

# **CITY OF MAYWOOD PARK**

## **CITY CHARTER**

### **PREAMBLE**

We, the voters of the City of Maywood Park, Oregon, exercise our power to the fullest extent possible under the Oregon Constitution and laws of the State of Oregon and enact this Home Rule Charter.

### **Chapter I NAMES AND BOUNDARIES**

Section 1. Title. This Charter may be referred to as the 2010 Charter.

Section 2. Name. The City of Maywood Park, Oregon, continues as a municipal corporation with the name City of Maywood Park.

Section 3. Boundaries. The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record an accurate and current description of the boundaries.

### **Chapter II POWERS**

Section 4. Powers. The City has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction. The Charter will be liberally construed so that the City may exercise fully all powers possible under this Charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to City voters. This Charter vests all other city powers in the Council, except as the Charter otherwise provides. The Council has legislative, administrative, and quasi-judicial authority. The Council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The Council may not delegate its authority to adopt ordinances.

### **Chapter III COUNCIL**

Section 7. Council. The Council shall be composed of five Councilors elected from the City at large, one of whom shall serve as mayor as provided in Section 9.

Section 8. Councilors. The Councilors in office at the time this Charter is adopted shall continue in office, each until the end of his or her term of office as fixed by law at the time of his or her election. At each biennial general election after this Charter takes effect, three Councilors shall be elected. Of the three, the two receiving the highest number of votes shall each hold office for four years, and the one receiving the next highest number of votes shall hold office for two years. At each subsequent biennial general election, three Councilors shall be elected.

Section 9. Mayor. At its first meeting of each odd-numbered year, the Council shall choose from its membership a Chairman, who shall be Mayor. The Mayor's term of office shall be two years. The Mayor presides over and facilitates Council meetings, preserves order, enforces Council rules, and determines the order of business under Council rules. The Mayor is a voting member of the Council and has no veto authority. With the consent of Council, the Mayor appoints members of commissions and committees established by ordinance or resolution. The Mayor must sign all records of council decisions. The Mayor serves as the political head of the City government.

Section 10. Council President. At its first meeting of each odd-numbered year, the Council must elect a President from its membership. The President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties.

Section 11. Other Officers. Additional officers shall be such other officers as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices.

Section 12. Rules. The Council may by resolution adopt rules to govern its meetings.

Section 13. Meetings. Council meetings are scheduled at least once a month at a designated time and place.

Section 14. Quorum. A majority of the Council members is a quorum to conduct business.

Section 15. Vote Required. The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this Charter requires approval by a majority of the Council.

Section 16. Record. A record of Council meetings must be kept.

**Chapter IV**  
**LEGISLATIVE AUTHORITY**

Section 17. Ordinances. The Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Maywood Park ordains as follows:”.

Section 18. Ordinance Adoption.

- (a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the Council.
- (b) The Council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the Council; said ordinance shall be available to the public at the time of the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.
- (e) After adoption of an ordinance, the City Recorder must endorse it with the date of adoption and the Recorder’s name and title.

Section 19. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

**Chapter V**  
**ADMINISTRATIVE AUTHORITY**

Section 20. Resolutions. The Council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state “The City of Maywood Park resolves as follows:”.

Section 21. Resolution Approval.

- (a) Approval of a resolution or any other Council administrative decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.

- (c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
- (d) After approval of a resolution, the City Recorder must endorse it with the date of approval and the Recorder's name and title.

Section 22. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

## **Chapter VI QUASI-JUDICIAL AUTHORITY**

Section 23. Orders. The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Maywood Park orders as follows:".

Section 24. Order Approval.

- (a) Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.
- (c) After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
- (d) After approval of an order, the City Recorder must endorse it with the date of approval and the Recorder's name and title.

Section 25. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

## **Chapter VII ELECTIONS**

Section 26. Councilors. The term of a Councilor in office when this Charter is adopted is the term for which the Councilor was elected. At each biennial general election after this Charter takes effect, three Councilors shall be elected. Of the three, the two receiving the highest number of votes shall each hold office for four years, and the one receiving the next highest number of votes shall hold office for two years. At each subsequent biennial general election, three Councilors shall be elected.

