mayor serves as the political head of the city government.

Section 10. Council President. At its first meeting ~~in 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 his or her duties on account of absence, illness, or other cause. The president retains the right to vote on all matters while presiding over the council, but does not have authority to cast an additional vote to break a tie.

Section 11. Rules. The council must by resolution adopt rules to govern its meetings.

Section 12. 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 council rules and the rules and laws of the State of Oregon.

Section 13. Quorum. Five members of the council shall constitute a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules. The mayor shall be deemed a member of the council for the purpose of constituting a quorum.

Section 14. Vote Required. The express approval of a majority of councilors present is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 15. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

## Chapter IV

### LEGISLATIVE AUTHORITY

Section 16. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Hermiston ordains as follows:"

Section 17. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by at least five members of the council at two meetings.

(b) The council may adopt an ordinance at a single meeting by the unanimous approval of all councilors present, provided at least five members of the council are present and the proposed ordinance is available in writing to the public at least three business days 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 custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 18. Effective Date of Ordinances. Ordinances take effect on the 30<sup>th</sup> 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.

## Chapter V

### ADMINISTRATIVE AUTHORITY

Section 19. Resolutions. The council will normally exercise its administrative authority by approving resolutions or motions. The approving clause for resolutions may state "The City of Hermiston resolves as follows:".

Section 20. Resolution Approval.

- (a) Approval of a resolution or any other council administrative decision requires approval by 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 or other administrative decision, the vote of each member must be entered into the council minutes.
- (d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 21. 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.

## Chapter VI

### QUASI-JUDICIAL AUTHORITY

Section 22. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Hermiston orders as follows:".

Section 23. 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 custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 24. 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.

## Chapter VII ELECTIONS

### Section 25. Councilors.

- (a) The term of a councilor in office when this charter is adopted is the term for which the councilor was elected.
- (b) The members of the council shall be elected for a period of four years.
- (c) At the general election in 2016 and at each general election every four years thereafter, four councilors who are residents of the city shall be elected by the city at large to ~~four year~~four-year terms. The four candidates receiving the highest number of votes shall be elected into office.
- (d) Subject to section 27, at the state primary election in 2018 and at each state primary election every four years thereafter, there shall be one council person elected to a ~~four year~~four-year term from each ward by the electors of that ward.

~~(d)~~(e) In the event that there are no ward candidates or at least four at large candidates from a ward, the vacancy shall be filled upon the seating of the members elected in a regular or special election and in accordance with Section 34.

~~(e) All council positions, whether at large or from each ward, shall be elected by the city at large.~~

### Section 26. Mayor ~~and Municipal Court Judge~~.

- (a) The term of the mayor in office when this charter is adopted is the term for which the mayor was elected.
- (b) Subject to Section 27, at the state primary election in 2016 and at each state primary election every four years thereafter, a mayor will be elected by the city at large for a four-year term.
- ~~(c) The term of the municipal court judge in office when this charter is adopted is the term for which the municipal court judge was elected.~~
- ~~(d) Subject to Section 27, at each state primary election a municipal judge will be elected by the city at large for a two-year term.~~

### Section 27. Run-Off Elections for Mayor, ~~Municipal Court Judge~~ and Ward Specific Councilors.

Notwithstanding Sections 25(d) and 26, if three (3) or more candidates file nominating petitions or declarations of candidacy for mayor, ~~municipal court judge~~ or ward specific councilperson then a nonpartisan primary election shall be had for such position at the state primary election. The two candidates who receive the highest number of votes in a primary election for a certain position shall be the nominees whose name shall appear on the ballot at the general election to be held the first Tuesday after the first Monday in November following the primary election. When any candidate receives a majority of all votes cast for the office for which that person is a candidate at a primary election, the name of that candidate shall be printed separately on the ballot at the general election under a designation equivalent to "Vote for One" and no other name shall be printed on the ballot in opposition to such candidate. One space, however, shall be left following such name in which the voter may insert the name of any person for whom the voter

wishes to cast a ballot. The names of the nominees elected at the primary election shall be printed on the Official Ballot for the regular general election without any political party designation.

Section 28. 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 29. Qualifications.

(a) The mayor, ~~municipal court judge~~ 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, ~~municipal court judge~~ nor any councilor may be employed by the city.

(d) The council is the final judge of the election and qualifications of the mayor, ~~the municipal court judge~~ and its members subject, however, to review by any court of competent jurisdiction.

Section 30. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor, ~~municipal court judge~~ or a city councilor position.

Section 31. Terms. The term of an officer elected to an office at a regular city election shall commence the first day of the year immediately following the election, and continues until the successor qualifies and assumes the office.

