

CHARTER
CITY OF ROCKAWAY BEACH

PREAMBLE

We, the voters of Rockaway Beach, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Charter to guide our City Government.

Chapter I
NAMES AND BOUNDARIES.

Section 1. Title. This charter may be referred to as the Rockaway Beach City Charter and the city shall be known as Rockaway Beach, Oregon.

Section 2. 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 3. 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 4. Construction. The charter shall be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 5. 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 6. Council. The council consists of a mayor plus five voting councilors nominated and elected from the city at large.

Section 7. Mayor. The Mayor shall preside over all meetings and deliberations of the City Council and be privileged to all City business. The Mayor shall nominate for appointment by a majority of the Council, Liaison Councilors, members of all committees, heads of departments, other persons as required by the Council, laws, rules or ordinances. The Mayor has no right to vote and has no veto power. The Mayor shall preserve order, enforce ordinances and Council rules, determine the order of business, and shall be responsible for the efficient, legal and orderly conduct of City business. The Mayor shall sign all warrants and all legal documents approved by the Council and

shall be an ex-officio member of all boards and commissions of the City. The Mayor shall, annually or semiannually, communicate a general statement of the condition of the affairs of the City of Rockaway Beach and recommend the adoption of such measures as the Mayor may deem expedient and proper. The Mayor is entitled to vote only when a tie vote of the council occurs.

The mayor serves as the political head of the city government.

TERM OF MAYOR'S OFFICE. The term of office shall be two (2) years.

Section 8. Council President. At its first meeting each 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 9. Rules. The council must by resolution adopt rules to govern its meetings.

Section 10. Meetings. The Council shall meet in the City regularly at least once each month at a time and place designated by ordinance, and may meet at other times in accordance with the ordinances.

Section 11. Quorum. A quorum shall consist of three of the five voting council members, and such quorum is necessary in order to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules. At least three affirmative votes are necessary to pass an ordinance.

Section 12. 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 otherwise.

Section 13. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

Chapter IV LEGISLATIVE AUTHORITY

Section 14. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Rockaway Beach ordains as follows:".

Section 15. Ordinance Adoption.

- (a) Except as authorized by subsection (b), adoption of an ordinance requires approval by three voting councilors at two meetings.
- (b) The council may adopt an ordinance at a single meeting by the approval of at least three voting councilors, 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 16. 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 17. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Rockaway Beach resolves as follows:".

Section 18. 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 19. 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 20. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Rockaway Beach orders as follows:".

Section 21. 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 22. 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 23. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.

Section 24. Mayor. The term of the mayor in office when this charter is adopted continues until the next general election. At every other general election after the adoption, a mayor will be elected for a two (2) year term.

Section 25. 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 26. Qualifications for Elective Office. A Person shall be eligible for an elective office of the City if at the time of election he/she is a qualified elector within the City for twelve continuous months immediately preceding the election and remains so during the term of office to which elected. The Council shall be final judge of the qualifications and election of its own members.

- (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 27. 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 28. 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 29. 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 30. Vacancies. The mayor or a council office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
 - (2) Ceasing to reside in the city,
 - (3) Ceasing to be a qualified elector under state law,
 - (4) Conviction of a public offense punishable by loss of liberty,

- (5) Resignation from the office, or
 - (6) Removal under Section 33(i).
- (b) Upon declaration by the Council of the vacancy in case of the incumbent's:
- (1) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
 - (2) Absence from the City for 30 days without the Council's consent or from all meetings for a sixty day period.
- (c) 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) Ceasing to reside in the city,
 - (3) Ceasing to be a qualified elector under state law,
 - (4) Conviction of a public offense punishable by loss of liberty,
 - (5) Resignation from the office, or
 - (6) Removal under Section 33(i).

Section 31. Filling Vacancies. A vacancy in the Council shall be filled by appointment by a majority of the Council. In this matter the Mayor is considered to have a vote. The appointee's term of office runs from the time of his or her qualifying for the office after appointment until expiration of the term of the predecessor who has left the office vacant. If the vacancy is filled more than ninety days before the next general election, the appointee's term of office runs only until the first Council meeting in the year immediately following the election, and at that election a member shall be elected to fulfill the unexpired term. During a temporary, (in excess of sixty days) absence or disability period where an elected officer cannot perform his/her duties, the office may be filled pro tern in the manner provided for filling vacancies adopted by Council rules ordinance.

Chapter VIII APPOINTIVE OFFICERS

Section 32. 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) Administer city utilities and property;
 - (8) Encourage and support regional and intergovernmental cooperation;
 - (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
 - (10) Perform other duties as directed by the council;
 - (11) Delegate duties, but remain responsible for acts 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 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 33. Appointed Officers. The duties required of persons appointed to fill offices established by the Council shall be as prescribed in the applicable ordinance, resolution,

job/position description, contract or service agreement adopted by the Council when appointing persons to those offices.

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 and any judge pro tempore. 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.

Judicial Qualifications.

- (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) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- (e) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- (f) 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.
- (g) 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) Issue and compel obedience to subpoenas;
 - (4) Compel witnesses to appear and testify; (6) Penalize contempt of court;
 - (5) Issue processes necessary to enforce judgments and orders of the court;
 - (6) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (h) The council may appoint and may remove municipal judges pro tern.
- (i) 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 PUBLIC IMPROVEMENTS

Section 39. 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 40. 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.

Chapter XI MISCELLANEOUS PROVISIONS

Section 41. Debt. City indebtedness may not exceed debt limits imposed by state law. A Charter amendment is not required to authorize city indebtedness.

Section 42. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 43. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 44. 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 45. Time of Effect. This charter takes effect, January 14, 2009.