

CHARTER
for
THE CITY OF WARRENTON
OREGON

Effective
July 1, 1972
Amended
May 21, 2013, and November 08, 2016

Warrenton Charter

CHARTER

CITY OF WARRENTON, OREGON

Commission – Manager Form of Government

A CHARTER

To provide for the government of the city of Warrenton, Clatsop 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 Warrenton, Clatsop County, Oregon:

CHAPTER I

Name and Boundaries

Section 1. Title of Enactment. This enactment may be referred to as the Warrenton Charter of 1972. (Amended May 21, 2013)

Section 2. Name of City: The municipality of Warrenton, Clatsop County, Oregon, shall continue to be a municipal corporation with the name “City of Warrenton.”

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 commission, or by any other agency with legal power to modify them. The auditor 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 auditor.

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

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allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of the 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 the commission.

Section 7. Commission. The commission shall be composed of a mayor and four commissioners elected from the city at large.

Section 8. Terms of Office. The commissioners in office at the time this charter amendment 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 amendment is adopted. At the first biennial general election after this charter amendment takes effect, the mayor and one commissioner position, which shall be known hereafter as commissioner Position 4, shall be elected, each for a term of four years. At the second biennial general election after this charter amendment is adopted, three commissioners which shall be known hereafter as commissioner Position 1, commissioner Position 2 and commissioner Position 3, shall be elected each for a term of four years. At each biennial general election thereafter there shall be elected the number of commissioners and/or mayor whose term expires at the first of the year immediately following such election.

Section 9. Mayor Pro-tem. At its first meeting of each year, the commission shall elect a mayor pro-tem by ballot from its membership. The mayor pro-tem presides in the absence of the mayor and acts as mayor when the mayor is unable to perform the duties of the office.

Section 10. Manager, Auditor, Municipal Judge and other Officers. Additional officers of the city shall be a city manager, auditor, and municipal judge, each of whom the commission shall appoint and such other officers as the commission deems necessary. The commission may combine any two or more appointive offices.

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Section 11. Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the commission. No increase in the compensation of commissioners however, shall take effect until the first day of the odd-numbered year following the first biennial general election after the increase is ordered.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his nomination and election he is a qualified elector within the meaning of the state constitution and a resident of the city. The commission shall be final judge of the qualifications and election of its own members.

CHAPTER IV

Commission

Section 13. Meetings. The commission shall hold a regular meeting at least once a 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 commission shall, by giving notice thereof to all members of the commission then in the city, call a special meeting of the commission for a time not earlier than three nor later than 48 hours after the notice is given. Special meetings of the commission may also be held at any time by the common consent of all the members of the commission.

Section 14. Quorum. A majority of members of the commission 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. Recording of Proceedings. The commission shall cause a record 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 entered in the record.

Section 16. Proceedings to be Public. No action by the commission 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 Commission Meetings. The mayor shall be chairman of the commission 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 commission and determine the order of business under the rules of the commission.

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Section 18. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the commission present at a commission meeting shall be necessary to decide any question before the commission.

CHAPTER V

Powers and Duties of Officers

Section 19. Mayor. The mayor shall appoint the committees provided by the rules of the commission. He shall sign all records of proceedings approved by the commission. He shall have no veto power and shall sign all ordinances passed by the commission within three days after their passage. After the commission approves a bond of a city officer or a bond for a license, contract or proposal, the mayor shall endorse the bond.

Section 20. City Manager.

- (a) Qualifications. The city manager shall be the administrative head of the government of the city. He shall be chosen by the commission 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. Before taking office, he shall give a bond in such amount and with such surety as may be approved by the commission. 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 commission. Upon any vacancy occurring in the office of manager, after the first appointment pursuant to this charter, the commission at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than four months after adopting the resolution, the commission shall appoint a manager to fill the vacancy.
- (c) Powers and duties. The powers and duties of the manager shall be as follows:
 - (1) He shall diligently discharge his official duties, attend all meetings of the commission unless excused therefrom by the commission or the mayor, keep the commission advised at all times of the affairs and needs of the city, and make reports annually or more frequently if requested by the commission, of all 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) The manager shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general

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supervision and control over them and their work with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He shall have no control, however, over the commission or over the judicial activities of the municipal judge unless acting as such.

- (4) He shall act as purchasing agent for all departments of the city.
- (5) 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 owned and operated by the city and shall have general supervision over all city property.
- (d) Seats at commission meetings. The manager and such other officers as the commission designates shall be entitled to sit with the commission but shall have no vote on questions before it. The manager may take part in all commission discussions.
- (e) Manager pro-tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever his office becomes vacant, the commission 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 employee except with the approval of three-fourths of the members of the commission. No manager pro-tem shall hold his position as such or more than four months, and no appointment of a manager pro-tem shall be renewed.
- (f) Interference in administration and elections. No member of the commission shall directly or indirectly, by suggestion or otherwise, attempt to exact any promise relative to any appointment from any candidate for manager. Except while in a commission meeting open to the public, no member of the commission shall directly or indirectly, by suggestion or otherwise, attempt to influence in any way the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or discuss directly or indirectly with him the matter of specific appointments to any city office or employment. A violation of the foregoing provisions of this section shall forfeit the office of the offending member of the commission. Nothing in this section shall be construed, however, as prohibiting the commission while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to city officers and employees, city purchasing and affairs, or any other matter or thing in the interests of the city.

