

ATTACHMENT 4

City of Tigard Charter of 2024

PREAMBLE

We the people of Tigard, Oregon, are a community that recognizes the value of all individuals. We exercise our power to the fullest extent possible under the constitution and laws of the State of Oregon and enact this home rule Charter.

ARTICLE I

Name and Boundaries

Section 1.1. Title of Enactment. This enactment may be referred to as the City of Tigard Charter of 2024.

Section 1.2. Name. The municipality of Tigard, Washington County, Oregon, continues to be a municipal corporation with the name "City of Tigard."

Section 1.3. Boundaries. The City includes all territory within its boundaries as they now exist or are legally modified in the future.

ARTICLE 2

Powers of the City

Section 2.1. Powers of the City. The City has all powers expressly or impliedly granted or allowed by the constitutions, statutes, and common law of the United States and State of Oregon as fully as if this Charter specifically enumerated each of those powers.

Section 2.2. Construction. This Charter is liberally construed so that the City may exercise fully all powers possible under this Charter and under United States and Oregon law.

Section 2.3. Where Powers Vest. All powers of the City are vested in the City Council, except as otherwise provided by law or this Charter.

ARTICLE 3

Council

Section 3.1. Council Composition. The Council is comprised of a Mayor and six Councilors nominated and elected from the City at-large.

Section 3.2. Oath. Before carrying out the duties of office, the Mayor and each Councilor must subscribe and swear or affirm an oath to the effect that the person will faithfully discharge to the best of the person's ability the duties of the office being assumed and will support the constitutions and laws of the United States and the State of Oregon and the charter and

ordinances of the City of Tigard. The oath must be administered and attested to by a notary public or other person duly authorized to administer oaths. The oath may be taken up to 30 days prior to the scheduled date of assuming office.

Section 3.3. Mayor. Except as otherwise provided in this Charter, the Mayor is the elected, public policy head of City government. The Mayor is a voting member of Council and has no veto authority. In exercising the powers of the Mayor, the Mayor:

- a) Has authority over the agenda for Council meetings.
- b) Presides over and facilitates Council meetings as the chair, preserves order, enforces Council rules, and determines the order of business.
- c) Signs the authorized writings and records of Council decisions.
- d) Appoints members of City boards and committees, as provided by Council rules.

Section 3.4. Council President. Council will elect a Council President at its first meeting each year. The Council President will perform the duties of the office of Mayor in the Mayor's absence and may perform other duties of the Mayor at the Mayor's request. In the event the Mayor is unavailable to serve, the Council President will serve as the Mayor Pro Tempore. If the Council President vacates the position, the Council will elect a Council President to serve in that position until the next Council President is elected pursuant to this Section.

Section 3.5. Terms. The Mayor and each Councilor's term of office is four years and commences on the first day of January after the election to office. One of the new positions created by this 2024 Charter will be elected to a four-year term and the other to a two-year term in the 2024 general election. Council members currently serving at the time this 2024 Charter is adopted will continue to serve the remainder of their terms.

Section 3.6 Term Limits. A Mayor may not be elected or appointed to more than two consecutive terms, and a Councilor may not be elected or appointed to more than two consecutive terms, for a total of no more than four consecutive terms on Council. A partial term only applies to a Council member's term limit calculation if the Council member is elected or appointed to a term greater than three years. Terms are considered "consecutive" if there is less than a two-year break from the date last in office to the first date of the Council member's next term.

Section 3.7. No Interference. No Council member may directly or indirectly coerce or attempt to coerce the City Manager, City Attorney, or Municipal Court Judge, or a candidate for the office of City Manager, City Attorney, or Municipal Court Judge, in the appointment or removal of a City employee, in an administrative decision of the officer, or in otherwise executing the officer's powers and duties. Council will determine the appropriate penalty for violation of this prohibition, up to and including removal from office. A due process hearing of the full City Council and a unanimous vote of all Council members, with the exception of the member who is the subject of the vote, is required to remove a Council member. A majority vote of Council

is required to impose any other penalty. In Council meetings, Council members may discuss or suggest matters with the officer relating to City business.

Section 3.8. Council Rules. Every two years, Council will adopt ground rules by resolution. Ground rules will include a code of conduct, process for the selection of board and committee members, and will govern proceedings of the Council where they do not conflict with law or the provisions of this Charter. Council will determine, by majority vote, the appropriate penalty for a violation of the ground rules, up to and including a resolution of censure and removal from Council assignments. A violation of the ground rules will not be considered a basis for challenging the validity of any Council decision.

Section 3.9. Compensation. The Council will adopt, by resolution or ordinance, an independent review process for determining the compensation of the Mayor and Councilors.

ARTICLE 4 City Officers

This Charter establishes three City offices appointed and removed by a majority of Council—a City Manager, a City Attorney, and Municipal Court Judge. No member of Council may assign or direct the work of any of the following offices:

Section 4.1. City Manager. The City Manager is the administrative head of the City government. The City Manager is responsible to the City Council for the proper leadership and administration of all City business including serving as the Budget Officer; appointing and removing all City employees except the Municipal Court Judge and City Attorney; organizing departments; and carrying out all City operations, policies, resolutions, and ordinances.

Section 4.2. City Attorney. The City Attorney is the chief legal officer for the City. The City Attorney must be an active member in good standing of the Oregon State Bar. The City Attorney appoints, manages, and may remove any employees who work exclusively in and for the City Attorney's office.

Section 4.3. Municipal Court and Judges. The Tigard Municipal Court is established and continues to operate as the City's Municipal Court.

