

Chapter	Section	Current Text	LOC Model Charter	Halsey Charter	Lebanon Charter	Brownsville Charter	Albany Charter
I Name, Boundaries, Powers and General Provision	1. Name and Boundaries.	<p>The City of Sweet Home, Linn County, Oregon shall, upon the taking effect of this charter, continue to be a municipal corporation under the name of the City of Sweet Home.</p> <p>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.</p>	<p><u>Section 1.1. Titles.</u> This charter may be referred to as the 20__ (municipality) Charter.</p> <p><u>Section 1.2. Names.</u> The City of _____, Oregon, continues as a municipal corporation with the name City of _____.</p> <p><u>Section 1.3. Boundaries.</u> 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.</p>	<p>Section 1.1 Title of Enactment. This enactment may be referred to as the 1996 Halsey Charter.</p> <p>Section 1.2 Name of City. The city of Halsey, Linn County, Oregon, shall continue to be a municipal corporation with the name "City of Halsey."</p> <p>Section 1.3 Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.</p>	<p>Section 1. Title of Enactment. This enactment may be referred to as the City of Lebanon Charter of 2004.</p> <p>Section 2. Name of City. The Municipality of Lebanon, Linn County, State of Oregon, shall continue to be a municipal corporation with the name City of Lebanon.</p> <p>Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Council, or by any other agency with legal power to modify them. The Recorder shall keep at City Hall at least two certified copies of this Charter in each of which he/she shall maintain an accurate, up-to-date map designating the boundaries of the city.</p>	<p>Section 1. Title. This revision of the Brownsville Charter of 1952 may be referred to as "the Brownsville Charter of 1981."</p> <p>Section 2. Name of City. The City of Brownsville, Linn County, Oregon, continues under this Charter to be a municipal corporation, with the name "City of Brownsville."</p> <p>Section 3. Boundaries. The City includes all territory encompassed by its boundaries as they exist when this revision of the Charter is adopted or as they are subsequently modified in accordance with state law. The repository of city records shall include at least two copies of this Charter, each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours.</p>	<p>Section 1 Title of Enactment. This enactment may be referred to as the Albany Charter of 1956. (Ord. 5741, 6-23-2010)</p> <p>Section 2 Name of City. The City of Albany, Linn and Benton Counties, Oregon, shall continue to be a municipal corporation with the name "City of Albany." (Ord. 5741, 6-23-2010)</p> <p>Section 3 Boundaries. (on file in the Office of the City Recorder per footnote)</p>
I Name, Boundaries, Powers and General Provision	2. Powers of the City.	<p>Subject only to limitations provided in this charter, the city shall have all rights, powers, privileges and immunities now or hereafter granted either expressly or impliedly to municipalities by the constitution, statutes (*) and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this charter.</p> <p>The enumeration of or reference to particular rights, powers, privileges and immunities in this charter shall not be construed to be exclusive. This charter shall be liberally construed to the end that the city may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.</p>	<p><u>Section 2.1. Powers.</u> 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.</p> <p><u>Section 2.2. Construction.</u> The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United State 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.</p> <p><u>Section 2.3 Distribution.</u> The Oregon Construction 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.</p>	<p>Section 2.1 Powers of the City. The city shall have all powers within the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated those powers.</p> <p>Section 2.2 Construction of Powers. In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates to the contrary.</p> <p>Section 2.3 Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.</p>	<p>Section 4. Powers of the City. The City shall have all powers which the Constitutions, statutes, and common law of the United States of America and of the State of Oregon expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.</p> <p>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 state laws and to the municipal home rule provisions of the state constitution. Of the State of Oregon. As used herein, the singular shall include the plural and the plural the singular, the masculine and neuter shall each include the masculine and feminine and neuter, as the content requires.</p>	<p>Section 4. Powers of the City. The city has all powers which the constitution, statutes, or common law of the United States or of this state expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.</p> <p>Section 5. Construction of Powers. In this Charter, no mention of a particular power is exclusive or restricts 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 have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws or the municipal home rule provisions of the state constitution. (Ord. 5741, 6-23-2010)</p>	<p>Section 4 Powers of the City. The City shall have all powers which the constitution, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of these powers. (Ord. 5741, 6-23-2010)</p> <p>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 state law and to the municipal home rule provisions of the state constitution. (Ord. 5741, 6-23-2010)</p>
II Form of Government	3. Council and Mayor.	<p>Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large. At each biennial general election, four councilors shall be elected. The three receiving the highest number of votes shall each hold office for four years, and the one receiving the number of votes next to the three highest shall hold office for two years. Tie votes shall be determined by lot.</p> <p>At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.</p> <p>The mayor and councilors in office at the time of adoption of this charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this charter.</p>	<p><u>Section 3.1. General Powers and Duties.</u> 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.</p> <p><u>Section 3.2. Council.</u> The council consists of a mayor and six councilors nominated and elected from the city at large.</p> <p><u>Section 3.5. Rules.</u> The council must by resolution adopt rules to govern its meetings.</p> <p><u>Section 3.6. Meetings.</u> 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.</p> <p><u>Section 3.9. Record.</u> A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.</p> <p><u>Section 7.1. Councilors.</u> The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each</p>	<p>Section 3.1 Council. The council consists of six councilors elected from the city at large. In case of one of more vacancies in the council, the council consists of members whose offices are not vacant.</p> <p>Section 3.2 Councilors. The term of office of a councilor in office when this charter is adopted in the term of office for which the councilor: 3.2.1 has been elected or appointed before adoption of the charter; or 3.2.2 is elected or appointed after the adoption of this Charter.</p> <p>At each general election after the adoption of the Charter, three councilors shall be elected, each for a four-year term.</p> <p>Section 3.3 Mayor. The term of office of the mayor in office when this charter is adopted continues through 1996. At the general election that year, and at each subsequent general election, a mayor shall be elected for a two-year term.</p>	<p>Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.</p> <p>Section 7. Council. The Council shall be composed of a Mayor elected from the City at large, and six Councilors nominated and elected by precinct.</p> <p>Section 8. Members of the City Council. The Mayor and Councilors in office at the time this Charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election after this Charter takes effect, three Councilors shall be elected, each for a term of four years.</p> <p>Section 9. Mayor. At each biennial general election a Mayor shall be elected for a term of two years.</p> <p>Section 28. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a</p>	<p>Except as this Charter provides otherwise, all powers of the city are vested in the council.</p> <p>Section 7. Council. The council is composed of a mayor and six councilors elected from the city at large.</p> <p>Section 8. Councilors. The councilors shall be elected for four years. Three councilors shall be elected at each biennial general election. Each councilor shall hold office until his or her successor is elected and qualified.</p> <p>Section 9. Mayor. The mayor shall be elected for four years and shall hold office until his or her successor is elected and qualified.</p> <p>Section 24. Votes. The person receiving the greatest number of the votes cast for any of the candidates for the office of mayor at the election at which the office is filled is elected to the office of mayor. The three persons receiving the greatest number of votes cast for any of the candidates for the</p>	<p>Section 7 Council. The council shall be composed of a mayor and six (6) councilors. The mayor shall be elected from the City at large. The councilors shall be elected two (2) from each ward. The City shall be divided into three (3) wards bounded and designated by ordinance. (Ord. 5741, 6-23-2010)</p> <p>Section 8 Councilors. The councilor receiving the highest number of votes in each ward at the election at which this charter is adopted shall serve for four (4) years. The councilor receiving the next highest number of votes in each ward shall hold office for two (2) years. At each subsequent biennial general election, one councilor shall be elected from each ward for a term of four (4) years. (Ord. 5741, 6-23-2010)</p> <p>Section 9 Mayor. At each biennial general election, a mayor shall be elected for a term of two (2) years. (Ord. 5741, 6-23-2010)</p>
II Form of Government	4. City Attorney ( * ), Manager and Municipal Judge.	<p>The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who shall hold office subject to the discretion of the council and may be removed by the council with or without cause.</p>	<p>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.</p> <p>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.</p> <p>c) The manager need not reside in the city.</p> <p>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.</p> <p><b>***NOTE TO COMMITTEE: There are many additional City Manager provisions in the Model Charter, but the majority of what is comparable is addressed under our current Chapter VI Section 20.</b></p> <p><u>Section 8.2. City Attorney.</u> The office of city attorney is established as the chief legal officer of the city government. A majority of the council must</p>	<p>Section 5.2 Municipal Judge. The council may appoint a municipal judge who shall be the judicial officer of the city, who shall hold, at a place and times that the council specifies, a court known as the Municipal Court for the city of Halsey, Linn County, Oregon.</p>	<p>Section 10. Other Officers. Additional officers of the City shall be a City Recorder, a City Attorney, a City Administrator, and in the discretion of the Council, a Municipal Judge and whatever other officers the Council deems necessary. The Municipal Judge, the City Attorney, and the City Administrator shall be appointed by the Council and be responsible to him/her. The Council, as needs dictate, may appoint one or more pro tem Municipal Judges to serve such term as the Council provides.</p>	<p>1. The city council may appoint a municipal judge for a term and at a salary it specifies. Once appointed, a municipal judge may not be removed from office prior to the expiration of the term set by the council except, after hearing, for incompetency, corruption, malfeasance or delinquency in offices or other sufficient cause stated by ordinance. The municipal judge shall hold court within the city and shall transact judicial business at times specified by the council. All areas within the city are to be within the territorial jurisdiction of the court.</p> <p>2. The municipal judge shall exercise jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to enforce forfeitures or penalties defined or authorized by ordinances of the city. The municipal judge has the authority and jurisdiction of a justice of the peace for the County of Linn within the limits of the City of Brownsville in both civil and criminal matters, and, when exercising such jurisdiction or any authority shall be subject to all the general laws of the state preserving the duties of a justice of the peace and the mode of performing the same and shall receive the same compensation therefor. The municipal judge shall</p>	<p>Section 10 Manager and Municipal Judge. The offices of city manager and municipal judge are hereby created. The council shall fill each of these offices by appointment. (Ord. 5741, 6-23-2010)</p>
II Form of Government	5. Other City Officers and Employees.	<p>The city manager shall appoint a treasurer, a chief of police and such other officers and employees of the city as the council deems necessary, and may remove any of them at any time with or without cause. The council may by resolution require any officer to fill and perform the duties of two or more offices.</p>	<p><u>Section 8.1. City Manager.</u></p> <p>E) The manager must:</p> <p>4) Appoint, supervise, and remove city employees;</p> <p>5) Organize city departments and administrative structure;...</p>	<p>Section 3.5 Appointive Offices. By an ordinance approved by four councilors, the council may create, modify, abolish, and combine appointive city offices, except that the office of City Recorder and Municipal Judge may not be combined or held by the same person.</p>		<p>Section 10. Other Officers. Additional officers of the city may be appointed and removed by the council as it deems necessary.</p>	<p>Section 11 Other Officers and Employees. The title of appointive officers of the City of Albany shall be as designated by the council. Any requirement that an appointive officer shall fill two (2) or more appointive offices may be effected only by the council. (Ord. 5741, 6-23-2010; amended by vote of the electors November 8, 1966.)</p>
II Form of Government	6. Salaries.	<p>The council shall fix the compensation of all city officers and employees.</p>	<p><u>Section 9.1. Compensation.</u> The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.</p>	<p>Section 3.6 Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council and shall be in accordance with state wage laws.</p>	<p>Section 11. Salaries. The compensation for the services of each City officer and employee classification shall fall within the salary range fixed by the Council for that particular position.</p>	<p>Section 11. Salaries. The compensation of councilors, the mayor, other officers and employees shall be fixed by the council. However, no increase in the compensation of councilors or the mayor shall take effect until the first day of the odd-numbered year following the first biennial general election after the increase is ordered.</p>	<p>Section 12 Salaries. The compensation for the services of each city officer and employees shall be the amount fixed by the council. (Ord. 5741, 6-23-2010)</p>

