

CHARTER OF THE CITY OF SEASIDE, OREGON

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CHARTER

PREAMBLE

To provide for the government of the City of Seaside, Clatsop County, Oregon; and to repeal all charters and charter provisions of the City enacted prior to the time that this Charter was enacted.

CHAPTER I

SECTION 1. TITLE OF ENACTMENT.

This enactment may be referred to as the Seaside Charter of 1992.

SECTION 2. NAME OF CITY.

The City of Seaside, Clatsop County, Oregon shall continue to be a municipal corporation, with the name "City of Seaside".

SECTION 3. BOUNDARIES.

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

CHAPTER II. POWERS

SECTION 4. POWERS OF THE CITY.

The City shall have all powers which the constitutions, statutes and common law of the United States and of this State expressly or implicitly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers.

SECTION 5. CONSTRUCTION OF POWERS.

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

SECTION 6. 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 III. FORM OF GOVERNMENT

SECTION 7. COUNCIL.

(1) The Council shall be composed of a Mayor and six (6) Councilors to be elected as follows:

One (1) Councilor from each of four (4) Wards and one Councilor-at-large to be elected from Wards One and Two and one (1) Councilor-at-large to be elected from Wards Three and Four.

(2) Within six months after an official census or census estimate indicates that the boundaries deny equal protection of the laws, the Council shall respecify the boundaries so as to accord equal protection of the laws.

(3) To qualify for Council office, the candidate must reside in the ward or wards which the Council position represents, and must continue to reside there through the term of office for which the Councilor is elected or appointed.

(4) The Mayor shall be elected from the City at large.

SECTION 8. COUNCILOR.

The term of office of a Councilor in office when this Charter is adopted is the term of office for which the Councilor had been elected before adoption of the Charter. At each biennial general election after this Charter takes effect, three (3) Councilors shall be elected, each for a term of (4) years.

SECTION 9. MAYOR.

The term of office of the Mayor in office when this Charter is adopted is the term of office for which the Mayor had been elected before adoption of the Charter. The Mayor shall be elected for a four (4) year term.

SECTION 10. TERMS OF OFFICE.

The term of office of an elective officer begins at the first Council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

SECTION 11. APPOINTIVE OFFICERS.

Additional officers of the City are a City Manager, a City Attorney and a municipal Judge, each of whom the Council shall appoint and may remove by majority vote of all incumbent members of the Council. The municipal Judge shall not be subject to supervision in judicial functions by any other officer.

SECTION 12. SALARIES.

The Council shall fix the amount of compensation for appointive officers and shall approve a compensation plan for City employees. Elected officers shall receive no compensation, other than reimbursement of authorized expenses for serving in an official capacity as elected officers.

SECTION 13. QUALIFICATION OF OFFICERS.

To be eligible for an elective office, a person at the time of election must be a qualified elector with the meaning of the State Constitution and have resided in the City during the twelve months immediately preceding the election.

CHAPTER IV. COUNCIL

SECTION 14. MEETINGS.

The Council shall hold regular meetings at least once a month in the City at a time and at a place which it sets by ordinance. Meetings of the Council other than regular meetings may be held in accordance with procedures prescribed by the State law and general ordinance. The Council shall adopt rules for proceedings and for governance of its members.

SECTION 15. QUORUM.

A majority of the members of the Council shall constitute a quorum for the conduct of business, but

a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

SECTION 16. RECORD OF PROCEEDINGS.

A record of Council proceedings shall be kept and authenticated in a manner prescribed by the Council.

SECTION 17. MEETINGS TO BE PUBLIC.

All deliberations and proceedings of the Council shall be public except as otherwise authorized by State law.

SECTION 18. FUNCTIONS OF THE MAYOR AT COUNCIL MEETINGS.

The Mayor shall chair the Council and preside over its deliberations. The Mayor shall have a vote on any question before the Council. The Mayor shall have authority to preserve order, enforce rules of the Council, and determine the order of business under the rules of the Council.

SECTION 19. COUNCIL PRESIDENT.

At the first meeting of each odd-numbered year, the Council shall appoint a president from its members. The Council president shall function as mayor while the Mayor is:

- (1) Absent from a Council meeting; or
- (2) Unable to function as Mayor.

SECTION 20. VOTE REQUIRED.

Except as provided otherwise in this Charter, the concurrence of a majority of members of the Council voting when a quorum of the Council is present shall decide any question before it. No Council member present at a Council meeting shall abstain from voting without first stating reasons in detail at the meeting.

SECTION 21. APPOINTMENTS TO COMMITTEES AND COMMISSIONS.

The Council shall make all appointments to City standing committees and commissions. The Council shall adopt rules prescribing the method for making appointments.

