

CITY
OF
DALLAS,
OREGON

CHARTER
OF 1964

A CHARTER

To provide for the government of the City of Dallas, Polk County, Oregon; and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect, except those contained herein.

Be it enacted by the people of the City of Dallas, Polk County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the City of Dallas Charter of 1964.

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

Section 3. BOUNDARIES. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The city manager shall keep in his office at the city hall at least two copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the city manager.

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 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 laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

FORM OF GOVERNMENT

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

Section 7. COUNCIL. The council shall be composed of nine councilmen elected from the city at large.

Section 8. COUNCILMEN. The councilmen in office at the time this charter is adopted shall continue in office, each until the end of his term of office as fixed by the charter of the city in effect at the time this charter is adopted. As each biennial

general election after this charter takes effect, four or five councilmen, as the case may be, shall be elected, each 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. MANAGER, JUDGE AND OTHER OFFICERS. Additional officers of the city shall be a city manager and municipal judge, each of whom the council shall appoint, and such other officers as the council deems necessary. In no combination of appointive offices shall those of city manager and municipal judge be combined with each other. And in no such combination shall the municipal judge be subject in his judicial functions to supervision by any other officer.

Section 11. SALARIES. The compensation for the services of each city officer and employe 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 unless at the time of his election he is a qualified elector within the meaning of the state constitution, and has resided continuously in the city the twelve months immediately preceding the election. 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. (As amended by referendum election held May 28, 1974)

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 is entitled to vote in case of a tie vote of the council, except on the final passage of an ordinance. 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 whole number of the council 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 countersign all checks and warrants drawn by the city manager for the payment of money out of the city treasury. He shall have the power of veto as provided in Chapter VIII, Section 35 of this charter. 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. CITY MANAGER.

(a) **Qualifications.** The city manager shall be the administrative head of the government of the city. He shall be chosen by the council without regard to political considerations and solely with reference to his executive and administrative qualifications. He need not be a resident of the city or of the state at the time of his appointment. But immediately following his appointment he shall become and remain a resident of the city during his entire term of office. Before taking office, he shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(b) **Term.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council.

(c) **Powers and Duties.** The powers and duties of the manager shall be as follows:

(1) He shall devote his entire time to the discharge of his official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

(2) He 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) He shall appoint and may remove appointive city officers and employes except as this charter or ordinances adopted hereunder otherwise provide, and he shall have general supervision and control over them and their work with power to transfer an employe from one department to another. He shall supervise the department to the end of obtaining the utmost efficiency in each of them. He shall have no control, however, over the council or over the judicial activities of the municipal judge.

(4) He shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by him.

(5) He shall be the budget officer of the city and as such officer he shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) He shall supervise the operation of all public utilities and facilities owned and operated by the city and shall have general supervision over all city property.

(7) He shall be the clerical and accounting officer of the city. He is clerk of the council and shall keep a fair and correct journal of the proceedings of the council and shall be custodian of all papers and books connected with the business of the council. He shall sign all checks and warrants for the payment of money out of the city treasury.

(d) **Seats at Council Meetings.** The manager and such other officers as the council designates shall be required 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 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 employ except with the approval of the council.

(f) **Ineligible Persons.** No person related to the manager or his spouse by consanguinity or affinity within the third degree, nor the spouse, shall hold any appointive office or employment with the city.

Section 22. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. He shall be appointed for a term of two years. He shall hold within the city a court known as the municipal court for the City of Dallas, Polk 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 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, 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 District Court Judges and District Courts.

Section 23. MUNICIPAL JUDGE PRO TEM. In case of the absence of the municipal judge from the city, or his disqualification or temporary inability to act as municipal judge, the mayor may appoint a municipal judge pro tem who shall possess the powers and perform the duties of said municipal judge.

CHAPTER VI ELECTIONS

Section 24. 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. The manager shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place at 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 manager shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election.

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.

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 manager 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 manager shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28. THE 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 that he will faithfully perform the duties of his office.

Section 31. NOMINATIONS. Any person possessing the qualifications set forth in Chapter III, Section 12 of this charter may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the council. Such petition shall be signed by not fewer than 25 electors. No elector shall sign more than one petition for each vacant position. If he does so, his signature shall be valid only on the first sufficient petition filed for the position. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence, and is the genuine

signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the manager as one instrument not earlier than 100 nor later than 70 days before the election. The manager 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 not signed by the required number of qualified electors, the manager shall notify the candidate and the person who filed the petition with five days after the filing. If the petition is insufficient in any other particular, the manager 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. The manager shall notify an eligible person of his nomination and such person shall file with the manager his written acceptance of nomination, in such form as the council may require within five days of notification of nomination. Upon receipt of such acceptance of nomination, the manager 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 manager until the term of office for which the candidate is elected expires. (As amended by referendum election May 28, 1974.)

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; or ceasing to possess the qualifications for the office; 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; or in the case of a mayor or councilman, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

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 office permanently except as otherwise provided herein.

CHAPTER VIII ORDINANCES

Section 34. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Dallas does ordain 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 city manager 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 city hall and two other public places in the city or (ii) advertisement in a newspaper of general circulation in the city. 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 manager shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor, if he approves the ordinance, shall sign it with the date of his signature, his name and the title of his office. If the mayor does not approve of the ordinance, he must, within ten days of the receipt thereof, return it to the city manager with his reasons for not approving it in writing. At the first meeting of the council after the return of an ordinance which is not approved by the mayor, the city manager shall deliver it to the council with the mayor's reasons for not approving it. The ordinance shall then be put upon its final passage again and if two-thirds of the whole number of the council vote for its passage, it shall become law without the approval of the mayor.

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

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.

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 \$500 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 with specifications approved by the council.

CHAPTER X

The City Council may, by ordinance, issue and sell general obligation or revenue bonds, or a combination thereof, of the City of Dallas at any time without further charter authority. Provided, however, each such authorizing ordinance shall refer the question of the issuance of said bonds to a vote of the electors of the City for their approval or rejection. Notwithstanding the passage of such authorizing ordinance, no such bonds shall be issued or sold unless the issuance and sale thereof is approved by a majority vote of the electors at an election called and held pursuant to the initiative and referendum ordinance and this charter.

CHAPTER XI

MISCELLANEOUS PROVISIONS

Section 41. DEBT LIMIT. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$5,000 at any one time. All city officials and employes who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. EXISTING ORDINANCES CONTINUED. Any ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 43. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect except as herein otherwise provided are hereby repealed.

Section 44. PROVISIONS OF PRIOR CHARTER RETAINED. The following provisions of the prior charter of the City of Dallas are hereby retained.

(a) Section 27-D thereof which reads as follows: "The city council of the City of Dallas, Oregon, is hereby authorized and empowered to assess the levy taxes for general municipal purposes and to collect the same, not to exceed eight (8) mills upon the dollar for the fiscal year from July 1, 1948 to June 30, 1949, and not to exceed five (5) mills upon the dollar for each succeeding year upon all property within said City, both real and personal, which levy shall be in addition to and in excess of the constitutional six per cent limitation upon the city tax levy."

(b) Those sections thereof which authorized the issuance of bonds for financing public improvements and in respect to which the said bonds or some part thereof are outstanding obligations of the City of Dallas, Oregon, at the time this charter takes effect.

Section 45. TIME OF EFFECT OF CHARTER. This charter shall take effect July 1, 1965.