II Form of Government	7. Bonds of Officers, Employees and Contractor.	If ordinances require, every person appointed to an office or place of public employment in the city or entering into a contact with the city shall give the city a bond for the faithful performance of his/her duties. Nothing in this section, however, shall detract from the effect of Section 20.	N/A	N/A	<p>The Mayor shall appoint those committee members provided by City ordinance or the rules of the Council. He/she shall sign all approved records of the proceedings of the Council. He/she shall have no veto power and shall sign all ordinances passed by the Council. <u>After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.</u></p> <p>Section 21. City Administrator. The following provisions shall apply to the office of the City Administrator: (a)Qualifications. The City Administrator shall be the administrative head of the government of the City. He/she shall be chosen by the Council without regard to political considerations and solely with reference to his/her executive and administrative qualifications. He/she need not be a resident of the City or of the State at the time of his/her appointment but within six months thereafter, unless said requirement is modified by the City Council, shall become and during his/her tenure remain a resident of the city. <u>Before taking office, he/she shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the</u></p>	N/A	N/A
III Elections	8. Regulations of Elections.	Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general law of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the city at least one year may be nominated for the council or for mayor.	<p><u>Section 7.3. State Law.</u> City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.</p> <p><u>Section 7.4. Qualifications.</u> 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.</p> <p><u>Section 7.5. Nominations.</u> The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.</p>	<p>eligible for an elective office of the city unless at the time of his or her election the person is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be the final judge of the qualification of its own members, subject, however, to review by a court of competent jurisdiction.</p> <p>Section 6.1 State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.</p> <p>Section 6.2 Nominations. Any qualified elector may be qualified to be a candidate for elective office if the elector has resided in the city for 12 months immediately preceding the election to office. The name of such an elector shall be printed on the ballot whenever a written acceptance of nomination and a fee or a nominating petition as prescribed by general ordinance is timely filed with the city in advance of the election. If a nomination petition is used it shall be signed by not fewer than 10 nor more than 20 electors. The nomination petition for a successful candidate for election shall be preserved by the custodian of city records until the expiration</p>	<p>No person shall be eligible for an elective office of the City unless at the time of that person's election or appointment that person is a qualified elector within the meaning of the Constitution of the State of Oregon; has resided in the City continuously during the six months immediately preceding the election or appointment. No person who is an employee of the City of Lebanon, nor is a spouse or immediate family member of a city staff member or seated elected officer, shall be eligible to serve as a member of the City Council. 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.</p> <p>Section 24. Regular Elections. Regular City elections shall be held at the same times and places as biennial general State of Oregon elections, and shall be conducted in accordance with applicable State of Oregon election laws.</p> <p>Section 26. Regulation of Elections. The general laws of the State of Oregon shall apply to the conduct of all City elections, recounts of the returns therefrom, and contest thereof, except in those cases where</p>	<p>No person is eligible for an elective office of this city unless at the time of the officer's election, the officer is a qualified elector within the meaning of the state constitution, is a resident of the city, and has been a resident of the city during the 12 months immediately preceding the election. No person shall hold an elective office of the city if the person is an employee of the city. The council is the final judge of the qualifications and election of its own members.</p> <p>Section 22. Notice. The officer in charge of city elections shall give 10 days public notice of each city election. The notice shall state the officers to be elected, the measures to be submitted at the election, and the time and place for the election.</p> <p>Section 23. Regulation of Elections. Except as this Charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general laws of the state shall apply to all nominations for an elective city office, the conduct of city elections, recounts of the returns therefrom and contests therefore.</p>	<p>No person shall be eligible for an elective office of the City unless at the time of election the person is a qualified elector within the meaning of the state constitution and has resided within the city limits during the twelve (12) months immediately preceding the election, and in the ward the person represents for a period of ninety (90) days. 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. (Ord. 5741, 6-23-2010)</p> <p>Section 25 Regular Elections. Regular City elections shall be held at the same times and places as the biennial general state elections in accordance with applicable state election laws. (Ord. 5741, 6-23-2010)</p> <p>Section 26 Notice of Regular Elections. The City Clerk, pursuant to directions from the council, shall give at least ten (10) days notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall and by publication in a newspaper of general circulation published in 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. (Ord. 5741, 6-23-2010)</p>
III Elections	9. Special Elections.	The council may by resolution or ordinance order a special election and provide the time, manner and means for holding it. At least 10 days notice shall be given of each special election.	N/A	N/A	Section 25. Special Elections. Special elections shall be held as provided by the Council and shall be conducted in accordance with applicable State of Oregon election laws.	N/A	Section 27 Special Elections. The council shall provide the time, manner and means for holding any special election. The City Clerk shall give at least ten (10) days notice of each special election in the manner provided by the action of the council ordering the election. Notice of such election to be given in the same manner as a regular election. (Ord. 5741, 6-23-2010)
III Elections	10. Commencement of Terms of Office.	The term of office of each person elected to office at a regular city election shall commence on the first Monday of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon his/her office immediately.	<p>Section 7.1. 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.</p> <p>Section 7.2. 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.</p>	Section 3.4 Term of Office. The term of an elective officer who is elected at a general election begins at the first council meeting of the calendar year immediately after the election and continues until the successor to the office assumes the office.	Section 29. Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence at the first City Council meeting after the first of the calendar year immediately following the election. Until such time as the Mayor-elect or Councilor-elect is sworn into office, the incumbent Mayor or Councilor shall continue in office.	Section 27. Terms. The term of office of a person elected at a regular city election commences on the first Monday in January following the election.	Section 31 Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence the first day of the year immediately following the election. (Ord. 5741, 6-23-2010)
III Elections	11. Oath of Office.	Each officer, before entering upon the duties of his/her office, shall take an oath that he/she will support the constitution and laws of the United States and the state, and that he/she will faithfully perform the duties of his/her office.	<u>Section 7.7. Oath.</u> 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.	Section 6.3 Oath of Office. Before assuming city office, an officer shall take an oath of office or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and the State of Oregon.	Section 30. Oath of Office. Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the Constitutions and laws of the United States of America and of the State of Oregon and will faithfully perform the duties of his/her office.	Section 26. Oath or Affirmation of Office. Before entering upon the duties of their offices, all elected officers, the city administrator, municipal judge and all department heads shall take an oath or shall affirm as follows:  "I, _____, do solemnly swear that I will support the constitution and laws of the United States and of Oregon, that I will, to the best of my ability, faithfully perform the duties of _____ during my continuance therein, so help me God." If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."	Section 32 Oath of Office. Before entering upon the duties of the office, each officer shall take an oath or shall affirm support of the constitutions and laws of the United States and of Oregon and shall commit to faithfully perform the duties of the office. (Ord. 5741, 6-23-2010)
IV Vacancies	12. Vacancies in Office Generally.	An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in case of the mayor, manager, municipal judge or councilor, or without the consent of the manager in case of officers appointed by the manager; upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefore on or before the day of his/her term of office commences; and in case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council.	<p><u>Section 7.8 Vacancies.</u> 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 after the time the term of office is to begin; 2) Absence from the city for 30 days without council consent, or from all 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 misdemeanor or felony crime; 6) Resignation from the office; or 7) Removal under Section 8.1(i).</p>	<p>charter becomes vacant: 7.1.1 Upon the incumbent's 7.1.1.1 Death, 7.1.1.2 Adjudicated incompetence, 7.1.1.3 Recall from the office, or 7.1.2 Upon declaration by the council of the vacancy in case of the incumbent's 7.1.2.1 Failure, following election or appointment to the office, to qualify for the office within (10) days after the time of his or her term of office to begin. 7.1.2.2 Absence from the city for 30 days without the knowledge of council, or from all meetings of the council within a 60-day period. 7.1.2.3 Ceasing to reside within the city. 7.1.2.4 Ceasing to be a qualified elector under state law. 7.1.2.5 Resignation from the office.</p> <p>Section 7.2. Filling Vacancies. 7.2.1 A vacancy in elective office shall be filled by appointment by a majority of the elected officers remaining in office. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the</p>	Section 33. What Creates a Vacancy. An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, other offense punishable by loss of liberty pertaining to his/her office, or unlawful destruction of public records, resignation, recall from office, the lack of a qualified candidate during a regular election, or ceasing to possess the qualifications for the office. The office of Mayor or Councilman shall be deemed vacant upon his/her absence from the City for more than 60 days without the consent of the Council, and upon a declaration by the Council of the vacancy.	Section 28. Vacancy. An office becomes vacant upon the incumbent's death, removal from office, resignation or ceasing to possess the qualifications necessary for office. An elective office becomes vacant whenever either of the following acts occur without the prior consent of the council and upon a declaration by the council of the vacancy: its incumbent is absent from the city for a period of 30 days or fails to attend two consecutive regular meetings of the council.	Section 34 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 the office; or upon the failure of the person elected or appointed to an office to qualify therefor within three (3) days after the time for the term of office to commence; and in the case of mayor or councilor, upon absence from the City for thirty (30) days or absence from meetings of the council for sixty (60) days without the consent of the council and upon a declaration by the council of the vacancy. (Ord. 5741, 6-23-2010)

