

RECEIVED

AUG 04 2008
LAFAYETTE CITY HALL

8:14am
Jm

August 4, 2008

Dear Ms. McManus,

As the Chief Petitioner in the 2008 Lafayette Charter matter, I am requesting that you keep me informed of all matters involving the initiative process. This would include a copy of any correspondence involved, as well as notification, prior to the meeting, of any meetings involving the processing of the initiative. Information may be forwarded to me at my email address at teagle7@gmail.com.

Thank you,



Darrell W. Flood
Chief Petitioner

Prospective Petition for Local Measure

SEL 370

rev 1/08, ORS 250.045,
250.265, 250.266, 255.135

RECEIVED

AUG 04 2008

To the County Elections Filing Officer/City Recorder (Auditor),

We, the undersigned, request the *circle one* district attorney/city attorney prepare a ballot title for the attached proposed measure to be submitted to the people of *name of county/city/district* CITY OF LAFAYETTE

LAFAYETTE CITY HALL

please type or print legibly

Initiative Petition

Referendum Petition

designating chief petitioners

Every petition must designate not more than three persons as chief petitioners, setting forth the name, residence address and title (if officer of sponsoring organization) of each. All chief petitioners for an initiative or referendum petition must sign this form. Please carefully read the instructions for circulators and signers on the back of this form.

name *print*

signature

DARRELL FLOOD

residence address



287 CANYON VIEW DRIVE, LAFAYETTE, OREGON 97127

mailing address *if different*

email address and/or website

day phone number

TEAGLE7@GMAIL.COM - WWW.LAFAYETTOREGON.ORG 503-857-2555

sponsoring organization *if any*

N/A

name *print*

signature

N/A

residence address

mailing address *if different*

email address and/or website

day phone number

sponsoring organization *if any*

name *print*

signature

N/A

residence address

mailing address *if different*

email address and/or website

day phone number

sponsoring organization *if any*

please read the instructions for circulators and signers on the reverse side

SEL 370

Statement One or More Petition Circulators Will Be Paid

SEL 301

Initiative/Referendum Only

rev 1/08: ORS 250.045,
ORS 250.165, ORS 255.135

Prospective Petition *initial filing with filing officer*

I/We hereby declare one or more petition circulators will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition. I/We understand the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that no petition circulator will be compensated for obtaining signatures. By signing this document, I hereby state that no circulators will be compensated on this petition based on the number of signatures obtained by the circulator.

RECEIVED
AUG 04 2008
LAFAYETTE CITY HALL

Completed Petition *signatures submitted for verification*

By signing this document, I hereby state that no circulators have been compensated on this petition based on the number of signatures obtained by the circulator.

subject of initiative or referendum petition

signed

date signed

signed

date signed

signed

date signed

All chief petitioners for an initiative or referendum petition must sign this statement.

! **Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.

Statement No Petition Circulators Will Be Paid

SEL 301

Initiative/Referendum Only

rev 1/08: ORS 250.045,
ORS 250.165, ORS 250.265,
ORS 255.135

Prospective Petition *initial filing with filing officer*

I/We hereby declare no petition circulators will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition. I/We understand the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that any petition circulator will be compensated for obtaining signatures. By signing this document, I hereby state that no circulators will be compensated on this petition.

Completed Petition *signatures submitted for verification*

By signing this document, I hereby state that no circulators were compensated for obtaining signatures on the attached petition.

2008 Lafayette Charter

subject of initiative or referendum petition

David W. Ford

signed

08/04/2008

date signed

signed

date signed

signed

date signed

All chief petitioners for an initiative or referendum petition must sign this statement.

! **Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.

2008 Lafayette Charter

PREAMBLE

We, the people of Lafayette, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now, or hereafter possible, under the constitutions and laws of the United States and the State of Oregon, through this Charter confer upon the City the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous Charters of the City.

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment

This enactment may be referred to as the Lafayette Charter of 2008.

Section 2. Name of City

The City of Lafayette, Yamhill County, Oregon shall continue to be a municipal corporation with the name Lafayette.

Section 3. Boundaries

The City includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the City's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the City during regular City office hours.

CHAPTER II

POWERS

Section 4. Powers of the City

The City shall have all powers that the constitutions, statutes, and common law of the United States and of the state now or hereafter expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each those powers.

Section 5. Responsibility to All People

The City shall exercise its power to ensure the equal protection, treatment, and representation of all persons without discrimination.

Section 6. Construction of Powers

In this Charter, no specification of a power is exclusive or restricts authority that the City would have if the power were not specified. The Charter shall be liberally construed, so that the City may exercise fully all its powers possible under this Charter and under United States and Oregon Law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

Section 7. Distribution of Powers

The Oregon Constitution reserves initiative and referendum powers 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 8. Council.

Council

The Council consists of a Mayor and six (6) Councilors nominated and elected from the City at large. The Council shall receive no compensation other than reimbursement for expenses of attending meetings and other City functions.

