1996 HALSEY CHARTER

CHAPTER 1
NAMES AND BOUNDARIES

Section 1.1 Title of Enactment. This enactment may be referred to as the 1996 Halsey Charter.

Section 1.2 Name of City. The city of Halsey, Linn County, Oregon, shall continue to be a municipal corporation with the name "City of Halsey."

Section 1.3 Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.

CHAPTER 2
POWERS

Section 2.1 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 2.2 Construction of Powers. In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates to the contrary.

Section 2.3 Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

CHAPTER 3
FORM OF GOVERNMENT

Section 3.1 Council. The council consists of six councilors elected from the city at large. In case of one or more vacancies in the council, the council consists of members whose offices are not vacant.

Section 3.2 Councilors. The term of office of a councilor in office when this charter is adopted is the term of office for which the councilor:

3.2.1 has been elected or appointed before adoption of the charter; or

3.2.2 is elected or appointed after the adoption of this Charter.

At each general election after the adoption of the Charter, three councilors shall be elected, each for a four-year term.

Section 3.3 Mayor. The term of office of the mayor in office when this charter is adopted continues through 1996. At the general election that year, and at each subsequent general election, a mayor shall be elected for a two-year term.

Section 3.4 Term of Office. The term of an elective officer who is elected at a general election begins at the first council meeting of the calendar year immediately after the election and continues until the successor to the office assumes the office.

Section 3.5 Appointive Offices. By an ordinance approved by four councilors, the council may create, modify, abolish, and combine appointive city offices, except that the office of City Recorder and Municipal Judge may not be combined or held by the same person.

Except when a different procedure is authorized by vote of four councilors, the council may fill such offices by appointment and vacate them by removal.

Section 3.6 Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council and shall be in accordance with state wage laws.

Section 3.7 Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his or her election the person 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 be the final judge of the qualifications of its own members, subject, however, to review by a court of competent jurisdiction.

CHAPTER 4
COUNCIL

Section 4.1 Rules. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 4.2 Meetings. The council shall meet on the second Monday in January next following any general election and such meeting is appointed by this charter, and no notice thereof is necessary. The council shall meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

Section 4.3 Quorum. Except as otherwise provided, four elected officers or their replacements appointed as provided in Section 7.2 constitute a quorum for the conduct of council business, but a smaller number of the elected officers or their replacements may meet and compel attendance of absent officers as prescribed by council rules.

Section 4.4 Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 4.5 Mayor's Function at Council Meetings.

4.5.1 When present at council meetings the mayor shall:

4.5.1.1 Preside over deliberations of the council,

4.5.1.2 Preserve order,

4.5.1.3 Enforce council rules, and

4.5.1.4 Determine the order of business under the rules.

4.5.2 The mayor is not a member of the council. The mayor may vote on matters before the council only when necessary to break a tie in the council vote.

Section 4.6 President of the Council. At its first meeting of each odd-numbered year, the council shall elect a president from its councilors. Except in voting on questions before the council and except the president shall not have the power to veto, the president shall function as mayor when the mayor is:

4.6.1 Absent from a council meeting, or

4.6.2 Unable to function as mayor.

The president shall not lose his or her vote by reason of assuming the duties of the mayor.

Section 4.7 Vote Required. Except when a different vote is prescribed in this charter, when a quorum is present the concurrence of a majority of the council present and able to vote shall be necessary to decide any question before the council.

CHAPTER 5
POWERS AND DUTIES OF OFFICERS

Section 5.1 Mayor. The mayor shall appoint the committees provided for under the rules of the council. Upon approval of the council, the mayor shall:

5.1.1 Countersign all orders on the treasury, and

5.1.2 Sign all contracts and proposals.

Section 5.2 Municipal Judge. The council may appoint a municipal judge who shall be the judicial officer of the city, who shall hold, at a place and times that the council specifies, a court known as the Municipal Court for the city of Halsey, Linn County, Oregon.

5.2.1 Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.

5.2.2 All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.

5.2.3 The Municipal Court has original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.

5.2.4 The Municipal Judge may:

5.2.4.1 Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction.

5.2.4.2 Order arrest of anyone accused of an offense against the city;

5.2.4.3 Commit to jail or admit to bail anyone accused of such an offense;

5.2.4.4 Issue and compel obedience to subpoenas;

5.2.4.5 Compel witnesses to appear and testify in the trial of matters before the court;

5.2.4.6 Penalize contempt of court;

5.2.4.7 Issue process necessary to effectuate judgments and orders of the court;

5.2.4.8 Issue warrants; and

5.2.4.9 Perform other judicial and quasi-judicial functions prescribed by ordinance.

5.2.5 Not withstanding this section, the council may transfer some or all of the functions of the Municipal Court to an appropriate court.