IV Vacancies	13. Manner in Which Vacancies Shall Be Filled.	Vacancies in office filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his/her successor is chosen and qualified. Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 24 hours after his/her appointment qualify for office, and unless he/she does so, the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his/her office may be filled temporarily in the manner provided for filling vacancies in office.	<p><u>Section 7.9. Filling Vacancies.</u> 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 3.7, if at any time council members is reduced to less than (4), the remaining members may, by majority action, appoint additional members to raise the member to (4). As little as a single council member may constitute a majority for purposes 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.</p> <p><u>Section 3.8. Vote Required.</u>... 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 required.</p>	<p>Section 7.1 Vacancies. An elective office created in this charter becomes vacant:</p> <p>7 .1.1 Upon the incumbent' s</p> <p>7 .1.1.1 Death,</p> <p>7 .1.1.2 Adjudicated incompetence,</p> <p>7.1.1.3 Recall from the office, or</p> <p>7 .1.2 Upon declaration by the council of the vacancy in case of the incumbent's</p> <p>7 .1.2.1 Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time of his or her term of office to begin.</p> <p>7 .1.2.2 Absence from the city for 30 days without the knowledge of council, or from all meetings of the council within a 60-day period.</p> <p>7.1.2. 3 Ceasing to reside within the city.</p> <p>7.1.2.4 Ceasing to be a qualified elector under state law.</p> <p>7 .1.2.5 Resignation from the office.</p>	<p>Section 34. Filling of Vacancies.</p> <p>Vacancies in elective offices in the City shall be filled through appointment by a majority of the incumbent members of the Council. The Council shall first attempt to fill the vacancy with a qualified elector from the precinct having the vacancy. If the vacancy remains after 60 days, the Council shall fill the position with a qualified elector from the City at large. The appointed member shall then serve the balance of the term of the position being filled. During the temporary disability of any officer, as determined in the sole discretion of the City Council, or during his/her temporary absence from the City for any cause, his/her office may be filled pro tem in the manner provided for filling vacancies in the office permanently.</p>	<p>Section 29. Filling of Vacancies.</p> <p>The Council shall fill a vacancy in any elective city office by appointment within 90 days after the vacancy occurs. A majority vote of the council is required to validate the appointment. The appointee's term of office begins immediately upon the appointment and expires when the term of the person whose office has become vacant would have expired had that person continued in office. During the temporary disability of any officer or an officer's temporary absence from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in offices permanently.</p>	<p>Section 35 Filling of Vacancies.</p> <p>Vacancies in elective offices of the City shall be filled by appointment by a majority of the entire membership of the council, including the Mayor. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the predecessor. During the temporary disability of any officer or during that officer's absence temporarily from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently. (Ord. 5741, 6-23-2010)</p>
V The Council	14. Council Meetings.	The council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the council may be called by the mayor, either upon his/her own motion or upon the request of at least three members of the council, and held at any time, upon verbal or written notice to all members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council.	<p><u>Section 3.6. Meetings.</u> The council must meet at least once a month at a time and place designated by its rules and laws of the state of Oregon.</p>	<p>Section 7 .2 Filling Vacancies.</p> <p>7.2.1 A vacancy in elective office shall be filled by appointment by a majority of the elected officers remaining in office. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant.</p> <p>7 .2.2 During an elected officer's disability or absence from the city, a majority of the elected officers remaining in office may by appointment fill the vacancy pro tem.</p>	<p>Section 13. Meetings.</p> <p>The Council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The Mayor upon his/her own motion may, or at the request of three Councilors, shall call a special meeting of the Council by giving notice thereof as required by state law.</p>	<p>Section 13. Meetings.</p> <p>The council shall prescribe the time and place of its regular meetings, at least one of which shall be held each month. The mayor or three councilors may call special meetings of the council in a manner prescribed by ordinance.</p>	<p>Section 14 Meetings.</p> <p>The council shall hold a regular meeting at least twice 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. A motion by the mayor or the request of three (3) members of the council, by giving notice thereof to all members of the council then in the City, may call a special meeting of the council for a time not earlier than three (3) nor later than forty-eight (48) hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all members of the council.</p>
V The Council	15. Quorum.	A majority of council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public.	<p><u>Section 3.7. Quorum.</u> Except as specifically addressed here and in Section 7.9, 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 as outlined in Section 7.9.</p> <p><u>Section 3.8. Vote Required.</u> 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 member remaining, is separate from the quorum requirement required to conduct all remaining city business unless otherwise stated.</p>	<p>Section 4.3 Quorum. Except as otherwise provided, four elected officers of their replacements appointed as provided in Section 7.2 constitute a quorum for the conduct of council business, but a smaller number of the elected officers or their replacements may meet and compel attendance of absent officers as prescribed by council rules.</p>	<p>Section 14. Quorum.</p> <p>A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance. Any elected officers present shall be counted for purposes of establishing a quorum.</p>	<p>Section 14. Quorum.</p> <p>A majority of the members of the council constitutes a quorum for the transaction of council business, except that a lesser number may meet and compel attendance of absent members in a manner prescribed by ordinance. A quorum may also compel the attendance of absent members.</p>	<p>Section 15 Quorum.</p> <p>Four (4) members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.</p>
V The Council	16. Mayor's Duties at Council Meetings.	The Mayor shall be chairperson of the council and shall preside over its deliberations. He/she shall have authority to preserve order, enforce the rules of council and determine the order of business, subject to the rules of the council. He/she may vote as a councilor.	<p><u>Section 3.3. Mayor.</u> 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.</p> <p>a) With the consent of the council, the mayor appoints members of commissions and committees established by ordinance or resolution.</p> <p>b) The mayor must sign all records of council decisions.</p> <p>c) The mayor serves as the political head of the city government but shall have no administrative duties.</p>	<p>Section 4.5 Mayor's Function at Council Meetings.</p> <p>4.5.1 When present at council meetings the mayor shall:</p> <p>4.5.1.1 Preside over deliberations of the council,</p> <p>4.5.1.2 Preserve order,</p> <p>4.5.1.3 Enforce council rules, and</p> <p>4.5 .1.4 Determine the order of business under the rules.</p> <p>4.5.2 The mayor is not a member of the council. The mayor may vote on matters before the council only when necessary to break a tie in the council vote.</p>	<p>Section 17. Mayor's Functions at Council Meetings.</p> <p>The Mayor shall be chairperson of the Council and preside over its deliberations. He/she shall have a vote on all questions or issues resulting in a tie vote of those members present and voting. He/she shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council and shall co-sign all orders on the treasury with the City Recorder.</p>	<p>Section 16. Mayor's Function at Council Meetings.</p> <p>The mayor shall preside at the council meetings and may vote on all questions before the council.</p>	<p>Section 18 Mayor's Functions at Council Meetings.</p> <p>The mayor shall be chair of the council and preside over its deliberations. 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. The mayor shall have no vote, except in case of a tie vote of the councilors then voting.</p>
V The Council	17. President Pro Tem.	At its first meeting in the new term after each biennial election, the council shall elect from its membership, a president pro tem for a term of two years. The president pro tem shall perform the duties of the mayor in the absence of the mayor.	<p><u>Section 3.4. Council President.</u> 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.</p>	<p>Section 4.6 President of the Council. At its first meeting of each odd-numbered year, the council shall elect a president from its councilors. Except in voting on questions before the council and except the president shall not have the power to veto, the president shall function as mayor when the mayor is:</p> <p>4.6.1 Absent from a council meeting, or</p> <p>4.6.2 Unable to function as mayor.</p> <p>The president shall not lose his or her vote by reason of assuming the duties of the mayor.</p>	<p>Section 18. President of the Council.</p> <p>At its first meeting after this Charter takes effect, and thereafter at its first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside. Whenever the Mayor is unable to perform the functions of his/her office, the president shall act as Mayor, shall have all the powers of the Mayor, including the authority to co-sign all orders on the treasury with the City Recorder.</p> <p>Whenever the Council shall find a need to authorize a member of the Council to act as Mayor in the absence of the Mayor and the president of the Council, it may by motion authorize another member to act as Mayor.</p>	<p>Section 17. President of the Council.</p> <p>At the first meeting of each odd-numbered year, the council 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 of his or her office, the president shall act as mayor.</p>	<p>Section 19 President of the Council.</p> <p>At its first meeting, after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from the council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of the mayor's office, the president shall act as mayor. The president shall not lose any voting rights by reason of assuming the duties of the mayor.</p>
V The Council	18. Vote Required.	The concurrence of a majority of a quorum shall be required to determine any matter before the council except as provided otherwise in this charter.	<p><u>Section 3.8. Vote Required.</u> 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.</p>	<p>Section 4. 7 Vote Required. Except when a different vote is prescribed in this charter, when a quorum is present the concurrence of a majority of the council present and able to vote shall be necessary to decide any question before the council.</p>	<p>Section 19. Vote Required.</p> <p>Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present and voting at a Council meeting shall be necessary to decide any question before the Council.</p>	<p>Section 18. Vote Required.</p> <p>The concurrence of a majority of the members of the council present and voting at a meeting, provided that a quorum is present, may decide any question before the council, except as this Charter otherwise provides.</p>	<p>Section 20 Vote Required.</p> <p>Except as this charter otherwise provides, the concurrence of four (4) of the members of the council shall be necessary to decide any question before the council.</p>
VI Powers and Duties of the City Officers	19. Mayor.	The mayor shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. He/she shall sign all ordinances passed by the council within three days after their passage. He/she shall sign all instruments and writings authorized by this charter, the laws of the state or the council. In the absence of the mayor, such instruments shall be signed by the president pro tem of the council. All orders on the city treasurer shall be signed by two of the three following named city officers, being the mayor, the city manager and the city treasurer.	<p><u>Section 3.3. Mayor.</u> 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.</p> <p>a) With the consent of the council, the mayor appoints members of commissions and committees established by ordinance or resolution.</p> <p>b) The mayor must sign all records of council decisions.</p> <p>c) The mayor serves as the political head of the city government but shall have no administrative duties.</p>	<p>Section 5.1 Mayor. The mayor shall appoint the committees provided for under the rules of the council. Upon approval of the council, the mayor shall:</p> <p>5 .1.1 Countersign all orders on the treasury, and</p> <p>5 .1 .2 Sign all contracts and proposals.</p>	<p>Section 20. Mayor.</p> <p>The Mayor shall appoint those committee members provided by City ordinance or the rules of the Council. He/she shall sign all approved records of the proceedings of the Council. He/she shall have no veto power and shall sign all ordinances passed by the Council. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.</p>	<p>Section 9. Mayor.</p> <p>The mayor shall be elected for four years and shall hold office until his or her successor is elected and qualified.</p>	<p>Section 21 Mayor.</p> <p>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, except in the case of a vote as hereinafter provided. Unless a different procedure/policy is adopted by resolution or ordinance unless state law requires otherwise, the mayor shall have exclusive discretion to nominate individuals to serve on City Boards and Commissions subject to ratification by the Council.</p>