Section 32. Oath. The mayor, ~~the municipal court judge~~ and each councilor must swear or affirm to faithfully perform the duties of the office and support [the charter, ordinances, and rules of order and procedures for the City of Hermiston](#) ~~the and the~~ constitutions and laws of the United States and Oregon.

Section 33. Vacancies: The office of mayor or, councilmember ~~or municipal court judge~~ becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after a hearing of 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 without council consent from all council meetings within a 60-day period or from fifty percent of all council meetings in any calendar year,
- (3) Ceasing to reside in the city or the ward from which he or she was elected,
- (4) Ceasing to be a qualified elector under state law,
- (5) Conviction of a public offense punishable by loss of liberty,

- (6) Unauthorized release of executive session material;
- (7) Resignation from the office, or
- (8) Removal under Section 35(i).

#### Section 34. Filling Vacancies.

(a) If less than two years, remain in the term of a mayor or councilmember whose office becomes vacant, the vacancy shall 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.

(b) If two or more years remain in the term of a mayor or councilmember whose office becomes vacant, the vacancy shall be filled at a special election, which shall occur at the first election date that meets all requirements of state and city election laws. A person elected to fill a vacancy under this subsection shall serve until expiration of the term of office of the last person elected to that office. Until a vacancy is filled by a special election and the person takes office in accordance with this subsection, the remaining members of the council may appoint a person to fill the vacancy for the interim period of time.

~~(c) A municipal court judge vacancy shall be filled by appointment by a majority of the 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.~~

~~(d)~~(c) If a disability prevents the mayor or 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

#### OTHER OFFICERS

#### Section 35. 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 must reside in the city within 12 months from employment date.

(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 acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge but retains authority over the administrative functions of the municipal court.

(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 manager becomes vacant, the council must appoint a manager pro tern. The manager pro tern has the authority and duties of manager, except that a manager pro tern may appoint or remove employees only with council approval. No manager pro tern shall hold this position for more than six months unless by reappointment.

(i) In order to protect the fundamental form of government chosen by the voters, guard the power of the council as a body, defend against corruption, ensure transparency, and preserve the separation of authority set forth in this Charter between the manager's administrative authority and the council's general powers, no council member may actually coerce or 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. A violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. This prohibition does not apply in publicly noticed meetings, including but not limited to council or committee meetings, executive sessions, and work sessions.

~~(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.~~

Section 36. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council, in consultation with the city manager, must appoint and may remove the city attorney. Day to day supervision of the city attorney will be conducted by the City Manager.

Section 37. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge in consultation with the

City Manager. The municipal court judge will hold court in the city at such place as the council directs. The court will be known as the Hermiston 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 court 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 municipal court judge shall be licensed to practice law in the State of Oregon. Failure of the municipal court judge to maintain a license to practice law in the State of Oregon shall be deemed a forfeiture of office upon declaration by the council after a hearing.
- (g) The council may appoint and may remove municipal court judges pro tern to serve in the absence of the municipal court judge. A municipal court judge pro tern must be licensed to practice law in the State of Oregon at any time the municipal court judge pro tern is engaged in official duties.
- (h) The council may transfer some or all of the functions of the municipal court to an appropriate state court.
- (i) The elected municipal court judge in office at the effective date of this charter shall not lose their qualification for office and may serve the remainder of their term.
- ~~(h)~~

## **Chapter IX**

### **PERSONNEL**

Section 38. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 39. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

## **Chapter X**

## MISCELLANEOUS PROVISIONS

Section 40. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 41. Water and Sewer Fund. All funds now in or hereafter derived from the city water system, and city sewer system, or either of them, shall be placed in a single fund and kept therein separate and apart from all other city funds, and shall not be used for any purpose other than the expense of operating and maintaining said city water system and city sewer system, or either of them, and for betterments and extensions thereto, and for the purpose of paying interest and principal of water bonds and sewer bonds, or either of such bonds.

Section 42. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 43. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 44. Continuation of Rights and Liabilities. No right or liability of the city existing at the time this charter takes effect shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides.

Section 45. 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.

Section 46. Amendments and Revisions. No amendment, revision or repeal of this Charter shall take effect unless approved by City voters. Either the council by a majority vote or City voters by an initiative petition may refer an amendment of this Charter to the City voters. ~~Only the Council, by a majority vote, may refer a revision or repeal of this Charter to the City voters.~~

Section 47. Charter Review. ~~This charter shall be reviewed at least every 10 years.~~

Section 478. Time of Effect. This charter takes effect ~~July 1, 2015~~ January 1, 2027.