Mayor

The Mayor:

- Presides over and facilitates Council meetings;
- Preserves order;
- Enforces Council rules;
- Determines the order of business under Council rules;
- Is a voting member of the Council and has no veto authority;
- Must sign all records of Council decisions;
- Reviews all accounts payable and countersigns all orders of the treasury, except those made payable to the Mayor or payment to a party involving the Mayors personal business;
- Shall appoint the committees provided by the Charter; and,
- Shall endorse all bonds of City officers and all bonds of licenses, contracts, and proposals approved by the Council.

Section 9. Council President

At its first meeting 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. The Council President shall be determined by a public drawing of lots of all eligible Councilors.

In the event of the permanent removal or resignation of the Mayor, the President of the Council will fill the Mayor position and the Council position they held will be filled according to Charter.

Section10. Qualifications

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

Residence is defined as the elector's actual primary dwelling place, without regard to any other legal or mailing address.

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

In order to avoid conflict of interest and to provide a fully effective office holder, a person is ineligible to be a candidate for an elective office of the City if employed by the City, in other than a substantially volunteer position.

The qualifications of appointive officers of the City are whatever the

Council prescribes or authorizes, except as the Charter provides.

The Council or City Administrator shall use their best judgment in making a determination on residency and may consider (but are not limited to) any of the following as an indication thereof:

Voter registration card;

Oregon driver license or Oregon State Identification Card; or

Tax returns

Section 11. Quorum

Four members of the Council shall constitute a quorum for the transaction of business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance. Council must be physically present at the meeting to qualify as a quorum.

Section 12. Vote Required

The express approval of four voting members of the Council is necessary for any Council decision.

Section 13. Record

A record of Council meetings must be kept in a manner prescribed by the City Charter, applicable statutes and ordinances.

Section 14. Rules

The Council shall review its rules at the Council's 1st meeting in January every odd numbered year. The Council must by ordinance adopt rules to govern its meetings. Where possible, the rules adopted by the Council shall provide for public involvement in Council proceedings. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, other City ordinances, City policies, or provisions of the City Charter.

Section 15. Council Discussions and Decorum

In general, Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed about the matters coming before the Council, and abiding by all decisions of the Council, whether or not the member voted in favor of the decision.

Councilors shall preserve order and decorum during Council meetings, and shall not refuse to obey the orders of the Presiding Officer or the Council rules.

During discussion, focus on a single issue or topic at a time, and reach resolution on one issue or topic before proceeding to the next.

Keep the discussion moving, and call for a “process check” if the discussion gets sidetracked or bogged down.

Avoid editing or rewriting proposed ordinances or policies during meetings. If, during discussion, an amendment or revision is indicated, the Council shall request the assistance of the City Attorney or staff during the meeting, or direct staff to follow up with the City Attorney after the meeting.

Give all members of the Council and public an opportunity to express their views.

Listen to the contributions of other Councilors, City staff, and the public.

Avoid personal attacks, and remain objective in discussions, despite personal feelings on a particular topic or decision.

Section 16. Communication with Staff

Councilors and staff shall work together in a spirit of mutual confidence and support, in and for the good of the City.

Except in a Council meeting, Councilors shall not attempt to influence or coerce a staff member on decisions concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications, or the granting of City licenses and permits. Likewise, except in a Council meeting, staff shall not attempt to influence individual Council members concerning City business. Sharing opinions and ideas is appropriate.

Staff shall submit all written material requested by any Council member or the Mayor on behalf of the City to the entire Council, with a notation indicating who requested the information. Requesting information from staff will not require full Council approval.

During a Council meeting, Councilors shall address staff questions to the City Administrator, who shall be entitled to either answer the inquiry or designate a staff member to do so.

Directions to staff from the Council shall be given to the City Administrator. Directions for staff shall be clear, and shall be recorded in the minutes.

Section 17. Appointive Offices

Four voting members of the Council may create, abolish, and combine appointive City offices and fill such offices by appointment and vacate them by removal, in accordance with the Charter.

Section 18. Liaison Roles

The following liaison areas of responsibility will be appointed by the Mayor with the approval of Council at the Council's 1st meeting in January every odd numbered year:

Planning Commission

The Planning Commission Liaison will be excused from attending any Planning Commission meeting if there is to be a Public Hearing.

Citizen Advisory Committee

Other committees as deemed necessary by four voting members of the Council.

Section 19. Bias and Disqualification

Generally, conflicts of interest arise in situations where a Councilor or Mayor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor or Mayor, a relative of the Councilor or Mayor, or a business with which the Councilor or Mayor or a relative of the Councilor or Mayor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor or Mayor, a relative, or a business with which the Councilor or Mayor or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor or Mayor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, refrain from participating in debate on the issue or from voting on the issue.

In the case of a quasi-judicial matter that is heard by the Council, a Councilor or Mayor must disclose his or her participation in a prior decision or action on the matter that is before the Council. The Councilor or Mayor shall state whether he or she can participate in the hearing with an open mind and with complete disregard for the previous decision made. If the Councilor or Mayor is unable to hear the matter impartially, the Councilor or Mayor must disqualify themselves from participating in the proceedings and leave the room.