- a) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the court. The Municipal Court has subject matter jurisdiction over every offense created by City ordinance and to the fullest extent allowed by law over all misdemeanors and violations defined and made punishable under state law, unless limited by City ordinance.
- b) All municipal court judges, including judges pro tempore, must be active members in good standing of the Oregon State Bar. The Presiding Judge exercises general supervision over the judicial functions of the Municipal Court and its judges and has authority over the dockets and assignment of cases.

ARTICLE 5

Elections

Section 5.1. City Elections. City elections must conform to state law, unless this Charter or City ordinances provide otherwise. All elections for City offices are nonpartisan.

Section 5.2. Qualification of Electors. Every person who is a resident of the City and who qualifies as a legal voter under state law may vote in a City election.

Section 5.3. Eligibility. Each member of Council must be a qualified elector under state law, registered to vote in the City of Tigard, and have continuously resided within the City for at least one year immediately before the date of election or appointment to office. Except when a state trial court has jurisdiction over the matter, the Council is the final judge of the election and eligibility of its members.

Section 5.4. Conduct of Election. Elections to the office of Mayor and Councilor will be held at the general election, except as otherwise provided by this Charter for special elections to fill vacancies. The candidate receiving the highest number of votes for the office of Mayor is elected to the office. The three candidates receiving the highest number of votes for the office of Councilor are elected to the office. If a Council position for less than a full four-year term is on the ballot, the candidate receiving the highest number of votes for that position is elected to the office.

Section 5.5. Vacancies in Office. The office of Mayor or Councilor becomes vacant upon the Mayor or Councilor's:

- a) Death;
- b) Resignation from the office;
- c) Recall from office;
- d) Ceasing to reside in the city;
- e) Ceasing to be a qualified elector under state law or this Charter;
- f) Adjudicated incompetence;
- g) Conviction of a felony;
- h) Absence for 30 days from regular meetings of the Council without the consent of the Council and upon a declaration of vacancy approved by unanimous vote of all Council members except the member who is subject of the vote; or
- i) Removal pursuant to Section 3.7 of this Charter.

Section 5.6. Filling Vacancies. In the event the office of Mayor or Councilor becomes vacant before the normal expiration of the term, the Council may fill the vacancy for the remainder of the term by election or appointment. A special election may only be called if the election will be held at least one year before the term would otherwise expire.

ARTICLE 6
Council Meetings; Ordinances

Section 6.1. Rules and Meetings. The Council may adopt rules regarding Council meetings to the extent the rules do not conflict with law or this Charter. The Council will meet at a time and place designated by its rules and may meet at other times in accordance with its rules and state law.

Section 6.2. Quorum. A majority of the Council members is a quorum to conduct business. In the event of a vacancy pursuant to Section 5.5 of this Charter, or loss of contact during a state or federal state of emergency within the City, the quorum is reduced accordingly. Every Council member who is present must be counted for the purpose of constituting a quorum, even if the Council member does not vote on one or more issues.

Section 6.3. Record of Proceedings. A record of Council meetings must be kept in a manner prescribed by state law and the Council's rules.

Section 6.4. Voting. Except as otherwise provided in this Charter, the express approval of a majority of the Council members present and voting is necessary for any Council decision.

Section 6.5. Ordaining Clause. The council exercises its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Tigard ordains as follows:"

Section 6.6. Adoption. Adoption of an ordinance requires:

- a) A duly noticed public hearing on the ordinance;
- b) Reading the ordinance, by title only, in an open Council meeting; and
- c) A roll call vote whether to adopt the ordinance.

Section 6.7. Record of Vote. After the adoption of an ordinance:

- a) The Mayor must sign the ordinance; and
- b) The City Recorder must attest to the adoption and date of adoption of the ordinance and enter into the Council minutes the vote of each member of Council on the ordinance.

Section 6.8. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or on another date less than 30 days after adoption if the ordinance contains an emergency clause.

ARTICLE 7
Public Improvements; Debt

Section 7.1 Improvements. The procedure for making, altering, vacating, or abandoning a public improvement will be governed by state law.

Section 7.2 Special Assessments. 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 7.3 Debt Limit. City indebtedness may not exceed debt limits imposed by state law.

ARTICLE 8
Miscellaneous Provisions

Section 8.1. Ordinance Continuation. All ordinances and other enactments consistent with this Charter, and in force when this Charter takes effect, remain in effect until amended or repealed.

Section 8.2. Pending Matters. All rights, claims, causes of actions, duties, contracts, and legal administrative proceedings that exist when this Charter takes effect continue and are unimpaired by this Charter, except as modified pursuant to the provisions of this Charter, and in each case will be maintained, carried on, or dealt with by the City department, office, or agency appropriate under this Charter.

Section 8.3. Severability. The terms of this Charter are severable. If any provision of this Charter is held invalid by a court, the invalidity does not affect the validity of the remaining parts of the Charter.

Section 8.4. Time of Effect. This Charter takes effect 30 days after the day on which it is approved by a majority of voters, and except as otherwise provided is operative July 1, 2024. The City may take any action before this Charter's operative date that is necessary to enable the City on or after the operative date to exercise all duties, functions, and powers conferred on the City by this Charter.

Section 8.5. Saving Clause. All Charter provisions adopted before this Charter takes effect continue in force and effect until repealed.

Section 8.6. Amendments. Amendments to this Charter proposed by initiative must be held at a primary or general election and must receive at least sixty percent approval of the popular vote.

Section 8.7. Repeal. All Charter provisions adopted before this Charter takes effect are repealed when this Charter becomes operative on July 1, 2024.