

## CHARTER

### CHARTER

To provide for the government of the City of Metolius, Jefferson 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 Metolius, Jefferson County, Oregon.

### CHAPTER 1 NAME AND BOUNDARIES

**Section 1. TITLE OF ENACTMENT.** This enactment may be referred to as the City of Metolius Charter of 1966.

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

**Section 3. BOUNDARIES.** The City of Metolius, in Jefferson County, Oregon, shall upon taking effect of this charter, continue to be a municipal corporation, under the name and style of the city of Metolius, with its corporate territory and the boundaries thereof described as follows:

Beginning at the North end of the East Butte Avenue, according to the Plat of Metolius now on file in the office of the County Clerk of the County of Jefferson, State of Oregon; thence running due South to the South side of Ninth Street; thence West to the West side of Washington Avenue; thence Southwest to the intersection of the West line of the Northeast quarter of the Southwest Quarter; thence North to the Northwest corner of the Southeast Quarter of the Northwest Quarter; thence East to the Northeast corner of the Southeast Quarter of the Northwest Quarter; thence Northeast to the Northeast corner of the Northwest quarter of the Northeast Quarter; thence due East along the North line of Section twenty-eight, township eleven South, Range Thirteen East, to the East

side of Butte Avenue, to the point of beginning. All the above-described land lying in Section twenty-eight, Township Eleven South, Range thirteen East of the Willamette Meridian, in the County of Jefferson, State of Oregon. All descriptions by streets and avenues are as shown on the plat of the town site of Metolius now on file in the office of the County Clerk of the County of Jefferson, State of Oregon.

**Section 4. EXISTING ORDINANCES, EXISTING RIGHTS AND LIABILITIES CONTINUED.** All ordinances of the municipality consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed. No right or liability of the municipality shall be impaired or discharged by the adoption of this charter, except as this charter otherwise provides.

### CHAPTER II POWERS

**Section 5. 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 5a.** (Repealed by vote of the people May 15, 1984)

**Section 5b. OCCUPATION TAX.** The city council may license and tax any occupation, business, trade or profession operating in said city.

**Section 6. 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 7. WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city shall be vested in the council.

**Section 8. COUNCIL.** The council shall be composed of a mayor and six councilmen elected from the city at large.

**Section 9. 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. At each biennial general election after this charter takes effect, three councilmen shall be elected, each for a term of four years.

**Section 10. MAYOR.** At each biennial general election a mayor shall be elected for a term of two years.

**Section 11. OTHER OFFICERS.** Additional officers of the city shall be a municipal judge, a recorder, a treasurer, a police chief, a street superintendent, a water superintendent, a city attorney, and such other officers as the council deems necessary. Each of these officers shall be appointed by the mayor subject to confirmation by the council and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices and may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

**Section 12. SALARIES.** The compensation

for the services of each city officer and employee shall be the amount fixed by the council.

**Section 13. 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 in the city during 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 of a court of competent jurisdiction.

**CHAPTER IV  
COUNCIL**

**Section 14. 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 hours nor later than forty-eight hours after notice is given. Special meetings of the council may be held at any time by the common consent of all the members of the council.

**Section 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. MUNICIPAL JUDGE.** The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the City of Metolius, Jefferson 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 issued 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.

**Section 23. RECORDER.** The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused there from 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 24. REGULAR ELECTIONS.** Regular city elections shall be held at the same time and places as biennial general state elections, in accordance with applicable state election laws.

**Section 25. 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 election.

**Section 26. 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.

**Section 27. REGULATING 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 there from, and contests thereof.

**Section 28. 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 there from 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 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 29. 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 30. 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 31. 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 32. 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 in a form prescribed by the council. Such petitions shall be signed by not fewer than 20 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 nominating papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 90 nor later than 30 days before the election. The recorder shall make a record of the exact time at which each petition is

## CHARTER

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 recorder 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 recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petitions 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 recorder shall notify an eligible person of his nomination, and such person shall file with the recorder 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 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.

The name of any person qualified to hold elective office in the city may be written in upon the ballot in space provided therefore, for any elective office for which an election is being held in the city. Should any such person receive a plurality of all votes cast for any such office, said person shall thereby be elected to such office.

### CHAPTER VII VACANCIES IN OFFICE

**Section 33. 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 the office to qualify therefore 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 vacancy.

**Section 34. 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.

### CHAPTER VIII ORDINANCES

**Section 35. ENACTING CLAUSE.** The enacting clause of all ordinance thereafter enacted shall be, "The City of Metolius Ordains as Follows":.

#### **Section 36. 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 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 and in full 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 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 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 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 37. WHEN ORDINANCES TAKE EFFECT.** An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deemed it advisable, however, an ordinance may provide a later time for it to take effect, and in case of emergency, it may take effect immediately.

#### CHAPTER IX PUBLIC IMPROVEMENTS

**Section 38. 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 39. IMPROVEMENTS.** The procedure for making, alternating, 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 therefore. 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 40. 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 41. 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 42. DEBT LIMIT.** Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$5,000.00; nor its bonded indebtedness, \$5,000.00 at any one time. 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 43. TORTS.** In no event shall the city be liable in damages for an injury to person, a damage to property, or a death, caused by a defect or a dangerous condition in a public thoroughfare, site, or facility, unless the city has had actual notice prior to the injury, damage or death that the defect or condition existed and has had a reasonable time thereafter in which to repair or remove it. In no

case shall more than \$500 be recovered as damages for an injury, damage or death resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such injury, damage or death unless the claimant first gives written notice to the council within 30 days after the injury, damage or death is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefore of the city in an amount which he specifies. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

**Section 44. WATER.** The council shall have the authority to provide domestic and irrigation water for the city, and to this end may make all necessary contracts in the manner and form said council deems expedient.