A Councilor or Mayor who has been disqualified from participating in a decision may participate in the proceeding as a private Citizen if the Councilor or Mayor is a party with standing.

For quasi-judicial hearings, Councilors and the Mayor will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. Ex parte contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive.

If a Councilor or Mayor has ex parte contact prior to any hearing, the Councilor or Mayor will reveal this contact at the meeting and prior to the hearing. The Councilor or Mayor shall describe the substance of the contact and the Presiding Officer, or Council President if the Mayor is advising the contact, shall announce the right of interested persons to rebut the substance of the communication. The Councilor or Mayor also will state whether such contact affects the Councilor's impartiality or ability to vote in the matter. The Councilor or Mayor must state whether he or she will participate or abstain.

For quasi-judicial hearings, a Councilor or Mayor who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor or Mayor has reviewed all the evidence and testimony received.

Any proponent, opponent, or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Councilor or Mayor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's or the Mayor's bias, prejudice, personal interest, or other facts from which the party has concluded that the Councilor or Mayor will not participate and make a decision in an impartial manner. Such challenges shall be made prior to the commencement of the public hearing.

The Presiding Officer, or Council President if the Mayor is the challenged member, shall give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision shall be incorporated into the record of the hearing.

Section 20. Requirements and Reporting

Councilors and the Mayor shall give public notice of any conflict of interest or potential conflict of interest and the notice shall be reported in the meeting minutes. In addition to matters of financial interest, Councilors and the Mayor shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:

Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;

Making decisions involving business associates, customers, clients and competitors;

Violation of Council rules in fact or intent;

Appointing relatives, clients or employees to boards and commissions;

Requesting preferential treatment for themselves, relatives, associates, clients, co-workers or friends;

Seeking employment of relatives with the City;

Actions benefiting special interest groups at the expense of the City as a whole;

Participating in decisions of City boards and commissions where there is a possibility of appeal of the matter to the Council.

Councilors and the Mayor shall review and observe the requirements of the State Government Standards and Practices Laws (ORS 244.010 to 244.390) regarding the use of public office for private financial gain. In accordance with ORS 244.195, it is the Councilor's responsibility to file required statements of economic interest with the Government Standards and Practices Commission.

CHAPTER IV

LEGISLATIVE

Section 21. Enacting Clause

The Council will exercise its legislative authority by adopting ordinances. The enacting clause of all ordinances must state, "The City of Lafayette ordains as follows:"

Section 22. Adoption by Council

An ordinance shall be fully and distinctly read in two open Council meetings, and at least ten days shall elapse between the first and second readings, before being adopted by the Council. Any such ordinance, resolution or order approved by four voting members of the Council which creates or increases any tax, charge or fee, the ordinance shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even-numbered year.

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

No Council member present at the reading requests that the ordinance be read in full; and,

At least one week before the reading:

A copy of the ordinance is provided for each Council member,

Three copies of the ordinance are available for public inspection in the office of the custodian of City records, and

Notice of the availability of the copies are given by written notice posted at City Hall and four other public places in the City. Notice will be posted on the City of Lafayette website.

An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in two open Council meetings before the Council adopts the ordinance.

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

After adoption of an ordinance, the custodian of City records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 23. When Ordinances Take Effect

An ordinance enacted by the Council shall take effect on the 30th day after its enactment. In the case of an emergency, it may take effect immediately.

CHAPTER V

ADMINISTRATIVE AUTHORITY

Section 24. Resolutions

The Council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions shall state "The City of Lafayette resolves as follows:"

Section 25. Resolution Approval

Approval of a resolution or any other Council administrative decision may be approved by the Council at one meeting.

Any amendment to a resolution for other than grammatical correction must be read aloud and made available in writing to the public before the Council adopts the resolution at that meeting.

Upon the adoption of an resolution, the ayes and nays of the Council members shall be entered in the record of Council proceedings.

After adoption of an resolution, the custodian of City records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 26. Effective Date of Resolutions

Resolutions and other administrative decisions take effect on the date of approval.

CHAPTER VI

QUASI-JUDICIAL

Section 27. Orders

The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders shall state "The City of Lafayette orders as follows:".

Section 28. Order Approval

Approval of an order or any other Council quasi-judicial decision may be approved by the Council at one meeting.

Any substantive amendment to an order must be read aloud and made available in writing to the public at the meeting before the Council adopts the order.

After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered into the Council minutes.

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 29. 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 or decision.

CHAPTER VII

MUNICIPAL COURT AND JUDGE

Section 30. Municipal Court and Judge

If the Council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the City at a place and times that the Council specifies, a court known as the Municipal Court for the City of Lafayette, Yamhill County, Oregon.

Except as this Charter or City ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of The State of Oregon governing justices of the peace and justice courts.

All area within the City and, to the extent provided by state law, area outside the territorial jurisdiction of the court.