VI Powers and Duties of the City Officers	20. Manager.	<p>(a) <del>Qualifications.</del> The manager shall be the administrative head of the city government. He/she shall be chosen by the council without regard to political consideration and solely with reference to his/her executive and administrative qualifications.</p> <p>Before entering upon his/her duties, the manager shall file with the mayor an official bond for faithful performance thereof, payable to the city in the sum of \$10,000, the premium of which shall be paid by the city. The bond shall be to the satisfaction of the council, and the approval of the mayor shall be endorsed thereon.</p> <p>(b) <del>Term.</del> The manager shall be appointed for an indefinite term, but may be removed with a vote of four members of the council. Upon any vacancy occurring in the office of the manager subsequent to the first appointment hereunder, the council shall, at its next meeting, adopt a resolution of its intention to appoint a manager, and no such appointment shall be made until at least four weeks after adoption of the resolution. The council shall appoint a manager within a reasonable time after the adoption of the resolution of intention.</p> <p>(c) <del>Powers and duties.</del> The powers and duties of the manager shall be:</p> <p>(1) <del>To see that all ordinances are enforced.</del></p> <p>(2) <del>To appoint all heads of departments and other city officers and employees, and remove them at pleasure, and to have general supervision and control over them, except as otherwise provided in this charter. All such</del></p>	<p>Section 8.1. City Manager.</p> <p>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.</p> <p>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.</p> <p>c) The manager need not reside in the city.</p> <p>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.</p> <p>3) The manager must:</p> <p>1) Attend all council meetings unless excused by the mayor or council;</p> <p>2) Make reports and recommendations to the mayor and council about the needs of the city;</p> <p>3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;</p> <p>4) Appoint, supervise, and remove city employees;</p>	N/A	<p>The following provisions shall apply to the office of the City Administrator:</p> <p>(a) Qualifications. The City Administrator shall be the administrative head of the government of the City. He/she shall be chosen by the Council without regard to political considerations and solely with reference to his/her executive and administrative qualifications. He/she need not be a resident of the City or of the State at the time of his/her appointment but within six months thereafter, unless said requirement is modified by the City Council, shall become and during his/her tenure remain a resident of the city.</p> <p>Before taking office, he/she shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City.</p> <p>(b) Term. The City Administrator shall be appointed at will for such time as the Council in its sole discretion shall deem appropriate and may be removed by an affirmative vote of not less than four members of the Council.</p> <p>(c) Powers and Duties. The powers and duties of the City Administrator shall be as follows:</p> <p>(1) He/she shall devote his/her entire time to the discharge of official duties, attend all meetings of the Council unless</p>	<p>1. City Administrator.</p> <p>A. The City Council may appoint a City Administrator and fix his or her compensation and conditions of employment.</p> <p>B. If the office of the City Administrator becomes vacant, the mayor may appoint a city administrator pro tem. The pro tem administrator shall have all the functions of the city administrator. The term of office of a pro tem administrator ends when a city administrator takes office.</p> <p>C. The city administrator shall be the administrative head of the city and shall be chosen without political consideration and solely on the basis of executive and administrative qualifications.</p> <p>D. The city administrator and such other officers as the council designates may sit with the council but have no vote therein. The city administrator may take part in the discussion of all matters coming before the council.</p>	<p>a) Qualifications</p> <p>. The city manager shall be the administrative head of the government of the City. The manager shall be chosen by the council without regard to political considerations and solely with reference to that person's executive and administrative qualifications. A candidate for manager need not be a resident of the City or state at the time of appointment.</p> <p>b) Term</p> <p>. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. Within thirty (30) days after a vacancy occurs, the Council shall appoint a Manager Pro Tem to temporarily fill the vacancy in the City Manager position pending a regular appointment.</p> <p>c) Powers and Duties</p> <p>. The powers and duties of the manager shall be as follows:</p> <p>(1) The manager's entire time shall be devoted to the discharge of official duties, attending all meetings of the council, unless excused therefrom by the council, keeping the council advised at all times of the affairs and needs of the City, and making reports annually, or more frequently, if requested by the council of all the affairs and</p>
VI Powers and Duties of the City Officers	21. Municipal Judge.	<p>The municipal judge shall be the judicial officer of the city. He/she shall hold within the city a court known as the municipal court for the City of Sweet Home, Linn County, Oregon. The court shall be open for the transaction of the judicial business at times specified by the council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by ordinances of the city. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinance of the city, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trail of any cause before him/her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of the city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.</p> <p>Notwithstanding this section of this charter, the council may provide for the transfer of power and duties of the municipal court to the appropriate state court of the State of Oregon.</p>	<p>Section 8.3. Municipal Court and Judge.</p> <p>a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.</p> <p>b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.</p> <p>c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.</p> <p>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.</p> <p>e) The municipal judge may:</p> <p>1) Render judgments and impose sanctions on persons and property;</p> <p>2) Order the arrest of anyone accused of an offense against the city;</p> <p>3) Commit to jail or admit to bail anyone accused of a city offense;</p> <p>4) Issue and compel obedience to subpoenas;</p> <p>5) Compel witnesses to appear and testify and jurors to serve for trials before the court;</p> <p>6) Penalize contempt of court;</p> <p>7) Issue processes necessary to enforce judgments and orders of the court;</p> <p>8) Issue search warrants; and</p>	<p>municipal judge who shall be the judicial officer of the city, who shall hold, at a place and times that the council specifies, a court known as the Municipal Court for the city of Halsey, Linn County, Oregon.</p> <p>5.2.1 Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.</p> <p>5.2.2 All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.</p> <p>5.2.3 The Municipal Court has original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.</p> <p>5.2.4 The Municipal Judge may:</p> <p>5.2.4.1 Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction.</p> <p>5.2.4.2 Order arrest of anyone accused of an offense against the city;</p> <p>5.2.4.3 Commit to jail or admit to bail anyone accused of such an offense;</p>	<p>If the Common Council of the City of Lebanon decides to maintain a Municipal Court and Municipal Judge, the Judge shall hold within the City a Court known as the Municipal Court of the City of Lebanon, Linn County, State of Oregon. The Court shall be open for the transaction of judicial business at times specified by the Council. All areas within the City shall be within the territorial jurisdiction of the Court. The Municipal Judge shall exercise jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and the law actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City. The Judge shall have authority to issue process for the arrest of any person accused of an offense against any ordinance of the City, to commit any such person to jail or admit that person to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in Court on the trial of any cause before the Judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for Contempt of Court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws</p>	<p>1. The city council may appoint a municipal judge for a term and at a salary it specifies. Once appointed, a municipal judge may not be removed from office prior to the expiration of the term set by the council except, after hearing, for incompetency, corruption, malfeasance or delinquency in offices or other sufficient cause stated by ordinance. The municipal judge shall hold court within the city and shall transact judicial business at times specified by the council. All areas within the city are to be within the territorial jurisdiction of the court.</p> <p>2. The municipal judge shall exercise jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to enforce forfeitures or penalties defined or authorized by ordinances of the city. The municipal judge has the authority and jurisdiction of a justice of the peace for the County of Linn within the limits of the City of Brownsville in both civil and criminal matters, and, when exercising such jurisdiction or any authority shall be subject to all the general laws of the state preserving the duties of a justice of the peace and the mode of performing the same and shall receive the same compensation therefor. The municipal judge shall</p>	<p>Section 23 Municipal Judge.</p> <p>The municipal judge shall be the judicial officer of the City. The judge shall hold within the City a court known as the Municipal Court of the City of Albany, Linn County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the City shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City. The judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City, to commit any such person to jail or admit the defendant to bail pending trial, to issue subpoenas, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances, or this charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. The council shall provide by ordinance the method of selection and payment of judges.</p>
VI Powers and Duties of the City Officers	22. Other Officers.	<p>The council shall fix the powers and duties of all appointive offices other than those provided for in this charter.</p>	N/A	<p>Section 3.5 Appointive Offices. By an ordinance, approved by four councilors, the council may create, modify, abolish, and combine appointive city offices, except that the office of City Recorder and Municipal Judge may not be combined or held by the same person. Except when a different procedure is authorized by vote of four councilors, the council may fill such offices by appointment and vacate them by removal.</p>	<p>Section 10. Other Officers.</p> <p>Additional officers of the City shall be a City Recorder, a City Attorney, a City Administrator, and in the discretion of the Council, a Municipal Judge and whatever other officers the Council deems necessary. The Municipal Judge, the City Attorney, and the City Administrator shall be appointed by the Council and be responsible to it and the other additional officers shall be appointed by the City Administrator and be responsible to him/her. The Council, as needs dictate, may appoint one or more pro tem Municipal Judges to serve such term as the Council provides.</p>	<p>Section 10. Other Officers.</p> <p>Additional officers of the city may be appointed and removed by the council as it deems necessary.</p>	<p>Section 11 Other Officers and Employees.</p> <p>The title of appointive officers of the City of Albany shall be as designated by the council. Any requirement that an appointive officer shall fill two (2) or more appointive offices may be effected only by the council.</p>
VII Ordinances	23. Enacting Clause.	<p>The enacting clause of all ordinances hereafter passed shall be "The City of Sweet Home does ordain as follows."</p>	<p>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 Sweet Home ordains as follows."</p>	<p>Section 8.1 Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Halsey- ordains as follows."</p>	<p>Section 35. Enacting Clause.</p> <p>The enacting clause of all ordinances hereafter enacted shall be "The City of Lebanon ordains as follows:"</p>	<p>Section 30. Enacting Clause.</p> <p>The enacting clause of all ordinances hereafter enacted shall be, "The City of Brownsville ordains as follows:"</p>	<p>Section 36 Enacting Clause.</p> <p>The enacting clause of all ordinances hereafter enacted shall be, "The people of the City of Albany do ordain as follows:"</p>
VII Ordinances	24. Introduction, Reading and Passage.	<p>Every ordinance shall be fully and distinctly read in open council meeting on one day and shall be read by title only on two different days previous to being put upon its final passage provided that the council may have the ordinance fully and distinctly read at any reading thereof; provided, however, that any ordinance may be introduced and read the first time at any meeting and may upon a unanimous vote of all the members of council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day.</p>	<p>Section 4.2. Ordinance Adoption.</p> <p>a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.</p> <p>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.</p> <p>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.</p> <p>d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.</p> <p>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.</p>	<p>of this section allows adoption at a single meeting and subsection 8.2.2 of this section allows reading by title only, an ordinance shall be fully and distinctly read in open meeting on two different days before being adopted by the council.</p> <p>8.2.1 Except as subsection 8.2.2 of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all councilors present provided the ordinance is read first in full and then by title.</p> <p>8.2.2 A reading of an ordinance. may be by title only if:</p> <p>8.2.2.1 No councilor present at the reading requests that the ordinance be read in full, or</p> <p>8.2.2.2 At least 1 week before reading:</p> <p>8.2.2.2.1 A copy of the ordinance is provided for each council member,</p> <p>8.2.2.2.2 Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and</p> <p>8.2.2.2.3 Notice of their availability is given by written notice</p>	<p>Section 36. Mode of Enactment.</p> <p>(1) An ordinance of the Council shall, before being put upon, its final passage, be read fully and distinctly in open Council meeting and shall receive the affirmative votes of a majority of all Council members present.</p> <p>(2) The reading may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full or (b) if a copy of the ordinance is provided for each Council member and copies are provided for public inspection.</p> <p>(3) Upon the enactment of an ordinance the City Recorder shall sign it with the date of its passage and his/her name and title of office, and the Mayor shall sign it with the date of his/her signature, name and the title of office.</p>	<p>1. Except as subsection 3 of this section provides for reading by title or bill number only, and except as subsection 2 of this section provides for immediate adoption of emergency measures, an ordinance before being finally adopted, shall be fully and distinctly read in open council meeting on two days.</p> <p>2. Except as subsection 3 of this section provides for reading by title or bill number only, an ordinance necessary to meet an emergency may, upon being read in full and then by title, be adopted at a single meeting of the council by an unanimous vote of all councilors present.</p> <p>3. Any reading of an ordinance for purposes of adoption may be by title or bill number only:</p> <p>A. If no councilor present at the meeting requests that the ordinance be read in full; or</p> <p>B. If for one week prior to the reading a copy of the ordinance is provided each councilor and copies are available for public inspection at the office of the mayor or city administrator during regular office hours and notice of</p>	<p>Section 37 Introduction, Reading and Passage.</p> <p>(1) An ordinance, before being adopted, shall be read in open council meeting in title only and may then be read a second time in title only and adopted at a single meeting of the council by a unanimous vote of all councilors present.</p> <p>(2) A reading of any ordinance for purposes of adoption may be by title only if no councilor present at the meeting requests that the ordinance be read in full.</p> <p>Section 38 Veto.</p> <p>If the mayor does not approve the ordinance, the reasons for the veto must be filed in writing with the City Clerk within three (3) days after the ordinance is passed by the council. At the first meeting of the council after veto, the recorder shall read the message from the mayor. Such ordinances shall then be put upon its passage again and if five (5) members of the council vote in the affirmative, it shall become a law without approval of the mayor. If the mayor fails to sign an ordinance within three (3) days after passage, and does not file a written veto to the same, such ordinance shall become law as if the mayor had approved it.</p>
VII Ordinances	25. When Ordinances Take Effect and Publication Thereafter	<p>Each ordinance passed by the council shall take effect on the thirtieth day after its passage; provided, that when the council deems it expedient or in case of emergency, an ordinance may provide a different time when it shall take effect, or that it shall take effect immediately. All ordinances shall be posted for 10 days after passage in three or more conspicuous places in the city.</p>	<p>Section 4.3. Effective Date of Ordinances. 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.</p>	<p>Section 8.4 Effective Date. An ordinance enacted by the council shall take effect on the thirtieth day after its approval by the mayor or passage over veto. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.</p>	<p>Section 37. When Ordinances Take Effect; Review of Ordinances.</p> <p>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 case of an emergency, it may take effect immediately.</p>	<p>Section 33. When Ordinance Takes Effect.</p> <p>Except when a later time for it to take effect is provided, an ordinance enacted by the council takes effect on the thirtieth day after its adoption by the council unless it is necessary to have immediate effect for the preservation of the peace, health, safety and welfare of the city, in which event it takes effect immediately upon its adoption.</p>	<p>Section 39 When Ordinances Take Effect.</p> <p>An ordinance enacted by the council shall take effect on the 30th day after its approval by the mayor or passage over veto. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.</p>