**Section 45. 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 46. BOND ISSUE.** The City of Metolius, acting by and through its city council, is hereby authorized and empowered to issue and sell negotiable general obligation bonds of the said City of Metolius for the purpose of construction and furnishing a city hall within the City of Metolius, in an amount not exceeding \$20,000.00 to be designated "City Hall Bonds of 1967" for the purpose aforesaid.

The city council shall provide for the issuance of said bonds by resolution, which shall not be subject to the referendum provisions of any law. Such resolution shall fix the date of said city hall bonds, shall designate the denominations thereof, the rate of interest, the maturity date, which shall not be more than 25 years from the date of said city hall bonds, the redeemable date, the place or places of payment, within or without the State of Oregon, of both principal and interest, shall prescribe the

form of said city hall bonds and shall provide for the levying of tax upon all taxable property of the city, sufficient, with no other available funds, to pay the interest on said bonds, and to provide for a sinking fund to pay the principal of said bonds when the same respectively mature. Such city hall bonds shall be signed by the Mayor, countersigned by the city treasurer, attested by the city recorder and the seal of the city shall be affixed thereto. The interest accruing on such city hall bonds shall be evidenced by the interest coupons thereto attached, bearing the lithographed facsimile signature of the treasurer of the city, and when so executed such coupons shall be binding obligations of the city, according to their import.

**Section 46a. SEWER BOND ISSUE.** The City of Metolius, acting by and through its City Council, is hereby authorized and empowered to issue and sell negotiable general obligation bonds of the said City of Metolius for the purpose of construction a sewer system for the City of Metolius, in an amount not exceeding \$225,000 to be designated "City Sewer System Bonds" for the purposes aforesaid.

The City Council shall provide for the issuance of said bonds by resolution, which shall not be subject to the referendum provisions of any law. Such resolution shall fix the date of said city sewer system bonds, shall designate the denominations thereof, the rate of interest, the maturity date, which shall not be more than 25 years from the date of said City sewer system bonds, the redeemable date, the place or places of payment, within or without the State of Oregon, of both principal and interest, shall prescribe the form of said City sewer system bonds and shall provide for the levying of tax upon all taxable property of the City, sufficient, with no other available funds, to pay the interest on said bonds, and to provide for a sinking fund to pay the principal of said bonds when the same respectively mature. Such City sewer system bonds shall be signed by the Mayor, countersigned by the city treasurer, attested by the city recorder and the seal of the city shall be affixed thereto. The interest accruing on such City

## CHARTER

sewer system bonds shall be evidenced by the interest coupons thereto attached, bearing the lithographed facsimile signature of the treasurer of the city, and when so executed such coupons shall be binding obligations of the city, according to their import. (Added by vote of the people May 22, 1973)

**Section 46b. IRRIGATION SYSTEM BOND ISSUE.** The City of Metolius, acting by and through its City Council, is hereby authorized and empowered to construct a pressurized irrigation system for the City of Metolius and to issue and sell negotiable general obligation bonds of the said City of Metolius for the purpose of constructing such pressurized irrigation system for the City of Metolius, in an amount not exceeding \$120,000 to be designated "Metolius Irrigation System Bonds" for the purposes aforesaid.

The City Council shall provide for the issuance of said bonds by ordinance or resolution, which shall not be subject to the referendum provisions of any law. Such ordinance or resolution shall fix the date of said Metolius Irrigation system bonds, shall designate the denominations thereof, the rate of interest, the maturity date, which shall not be more than 25 years from the date of said Metolius Irrigation system bonds, the redeemable date, the place or places of payment, within or without the State of Oregon, of both principal and interest, shall prescribe the form of said Metolius Irrigation system bonds and shall provide for the levying of tax upon all taxable property of the City, sufficient, with no other available funds, to pay the interest on said bonds, and to provide for a sinking fund to pay the principal of said bonds when the same respectively mature. Such Metolius Irrigation system bonds shall be signed by the Mayor, countersigned by the city treasurer, attested by the city recorder and the seal of the city shall be affixed thereto. The interest accruing on such Metolius Irrigation system bonds shall be evidenced by the interest coupons thereto attached, bearing the lithographed facsimile signature of the treasurer of the city, and when so executed such coupons shall be binding obligations to the city,

according to their import. (Added by vote of the people November 6, 1979)

**Section 47. SEPARABILITY CLAUSE.** If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

**Section 48. EMERGENCY CLAUSE.** In order to better preserve the public health, safety and general welfare of the citizens of Metolius, Oregon, an emergency is hereby declared to exist, and this charter shall be in full force and effect immediately upon its approval by the qualified voters of the city at an election called for that purpose held upon the 8th day of November, 1966.

**Section 49. ANNEXATION.** (Vote on Annexation) Unless mandated by State law, annexations to the City of Metolius which exceed five (5) acres shall be approved by a majority vote of the electorate voting on the question of annexation. (Approved by majority vote by mail election on May 16, 2000.)



**CHARTER AMENDMENTS:**

Sewer: The City Council was authorized to issue revenue bonds in an amount not exceeding \$2,045,450 to expand the current sewer system facilities and pay bond issuance costs. The bonds will mature in 40 years or less and shall be payable solely from revenues of the city's sewer system. Passed by vote of the people on November 2, 1999.

