

1

CHARTER

To provide for the government of the City of Paisley, Lake County, Oregon, and to repeal all charter provisions of the city prior to the time that this Charter takes effect.

Be it enacted by the people of the City of Paisley, Lake County, Oregon.

CHAPTER I

NAME AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment shall be referred to as the Paisley Charter of 1968.

Section 2. NAME OF CITY. The municipality of the City of Paisley, Lake County, Oregon, shall continue to be a municipal corporation with the name "City of Paisley."

Section 3. BOUNDARIES. The exterior boundaries of the city are as follows:

All of that portion of land situate in Sections 23 and 24,
T 33 S, R 18 E of the Willamette Meridian described as fol-
lows:

Beginning at a brass capped monument marking
the section corner common to Sections 23, 24, 25 and 26,
T 33 S, R 18 E, W. M., Lake County Oregon; thence N 00°05'08" W
along the section line common to said Sections 23 and 24 a
distance of 1278.72 feet; thence N 89°55'39" W, 1272.65
feet; thence S 00°30'00" E, 365.00 feet; thence S 78°54'00" W,
295.50 feet; thence N 65°18'30" W, 331.85 feet to a point
on the southerly levee of the Chewaucan River as said levee
is now constructed and now exists; thence northerly and
easterly along said levee the following courses and dis-
tances; N 40°09'03" E, 876.52 feet; thence N 53°02'33" E,
293.14 feet; thence N 78°41'33" E, 207.95 feet, thence
S 88°37'47" E, 443.00 feet; thence S 80°26'27" E, 600.39 feet;
thence N 74°51'23" E, 1904.90 feet; thence N 71°18'23" E,
917.73 feet to a point on the East-West center of Section
line of said Section 24; thence leaving said levee S 89°
59'02" E along said East-West center of Section line 1221.91
feet to a 3/4" pipe marking the N.E. corner N.W. 1/4 S.E. 1/4
of said Section 24; thence continuing along said East-West
center of Section line S 89°59'02" E, 500.00 feet; thence
S 00°10'15" W parallel to the East line of said Section 24,
2654.54 feet to a point on the South line of said Section
24; thence N 88°21'58" W along the South line of said Section
24, 1865.84 feet to the South 1/4 corner of said Section 24; thence
N 89°14'21" W along the South line of said Section 24, 2732.63
feet to the point of beginning

CHAPTER II

POWERS

Section 4. POWERS OF THE CITY. The city shall have all powers which 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 each of those powers.

Section 5. CONSTRUCTION OF CHARTER. In this charter no mention of the particular powers shall be construed to be exclusive or to restrict the scope of the powers which the city would have if a 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 municipal corporations may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

FORM OF GOVERNMENT

Section 6. WHERE POWER VESTED. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. The council shall be composed of a mayor and four councilmen elected from the city at large. Provided, however, this section shall not take effect until the first council meeting held after January 1, 1969, as provided in Section 8 of this charter.

Section 8. COUNCILMEN. The term of office of each councilman in office at the time this charter is adopted, shall continue until the first council meeting is held in January, 1969. Beginning with the general biennium election to be held in November, 1968, five councilmen shall be elected. Those who receive the two highest numbers of votes shall be deemed elected for a four-year term each and the next three for a two-year term each. Three councilmen shall thereafter be elected biennially. At the general biennium election to be held in November, 1970, and at each general biennium election thereafter those who receive the three highest numbers of votes shall be deemed elected and of these three the two receiving the two highest numbers of votes shall hold office for four years and the remaining one shall hold office for two years. A councilman's term of office shall begin at the first council meeting in the calendar year ensuing the year of his or her election. The council shall fill by appointment vacancies in its membership. The term of office of such an appointee shall be for the remainder of the term of office of his immediate predecessor in office. A majority of the members of the council shall constitute a quorum.

Section 9. Mayor. Only councilmen shall be eligible to serve as mayor. The council shall appoint a mayor at its first meeting each odd-numbered year. The mayor's term of office shall be two years.

Section 10. OTHER OFFICERS. Additional officers of the city shall be a municipal judge, a treasurer, a recorder, a city attorney and such other officers as the council shall deem necessary. With the exception of the municipal judge each of these officers shall be appointed by the mayor with the advice and consent of the council, and shall serve at its pleasure. The council may combine any two or more appointive city officers. The municipal judge shall be elected at the general election held in November, 1968, and the term of office shall be for four years, beginning January 2, of the succeeding year. Candidates shall qualify in the manner set forth in Section 31 hereof.

Section 11. SALARIES. The compensation for the services of each city officer and employee shall be the amount fixed by the council.