VIII Public Improvements	26. Power of Condemnation and Purchase.	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 (a) protecting, preserving and facilitating an improvement or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the City of Sweet Home shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and stating the use to which it is to be devoted. The city shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use of the construction, reconstruction, repair, operation or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility and of any other public work or service, by levying and collecting special assessments upon property specially benefited.	<u>Section 10.1. Procedure.</u> The council may by ordinance 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 remonstrance by owners of the real property to be specially assessed for the improvement. The numbers of owners necessary to suspend the action will be governed by ordinance.	Section 9.1 Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall: 9 .1.1 Be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the councilors to be needed at once shall be suspended for six months upon remonstrances by owners of land to be specifically assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of council. 9. 1.2 In this section "owner" means the record holder of legal title or, as to land being purchased under a land-sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.	Section 38. Condemnation. Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution or ordinance of the Council describing the property and stating the uses to which it shall be devoted.	Section 34. Procedure. The procedure for making, altering, vacating or abandoning a public improvement is governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. 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 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.
VIII Public Improvements	27. Special Assessment.	The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district or area to be assessed; for the making and approval of the plans and specifications; for the notices of property owners and other interested parties; for the hearings, for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, resolutions, ordinances and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state or (b) the provisions of a general ordinance setting forth such method and procedure, which general ordinance may be enacted by council and shall be subject to amendment or repeal.	<u>Section 10.2. Special Assessments.</u> 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 9.2 Special Assessments. The procedure for fixing, levying, collecting and enforcing the payment of special assessment for local public improvements or any other services to be charged against real property shall be governed by general ordinance.	Section 40. 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 34. Procedure. The procedure for making, altering, vacating or abandoning a public improvement is governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. 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 42 Special Assessments. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or any other services to be charged against real property shall be governed by general ordinance.
VIII Public Improvements	28. Improvements.	Street, sewer, sidewalk and such other improvements as may be deemed necessary by the council may be made on the motion of the council or on petition of a majority of the property owners interested. Remonstrance of two-thirds of the front footage of property owners concerned shall operate to defeat such motion of petition and the same may not again be considered by the council for a period of six months.	Section 10.1. Procedure. The council may by ordinance 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 remonstrance by owners of the real property to be specially assessed for the improvement. The numbers of owners necessary to suspend the action will be governed by ordinance.	Section 9.1 Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall: 9 .1.1 Be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the councilors to be needed at once shall be suspended for six months upon remonstrances by owners of land to be specifically assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of council. 9. 1.2 In this section "owner" means the record holder of legal title or, as to land being purchased under a land-sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser. <i>(same as above)</i>	Section 39. Improvements. The procedure for alterations, vacations, or abandonments or making a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon. Improvements needed at once due to an emergency shall be approved by a majority of a quorum of the Council. Section 41. Bids for Public Improvements. Contracts for public improvements in an amount greater than \$75,000, or such other amount recommended in the Oregon Attorney General's contracting guidelines, shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the Council, provided, however, that the Council shall have the right to reject any and all bids.	Section 34. Procedure. The procedure for making, altering, vacating or abandoning a public improvement is governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. 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 41 Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by the applicable general laws of the state. A remonstrance by the owners of two-thirds(2/3) of the property to be specially assessed for a proposed public improvement shall suspend action regarding the improvements for six (6) 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 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".
VIII Public Improvements	29. Savings Clause.	All ordinances, resolutions, policies, procedures, contracts and regulations heretofore passed by the city, in force when this charter takes effect, if not inconsistent with it, shall remain in full force after it takes effect and until they are amended or repealed by the council.	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 10.2 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.	All City of Lebanon ordinances, resolutions, rules, regulations, motions, rates, and fees in force and in effect at the time this City of Lebanon Charter of 2004 becomes effective shall thereafter remain in full force and effect until amended or repealed. No contract right, privilege, license, obligation or liability, whether vested or contingent, shall be lost, discharged or impaired by the enactment of this City of Lebanon Charter of 2004. All rights and property, both real and personal, including but not limited to all parks, public grounds and buildings now vested in or belonging to the City of Lebanon shall continue to be the right and property of the City of Lebanon. Any person holding an appointed or elected office or position of the City of Lebanon which is consistent with the provisions of this amended Charter shall continue in such office or position after the enactment of this amended Charter until the end of the term for which they shall have been elected or appointed, and until their successor shall have been elected or appointed and qualified subject to all applicable laws and regulations relating thereto. All sections of any previous Charter or parts thereof pertaining to the issuance and sale of bonds and any sale of	Section 37. Existing Ordinances Continued. All ordinances of the city consistent with this Charter and in force when it takes effect remain in effect until amended or repealed.	Section 45 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.
VIII Public Improvements	30. City to Retain Rights and Be Subject to Liabilities in Existence at Time This Charter Takes Effect.	No right vested in the city and no liability which it has incurred under this charter, prior charters, and any revisions and amendments thereof and laws of the state shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides.	N/A	N/A	N/A	N/A	n/a
VIII Public Improvements	31. Limitations on Indebtedness.	City indebtedness may not exceed the debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.	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 10.1 Debt Limit. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness. Except for bonds to be paid by special benefit assessments, no general obligation bond pledging the property taxing power of the city shall be issued except by express consent of the voters of the city.	N/A	Section 35. Debt Limit. 1. Indebtedness of the city shall not exceed the limits on city indebtedness under state law. 2 Except by consent of the voters, the city's bonded indebtedness shall not exceed \$1.00. Approval by the voters of bonded indebtedness need not be in the form of a Charter amendment. The procedure for submitting the question of the incurring of bonded indebtedness to the voters shall be governed by general ordinance. Whenever the question of incurring bonded indebtedness is submitted to the voters, the ballot measure shall include a statement of the city's total bonded indebtedness with and without the proposed bonded indebtedness and of the city's total bonded indebtedness with and without the proposed bonded indebtedness as a percentage of the latest true cash valuation of the city. 3 For the purposes of paragraph 2 of this section, bonded indebtedness shall not include bonds for public improvements payable out of assessments upon the property benefitted.	After enactment of this section by the people, The City Council shall not authorize any borrowing unless the borrowing is specifically permitted by this Section 44. a) Definition of Borrowing. "Borrowing" means any general obligation bond, revenue bond, full faith and credit financing agreement or subject-to-appropriation financing agreement or other contract in which a party agrees to advance money to the City in exchange for the City's agreement to repay the advanced funds with interest over a period of more than thirteen months. b) New borrowings with voter approval. The City Council may borrow money if the borrowing is approved by the City's electors. A borrowing shall be deemed to be approved by the City's electors if the number of votes cast in favor of the borrowing exceeds the number of votes cast against the borrowing. c) Local improvement district bonds. The City Council may borrow money without approval of the City's electors if the borrowing finances a local improvement pursuant to ORS Chapter 223 (the Bancroft Bonding Act) or any similar, replacement statute, the City Council will impose assessments for the cost of the local improvement on benefitted property owners, and the city expects to be able to pay the borrowing from assessment payments made by those benefitted property owners.

