

Current City Charter

CHARTER - CITY OF TOLEDO, OREGON

CHAPTER I - NAME AND BOUNDARIES

Section 1 Title of Enactment. This enactment may be referred to as the Toledo Charter of 1993.

Section 2 Name of City. The municipality of Toledo, Lincoln County, Oregon, shall continue to be a municipal corporation with the name "City of Toledo."

Section 3 Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and the boundary descriptions available for public inspection.

CHAPTER II - POWERS

Section 4 Powers of the City. Except that this charter provides otherwise, the City has all powers that 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 those powers.

Section 5 Construction of Powers. In this charter, no mention of a specific power is exclusive or restricts the authority that the City would have if the specific power were not mentioned. The charter shall be liberally construed, so that, within the limits imposed by the charter or the constitution or laws of the United States or the State of Oregon, the City has all powers necessary or convenient for conducting its affairs, including all powers that cities may now or hereafter assume under the home rule provisions of the constitution and laws of the State of Oregon. The powers are continuing powers.

CHAPTER III - FORM OF GOVERNMENT

Section 6 Where Powers Vested. Except as this charter provides otherwise, all powers of the City are vested in the council.

Section 7 Council. The council shall be composed of a mayor and six councilors elected from the City at large.

Section 8 Councilors. The term of office of each councilor in office when this charter is adopted shall continue until the expiration of the term for which he or she was elected or appointed. At the first biennial general election after the adoption of this charter three councilors shall be elected for a term of four years, and such additional number shall be elected to fill unexpired terms as may be necessary to bring the number of elected councilors to six. Three councilors shall be elected biennially for a term of four years.

Section 9 Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 10 Other Officers. The council shall appoint a city manager. Other additional officers of the City may be a city attorney, municipal judge, and other officers the council considers necessary, each of whom the council shall appoint any may remove by majority vote of all members of the council. The council may combine any two or more appointive offices, except the offices of city manager and municipal judge or city attorney and municipal judge. In such combination, the municipal judge shall not be subject in judicial functions to supervision by any other officer. The council shall supervise all officers appointed by the council, except as supervision may otherwise be authorized by a majority of all members of council. For positions supervised by the council, except the city manager, job duties and responsibilities of such positions shall be established by a resolution adopted by the council.

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

Section 12 Qualifications of Officers.

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- (1) To be eligible for an elective city office, a person at the time of election must be a qualified elector within the meaning of the state constitution and have resided in the City during the twelve months immediately preceding the election. For purposes of this subsection, City means all area included in the incorporated limits as of the date of the election.
- (2) No elective officeholder of this City may be employed by the City in a position that is not substantially volunteer in nature. Any question about whether employment is substantially volunteer in nature shall be made by the municipal court.
- (3) No person may be a nominee for the office of mayor and councilor at the same election.
- (4) Except as otherwise provided in subsection (2) of this section, the council is the final judge of the qualifications and election of its own members.

CHAPTER IV - COUNCIL

Section 13 Meetings. The council shall hold a regular meeting at least twice a month in the City at a time and at a place that it designates. Other meetings of the council may be held, but only in accordance with procedures prescribed by the council. The council shall adopt rules for the government of its members and proceedings.

Section 14 Quorum. A majority of the incumbent 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 Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 16 Mayor's Functions at Council Meetings. The mayor shall preside over council deliberations and shall have a vote on all questions before the council. The mayor shall preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 17 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 shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside. When the mayor is unable to perform the functions of the office, the president shall act as mayor.

Section 18 Vote Required. Except as this charter otherwise provides, the concurrence of a majority of members of the council voting when a quorum of the council is present shall decide any question before it.

CHAPTER V - POWERS AND DUTIES OF OFFICERS

Section 19 Mayor. The mayor shall appoint the council committees provided by the rules of the council, shall sign all records of proceedings approved by the council, shall sign all ordinances passed by the council, and after the council approves a bond of a city officer or a bond for a license, contract or proposal, shall endorse the bond.

Section 20 City Manager.

