
Brownsville Charter

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CHAPTER I Name and Boundaries

Section 1. Title.

This revision of the Brownsville Charter of 1952 may be referred to as “the Brownsville Charter of 1981.”

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.”

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.

CHAPTER II Powers

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.

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.

Section 6. Where Powers Vested.

Except as this Charter provides otherwise, all powers of the city are vested in the council.

CHAPTER III Form of Government

Section 7. Council.

The council is composed of a mayor and six councilors elected from the city at large.

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.

Section 9. Mayor.

The mayor shall be elected for four years and shall hold office until his or her successor is elected and qualified.

Section 10. Other Officers.

Additional officers of the city may be appointed and removed by the council as it deems necessary.

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.

Section 12. Qualifications of Officers.

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.

CHAPTER IV Council

Section 13. Meetings.

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.

Section 14. Quorum.

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.

Section 15. Journal.

The council shall keep a journal of its proceedings. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 16. Mayor's Function at Council Meetings.

The mayor shall preside at the council meetings and may vote on all questions before the council.

Section 17. President of the Council.

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.

Section 18. Vote Required.

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.

CHAPTER V Municipal Court

Section 19. Judges, Powers, Procedure.

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.

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 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 imprisonment or admit the person to bail pending trial, to issue subpoenas to compel witnesses to appear and testify on the trial of any cause before the court, to enforce obedience to the subpoenas, to issue process necessary to carry into effect the judgement of the court, and to punish witnesses and others for contempt of court.

3. 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.

4. Notwithstanding any other provision of this Charter, the council may provide for the transfer of the powers and duties of the municipal court to the appropriate district or justice of the peace court of the State of Oregon.

CHAPTER VI

City Administrator

Section 20. City Administrator.

1. City Administrator.

A. The City Council may appoint a City Administrator and fix his or her compensation and conditions of employment.

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.

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.

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.

Section 21. Duties of City Administrator.

1. The city administrator shall:

A. Prepare the annual budget;

B. Make all routine purchases;

C. Oversee enforcement of all ordinances;

D. Act as a business agent for the council for the sale of real estate and other matters relating to franchises, leases and other major business and property transactions, except that all final decisions shall be subject to approval by the council;

- E. Prepare and furnish all reports requested by the council; and
 - F. Perform such other duties as the council directs.
2. The duties of all administrative employees shall be assigned to them by the city administrator, and they shall be responsible and accountable to the administrator.
 3. The powers herein granted to the city administrator are exclusive.
 4. The city administrator may be removed by the council with or without cause at any time.

CHAPTER VII Elections

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.

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 therefor.

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 office of councilor at the election at which the office is filled are elected to the office of councilor. In the event of a tie vote, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 25. Certificate of Election.

After the votes at any municipal election have been canvassed, the city officer in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated.

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 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.

CHAPTER VIII Vacancies in Office

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 29. Filling of Vacancies.

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.

CHAPTER IX Ordinances

Section 30. Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, "The City of Brownsville ordains as follows:"

Section 31. Adoption.

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.
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.
3. Any reading of an ordinance for purposes of adoption may be by title or bill number only:
 - A. If no councilor present at the meeting requests that the ordinance be read in full; or
 - 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 their availability is posted at City Hall or published once in a newspaper of general circulation in the city.
4. An ordinance adopted after being read by title or bill number only has no legal effect if it differs substantially from its terms as they stand when so read, unless each section incorporating such a difference, as finally amended prior to being adopted by the council, is fully and distinctly read in open council meeting.

Section 32. Mayor's Signature.

Upon the adoption of an ordinance by the council, the mayor shall sign the ordinance and indicate the date of the signing of his or her signature.

Section 33. When Ordinance Takes Effect.

Except when a later time for it to take effect is provided, an ordinance adopted 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.

CHAPTER X Public Improvements

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.

CHAPTER XI Indebtedness

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.

CHAPTER XII Miscellaneous Provisions

Section 36. Presumption of Validity of City Action.

In every proceeding in any court concerning the exercise or enforcement by the city or any of its officers or agencies of any power by this act given to the city or any of its officers or agencies, all acts by the city or any of its officers or agencies shall be presumed to be valid, and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage; and the court shall disregard every error or admission which does not affect a substantial right of the person. Any action committed by this Charter to the discretion of the council is final when taken and may not be reviewed or called into question elsewhere.

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 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.

Section 39. Effective Date of Revision.

This revised Charter has legal effect on and after November 3, 1981.

Passed by the council and approved by the Mayor August 24, 1981, as amended by Ords. 175, 224, 225, 382, 523, and 530.

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The Brownsville Municipal Code is current through Ordinance 806, passed October 22, 2024.

Disclaimer: The City Recorder's Office has the official version of the Brownsville Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.ci.brownsville.or.us/>

City Telephone: (541) 466-5666

Codification services provided by [General Code](#)