						Section 38. Repeal Previously Enacted Provision. All Charter provisions of the city enacted prior to the time that this Charter takes effect are hereby repealed, except that no unexhausted grant of power to issue bonds is repealed and no repeal of these previous Charter provisions affects the validity of an outstanding bond issue by the city or impairs the obligations of the city under the bond or the rights of the holders of that bond, and except that section 46 of the Charter of 1905 shall not be repealed but shall be in full force and effect.	
VIII Public Improvements	32. Repealing Clause.	All charter provisions adopted before this charter takes effect are repealed.	Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.	Section 10.3 Repeal. Except for amendments conferring bond issuing power that has not been exhausted, all charter provisions of the city enacted prior to this time or to the time that this charter takes effect are hereby repealed.	Section 44. Repeal. Except as otherwise provided in this Charter all of the provisions of all previous charters of the City of Lebanon are hereby repealed.		Section 46 Repeal of Previously Enacted Provision. All charter provisions of the City enacted prior to the time that this charter takes effect are hereby repealed.
VIII Public Improvements	33. 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 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.	Section 10.4 Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.	Section 46. Severability. If any provision of this Charter or the application thereof, to any person or circumstances, is held invalid, the remainder of this Charter, and the application of all provisions thereof to any other persons or circumstances, shall not be affected thereby, and to this end the provisions of this Charter are declared to be severable.	N/A	N/A