- (1) Qualifications. The city manager:
 - (a) Shall be the administrative head of the city government.
 - (b) Shall be chosen by a majority vote of all members of the council without regard to political considerations and solely with reference to executive and administrative qualifications.
 - (c) Need not be a resident of the City or of the state at the time of appointment.
- (2) Before taking office, the manager shall give a bond in an amount and with such surety as in approved by the council. The premiums on the bond shall be paid by the City.
- (3) Term. The manager shall be appointed for an indefinite term and may be removed only by a majority vote of all members of the council. If a vacancy occurs in the office of manager after the first

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appointment under this charter, the council, at its next meeting, shall adopt a resolution of its intention to appoint another manager. The council shall appoint a manager to fill the vacancy as soon as practical, but in no case shall the office of city manager be left vacant for more than twelve months.

- (4) Powers and Duties. The manager shall:
 - (a) Attend all meetings of the council unless excused by the council or the mayor.
 - (b) Keep the council advised of the affairs and needs of the City.
 - (c) Make annual reports, or more frequently if requested by the council, about the affairs and departments of the City.
 - (d) Be responsible for the enforcement of all ordinances.
 - (e) See that all franchises, leases, contracts, permits and privileges granted by the City are observed.
 - (f) Appoint, discipline and remove personnel, except appointees of the mayor or council.
 - (g) Supervise and control the city manager's appointees in their service to the City.
 - (h) Organize and, as necessary, disband and reorganize the various city departments.
 - (i) Prepare the annual budget for transmittal to the council.
 - (j) Supervise all purchasing.
 - (k) Supervise the operation of all City-owned public utilities and City-owned property.
 - (l) Perform such other duties as the council directs.
- (5) The city manager may not supervise or regulate:
 - (a) The council.
 - (b) The Municipal Judge in the Judge's judicial functions.
 - (c) Except as the council authorizes, appointive personnel of the City whom the city manager does not appoint.
- (6) Seats at Council Meetings. The manager and other officers designated by the council are entitled to sit with the council but have no vote on questions before it. The manager may take part in all council discussions.
- (7) Manager Pro Tem. If the office of city manager becomes vacant, the council shall appoint a manager pro tem as soon as practical. If the city manager is temporarily absent from the City or temporarily disabled from acting as manager, the council may appoint a manager pro tem. The appointment and removal of a manager pro tem shall be made by the majority of all members of the council. A manager pro tem shall possess the powers and duties of city manager, except that the manager pro tem may appoint or remove personnel only with the approval of the majority of all members of the council.
- (8) Interference in Administration and Elections. A member of the council shall not directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment or in removal of an officer or employee or in purchasing supplies; or attempt to exact a promise relative to an appointment from any candidate for manager; or discuss directly or indirectly with the manager for the matter of specific appointments to any city office or employment. A violation of this subsection forfeits the office of the offending member of the council, who may be removed by the council or a court of competent jurisdiction. The council may, however, in open session, discuss with or suggest to the manager anything pertinent to City affairs or the interests of the City. Further, a councilor may, at time, request and receive information to which a private citizen is entitled.

Section 21 Municipal Court.

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- (1) The municipal judge shall hold within the City a court known as the municipal court for the City of Toledo, Lincoln County, Oregon. The court shall be open for judicial business at times specified by the council. All area within the City and, as provided by law, territory outside the City, is within the territorial jurisdiction of the court. All proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as this charter or City ordinance prescribe to the contrary. The municipal court has original jurisdiction over all offenses defined and made punishable and over all actions to recover or enforce forfeiture or penalties defined or authorized by City ordinance.
- (2) A municipal judge may:
 - (a) Render judgments and impose sanctions for enforcement of judgments on persons and property within its jurisdiction.
 - (b) Cause the arrest of a person accused of an offense against the City.
 - (c) Commit to jail pending trial a person accused of an offense against the City.
 - (d) Issue and compel obedience to subpoenas.
 - (e) Compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court.
 - (f) Punish witnesses and others for contempt of court.
 - (g) Issue any process necessary to carry into effect the judgment of the municipal court.
 - (h) Issue search warrants.
 - (i) Perform other judicial or quasi-judicial functions as the council prescribes by general ordinance.
- (3) The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.
- (4) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER VI - PERSONNEL

Section 22 Merit and Fitness and Employee Political Rights and Responsibilities.

- (1) Subject to council approval, the city manager shall prescribe rules and procedures governing recruitment, selection, promotion, transfer, demotion, suspension, lay-off and dismissal of city employees on the basis of merit and fitness. Contrary provisions of contracts or collective bargaining agreements entered into by the City and applicable employees shall prevail over rules or procedures promulgated under authority of this section.
- (2) The council, by ordinance, may affirm the rights of city employees to participate in political activities and may impose limits necessary to maintain orderly and effective operation of city government.