The municipal court has original jurisdiction over every offense that an ordinance makes punishable. The court may enforce forfeitures and other penalties that such prescribe.

The municipal judge may:

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

Order the arrest of anyone accused of an offense against the City;

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

Issue and compel obedience to subpoenas;

Compel witnesses to appear and testify and jurors to serve for the trial of matters before the court;

Penalize contempt of court;

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

Issue search warrants; and

Perform other judicial and quasi-judicial functions prescribed by ordinance.

The Council may authorize the municipal judge to appoint municipal judges pro tempore for terms of office set by the judge or the Council. Notwithstanding this section, the Council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER VIII

CITY ATTORNEY

Section 31. Legal Advice

Requests to the City Attorney for advice or legal research outside a Council meeting shall be initiated by any Councilor or the City Administrator.

The City Attorney shall provide any written response to the full Council and, unless otherwise directed by the Council, to the City Administrator.

The City Attorney will be contracted on a retainer basis to allow equal access to ongoing legal advice. Additional charges must be approved by the Council, prior to incurring any charge.

CHAPTER IX

CITY ADMINISTRATOR

Section 32. City Administrator.

The City Administrator is the administrative head of the City government.

The City Administrator will be appointed or removed by four voting members of the Council. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.

The City Administrator need not reside in the City or the state when appointed. Within six months of appointment, and during the tenure of the appointment, the City Administrator will be required to reside within the boundaries of the City of Lafayette.

Upon accepting the appointment, the City Administrator shall furnish the City a surety bond in the amount of not less than \$100,000.00. The City shall pay the bond premium.

The City Administrator shall be appointed for a definite term and may be removed by the Council at its pleasure.

The City Administrator shall:

Attend all Council meetings unless excused by the Council or Mayor; perform the duties of meeting recorder;

Keep the Council advised of the affairs and needs of the City;

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

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

Appoint, discipline, and recommend of removal of appointive personnel. Removal shall be subject to, and after receiving, approval of the Council;

If an emergency arises that requires an employees immediate removal, the employee will be placed on a suspension until an emergency meeting of the Council can be arranged.

Supervise and control the City Administrator's appointees in their service to the City;

Organize and reorganize the departmental structure of City government;

Prepare and transmit to the Council an annual City budget;
Each item requesting funds for services will include information from three additional sources, as a reference.

The budget documentation will contain additional details regarding each line item.

Supervise City contracts;

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

Pursue professional accreditation;
A one-time \$2,000.00 benefit will be paid to the City Administrator the City Administrator becoming an ICMA Credentialed Manager.

Prepare and pursue funding opportunities for the City in an amount not less than 10 percent of the annual budget amount; and

Perform other duties as the Council prescribes consistently with this Charter.

The City Administrator will not:
enter into any contracts for services or durable goods without receiving prior direction and approval from the Council; or
refuse to respond to direction from Council;

The City Administrator may not control:
The Council;
The Municipal Judge in the judge's judicial functions; or,
Except as the Council authorizes, appointive personnel of the City whom the City Administrator does not appoint.

The City Administrator, and other personnel whom the Council designates, may sit with the Council but may not vote on questions before it. The City Administrator may take part in all Council discussions, as required.

When the City Administrator is absent from the City or disabled from acting as City Administrator, or when the office of City Administrator becomes vacant, the Council shall appoint a City Administrator Pro Tempore, who has the power and duties of City Administrator. No person may be City Administrator Pro Tempore more than six consecutive months.

Except in a Council meeting, no Council member may directly or indirectly, by suggestion or otherwise, attempt to influence the City Administrator or a candidate for the office of City Administrator, in the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In Council meeting, members of the Council may discuss with, or suggest to, the City Administrator anything pertinent to City affairs.

The City Administrator will not be employed by the City to work for more than 24 hours per week, until the population of the City exceeds 7,000 people. When the City population exceeds 7,000 people, the Council may revise the City Administrator's contract to 40 full time hours and additional benefits, except as provided by the Charter.

Until the City Administrator is a full time employee, the City Administrator's contract will not include benefits for personal time, vacation time, sick time or any other time to be paid while not working. If the population of the City exceeds 7,000 people, the City Administrator's contract may be revised to include a personal time benefit. The personal time benefit will not exceed 80 hours after six months of continuous service. This level will remain in effect until five years of continuous service has been provided by the City Administrator. At each additional five years of continuous service, an additional 40 hours will be added to the benefit.

The City Administrator's contract will expire each May and the Council may vote to revise the contract. If the Council does not vote to revise the contract with the City Administrator, the City Administrator will be considered terminated effective immediately.

The City Administrator's annual evaluation will be conducted each May. The evaluation form will be completed by City employees, City Council members and seven Lafayette Citizens. The evaluation form

will contain a scoring system taking into account all aspects of the City Administrator's functions. The overall score will be used to determine if the City Administrator's contract will be continued. An overall score of 70% or less will be grounds for termination.