<b>Name</b>	<b>Population</b>	<b>Form of Government</b>	<b>Last Revision</b>
Sweet Home	10,206	Manager/Council	2015
Halsey	951	Manager/Council (Manager is not by Charter)	1996
Lebanon	19,726	Manager/Council	2004
Brownsville	1,849	Manager/Council	1981
Albany	57,053	Manager/Council	2010

Chapter

Section

I Name, Boundaries, Powers and General Provisions

1. Name and Boundaries.

I Name, Boundaries, Powers and General Provisions

2. Powers of the City.



## Current Text

The City of Sweet Home, Linn County, Oregon shall, upon the taking effect of this charter, continue to be a municipal corporation under the name of the City of Sweet Home.

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.

Subject only to limitations provided in this charter, the city shall have all rights, powers, privileges and immunities now or hereafter granted either expressly or impliedly to municipalities by the constitution, statutes (\*) and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this charter.

The enumeration of or reference to particular rights, powers, privileges and immunities in this charter shall not be construed to be exclusive. This charter shall be liberally construed to the end that the city may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.

## Staff Comments

Change "The city will maintain" to "The City shall maintain"

Just need to fix the typo--statues do not grant powers, but statutes might.

Comment 1

The City of Sweet Home, Linn County, Oregon shall, upon the taking effect of this charter, continue to be a municipal corporation under the name of the City of Sweet Home.

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

Subject only to limitations provided in this charter, the city shall have all rights, powers, privileges and immunities now or hereafter granted either expressly or impliedly to municipalities by the constitution, ~~statutes (\*)~~ **statutes**, and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this charter.

The enumeration of or reference to particular rights, powers, privileges and immunities in this charter shall not be construed to be exclusive. This charter shall be liberally construed to the end that the city may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.

## Chapter

II Form of Government

II Form of Government

II Form of Government  
II Form of Government

II Form of Government

## Section

3. Council and Mayor.

4. *City Attorney* , Manager and Municipal Judge.

5. Other City Officers and Employees.

6. Salaries.

7. Bonds of Officers, Employees and Contractor.

## Current Text

Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large. At each biennial general election, four councilors shall be elected. The three receiving the highest number of votes shall each hold office for four years, and the one receiving the number of votes next to the three highest shall hold office for two years. Tie votes shall be determined by lot.

At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.

The mayor and councilors in office at the time of adoption of this charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this charter.

The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who shall hold office subject to the discretion of the council and may be removed by the council with or without cause.

The city manager shall appoint a treasurer, a chief of police and such other officers and employees of the city as the council deems necessary, and may remove any of them at any time with or without cause. The council may by resolution require any officer to fill and perform the duties of two or more offices.

The council shall fix the compensation of all city officers and employees.

If ordinances require, every person appointed to an office or place of public employment in the city or entering into a contract with the city shall give the city a bond for the faithful performance of his/her duties. Nothing in this section, however, shall detract from the effect of Section 20.

## Staff Comments

This section is currently pending a potential change through a Charter amendment election to be held 5/20/2025.

The formatting of *City Attorney* in italics should be made consistent.

## Comment 1

At each biennial general election, ~~four~~ **three** councilors shall be elected.

Can a sitting Council member with two years left in their term run for Mayor and upon losing the Mayor vote, retain their Council seat for the remaining two years?

If a Council member with two remaining years on their term wins the Mayor seat, will the vacant Council seat be filled by appointment by the new Council? Or filled by the highest vote getter that did not finish in the top three? What if only three candidates ran for the three Council seats up for election?

The council shall appoint and keep in office a city attorney, a city manager who shall also serve as the city recorder, and a municipal judge, ~~who~~ **each of whom** shall hold office subject to the discretion of the council and may be removed by the council with or without cause.

Does Sweet Home have a treasurer?

**Staff response:** Yes, the Finance Director fills the role of Treasurer.

At the May meeting it was decided to delete this section.



Chapter

Section

III Elections

8. Regulations of Elections.

III Elections

9. Special Elections.

III Elections

10. Commencement of Terms of Office.

III Elections

11. Oath of Office.

## Current Text

Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general law of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the city at least one year may be nominated for the council or for mayor.

The council may by resolution or ordinance order a special election and provide the time, manner and means for holding it. At least 10 days notice shall be given of each special election.

The term of office of each person elected to office at a regular city election shall commence on the first Monday of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon his/her office immediately.

Each officer, before entering upon the duties of his/her office, shall take an oath that he/she will support the constitution and laws of the United States and the state, and that he/she will faithfully perform the duties of his/her office.

## Staff Comments

Staff recommends realigning this to coincide with the final Council meeting of the ending terms of outgoing councilors to ensure continuity and accountability in attending potential emergency meetings, or at least to the first of the year.

#### Comment 1

Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general law of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the city at least one **full year prior to the final candidate filing date** ~~may be nominated~~ **is eligible for election to the offices of the** ~~councilor or for mayor~~ **at that respective elective.**

Chapter 3 Section 10 and Chapter 4 Section 13 are contradictory in nature, and the latter nullifies the former language (section 10 providing for an election to fill vacancy, and section 13 dictating that vacancies are filled by appointment)... This provision (Section 13) would seem to invalidate City Council Rule 18 which provides for election or appointment. Some housekeeping seems to be in order here.

**Staff Note:** The Charter will supersede Council Rules and the Rules are outside the purview of the committee, so committee discussion should be limited to resolving the potential conflict within the Charter. So noted for future rules discussions though!

**At the May Meeting:** It was determined to change this language from "...shall commence on the first Monday of January" to "...shall commence on the first Monday of January..."

Chapter	Section
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IV Vacancies	12. Vacancies in Office Generally.
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IV Vacancies	13. Manner in Which Vacancies Shall Be Filled.
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#### Current Text

An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in case of the mayor, manager, municipal judge or councilor, or without the consent of the manager in case of officers appointed by the manager; upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefore on or before the day of his/her term of office commences; and in case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council.

Vacancies in office filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his/her successor is chosen and qualified. Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 24 hours after his/her appointment qualify for office, and unless he/she does so, the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his/her office may be filled temporarily in the manner provided for filling vacancies in office.

## Staff Comments

## Comment 1

Missing 10 or more council meetings (unexcused) in a one-year period would lead to removal from the council.

Chapter 4 Section 13. In keeping with the ballot title that will appear in a month or two, there is some indication that a number of Sweet Home citizens like the idea of “elections” and there is now an attempt to have the mayor elected by popular vote of the citizens. Recognizing that we cannot likely afford a special election every time there is a vacancy that occurs during a term of office, I propose that the order of succession be established whereby if an elected officer (mayor or city councilor) resigns or otherwise vacates the office during their term, that the vacancy be filled by the next highest vote achieving candidate in the previous election. If that person declines the appointment, then the next highest vote achiever and so on until that list is exhausted. Once that list is exhausted, then City Council selects, at their discretion, from available applicants.



Chapter	Section
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V The Council	14. Council Meetings.
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V The Council	15. Quorum.
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V The Council	16. Mayor's Duties at Council Meetings.
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V The Council	17. President Pro Tem.
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V The Council	18. Vote Required.
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### Current Text

The council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the council may be called by the mayor, either upon his/her own motion or upon the request of at least three members of the council, and held at any time, upon verbal or written notice to all members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council.

