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To provide for the government of the City of Albany, Linn County, Oregon; and to repeal all charter provisions of the City enacted prior to the time that this charter takes effect.

Be it enacted by the people of the City of Albany, Linn County, Oregon:

CHAPTER I NAME AND BOUNDARIES

Section 1 Title of Enactment.

This enactment may be referred to as the Albany Charter of 1956. (Ord. 5741, 6-23-2010)

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)

Section 3 Boundaries.1

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)

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)

CHAPTER II FORM OF GOVERNMENT

Section 6 Where Powers Vested.

Except as this charter provides otherwise, all powers of the City shall be vested in the council. (Ord. 5741, 6-23-2010)

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)

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)

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)

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)

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.)

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)

Section 13 Qualifications of Officers.

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)

CHAPTER III COUNCIL

Section 14 Meetings.

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. (Ord. 5741, 6-23-2010)

Section 15 Quorum.

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. (Ord. 5741, 6-23-2010)

Section 16 Journal.

The council shall cause a journal of its proceedings to be kept. Upon the 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. (Ord. 5741, 6-23-2010)

Section 17 Meetings To Be Public.

All meetings shall be held in accordance with the Oregon Public Meetings Law. (Ord. 5741, 6-23-2010)

Section 18 Mayor's Functions at Council Meetings.

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. (Ord. 5741, 6-23-2010)

Section 19 President of the Council.

At its first meeting, after this charter takes effect and thereafter at its first meeting of each oddnumbered 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. (Ord. 5741, 6-23-2010)

Section 20 Vote Required.

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. (Ord. 5741, 6-23-2010)

CHAPTER IV POWERS AND DUTIES OF OFFICERS

Section 21 Mayor.

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 or 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. (Ord. 5741, 6-23-2010)

Section 22 City Manager.

- a) **Qualifications**. 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.
- b) **Term**. 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.
 - c) **Powers and Duties**. The powers and duties of the manager shall be as follows:
- (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 departments of the City.
- (2) The manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.
- (3) The manager shall appoint and may remove appointive city officers and employees, except as this charter may otherwise provide with the approval of the council as to the appointive officers and shall have general supervision and control over them and their work. The manager shall have the power to transfer an employee from one department to another. The manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council or over the judicial activities of the municipal judge.
- (4) The manager shall act as purchasing agent for all departments of the City. Purchases shall be made in accordance with applicable state law and City ordinances.
- (5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as the body requests.
 - (6) The manager shall have general supervision over all City property.
- d) **Seats at Council Meetings**. The manager and such other officers as the council designates shall be entitled to sit with the council, but shall have no vote on questions before it. The manager may take part in all council discussions.
- e) **Manager Pro Tem**. In case of the manager's absence from the City, temporary disability to act as manager, discharge by the council, or resignation, the council shall appoint a manager to work pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee, except with the approval of four (4) of the members of the council.
- f) **Interference in Administration and Elections**. No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies. The manager shall not take part in securing or contributing any money toward the nomination or election of any candidate for municipal office.
- g) **Ineligible Persons**. No persons related to the manager or the manager's spouse, by consanguinity or affinity within the third degree, or the spouse shall hold any employment with the City unless required under the terms of a collective bargaining agreement.

No person elected or appointed to membership on the council shall, subsequent to such election or appointment be eligible for appointment as city manager until one (1) year has elapsed following the expiration of the term for which the councilor was elected or appointed. (Ord. 5741, 6-23-2010; Ord. 4483, 1-27-1982; Res. 2231, 6-9-1982)

Section 23 Municipal Judge.

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 juries. (Ord. 5741, 6-23-2010)

Section 24 Clerk of the Council.

The City Clerk shall serve ex officio as clerk of the council, attend all its meetings, unless excused therefrom by the council and keep an accurate record of its proceedings in a book provided for that purpose. In the City Clerk's absence from the council meeting, the Deputy City Clerk shall have all the authority and duties of the City Clerk. (Ord. 5741, 6-23-2010)

CHAPTER V ELECTIONS

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)

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)

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)

Section 28 Regulation of Elections.

Except as this charter provided otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all City elections, recounts of the returns therefrom and contests thereof. (Ord. 5741, 6-23-2010)

Section 29 Canvass of Returns.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special City election the returns therefrom shall be filed with the City Clerk on or before noon of the day following and not later than five (5) days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. It shall contain a statement of the total number of votes cast at each election, the votes cast for each person elected to office, the office to which each has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the City Clerk shall make and sign a certificate of election of each person elected and deliver the certificate to him within one (1) day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it. (Ord. 5741, 6-23-2010)

Section 30 Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council. (Ord. 5741, 6-23-2010)

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)

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)

Section 33 Nominations.