Section 12. QUALIFICATIONS OF OFFICERS. No person shall be eligible for an elective office of the city that is to be filled by the voters unless at the time of his or her election he or she 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 fill all vacancies therein and the appointees shall serve until the next general election.

CHAPTER IV

COUNCIL

Section 13. MEETINGS. 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 own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 14. QUORUM. 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.

Section 15. 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.

Section 16. PROCEEDINGS TO BE PUBLIC. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The mayor shall be chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. PRESIDENT OF THE COUNCIL. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by ballot 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 office, the president shall act as mayor.

Section 19. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V POWERS AND DUTIES OF OFFICERS

Section 20. MAYOR. The mayor shall appoint the committees provided by the rules of the council. He shall sign all approved records of proceedings of the council. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passing. 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.

Section 21. MUNICIPAL JUDGE. The Municipal judge shall be the judicial officer of the town. He shall hold within the city a court known as the Municipal Court of the City of Paisley, Lake 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. He 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 him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, 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. Trials in the municipal court of cases for violation of city ordinances shall be had without juries, unless the defendant shall request one. Any defendant who is not an indigent shall deposit \$60.00 with the recorder to cover the lawful fees of such jury. If a defendant shall demand a jury trial and shall take a pauper's oath, the payment of the jury fees shall be waived and the expenses of the jury shall be a general obligation of the city.

Section 22. RECORDER. The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings in a book provided for that purpose, and sign all orders on the treasury. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder.

CHAPTER VI

ELECTIONS

Section 23. REGULAR ELECTIONS. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws.

Section 24. NOTICE OF REGULAR ELECTIONS. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of 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.

Section 25. SPECIAL ELECTIONS. The council shall provide the time, manner and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election. The procedure for holding such a special election shall be the same as that provided in Section 26 relating to the regulation of periodic regular elections insofar as it is possible

to do so.

Section 26. REGULATION OF ELECTIONS. Except as this charter provides 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. Names of candidates and measures to be voted upon shall be certified by the recorder to the County Clerk of Lake County, Oregon who shall place them on the ballot to be used by the voters of the city, the county to be reimbursed for the cost involved. Elections shall be presided over and conducted by county officials and elective judges and clerks as provided by general law, the vote canvassed by the county election board for the city precincts.

Section 27. 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 recorder on or before noon of the day following, and not later than five 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. The journal shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate so made and

delivered shall be prima facie evidence of the truth of the statements contained in it.

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 public drawing of lots in a manner prescribed by the council.

Section 29. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 30. OATH OF OFFICE. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and he will faithfully perform the duties of his office.

Section 31. NOMINATIONS. A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought and shall be signed by the candidate and state his place of residence identified by its street and number or other sufficient description. All petitions shall be assembled and filed with the recorder not earlier than 100 days nor later than 70 days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is insufficient in any particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed

again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. Upon receipt of such petition, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

CHAPTER VII

VACANCIES IN OFFICE

Section 32. WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office or unlawful destruction of public records; resignation; recall from office; ceasing to possess the qualifications for the office; or upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence.

Section 33. FILLING OF VACANCIES. Vacancies in elective offices in the city shall be filled by a majority of the incumbent members of the council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in offices permanently.

CHAPTER VIII

ORDINANCES

Section 34. ENACTING CLAUSE. The enacting clause of all ordinances hereafter shall be "The City of Paisley ordains as follows."

Section 35. MODE OF ENACTMENT. (1) Except as this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.

(2). Except as this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

(3). Any of the readings 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 three copies are provided for public inspection in the office of the town recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing, by (i) written notice posted at the town hall and two other public places in the city or (ii) advertisement in a newspaper of general circulation in the town. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.

(5) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date of his signature, his name and the title of his

office.

Section 36. WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the council shall take effect on the thirtieth day after the 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.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 37. CONDEMNATION. The 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.

Section 38. IMPROVEMENTS. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the property to be specially assessed therefor. 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 recorded land sale contract or 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."

Section 39. 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 40. BIDS. A contract in excess of \$1,000.00 for a public improvement to be made by a private contractor 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.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 41. DEBT LIMIT. Except by consent of the voters the city's voluntary floating indebtedness shall not exceed \$15,000.00, nor its bonded indebtedness, \$1,000.00 at any one time. For purposes of calculating the limitation, however, the legally authorized debts of the city, existing at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. TORTS. The liability, if any, of the city for torts shall be as stated in Chapter 627, Oregon Laws 1967, effective July 1, 1968, or as said statute may hereafter be amended or supplemented. Any and all claims against the City shall be filed and processed in the manner set forth in said statute.

Section 43. 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.

Section 44. REPEAL OF PREVIOUSLY ENACTED PROVISION.

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 45. TIME OF EFFECT OF CHARTER. This charter shall take effect August 27, 1968.