CHAPTER 6
ELECTIONS

Section 6.1. State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 6.2. Nominations. Any qualified elector may be qualified to be a candidate for elective office if the elector has resided in the city for 12 months immediately preceding the election to office. The name of such an elector shall be printed on the ballot whenever a written acceptance of nomination and a fee or a nominating petition as prescribed by general ordinance is timely filed with the city in advance of the election. If a nomination petition is used it shall be signed by not fewer than 10 nor more than 20 electors. The nomination petition for a successful candidate for election shall be preserved by the custodian of city records until the expiration of the term of office for which the candidate is elected.

Section 6.3 Oath of Office. Before assuming city office, an officer shall take an oath of office or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.

CHAPTER 7
VACANCIES IN OFFICE

Section 7.1 Vacancies. An elective office created in this charter becomes vacant:

7.1.1 Upon the incumbent's

7.1.1.1 Death,

7.1.1.2 Adjudicated incompetence,

7.1.1.3 Recall from the office, or

7.1.2 Upon declaration by the council of the vacancy in case of the incumbent's

7.1.2.1 Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time of his or her term of office to begin.

7.1.2.2 Absence from the city for 30 days without the knowledge of council, or from all meetings of the council within a 60-day period.

7.1.2.3 Ceasing to reside within the city.

7.1.2.4 Ceasing to be a qualified elector under state law.

7.1.2.5 Resignation from the office.

Section 7.2 Filling Vacancies.

7.2.1 A vacancy in elective office shall be filled by appointment by a majority of the elected officers remaining in office. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant.

7.2.2 During an elected officer's disability or absence from the city, a majority of the elected officers remaining in office may by appointment fill the vacancy pro tem.

CHAPTER 8
ORDINANCES

Section 8.1 Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Halsey ordains as follows."

Section 8.2 Adoption by Council. Except as subsection 8.2.1 of this section allows adoption at a single meeting and subsection 8.2.2 of this section allows reading by title only, an ordinance shall be fully and distinctly read in open meeting on two different days before being adopted by the council.

8.2.1 Except as subsection 8.2.2 of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all councilors present provided the ordinance is read first in full and then by title.

8.2.2 A reading of an ordinance may be by title only if:

8.2.2.1 No councilor present at the reading requests that the ordinance be read in full, or

8.2.2.2 At least 1 week before reading:

8.2.2.2.1 A copy of the ordinance is provided for each council member,

8.2.2.2.2 Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and

8.2.2.2.3 Notice of their availability is given by written notice posted at the city hall and two other public places in the city.

8.2.3 An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.

8.2.4 Upon the adoption of an ordinance, the ayes and nays of the council vote shall be entered in the record of council proceedings.

8.2.5 After adoption of an ordinance, the custodian of the city records shall endorse it with its date of adoption and endorser's name and title of office.

Section 8.3 Veto. If the mayor does not approve an ordinance, he or she must file his or her veto and reasons in writing with the custodian of the city records within three days after its passage by the council. At the first meeting of the council after veto, the mayor's statement of reasons shall be read. Such ordinance shall then be put upon its passage again and if five councilors vote in the affirmative it shall become law without approval by the mayor. If the mayor fails to sign an ordinance within three days after passage, and does not file his or her

written veto and reasons to the same, such ordinance shall become law as if he or she had approved it.

Section 8.4 Effective Date. An ordinance enacted by the council shall take effect on the thirtieth day after its approval by the mayor or passage over veto. 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 9
PUBLIC IMPROVEMENTS

Section 9.1 Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall:

9.1.1 Be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the councilors to be needed at once shall be suspended for six months upon remonstrances by owners of land to be specifically assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of council.

9.1.2 In this section "owner" means the record holder of legal title or, as to land being purchased under a land-sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Section 9.2 Special Assessments. The procedure for fixing, levying, collecting and enforcing the payment of special assessment for local public improvements or any other services to be charged against real property shall be governed by general ordinance.

CHAPTER 10
MISCELLANEOUS PROVISIONS

Section 10.1 Debt Limit. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness. Except for bonds to be paid by special benefit assessments, no general obligation bond pledging the property taxing power of the city shall be issued except by express consent of the voters of the city.

Section 10.2 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 10.3 Repeal. Except for amendments conferring bond issuing power that has not been exhausted, all charter provisions of the city enacted prior to this time or to the time that this charter takes effect are hereby repealed.

Section 10.4 Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 10.5 Time of Effect. This charter shall take effect immediately upon its enactment by the electors.