Neither the manager nor any person in the employ of the city shall take part in securing, or contributing any money toward, or in any way assisting in, the nomination or election of any candidate for commissioner, unless that person is a candidate for the office of commissioner, in which case he may contribute money and do all things proper to further his own campaign. A violation of this paragraph shall forfeit the office or employment of the offender.

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- (g) Ineligible persons. Neither the manager's spouse nor any person related to the manager or his spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Section 21. Municipal Judge. The municipal judge whether another city officer, a state court, or another appropriate person, shall be the judicial officer of the city; and the functions of the municipal judge and the municipal court may be fulfilled by a state court when so appointed and designated by the commission. He shall hold, within Clatsop County, Oregon, a court known as the municipal court for the city of Warrenton, Clatsop County, Oregon. The court shall be open for the transaction of judicial business at times and at such places specified by the commission. All area within the city shall be within the territorial jurisdiction of the court. The municipal court 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. The court 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 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, or by the general laws of the state governing the state court designated or appointed by the commission.

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

CHAPTER IV

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 the applicable state election laws. The auditor, pursuant to directions from the commission, shall give at least 10 days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and

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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 24. Special Elections. The commission shall provide the time, manner and means for holding any special election. The auditor shall give at least 10 days' notice of each special election in the manner provided by the action of the commission ordering the election.

Section 25. Regulations of Elections. Except as this charter provides otherwise and as the commission 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 26. 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 auditor on or before noon of the day following, and not later than five days after the election, and the commission shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the commission. The entry shall state the total number of votes cast at the 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 auditor 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 27. 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 commission.

Section 28. 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 29. 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 30. Nominations. A qualified elector who is a resident of the city may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the commission. The petition shall be signed by not fewer than 50 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for office. 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

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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. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the auditor as one instrument not earlier than 120 days nor later than 65 days before the election. The auditor 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 auditor shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the auditor shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The 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 auditor shall notify an eligible person of his nomination, and that person shall file with the auditor his written acceptance of nomination, in such form as the commission may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the auditor 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 auditor at least until completion of the term of office for which the candidate is elected.

As an alternative method, any qualified, registered elector may become a candidate by making and filing his or her declaration of candidacy in a form prescribed by the commission with the auditor of the city of Warrenton not less than 65 days before the day fixed by law for said election, providing said candidate accompanies his or her said declaration with the filing fee, the sum of which shall be set by the city commission. Upon receipt of the appropriate declaration of candidacy and filing fee, the auditor shall cause the candidate's name to be printed on the ballots. The declaration of candidacy for a successful candidate at an election shall be preserved in the office of the auditor at least until completion of the term of office for which the candidate is elected.

CHAPTER VII

Vacancies in Office

Section 31. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; or 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

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the office to qualify therefor within 10 days after the time for his term of office to commence; or in the case of mayor or commissioner, upon his absence from meetings of the commission for 60 days without the consent of the commission; and upon a declaration by the commission of the vacancy.

Section 32. Filling of Vacancies. Vacant elective offices in the city shall be filled by appointment. A majority vote of the commission shall be required to validate the appointment. 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.

CHAPTER VIII

Ordinances

Section 33. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The city of Warrenton ordains as follows:"

Section 34. Mode of Enactment.

- (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the commission shall, before being put upon its final passage, be read fully and distinctly in open commission meeting on two different days.
- (2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the commission by unanimous vote of all commission members present, upon being read first in full and then by title.
- (3) Any of the readings may be by title only if no commission member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each commission member and three copies are provided for public inspection in the office of the city auditor not later than one week before the first reading of the ordinance; and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by 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 difference is read fully and distinctly in open commission meeting as finally amended prior to being approved by the commission.

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- (4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceeding.
- (5) Upon the enactment of an ordinance, the auditor 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 title of his office.

Section 35. When Ordinances Take Effect. An ordinance enacted by the commission shall take effect on the thirtieth day after its enactment. When the commission does deem 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 36. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the commission and declared by a resolution of the commission describing the property and stating the uses to which it shall be devoted.

Section 37. 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 commission 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 land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the auditor in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 38. 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 39. Bids. A contract in excess of \$5,000.00 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 commission.

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CHAPTER X

Miscellaneous Provisions

Section 40. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed 2 per cent, nor its bonded indebtedness exceed 2 per cent of the current assessed valuation of taxable property within the city at any one time, based on percentage of true valuation. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence 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 41. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect amended or repealed.

Section 42. Repeal of Previously Enacted Provisions. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 43. Time of Effect of Charter. This charter shall take effect July 1, 1972, and as amended May 21, 2013, and November 08, 2016.

CHAPTER XI

Sale, Trade or Divestiture of Assets

Section 44. Sale, Trade or Divestiture of Assets. Any action or combination of actions by the City Council or any City official, officer, or employee that seek or purport to sell, trade, divest, or otherwise dispose of any Asset belonging to the City or any of its agencies shall be of no force and shall not take effect until and unless the following occur:

- (1) At least 50 percent of all registered voters within the City, district, or other entity seeking to act cast ballots on the question; and
- (2) At least a majority of those casting a ballot vote "Yes" on the question.

Section 45. Definitions. As used in Section 44 of this Act:

- (1) "Asset" means:

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- a. Any real property with a real market value of \$100,000.00 or more in 2014 dollars;
- b. Any leasehold interest in real property with a real market value of \$100,000.00 or more in 2014 dollars;
- c. Any tangible physical asset with a value of \$100,000.00 or more in 2014 dollars;
- d. Any system, operation, or infrastructure with a combined tangible asset value of \$100,000.00 or more in 2014 dollars.