The City Administrator's salary will not exceed 2/3 of the Assistant to the City Administrator's salary, until the City Administrator's position becomes full time. If the City Administrator's position becomes full time, with the population of the City exceeding 7,000 people, the City Administrator's salary will be negotiated by Council in a public meeting. The City Administrator's salary will never exceed more than 1-1/3 of the salary of the Assistant to the City Administrator.

CHAPTER X

ASSISTANT TO THE CITY ADMINISTRATOR

Section 33. Assistant to the City Administrator

The Assistant to the City Administrator will be held to the same restrictions as the City Administrator, as set forth in the Charter. The Assistant to the City Administrator will be responsible for maintaining proficiency in all responsibilities. The Assistant to the City Administrator will be a full time position.

The salary for the Assistant to the City Administrator is set at \$45,000.00. Additional benefits will be negotiated by the Council, in a public meeting, in accordance with the Charter.

The Assistant to the City Administrator shall furnish the City a surety bond in the amount of not less than \$100,000.00. The City shall pay the bond premium.

The Assistant to the City Administrator's contract will be reviewed each March. The Assistant to the City Administrator's annual evaluation will be conducted each March. The evaluation form will contain a scoring system taking into account all aspects of the Assistant to the City Administrator's functions. The overall score will be used to determine if the Assistant to the City Administrator's contract will be revised. An overall score of 70% or less will be grounds for non-revision of the Assistant to the City Administrator's contract. If the score is between 70% and 80%, the Assistant to the City Administrator will be placed in a probationary status, with a supplemental review after six months. If the score is above 80%, the Assistant to the City Administrator will qualify for a 2% annual salary

increase and revision of the contract.

The personal time benefit (to include any variation of sick time, vacation time, or any other time to be paid while not working) will not exceed 80 hours after six months of continuous service. This level will remain in effect until five years of continuous service has been provided by the Assistant to the City Administrator. At each additional five years of continuous service, an additional 40 hours will be added to the benefit.

CHAPTER XI

MEETINGS

Section 33. Public Meetings

Except as otherwise allowed by law, all meetings of the Council shall be open to the public and shall comply with the State Public Meeting Law.

Section 34. Meeting Dates.

The Council shall hold two meetings each month.

The Council work session will occur on the first Saturday of each month. This meeting will include Citizen input.

The Council business meeting will be held on the second Thursday of each month.

Council may meet at other times in accordance with the Charter.

Meetings will be held at a time and at a place in the City which it designates. It shall adopt rules for the government of its members and proceedings.

Section 35. Special Meetings

The Mayor, upon motion may, or at the request of three members of the Council, shall, by giving notice to all Council members and the media as required by law, call a special meeting of the Council for a time not earlier than 24 hours after such notice. No other business shall be transacted at any special meeting, other than that for which it was called. All proceedings of the special meeting must be reviewed at the next regular Council meeting.

Section 36. Meeting Notices.

All meeting notices will be posted at City Hall and four other public places in the City. Notice will be posted on the City of Lafayette website.

Section 37. Mayor's Functions at Council Meetings.

When present at Council meetings the Mayor shall:
Preside over deliberations of the Council,

Preserve order,

Enforce Council rules, and

Determine the order of business under the rules.

The Mayor shall have a vote but does not have veto authority.

Section 38. Presiding Officer

The Mayor shall be the Presiding Officer at all regular and special meetings and executive sessions of the Council. The Mayor shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion of any matter before the Council, subject to these rules. In the absence of the Mayor, the Council President shall assume the duties of Presiding Officer.

The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as Presiding Officer. The Mayor shall have a vote, but will not have veto authority.

The Mayor may temporarily cease to chair a Council meeting and delegate the functions to the Council President.

Section 39. Attendance

Councilors shall make every effort to attend all meetings. Councilors shall inform the Mayor and/or the City Administrator if they are unable to attend any meeting. The Mayor shall inform the Council President and the City Administrator if he or she is unable to attend a meeting.

Every effort shall be made to begin meetings on time, and to avoid unduly long meetings. With the concurrence of the Council, the Mayor may table or postpone discussion on an item or matter until a subsequent meeting.

Section 40. Emergency Meetings

The Mayor may, or, at the request of three members of the Council, shall, call a special or emergency meeting after giving notice as required by Oregon's Public Meeting Laws. No other business shall be transacted at any special or emergency meeting, other than that for which it was called. All proceedings of the special or emergency meeting must be reviewed at the next regular Council meeting.

Section 41. Meeting Continuation

Upon motion and four voting members of the Council voting aye, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting. A motion to adjourn shall not be made while a Councilor is speaking, or while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting will be adjourned.

Section 42. Order of Business

Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor, with four voting members of the Council voting aye, to alter the order of business:

Call to order.

Flag Salute.

Roll call.

Approval of minutes from previous regular meeting.

Review proceedings and approve minutes of special meetings.

Additions and Deletions.

The purpose of this item is to add or delete items on the agenda. Items may be added or deleted by the City Administrator, Mayor, or with concurrence of four voting members of the Council. The Mayor will ask the public, in attendance of the meeting, if anyone had asked to be placed on the agenda. If this request was received prior to 5:00 pm on Thursday of the previous week to the meeting, the Mayor will add them to the agenda.

