

CHARTER OF THE CITY OF LYONS

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CHARTER

To provide for the government of the City of Lyons, Linn County, Oregon; and to repeal all charter provisions of the City enacted prior to the time this charter takes effect.

Be it enacted by the people of the City of Lyons, Linn County, Oregon:

CHAPTER I

Names and Boundaries

Section 1. Title of Enactment. This enactment may be referred to as the Lyons Charter of 1987.

Section 2. Name of City. The municipality of Lyons, Linn County, Oregon, shall continue to be a municipal corporation with the name "City of Lyons."

Section 3. Boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified in accordance with State law. The Recorder 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 Recorder.

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

Section 5. 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 6. Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.

Section 7. Council. The Council shall be composed of a Mayor and four Councilmen elected from the City at large.

Section 8. Councilors. At each biennial general election after this Charter Amendment becomes effective, two Councilors shall be elected and shall hold office for a term of four years, or until their successors have been elected and qualified. The term of each Councilor in office when this Charter Amendment becomes effective, and the term of each Councilor elected in the 1996 general election, shall continue unaffected by this Amendment. [Ord. G1-46 § 1, 1996.]

Section 9. Mayor. The Mayor shall be elected by the electorate. Nomination shall be by petition as provided in Chapter 6 of the Charter of the City of Lyons. The Mayor to be elected at the regular City elections as provided in Chapter 6 of the Charter of the City of Lyons. The term of office shall be two years.

Section 10. Other Officers. Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officers as the Council shall deem 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. The Council may designate any appointive officer to supervise any other appointive officer except the Municipal Judge in the exercise of his judicial functions.

Section 11. Salaries. The compensation for the services of each City officer or employee shall be the amount fixed by the Council.

Section 12. 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 12 months immediately preceding the election. The Council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction.

CHAPTER IV

Council

Section 13. 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 two 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 giving at least 24 hours' notice. Special meetings of the Council may also be held at any time by the common consent of all members of the Council.

Section 14. 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 15. Record. The Council 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 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 17. 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 18. Mayor Pro Tem. 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 Mayor pro tem from its membership. In the Mayor's absence from a Council meeting, the Mayor pro tem shall preside over it. Whenever the Mayor is unable to perform the functions of his office, the Mayor pro tem shall act as Mayor.

Section 19. 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 questions before the Council.

CHAPTER V

Powers and Duties of Officers

Section 20. 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, and countersign all orders on the treasury. 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 21. 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 Lyons, Linn County, Oregon. The court shall be open for the transaction of judicial business at times specified by the Council. All areas 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. He

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 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 22. Recorder. The Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom 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 23. Regular Elections. Regular City elections shall be held at the same times and places as biennial general state elections, in accordance with applicable State election laws.

Section 24. Regulation 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 therefrom, and contests thereof.

Section 25. 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.

Section 26. 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 27. 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 28. 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 29. Nominations. A qualified elector who will have resided in the City during the 12 months immediately preceding the election at which he seeks an elective City position may be nominated for the position. Nomination shall be by petition specifying the position sought and shall be in a form prescribed by the Secretary of State. Such a petition shall be signed by not fewer than 10 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. The Recorder 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 Recorder shall so notify the candidate and the person who filed the petition within three 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 a 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 Recorder shall notify an eligible person of his nomination, and he shall file with the Recorder his written acceptance of nomination, in such form as the Council may require, within three days of notification of nomination. Upon receipt of the 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.

CHAPTER VII

Vacancies in Office

Section 30. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, 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 therefor within 10 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 the vacancy.

Section 31. Filling of Vacancies. Vacant elective offices in the City shall be filled by appointment by the Mayor and approved by a majority of the incumbent Council members. 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 32. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be "The City of Lyons ordains as follows:".

Section 33. 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 Council 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 in full and 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 entered in the record of the Council proceedings.

(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 34. When Ordinances Take Effect. An ordinance enacted by the Council shall take effect on the 30th day after its enactment. 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 IX

Public Improvements

Section 35. 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. All such proceedings shall be in accordance with existing State laws pertaining to condemnation.

Section 36. 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 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 therefor. 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 37. 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 38. Contracts. All contracts shall be in accordance with State Contract Review Board laws and rules or as established by the City Council in accordance with State laws as to public contracting.

CHAPTER X

Miscellaneous Provisions

Section 39. Debt Limit. Except by consent of the voters, the City's voluntary floating indebtedness shall be in accordance with State law.

Section 40. 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 41. 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 42. Procedure for Amendment. Amendments to this Charter may be proposed by the City Council by Resolution duly adopted at any regular meeting of the Council, and when so adopted, the same shall be submitted to a vote of the legal voters of the City upon the date of any general election in the State of Oregon, which may be held after giving notice as provided in this Charter. This Charter may also be amended by proposal therefor under the initiative provisions of Oregon statutes by a petition duly signed by the appropriate number of qualified electors.

Section 43. Time of Effect of Charter. This Charter shall take effect this 19th day of May 1987.