CHAPTER V. POWERS AND DUTIES OF OFFICERS

SECTION 22. MAYOR.

The Mayor shall sign all records of proceedings approved by the Council; shall sign all ordinances passed by the Council within three days after their passage; and, after Council approval of a bond of a City officer or a bond for a license, contract or proposal, shall endorse the bond; shall have no veto power.

SECTION 23. CITY MANAGER.

(1) The City Manager is the administrative head of the City government.

(2) A majority of the Council shall appoint and may remove the City Manager. The appointment shall be solely on the basis of administrative qualifications and without regard for political considerations.

(3) The City Manager need not be a resident of the City or of the State at the time of employment but shall promptly thereafter become and remain a resident of the City, or live within 15 minutes of the City, while so employed.
(Residency requirements amended by voters, May 21, 2002)

(4) Upon accepting appointment, the City Manager shall be bonded in the amount determined by Council. The City shall pay the bond premium.

(5) The City Manager shall be appointed for an indefinite term and may be removed by the Council at its pleasure. The Council shall fill a vacancy by appointment within six consecutive months following occurrence of the vacancy.

(6) The City Manager shall:

(a) Attend all Council meetings unless excused by the Council or Mayor;

(b) Keep the Council advised of the affairs and needs of the City;

(c) See that the provisions of all ordinances are administered to the satisfaction of the Council;

(d) See that all terms and conditions of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled;

(e) Hire, discipline and remove personnel, except appointees of the Mayor or Council;

(f) Supervise and control the City Manager's appointees in their service to the City;

(g) Organize and reorganize the departmental structure of City government;

(h) Prepare and transmit to the Council an annual City Budget;

(i) Supervise operation of all City-owned public utilities and property;

(j) Perform other duties as the Council prescribes consistent with this Charter.

(7) The City Manager may not supervise or regulate:

(a) The Council;

(b) The Municipal Judge in the Judge's judicial functions; or

(c) Except as the Council authorizes, appointive personnel of the City whom the City Manager does not appoint.

(8) The City Manager, and other personnel whom the Council designates, may sit with the Council but may not vote on questions before it. The

City Manager may take part in all Council discussions.

(9) When the City Manager is absent from the City or disabled from acting as City Manager, or when the office of City Manager becomes vacant, the Council shall appoint a City Manager pro tem, who has the powers and duties of City Manager, except that the City Manager pro tem may appoint or remove personnel only with approval of the Council. No person may be manager pro tem more than six consecutive months.

(10) The City Manager shall be subject to direction of Council members, by consensus and in Council meeting only, on any issue pertinent to City affairs. Outside of Council meetings, the City Manager shall refuse to accept any attempt by a Council member to influence, directly or indirectly, by suggestion or otherwise, administrative decisions or actions in matters of personnel, contracts or City property. The City Manager shall report any such attempt to the Mayor in Council meeting.

SECTION 24. MUNICIPAL COURT AND JUDGE.

(1) The Council hereby creates the office of Municipal Judge. The Judge shall be appointed by the Council for an indefinite term and may be removed by the Council at its pleasure.

(2) 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.

(3) All areas within the City and, to the extent provided by State law, areas outside the City, are within the territorial jurisdiction of the court.

(4) 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) The municipal judge may:

(a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;

(b) Order the arrest of anyone accused of an offense against the city;

(c) Commit to jail or admit to bail anyone accused of such an offense;

(d) Issue and compel obedience to subpoenas;

(e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;

(f) Penalize contempt of court;

(g) Issue process necessary to effectuate judgments and orders of the court;

(h) Perform marriages;

(i) Issue search warrants; and

(j) Perform other judicial and quasi-judicial functions prescribed by ordinance.

(6) The Council may authorize the Municipal Judge to appoint Municipal Judges pro tem for terms of office set by the judge or the Council.

(7) Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate State Court.

CHAPTER VI. ELECTIONS

SECTION 25. REGULATION OF ELECTIONS.

Except as this Charter provides otherwise and as the Council provides otherwise by ordinance, the general laws of the State apply to City elections.

SECTION 26. 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 petition shall be signed by not fewer than 20 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by Ordinance and State Law. The custodian of City records 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.

SECTION 27. OATH.

Before assuming City office, an officer shall take an oath 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 VII. PERSONNEL

SECTION 28. QUALIFICATIONS.

(1) An elective City officer shall be a qualified elector under the State Constitution and shall have resided in the City during the 12 months immediately before being elected or appointed to the office.

(2) No person may be a candidate at a single election for more than one elective City office.

(3) An elective officer may not be employed by the City, but may serve in a volunteer position.

(4) Except as set forth herein, the Council is the final judge of the election and qualifications of its members.