The council shall provide by ordinance the mode for nominating elective officers. (Ord. 5741, 6-23-2010)

CHAPTER VI VACANCIES IN OFFICE

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)

Section 35 Filling of Vacancies.

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)

CHAPTER VII ORDINANCES

Section 36 Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, "The people of the City of Albany do ordain as follows:" (Ord. 5741, 6-23-2010)

Section 37 Introduction, Reading and Passage.

- (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 councillors present.
- (2) A reading of any ordinance for purposes of adoption may be by title only if no councillor present at the meeting requests that the ordinance be read in full. (Ord. 5741, 6-23-2010; Ord. 4483, 1-27-1982; Res. 2231, 6-9-1982)

Section 38 Veto.

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. (Ord. 5741, 6-23-2010)

Section 39 When Ordinances Take Effect.

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. (Ord. 5741, 6-23-2010)

CHAPTER VIII PUBLIC IMPROVEMENTS

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. (Ord. 5741, 6-23-2010)

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". (Ord. 5741, 6-23-2010)

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. (Ord. 5741, 6-23-2010)

Section 43 Bancroft Bonding Act.

The laws of the State of Oregon known as the Bancroft Bonding Act, now designated as Sec. 223.205 O.R.S., shall apply to the City of Albany. (Ord. 5741, 6-23-2010)

Section 43.1 Urban Renewal Citizen Right to Vote.

Voter Approval of Urban Renewal. A City urban renewal agency shall not be activated or authorized to exercise additional powers without the approval of the City electors at a general election.

Every new urban renewal plan, or substantial change to an existing plan which would authorize new Urban Renewal Indebtedness shall be referred to City electors for their approval at a primary or general election.

Voter Notification. Whenever an election required by this Section is conducted the City shall determine the information required to complete the public notice statements A-D of this section.

Public Notice Statements shall be posted on the City web site at least 45 days in advance of the election and mailed to City electors no more than ten days in advance of distributing ballots.

- (A) "ATTENTION VOTER: IMPORTANT INFORMATION ABOUT (insert local measure number)."
- (B) "If approved, this measure will authorize new Urban Renewal Indebtedness (URI). Repayment of such debt may significantly reduce the amount of property tax revenues that would be otherwise available for public schools, police, fire, library and other public services within Albany City for (insert maximum duration of URI, listed in years and months)."
- (C) "The maximum amount of new Urban Renewal Indebtedness permitted by this measure is (insert the maximum new URI permitted by proposed plan or amendment)."
- (D) "The maximum amount of interest payable for this debt is (insert the maximum amount of interest payments for the new URI over the life span of the debt)."

Public Notice Statements do not need to be mailed to the City electors if included within the beginning of the explanatory statement of the proposed measure within the County Voter's Pamphlet.

Approvals by Ordinance. The City shall not approve or amend a plan by any means other than by ordinance. Non-substantial changes to any plan may be approved by non-emergency ordinance of the City Council. Any ordinance approved by the Council shall not go into effect until voter approval is obtained.

Termination. Upon the retirement of all urban renewal indebtedness authorized by the City urban renewal plans, a City urban renewal agency will cease and it shall be terminated. Any continuing obligations or rights of a terminated agency shall be assumed by the city.

Definitions as used in this Section.

Urban Renewal plan" and "plan" have the same meaning given those terms in ORS Chapter 457 as it now exits or may hereafter be amended, or a similar plan adopted under any other provision of law.

Substantial change" means any change proposed to be made to an existing urban renewal plan that:

- (A) Expands the boundary, duration or borrowing authority of any plan; or,
- (B) Alters the basic purpose, engineering or financing principles of a voter-approved plan. "Urban Renewal Indebtedness" and "URI" mean debt incurred pursuant to an urban renewal plan where repayment is pledged from ad valorem taxes assessed within the City limits of Albany.

Implementation. This Section shall become immediately effective upon passage by the electors. Therefore the City may not use or pledge additional City revenues for repayment of URI unless the use of those City revenues:

- (A) was pledged by the City prior to the passage of this Chapter;
- (B) was approved by electors for that purpose; or,
- (C) is mandated by operation of law.

