

# Notice of Measure Election City

**SEL 802**

rev 01/18 ORS 250.035, 250.041,  
250.275, 250.285, 254.095, 254.465

## Notice

**Date of Notice**

**Name of City or Cities**

**Date of Election**

City of Lyons

November 3, 2020

**Final Ballot Title** The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure.

Proposed Amendments to the City of Lyons Charter

**Question** 20 words which plainly phrases the chief purpose of the measure.

Shall the voters of the City of Lyons approve a revised City Charter?

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.

If adopted by the voters, this measure would revise, update, and reorganize the Lyons City Charter. The Charter was initially adopted by the voters in 1987 and has not been updated since. The proposed revised Charter is based upon the League of Oregon Cities' Model Charter, but would maintain the existing composition of the council of a mayor and four councilors. The proposed revisions would reorganize and streamline existing Charter provisions, eliminate repetitive and outdated sections, update Charter language, and ensure conformity with state law. The revisions would also clarify the City Council's voting and quorum requirements, establish the position of City Manager as a charter-level City officer, and formalize the City council's legislative, administrative, and quasi-judicial authority.

**Explanatory Statement** 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the city governing body; **or**

→ any initiative or referendum, if required by local ordinance.

**Explanatory Statement Attached?**

Yes

No

**Authorized City Official** Not required to be notarized.

**Name**

Micki Valentine

**Title**

City Recorder

**Mailing Address**

449 5th Street, Lyons, OR 93758

**Contact Phone**

(503) 859-2167

*By signing this document:*

→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

 **COPY**

Signature

Date Signed



# CITY OF LYONS

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FAX: (503)859-5167

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## CITY OF LYONS RESOLUTION NO. 553-2020

### A RESOLUTION REFERRING TO THE VOTERS OF THE CITY OF LYONS, OREGON, A MEASURE FOR ADOPTING AMENDMENTS TO THE CITY CHARTER

**WHEREAS**, the Lyons City Council finds that certain revisions should be made to the Lyons City Charter; and

**WHEREAS**, with the amendments, the City Council wishes to clarify the City Council's voting and quorum requirements, establish the position of City Manager as a charter-level City officer, and formalize the City Council' legislative, administrative, and quasi-judicial authority; and

**WHEREAS**, the City Council wishes to refer the proposed City Charter amendments to the voters of the City.

**NOW, THEREFORE**, the City of Lyons resolves as follows:

**Section 1.** The amendments to the Lyons Charter, attached as Exhibit A, are approved for submission to the voters of the City, and the Council hereby directs and authorizes that a City election be held and that the proposed amendments to the Lyons Charter be submitted to the legal voters of the City at the election to be held on November 3, 2020.

**Section 2.** Ballots from the election will be counted and tabulated and the results certified as provided by law, and if a majority of the legal voters of the City of Lyons voting in the election approve the measure, the amendments to the Lyons City Charter set out in Exhibit A will become effective January 1, 2021.

**Section 3.** The election will be conducted by Linn County. The County Clerk for Linn County is hereby instructed to prepare the ballots and to take other actions necessary to conduct the election.


**Section 4.** The proposed ballot title for the measure is attached as Exhibit B.

**Section 5.** This Resolution, including the proposed ballot title, shall be filed with the City Recorder, serving as the City Elections Official at the City of Lyons City Hall.

**Section 6.** The City Recorder is directed to give notice of the election as required by law. The City Recorder is directed to create an impartial explanatory statement for publishing in the voter's pamphlet as required by ORS 251.345 and shall follow any requirements of the Linn County Clerk in preparing such statement. The City Recorder shall take such other actions and otherwise proceed with the election as provided in state law.

**Section 7.** This Resolution shall become effective immediately upon its adoption.

Adopted this 28<sup>th</sup> day of July, 2020.

  
\_\_\_\_\_  
Lloyd Valentine, Mayor

Attest:

  
\_\_\_\_\_  
Micki Valentine, City Recorder

Exhibit A

City of Lyons Charter

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## **PREAMBLE**

We, the voters of Lyons, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

### **Section I NAMES AND BOUNDARIES**

Section 1.1. Titles. This charter may be referred to as the Lyons City Charter of 2020.