(5) The qualifications of appointive officers of the City are as the Council prescribes or authorizes.

CHAPTER VIII. VACANCIES IN OFFICE**SECTION 29. WHAT CREATES A VACANCY.**

(1) An office becomes vacant upon the incumbent's:

- (a) Death.
- (b) Adjudicated incompetence.
- (c) Conviction of a public offense punishable by loss of liberty.
- (d) Unlawful destruction of public records.
- (e) Resignation.
- (f) Recall from office.
- (g) Ceasing to possess the qualifications for office.
- (h) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office is to commence.

(2) In the case of a Mayor or Councilor, an office also becomes vacant upon the incumbent's change of residency from the City or the ward from which elected, or absence from three consecutive regular meetings of the Council without Council consent, and upon a declaration by the Council of the vacancy.

SECTION 30. FILLING OF VACANCIES.

Vacant elective City offices shall be filled by appointment by a majority vote of the remaining members of the Council. The appointee shall serve immediately on appointment and shall continue until the beginning of the year following the next general biennial election occurring more than 100 days after the appointment. At that election a successor shall be elected to fill the unexpired term, if any, of the predecessor in office of the appointee.

CHAPTER IX. ORDINANCES**SECTION 31. ORDAINING CLAUSE.**

The ordaining clause of an ordinance shall be "THE CITY OF SEASIDE ORDAINS AS FOLLOWS:"

SECTION 32. ADOPTION BY COUNCIL.

(1) Except as Subsection (2) of this Section allows adoption at a single meeting and Subsection (3) of this Section allows reading by title only, an ordinance shall be fully and distinctly read in open Council meeting on two different days before being adopted by Council.

(2) Except as Subsection (3) 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 voting Council member present.

(3) A reading of an ordinance may be by title only if:

(a) No Council member present at the reading requests that the ordinance be read in full; or

(b) At least one week before the reading:

(i) A copy of the ordinance is provided for each Council member;

(ii) Three copies of the ordinance are available for public inspection in the office of the Mayor; and

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

(4) An ordinance read by title only has no legal effect if it differs in substance from its terms as 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.

(5) Upon the adoption of an ordinance, the ayes and nays of the Council members shall be entered in the record of Council proceedings.

(6) After adoption of an ordinance, the Mayor shall endorse it with its date of adoption.

SECTION 33. EFFECTIVE DATE.

A nonemergency ordinance takes effect on the thirtieth day after its adoption or on a later day as prescribed in the ordinance. An ordinance adopted to meet an emergency will take effect as soon as adopted, unless otherwise specified.

CHAPTER X. PUBLIC IMPROVEMENTS

SECTION 34. 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 35. IMPROVEMENTS.

(1) 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 State laws. A remonstrance by the owners of two-thirds of the property subject to special assessment for a proposed public improvement shall suspend action regarding the improvement for six months except as outlined in (2) & (3) below.

(2) If the improvement has been determined by the Council to alleviate a public health or safety problem, or to constitute an emergency, the Council shall have authority to begin the improvements immediately.

(3) After second remonstrance, the Council may proceed with the proposed improvements.

SECTION 36. SPECIAL ASSESSMENT.

Procedures for levying, collecting, and enforcing payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

SECTION 37. PROCUREMENT.

Procurement of materials, equipment and services shall be in accordance with current regulations prescribed for State agencies or in accordance with current procedures recommended by the Oregon State Department of General Services for local governments and at the discretion of the local contract review board in accordance with subsequent amendments to those regulations or procedures.

SECTION 38. SIDEWALKS.

It is hereby made the duty of all owners of land adjoining any street or road in Seaside to reconstruct, repair and maintain in good order, the sidewalks in front of their land. The Council shall have the authority to require the owner of any property, at the expense of the property owner, to reconstruct, or to repair the sidewalk in front of the property of such owner. The Council shall have the power and authority to determine the grade and width of all sidewalks, the material to be used and the specifications for their construction.

CHAPTER XI. MISCELLANEOUS PROVISIONS

SECTION 39. DEBT.

The City's indebtedness may not exceed debt limits imposed by State law. City officers or employees who create or officially approve indebtedness in excess of this limitation are jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

SECTION 40. CONTINUATION OF ORDINANCES.

Insofar as is consistent with this Charter, and until amended or repealed, all ordinances in force when this Charter takes effect retain the effect they have at that time.

SECTION 41. REPEAL.

All Charter provisions adopted before this Charter takes effect are hereby repealed.

SECTION 42. SEVERABILITY.

The terms of this Charter are severable. If any part of the Charter is held to be invalid, that invalidity does not affect another part of the Charter, except as the logical relation between the two parts requires.

SECTION 43. TIME OF EFFECT.

This Charter takes effect January 1, 1993.