Accounts Payable and Receivable Report.

The report will list all accounts payable records; a summary of all accounts receivable and reserve accounts.

Public hearings.

All public hearings will be subject to notice requirements as listed in other City ordinances and state law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the seven days prior to the meeting. All meeting notices will be posted at City Hall and four other public places in the City. Notice will be posted on the City of Lafayette website.

Citizen Input on non-agenda items.

The purpose of this item is to allow Citizens to address the Council on matters related to City government and properly the object of Council consideration. A time limit of five minutes per Citizen shall apply, unless the Mayor, prior to the Citizen Input period, decides to allocate less time. Citizen comment shall not exceed 30 minutes unless the Council votes to suspend the rules. The Council shall not take action on issues raised during this portion of the agenda until a later date. The Council will direct staff to, within five days, provide a written response.

Departmental reports.

Reports by staff members and others, as requested by Council; Reports by Council Departmental Liaisons if requested; written reports included in packets may be discussed here if requested by a member of the Council or the City Administrator.

Legislative Actions.

Adoption of Ordinances and Resolutions. The public will be given time to ask questions of the Council after the Council discussion and prior to each vote.

Action Items.

Items deemed by City Administrator to require a consensus decision or a motion and vote of the Council, other than the adoption of Ordinances and Resolutions. This would include the approval of the Accounts Payable.

Discussion Items.

Status reports from City Administrator concerning on-going projects, Council discussion of proposed policy changes, discussion of proposed projects, etc. The public will be given time to ask questions after the Council has discussed each item.

Committee Reports.

Advisory committee representatives will be required to ask to be on the agenda by 5:00 p.m. on Thursday of the week preceding the meeting.

Mayor's Report.

Review of Handout Material.

All handout material will be read aloud. Questions about any of the informational material included in the packet may be asked at this time. The public will be given time to ask questions after the Council has discussed each item.

Adjournment.

Section 43. Meeting Staffing

The City Administrator shall attend all Council meetings unless excused by the Council. The City Administrator may make recommendations to the Council, but shall have no vote. The City Administrator shall perform the duties of meeting recorder, will attend all Council meetings and keep the official minutes, and perform such other duties as may be needed for the orderly conduct of meetings.

The City Attorney shall attend all regular Council meetings unless excused by the Mayor, and shall, upon request, give an oral or written opinion on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian. The City Attorney should be recognized by the Mayor before he or she addresses the Council during Council meetings.

Department directors or other staff will attend Council meetings upon request of the Council.

Section 44. Minutes

Minutes shall be prepared with extensive detail, including all attendees and all discussion verbatim, including any direction given to staff.

The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing, at minimum, the following information:

The name of Councilors and staff present.

All motions, proposals, resolutions, orders, ordinances and measures proposed, and their disposition.

The result of any votes, including ayes and nays and the names of the Councilors who voted.

Specific reference to any document discussed at the meeting.

Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made a part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.

The Council may amend the minutes to more accurately reflect what transpired at the meeting. Councilors shall submit any changes, additions or corrections to the City Administrator prior to the meeting at which they will be adopted, so that a corrected copy can be issued prior to the meeting. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such change.

Section 45. Meeting Breaks

A short break may be taken during the meeting upon the request of two or more Council members.

Section 46. Order And Decorum During Council Meetings

The Presiding Officer shall preserve order at all meetings of the Council, cause the removal of any person from any meeting for disorderly conduct, and enforce the rules of the Council. The Presiding Officer may command the assistance of a police officer to restore order at any meeting. If a meeting is disrupted by members of the audience, the Presiding Officer or four voting members of the Council present may order that the Council Chambers be cleared.

Any of the following shall be sufficient cause for the removal of any person from the Council Chambers for the duration of the meeting:

Engaging in violent actions.

Willful injury of furnishings or of the interior of the Council Chambers.

Before the person is removed from the Council Chambers for conduct described in this section, the Presiding Officer shall warn the person to cease his or her conduct.

Section 47. Conduct Of Hearings

Scope of Rules. The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the Council including, but not limited to, those held pursuant to land use matters of the City.

Section 48. Nature and General Conduct of Hearing

The Council when conducting any such hearing shall afford persons entitled under the ordinances of the City, such as the land use ordinances, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.

No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.

No person shall testify without receiving recognition from the Presiding Officer and stating his or her name and residence or business address.

No person shall be refused the right to address the Council.

The Presiding Officer, Councilors, City Administrator, City Attorney and with the approval of the Presiding Officer, any other employee of the City may question and cross-examine any person who testifies.

Section 49. Order of Procedure

The Presiding Officer, in the conduct of the hearing, shall comply with the appropriate City ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other City ordinances or state law, the hearing will be conducted in the following manner:

Commence the Hearing

Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.

Call for Abstentions

Any Councilor announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.