Prior to any public hearing to consider legislation that would conflict with provisions of this Chapter or prevent them from operating the City must provide at least two weeks notice of the proposed legislation and hearing date to all City electors. Any legislation passed in violation of this provision shall be void.

If any provision of this Chapter is barred from operation by superior law, the other provisions shall remain unaffected. (Ord. 5805, 4-10-2013)

CHAPTER IX MISCELLANEOUS PROVISIONS

Section 44 Debt Limit.

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.
- d) State law override. The City Council may borrow money without approval of the City's electors if an Oregon statute authorizing the borrowing provides that the authority is not limited by other laws, such as a local charter limitation.
- e) Emergency borrowings. (1) The City Council may borrow money without approval of the City's electors if:
- (i) the City publishes notice of the public hearing called for in this subsection e) in a newspaper of general circulation in the City at least two times before the hearing date;
- (ii) the first notice of the public hearing is published not less than seven calendar days before the hearing date;
- (iii) the hearing notice describes the date, time, place, and the amount proposed to be borrowed;
- (iv) following the hearing, the City Council adopts an ordinance making a legislative determination that:
 - (A) an emergency exists,
 - (B) the borrowing must be done quickly to avoid or mitigate that emergency, and
- (C) the project(s) to be financed with the borrowing are necessary to avoid or mitigate that emergency.
 - (2) For purposes of this subsection e):
- (i) "emergency" means a situation that poses an immediate risk of significant economic loss to the City, or an immediate risk to health, life, or property.
 - (ii) "significant economic loss" means an economic loss that exceeds \$250 thousand.

- (iii) "immediate risk" means a risk that, at the time of the hearing, has already resulted in a loss or harm, or that is expected to result in a loss or harm that will occur before the City can obtain approval of its electors for a new borrowing pursuant to subsection b) of this section.
- f) Refinancings for savings. The City Council may borrow money without approval of the City's electors to refinance a City borrowing if the total principal and interest scheduled to be paid on the refinancing is less than the total principal and interest that was scheduled to be paid on the borrowing that is refinanced.
- g) Personal Liability. All members of the City Council who vote to approve a borrowing in excess of the amounts permitted by this Section 44 shall be jointly and severally liable for the excess. However, a member of the City Council shall not be liable under this paragraph if the member voted in good faith and in reliance upon an opinion of the City Attorney, Bond Counsel, or other legal counsel engaged to provide an opinion concerning the borrowing in question, also given in good faith, that the borrowing for which the member voted is permitted by this Section 44.
- h) 2015 General Obligation Bond Authorization. The City is authorized to issue up to \$18 million in principal amount of general obligation bonds to finance capital costs related to new, seismically sound public safety facilities, including a police station and a main fire station. The City shall levy an ad valorem property tax outside the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution each year in an amount sufficient to pay the principal and interest that is due on any general obligation bonds that are issued under this paragraph.

The general obligation bonds authorized by this subsection may be issued in one or more series, which may be issued at different times. The capital costs financed with the general obligation bonds authorized by this subsection may include costs related to the general obligation bonds. The limitations of Section 44 of the City Charter do not apply to the general obligation bonds authorized by this subsection and those bonds shall not be counted against any limitation on maximum debt in the City Charter. (Amended by vote of the electors May 19, 2015; Ord. 5825, 10-9-2013; Ord. 5741, 6-23-2010)

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. (Ord. 5741, 6-23-2010)

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. (Ord. 5741, 6-23-2010)

Section 47 Time of Effect of Charter.

This charter shall take effect January 1, 1957. (Ord. 5741, 6-23-2010)

Section 48 Annexation Procedure.

The City of Albany is hereby authorized to apply those provisions of Oregon Revised Statutes Section 222.850 to Section 222.915 to proceedings in the city of Albany and to annex territory thereunder as provided and particularly as the same pertains to annexation of areas which are a danger to public health.

The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified as provided herein: unless mandated by State Law, annexation (delayed or otherwise) to the City of Albany may only be approved by a prior majority vote among the electorate. (Ord. 5741, 6-23-2010; amended by vote of the electors March 10, 1998: November 5, 1968.)

Code reviser's note: The current boundaries are on file and available in the office of the city recorder.

This page of the Albany Municipal Code is current through Ordinance 6058, passed December 12, 2024.

Users may contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website:
https://www.cityofalbany.net/
(https://www.cityofalbany.net/)
Telephone number: (541) 917-7524
Codification services provided by
General Code
(https://www.generalcode.com/)