Section 1.2. Names. The City of Lyons, Oregon, continues as a municipal corporation with the name City of Lyons.

Section 1.3. 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.

### **Section II POWERS**

Section 2.1. 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 2.2. 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 2.3. 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.

### **Section III COUNCIL**

Section 3.1. Council. The council consists of a mayor and four councilors nominated and elected from the city at large.

Section 3.2. Mayor. 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.

- a) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.
- b) The mayor must sign all records of council decisions.
- c) The mayor serves as the political head of the city government.

Section 3.3. Mayor Pro Tem. At its first meeting each odd-numbered year, the council must elect a Mayor Pro Tem from its membership. The Mayor Pro Tem presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 3.4. Rules. The council must by resolution adopt rules to govern its meetings.

Section 3.5. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.

Section 3.6. Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 3.7. 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 3.8. Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.

## **Section IV LEGISLATIVE AUTHORITY**

Section 4.1. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Lyons ordains as follows:".

Section 4.2. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of a quorum of the council at two meetings.
- b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before 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 custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 4.3 Effective Date of Ordinances. Ordinances normally take effect on the 30<sup>th</sup> 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.

## **Section V ADMINISTRATIVE AUTHORITY**

Section 5.1. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Lyons resolves as follows:"

Section 5.2. 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 custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 5.3. 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.

## **Section VI QUASI-JUDICIAL AUTHORITY**

Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Lyons orders as follows:"

Section 6.2. 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 custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 6.3. 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.

## **Section VII ELECTIONS**

Section 7.1. 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 election after the adoption, two councilors will be elected for four-year terms.

Section 7.2. 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. At every other general election after the adoption, a mayor will be elected for a two-year term.

Section 7.3. 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 7.4. 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 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

Section 7.6. 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 7.7. 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 7.8. 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 misdemeanor or felony crime;
- 6) Resignation from the office; or
- 7) Removal under Section 8.1(i).

Section 7.9. 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.

## **Section VIII APPOINTIVE OFFICERS**

Section 8.1. City Manager.

- a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

- b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- c) The manager need not reside in the city.
- d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.
- e) The manager must:
  - 1) Attend all council meetings unless excused by the mayor or council;
  - 2) Make reports and recommendations to the mayor and council about the needs of the city;
  - 3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;
  - 4) Appoint, supervise and remove city employees;
  - 5) Organize city departments and administrative structure;
  - 6) Prepare and administer the annual city budget;
  - 7) Encourage and support regional and intergovernmental cooperation;
  - 8) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;
  - 9) Perform other duties as directed by the council; and
  - 10) Delegate duties, but remain responsible for actions of all subordinates.
- f) The manager has no authority over the council or over the judicial functions of the municipal judge.
- g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
- h) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

- i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Section 8.2. 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.

## **Section IX PERSONNEL**

Section 9.1. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 9.2. 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.

## **Section X PUBLIC IMPROVEMENTS**

Section 10.1. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 10.2. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

## **Section XI MISCELLANEOUS PROVISIONS**

Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 11.4. 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 11.5. Time of Effect. This charter takes effect January 1, 2021.

## Exhibit B

### Ballot Title

#### Caption (10 words max)

Proposed Amendments to the City of Lyons Charter

#### Question (20 words max)

Shall the voters of the City of Lyons approve a revised City Charter?

#### Summary (175 words max)

If adopted by the voters, this measure would revise, update, and reorganize the Lyons City Charter. The Charter was initially adopted by the voters in 1987 and has not been updated since. The proposed revised Charter is based upon the League of Oregon Cities' Model Charter, but would maintain the existing composition of the council of a mayor and four councilors. The proposed revisions would reorganize and streamline existing Charter provisions, eliminate repetitive and outdated sections, update Charter language, and ensure conformity with state law. The revisions would also clarify the City Council's voting and quorum requirements, establish the position of City Manager as a charter-level City officer, and formalize the City's legislative, administrative, and quasi-judicial authority.