Staff Report

The City Administrator, or designee, shall summarize the nature of the matter; explain any graphic or pictorial displays which are

a part of the record, and provide such other information as may be requested by the Council.

Written Communications

Written communications addressing any matter before the Council shall be received by the City by 5:00 p.m. on the Thursday immediately preceding a regularly scheduled Council meeting unless for good cause the Council waives the time period therefore.

Audience Participation

Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.

Close of Hearing and Deliberation by Council.

The Presiding Officer shall conclude the hearing and the Council shall deliberate the matter. The Council shall either make its decision or continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, and the Presiding Officer shall not allow additional submission of testimony, except on approval by the Council.

Section 50. Conduct Of Business

Motion Procedure

When a motion is moved and seconded, it shall be stated by the Presiding Officer for debate. A motion, once made, may not be withdrawn by the mover without the consent of the Councilor seconding it.

Discussion

No Councilor shall be allowed to speak more than once on a particular topic until every other Councilor has had an opportunity to do so. The Presiding Officer will ask the public if anyone has any questions or comments and allow them to speak.

Section 51. Motion to Postpone or Table

A motion to postpone or table may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.

Section 52. Point of Order

Any person may raise a point of order at any time and the Presiding Officer shall determine all points of order, subject to the right of any Councilor to appeal the decision to the full Council.

Section 53. Call for a Vote

After the close of discussion, the Presiding Officer will call for a vote. Any vote requires four voting members to vote aye to be considered as confirmatory by the Council.

CHAPTER XII

ELECTIONS

Section 54. State Law

All City elections shall conform to state law applicable to the election.

Section 55. Councilors

The term of office of a Councilor in office when this Charter is adopted is the term of office for which the Councilor has been elected before adoption of the Charter. At each general election after the adoption, three Councilors shall be elected, each for a four-year term.

Section 56. Mayor

At each general election after the adoption of this Charter, a Mayor shall be elected for a term of two years.

Section 57. 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 58. Terms of Office.

The term of office of an elective officer who is elected at a general election 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 59. Oath of Office.

Before entering upon the duties of the office, each officer shall take an oath or shall affirm support of the constitution and laws of the United States and the State of Oregon, and attest to the faithful performance of the duties of this office.

Section 60. Nominations.

A qualified elector, who shall have resided in the City during the six 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 10 electors. No elector shall sign more than one such petition for the same candidate. 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. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument neither earlier than 90 nor later than 70 days before the election. 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 notify the candidate and the person who filed the petition within five 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 and listing all deficiencies. Such deficient petition may be amended and filed again as a new petition, or a different petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of this nomination and such person shall file with the recorder a written 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 XIII

VACANCIES IN OFFICE

Section 61. Vacancies: Occurrence.

The office of a member of the Council becomes vacant:

 Upon the incumbent's:

 Death;

Adjudicated incompetence;

Recall from the office;

Conviction of a public offense punishable by loss of liberty;

Failure, following election or appointment to the office, to qualify for the ten days after the time for his or her term of office to begin;

Absence from the City for 30 days without notification to the Council or from all meetings of the Council within a 60 day period;

Ceasing to reside in the City;

Ceasing to be a qualified elector under state law; or,

Resignation from the office.

Section 62. Filling of Vacancies.

Appointments to fill vacancies in elective offices of the City shall be made by the Mayor with the consent and approval of a majority of the remaining members of the Council. The appointee's terms shall run until the next state biennial general election and at that election the office shall be filled for the remaining two years of the four year term if the remaining term filled by the appointee was for more than two years.

When vacancies are announced, City staff will post public notice in not less than four locations. Notice will be posted on the City of Lafayette website.

Applications for Council vacancies will be received for a period of not less than ten days and not longer than 30 days.

The candidate shall be determined by a public drawing of lots from candidates at the next available Council business meeting.

CHAPTER XIV

PUBLIC RECORDS

Section 63. Public Records

All public records will be stored electronically and made available in a non-proprietary software format. If whole documents are excludable, those files will be password protected and stored in a protected folder noting the reason. On the public library media file, a document will be created as a place holder. It will note the document name and the reason for exclusion. If only sections of a document are excludable, the document will be copied, those excludable sections will be blocked out and the document will be scanned and stored.

New public records will be added to the public archive within 30 days. All documents will include the formal creation date with their authors, recipients, and other parties responsible for the documents creation indicated within the document.

An electronic interface will be made available, at no charge to the public. This interface will be available for public use for no less than 40 hours a month. Available times must be posted at City Hall.

All electronic files, for all computer systems, will be backed up each 30 days. Backup files will be stored off site from City Hall premises.

Public records will be provided at no charge to anyone and will be produced within 5 business days. There will be no charge for City staff time or attorney research time.

It is the responsibility of the custodian of public records to be knowledgeable in all public record statutes. The guidelines from the Oregon State Archivist will be used to create a policy governing public records in Lafayette.

No public records, other than junk mail, may be destroyed.