Section 27. Mayor. The term of the Mayor in office when this Charter is adopted continues until the beginning of the first odd-numbered year after adoption. Thereafter, at its first meeting of each odd-numbered year, the Council shall choose from its membership a Chairman, who shall be Mayor. The Mayor's term of office shall be two years.

Section 28. State Law. City elections must conform to state law except as this Charter or ordinances provide otherwise. All elections for City offices must be nonpartisan.

Section 29. Qualifications.

- (a) The Mayor and each Councilor must be a qualified elector under state law and reside within the City for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one City office.
- (c) Neither the Mayor nor a Councilor may be employed by the City.
- (d) The Council is the final judge of the election and qualifications of its members.

Section 30. Terms. The term of an officer elected at a general election begins at the first Council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 31. Oath. The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

Section 32. Vacancies. The Mayor or a Council office becomes vacant:

- (a) Upon the incumbent's:
  - (1) Death,
  - (2) Adjudicated incompetence, or
  - (3) Recall from the office.
- (b) Upon declaration by the Council after the incumbent's:
  - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
  - (2) Absence from the City for 30 days without Council consent, or from all Council meetings within a 60-day period,
  - (3) Ceasing to reside in the City,
  - (4) Ceasing to be a qualified elector under state law,
  - (5) Conviction of a public offense punishable by loss of liberty, or
  - (6) Resignation from the office.

Section 33. Filling Vacancies. A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members. The appointee's term of office runs from

appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a Council member from attending Council meetings or a member is absent from the City, a majority of the Council may appoint a Councilor pro tem.

## **Chapter VIII APPOINTIVE OFFICERS**

Section 34. City Attorney. The office of City Attorney is established as the chief legal officer of the City government. A majority of the Council must appoint and may remove the Attorney.

Section 35. Municipal Court and Judge.

- (a) A majority of the Council may appoint and remove a Municipal Judge. A Municipal Judge will hold court in the City at such place as the Council directs. The court will be known as the Municipal Court.
- (b) All proceedings of this Court will conform to State laws governing justices of the peace and justice courts.
- (c) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the Court.
- (d) The Municipal Court has jurisdiction over every offense created by City ordinance. The Court may enforce forfeitures and other penalties created by such ordinances. The Court also has jurisdiction under State law unless limited by City ordinance.
- (e) The Municipal Judge may:
  - (1) Render judgments and impose sanctions on persons and property;
  - (2) Order the arrest of anyone accused of an offense against the City;
  - (3) Commit to jail or admit to bail anyone accused of a City offense;
  - (4) Issue and compel obedience to subpoenas;
  - (5) Compel witnesses to appear and testify and jurors to serve for trials before the Court;
  - (6) Penalize contempt of Court;
  - (7) Issue processes necessary to enforce judgments and orders of the Court;
  - (8) Issue search warrants; and
  - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The Council may appoint and may remove municipal judges pro tem.
- (g) The Council may transfer some or all of the functions of the Municipal Court to an appropriate State Court.

**Chapter IX  
PERSONNEL**

Section 36. Compensation. The Council must authorize the compensation of City officers and employees as part of its approval of the annual City Budget.

Section 37. Merit Systems. The Council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees based on merit and fitness.

**Chapter X  
MISCELLANEOUS PROVISIONS**

Section 38. Debt. City indebtedness may not exceed debt limits imposed by State law. A Charter amendment is not required to authorize City indebtedness.

Section 39. Ordinance Continuation. All ordinances consistent with this Charter in force when it takes effect remain in effect until amended or repealed.

Section 40. Repeal. All Charter provisions adopted before this Charter takes effect are repealed.

Section 41. Severability. The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the Charter.

Section 42. Time of Effect. This Charter takes effect \_\_\_\_\_, 2010.

**DATED:** \_\_\_\_\_.

**CITY OF MAYWOOD PARK**

**By:** \_\_\_\_\_  
**Mayor Mark Hardie**

**ATTEST:**

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**Julie D. Risley, Recorder/Treasurer**