CHAPTER VII - ELECTIONS

Section 23 Regulations of Elections Generally. Except as this charter provides otherwise and as the council provides otherwise by ordinance, the general laws of the state apply to city elections.

Section 24 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 25 Commencement of Terms of Office. The term of office of a person elected to a city office at a regular city election commences at the first council meeting of the year immediately following the election.

Section 26 Oath of Office. Before commencing the duties of office, each officer shall take an oath or shall affirm faithful performance of the duties of the office and support for the constitutions and laws of the United States and the State of Oregon.

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Section 27 Nominations. A person possessing the qualifications required by this charter may be nominated for an elective city office. The council, by general ordinance, shall prescribe the method and form of nomination.

CHAPTER VIII - VACANCIES IN OFFICE

Section 28 Vacancies: Occurrence. The office of a member of the council becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,
 - (b) Adjudicated incompetence, or
 - (c) Recall from the office, or
- (2) Upon declaration by the council of the vacancy in case of the incumbent's:
 - (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
 - (b) Absence from the City for 30 days without the council's consent or from all meetings of the council within a 45-day period or from seventy-five percent (75%) of all meetings of the council within a six-month period,
 - (c) Ceasing to reside in the City,
 - (d) Ceasing to be a qualified elector under state law,
 - (e) Conviction of a public offense punishable by loss of liberty, or
 - (f) Resignation from the office.

Section 29 Vacancies: Filling. Vacant elective city offices shall be filled by appointment by a majority vote of the remaining members of the council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of an officer or during 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 office.

CHAPTER IX - ORDINANCES

Section 30 Adoption Clause. The adoption clause of all ordinances adopted under authority of this charter shall be, "The City of Toledo ordains as follows:".

Section 31 Mode of Adoption.

- (1) Except as subsections (2) and (3) provide to the contrary, an ordinance shall, before adoption, be read fully and distinctly in open council meeting on two different days.
- (2) Except as subsection (3) allows both readings by title only, an ordinance may be adopted at a single council meeting by unanimous vote of all councilors present after being read first in full and then by title.
- (3) Any of the readings may be by title only if:
 - (a) No councilor present at the meeting requests that the ordinance be read in full, and
 - (b) A copy of the ordinance is provided for each councilor, three copies are provided for public inspection in the office of the custodian of City records not later than one week before the first reading of the ordinance, and notice of the availability of copies is given by written posting at the city hall and two other public places in the City or by advertisement in a newspaper of general circulation in the City.
- (4) An ordinance:

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- (a) Adopted after being read by title alone, under the provisions of subsection (3)(b), shall have no legal effect if it differs substantially from its terms as filed prior to the 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.
 - (b) May be amended at the time of adoption if the ordinance as amended deals with the same general subject.
- (5) On the final vote on an ordinance, the ayes and nays of the members of the council shall be taken and entered in the record of proceedings.
- (6) On the adoption of an ordinance, the custodian of City records shall endorse it with the date of adoption and the attester's name and title of office. Upon passage, the mayor shall sign and date the ordinance over the title of "mayor."

Section 32 When Ordinances Take Effect. An ordinance takes effect on the thirtieth day after its adoption. However, when the council considers it advisable, an ordinance may provide a later effective date or, in an emergency, an ordinance may take effect immediately on adoption.

CHAPTER X - PUBLIC IMPROVEMENTS

Section 33 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 applicable state laws. Action on a proposed public improvement, except a sidewalk or an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months on a remonstrance by the owners of two-thirds of the land to be specially assessed for the improvement. In this section "owner" means the record holder of legal title or, if land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser.

Section 34 Special Assessment. The procedure for levying, collecting and enforcing payment of special assessments for public improvements or other services to be charged against real property shall be governed by ordinance.

CHAPTER XI - MISCELLANEOUS PROVISIONS

Section 35 Debt Limits. The City's indebtedness may not exceed the limits imposed on a city by state law. All city officials and employees who create or officially approve indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 36 Existing Ordinances Continues. All ordinances of the City consistent with this charter and in force when it takes effect remain in effect until amended or repealed.

Section 37 Repeal of Previously Enacted Provisions. All charter provisions of the City enacted prior to the time this charter takes effect are repealed.

Section 38 Severability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Section 39 Time of Effect of Charter. This charter is in effect November 15, 1993.