CHAPTER XV

MISCELLANEOUS PROVISIONS

Section 64. 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 65. 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. A remonstrance by the owners of two-thirds of the property to be specially assessed for a proposed public improvement shall suspend action regarding the improvement for six months. 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 66. 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, together with the right of reassessment, from time to time, if there should be any legal error in a prior assessment.

Section 67. Debt

The City's indebtedness may not exceed debt limits imposed by state law. A City officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A Charter amendment is not required to authorize City indebtedness.

Section 68. Existing Ordinances Continue

All ordinances of the City that are consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 69. Repeal of Previously Enacted Provisions

All Charter provisions of the City enacted prior to the date that this Charter takes effect are hereby repealed.

Section 70. Time of Effect of Charter

This Charter shall take effect immediately upon its approval by the voters of the said City and filing a true and certified copy thereof with the secretary of state.

Section 71. Severability

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

Section 72. Expenditure of Funds

The City may not disburse, or obligate for expenditure funds in excess of One Million Dollars (\$1,000,000) on a capital improvement project unless such disbursement or obligation has been first approved by the voters of the City. 'Capital Improvement' shall mean improvement of a facility used for: water supply, treatment and distribution; sewage and wastewater collection, transmission, treatment and disposal; drainage and flood control; transportation; and, parks and recreation.

Section 73. Contracts

The City Council may not enter into or renew any contract for services without first conducting a public hearing.

The City Administrator will provide detailed information regarding the contract and the purpose for the contract. The City Administrator will provide information from three additional sources as a comparison of services and cost.

No contract will be authorized if it contains any of the following provisions:

- Reimbursement for travel time;
- An expiration date of the contract longer than one year from the date of approval;
- Guaranteed increases in cost;
- Penalties for termination or non-renewal; or,
- Any provision that is in violation of this Charter.

Section 74. Citizen Rights

It shall be the intent of the City that every individual shall have an equal opportunity to participate fully in the life of the City. The City will endeavor to use volunteer services. Volunteerism will be promoted and encouraged. Any staff member engaging in discouraging the use

of volunteers may be subject to termination.

Section 75. Accounting

The Council shall, by ordinance, provide a system for the collection, custody and disbursements of all public moneys, not inconsistent with the provisions of statute and this Charter, and shall by ordinance provide a system of accounting for the City, which shall be so planned as to enable a clear and intelligent statement to be made of the financial affairs of the City.

No orders on the treasury may be signed or counter-signed by the payee.

All invoices to be paid will be presented with orders on the treasury for review prior to being signed or counter-signed.

The City Administrator shall keep an account of all moneys paid into and out of the treasury. The City Administrator shall keep a register of warrants, check-warrants and checks, showing the funds upon which they are drawn, the numbers, in whose favor, and the appropriations, if any, applicable to the payment thereof.

The City Administrator shall give information as to the exact condition of the treasury and of every appropriation and fund thereof under control of the Council, upon demand of the Mayor, or the Council, or any Auditor. The City Administrator shall keep the records and accounts of the City in a complete and intelligible manner. The City Administrator shall make a quarterly statement to the Council showing the receipts and disbursements of the City and the state of each particular fund and the City's financial condition as soon as records are complete after the close of business on the last day of each quarter. The report shall contain an accurate statement in summarized form of the financial receipts of the City from all sources and of the expenditures of the City for all purposes, together with a detailed statement of the debt of said City, of the purposes for which said debt has been incurred, and of the accounts of said City with grantees of franchises and the names of the present owners of each thereof, and a summary of the assets and liabilities of the City.

All accounts receivable will be deposited at least weekly.

Section 76. Salaries

The compensation for the services of each City officer and employee shall be fixed by Council, except as provided by the Charter. No additional compensation value shall exceed the salary amount.

Section 77. Citizen Advisory Committee

The Council will establish a Citizen Advisory Committee. The committee will consist of seven members. The committee will be responsible for:

- Reviewing complaints received from Citizens;
- Coordinating Volunteer efforts;
- Performing audits of City services; and
- Facilitating quarterly town hall meetings.

Section 78. City Hall Operation Days and Times

The City Hall Business Office will be open on Wednesday, Thursday, Friday and Saturday of each week. The office will be closed on all State of Oregon holidays closures. The hours of operation will be 8:00 am through 6:30 pm.

City Hall Business Office Staff lunch times will be arranged so that there are always at least two employees within the business office.

City Hall Business Office Staff will be considered full-time when considering benefits and salary, except as provided by the Charter.

Section 79. Conservation of City Resources

The City staff will endeavor to conserve City resources. City buildings will have heating system temperatures set to not waste resources. City staff will endeavor to minimize damage and destruction to City resources. Unnecessary waste will be documented and reported to the City Administrator and reported to the Council.

The City or Council may not destroy, sell, burn, dispose of, disturb or any other form of lessening a public asset without first conducting a public hearing.

Section 80. Meeting Cancellations

Once a meeting has been announced, every effort will be made to advertise any cancellation. Notice will also be posted on the City of Lafayette website. Notice will be posted on the outside of the entrance door of the meeting location building.