A majority of council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public.

The Mayor shall be chairperson of the council and shall preside over its deliberations. He/she shall have authority to preserve order, enforce the rules of council and determine the order of business, subject to the rules of the council. He/she may vote as a councilor.

At its first meeting in the new term after each biennial election, the council shall elect from its membership, a president pro tem for a term of two years. The president pro tem shall perform the duties of the mayor in the absence of the mayor.

The concurrence of a majority of a quorum shall be required to determine any matter before the council except as provided otherwise in this charter.

## Staff Comments

We are unsure as to how a member could be "compelled" and have been unable to locate an ordinance for this procedure.

"President Pro Tem" is an uncommon title for this role - may be a point for discussion?

## Comment 1

Chapter 5 Section 15 speaks to compelling attendance of absent members in the manner provided by ordinance... What ordinance, and why is it not specifically identified in this document?

**Staff Note:** This reference is likely left intentionally vague so that an Ordinance Number would not become outdated in the Charter any time the rule is changed by City Council.

He/she may ~~vote as a councilor.~~ **vote only to decide a tie vote by council.**

Chapter 5 Section 17... The first sentence is redundant in that it is already specified in Chapter 2 Section 3.

Chapter 5 Section 18 – This language really should be better explained since I already know of some City Councilors who were told by former City Managers that this language compels a vote by City Council, when in fact the intent is simply to establish that nothing can pass a vote of Council except by majority of quorum present at the time of the vote.

Chapter

Section

VI Powers and Duties of the City Officers

19. Mayor.

VI Powers and Duties of the City Officers

20. Manager.

VI Powers and Duties of the City Officers

21. Municipal Judge.

VI Powers and Duties of the City Officers

22. Other Officers.

### Current Text

The mayor shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. He/she shall sign all ordinances passed by the council within three days after their passage. He/she shall sign all instruments and writings authorized by this charter, the laws of the state or the council. In the absence of the mayor, such instruments shall be signed by the president pro tem of the council. All orders on the city treasurer shall be signed by two of the three following by the council without regard to political consideration and solely with reference to his/her executive and administrative qualifications.

Before entering upon his/her duties, the manager shall file with the mayor an official bond for faithful performance thereof, payable to the city in the sum of \$10,000, the premium of which shall be paid by the city. The bond shall be to the satisfaction of the council, and the approval of the mayor shall be endorsed thereon.

~~(b)~~ **Term.** The manager shall be appointed for an indefinite term, but may be removed with a vote of four members of the council. Upon any vacancy occurring in the office of the manager subsequent to the first appointment hereunder, the council shall, at its next meeting, adopt a resolution of its intention to appoint a manager, and no such appointment shall be made until at least four weeks after adoption of the resolution. The council shall appoint a manager within a reasonable time after the adoption of the resolution of intention.

~~(c)~~ **Powers and duties.** The powers and duties of the manager shall be:

~~(1)~~ **To** see that all ordinances are enforced.

~~(2)~~ **To** appoint all heads of departments and other city officers and employees, and ~~remove~~ them at pleasure, and to have general supervision and control over them, except as otherwise provided in this charter. All such appointments shall be made upon the basis of merit and fitness alone.

~~(3)~~ **To** see that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are fully observed, and to report to the council any violations thereof.

~~(4)~~ **To** attend all meetings of the council unless excused therefrom by three councilors or by the mayor.

~~(5)~~ **To** act as purchasing agent for all departments of the city. All purchases shall be ~~made~~ in accordance with the council approved city purchasing policy.

~~(6)~~ **To** examine or cause to be examined, without notice, the official conduct of any ~~officer~~ officer, assistant, deputy, clerk or employee in any of the departments of city government, except councilors.

~~(7)~~ **To** keep the council advised to the needs of the city.

~~(8)~~ **To** prepare and submit to the budget committee the annual budget estimate and such reports as may be required by that body.

~~(9)~~ **To** submit to the council an annual report of all departments of the city and such other reports as the council may require.

The municipal judge shall be the judicial officer of the city. He/she shall hold within the city a court known as the municipal court for the City of Sweet Home, Linn County, Oregon. The court shall be open for the transaction of the judicial business at times specified by the council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by ordinances of the city. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinance of the city, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trail of any cause before him/her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of the city The council shall fix the powers and duties of all appointive offices other than those provided for in this charter.

## Staff Comments

The committee may want to consider allowing the City Manager to authorize a signatory designee (perhaps with Council approval?) as there is currently no one else on the administration side who is available to sign checks in the Manager's absence.

The committee recommended to remove the bond in a previous section, so it should also be removed here.

Comment 1

He/she shall sign all ordinances passed by the council within three days **when practicable** after their passage.

I also note that the last sentence of this section has duties for the "treasurer."



Chapter	Section
VII Ordinances	23. Enacting Clause.

VII Ordinances	24. Introduction, Reading and Passage.
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VII Ordinances	25. When Ordinances Take Effect and Publication Thereof.
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#### Current Text

The enacting clause of all ordinances hereafter passed shall be "The City of Sweet Home does ordain as follows." Every ordinance shall be fully and distinctly read in open council meeting on one day and shall be read by title only on two different days previous to being put upon its final passage provided that the council may have the ordinance fully and distinctly read at any reading thereof; provided, however, that any ordinance may be introduced and read the first time at any meeting and may upon a unanimous vote of all the members of council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a

Each ordinance passed by the council shall take effect on the thirtieth day after its passage; provided, that when the council deems it expedient or in case of emergency, an ordinance may provide a different time when it shall take effect, or that it shall take effect immediately. All ordinances shall be posted for 10 days after passage in three or more conspicuous places in the city.

## Staff Comments

Staff recommends removal of the requirement for a reading in full as this leads to very long meetings when large portions of land use codes require updates due to changes in State regulations.

Staff recommends removal/reduction of the posting requirement due to the availability of online documentation and the ability to provide hard copies upon request. We have not received comments or observed that the ordinances are read when posted.

## Comment 1

AI reading that currently is being used cannot be construed as “distinctly”.  
Chapter 6 Section 25 – This section requires that the effective new ordinances be posted for 10 days after passage in 3 or more “conspicuous” places... Places should be fixed and/or identified. Otherwise they could be random and inconspicuous due to the randomness of the posting.

## Chapter

## Section

VIII Public Improvements      26. Power of Condemnation and Purchase.

VIII Public Improvements      27. Special Assessment.

VIII Public Improvements      28. Improvements.

VIII Public Improvements      29. Savings Clause.  
30. City to Retain Rights and Be Subject to  
Liabilities in Existence at Time This Charter Takes  
Effect.

VIII Public Improvements

VIII Public Improvements      31. Limitations on Indebtedness.

VIII Public Improvements      32. Repealing Clause.

VIII Public Improvements      33. Severability.

## Current Text

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 (a) protecting, preserving and facilitating an improvement or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the City of Sweet Home shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and stating the use to which it is to be devoted. The city shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use of the construction, reconstruction, repair, operation or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility and of any other public work or service, by levying and collecting special assessments upon property specially benefited.

The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district or area to be assessed; for the making and approval of the plans and specifications; for the notices of property owners and other interested parties; for the hearings, for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, resolutions, ordinances and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state or (b) the provisions of a general ordinance setting forth such method and procedure, which general ordinance may be enacted by council and shall be subject to amendment or repeal.

Street, sewer, sidewalk and such other improvements as may be deemed necessary by the council may be made on the motion of the council or on petition of a majority of the property owners interested.

Remonstrance of two-thirds of the front footage of property owners concerned shall operate to defeat such motion of petition and the same may not again be considered by the council for a period of six months.

All ordinances, resolutions, policies, procedures, contracts and regulations heretofore passed by the city, in force when this charter takes effect, if not inconsistent with it, shall remain in full force after it takes effect and until they are amended or repealed by the council.

No right vested in the city and no liability which it has incurred under this charter, prior charters, and any revisions and amendments thereof and laws of the state shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides.

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

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

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.

## Staff Comments

Comment 1



Starting with Chapter 1, it seems that basic “outline” is missing from the progression of Chapters and Sections / Subsections. Normally, documents, outlines, rule listings, instructions etc. list subsections and sections within an Article or Chapter with “Letters”. In my experience, even if the Sections are numbered, each new Chapter or Article's Sections identifiers start over. For example: Chapter One, Section 1... Or Chapter 1 Section A, and the subsequent Chapter or Article would also follow the identical trend (section 1 or A) successively. Our Charter is nonsensical in that the first section of Chapter 2 is Section 3 (instead of 1). The first section of Chapter 3 is This is just an observation, but I am curious why there is nothing in the charter that establishes, or otherwise upholds the rights for regular citizens... Like the right to be heard through oral petition, or weigh-in on council

At the May meeting, a motion passed to adopt the numbering structure of the model charter.  
Consensus at the May meeting was to modernize language of the charter when it comes to the gender of the