

1984 Lafayette Charter

As amended by:

A vote of the People on May 16, 1995.

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 charter provisions of the city.

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Lafayette Charter of 1984.

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 has 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. 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.

CHAPTER III

FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city at large or, in case of one or more vacancies in the council, the council members whose offices are not vacant.

Section 8. 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 9. Mayor. At each general election after the adoption of this charter, a mayor shall be elected for a term of two years.

Section 10. Appointive Offices. A majority of the council may:

- (1) Create, abolish, and combine appointive city offices and,
- (2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

Section 11. Salaries. The compensation for the services of each city officer and employee shall be fixed by council.

Section 12. Qualifications. (1) An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before being elected or appointed to the office. In this subsection "city" means area inside the city limits at the time of the election or appointment.

- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) 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.
- (4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

 CHAPTER IV
 COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once a month 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. The mayor, upon motion may, or at the request of three members of the council, shall, by giving written notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than 24 hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all members of the council without 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 14. Quorum. A majority of members of the council shall constitute a quorum of its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. Record. The council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken, and the result of the vote entered in the record.

Section 16. Meetings to be Public. All deliberations and proceedings of the council shall be public in accordance with the Public Meeting Law.

Section 17. Mayor's Functions at Council Meetings.

(1) When present at council meetings the mayor shall:

- (a) Preside over deliberations of the council,
- (b) Preserve order,
- (c) Enforce council rules, and
- (d) Determine the order of business under the rules.

(2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to another council member.

(3) The mayor shall have a vote only in the case of a tie vote.

Section 18. President of the Council. At its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of office, the president shall act as mayor. If the president acts as Mayor or presides over a meeting, the president shall have a vote only in the case of a tie vote.

Section 19. Vote Required. Except as this charter otherwise provides, the express concurrence of a majority of the members of the council present and voting at a council meeting shall be necessary to decide any question before the council. In case of conflict of interest a council member should remove himself or herself from the council discussion and vote. An abstention for cause is an abstention; an abstention without cause is a no vote.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. The mayor shall sign all approved records of proceedings of the council and countersign all orders on the treasury; the mayor shall have no veto power and shall sign all ordinances passed by the council, and shall endorse all bonds of city officers and all bonds of licenses, contracts, and proposals.

Section 21. City Administrator. (1) The city administrator is the administrative head of the city government.

(2) A majority of the council shall appoint and may remove the administrator. The appointment shall be

without regard to political considerations and solely on the basis of administrative qualifications.

(3) The administrator need not reside in the city or the state when appointed.

(4) Upon accepting the appointment, the administrator shall furnish the city a bond in the amount and with a surety approved by the council. The city shall pay the bond premium.

1. The administrator shall be appointed for a definite or indefinite term and may be removed by the council at its pleasure.

(6) The administrator shall:

(a) Attend all council meetings unless excused by the council or mayor;

(b) Keep the council advised of the affairs and needs of the city;

(c) See that the provisions of all ordinances are administered to the satisfaction of the council;

(d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the city are fulfilled;

(e) Appoint, discipline, and recommend of removal of appointive personnel. Removal shall be subject to approval of the council;

(1) Supervise and control the administrator's appointees in their service to the city.

(g) Organize and reorganize the departmental structure of city government;

(h) Prepare and transmit to the council an annual city budget;

i. Supervise city contracts;

a. Supervise operation of all city-owned public utilities and property; and

b. Perform other duties as the council prescribes consistently with this charter.

1. The administrator may not control:

a. The council;

b. The municipal judge in the judge's judicial functions; or,

c. Except as the council authorizes appointive personnel of the city whom the administrator does not appoint.

(8) The administrator and other personnel whom the council designates may sit with the council but may not vote on questions before it. The administrator may take part in all council discussions.

(9) When the administrator is absent from the city or disabled from acting as administrator, or when the office of administrator becomes vacant, the council shall appoint an administrator pro tem, who has the power and duties of administrator, except that the administrator pro tem may appoint or remove personnel only with approval of the council. No person may be administrator pro tem more than six consecutive months.

(10) Except in council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the administrator or a candidate for the office of 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 administrator anything pertinent to city affairs.

Section 22. Municipal Court and Judge. (1) 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.

(2) Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.

(3) All area within the city and, to the extent provided by state law, area outside the territorial jurisdiction of the court.

(4) 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.

(5) The municipal judge may:

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

(b) Order the arrest of anyone accused of an offense against the city;

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

(d) Issue and compel obedience to subpoenas;

a. Compel witnesses to appear and testify and jurors to serve hi the trial of

b. matters before the court;

(f) Penalize contempt of court;

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

(h) Issue search warrants; and

(i) Perform other judicial and quasi-judicial functions prescribed by ordinance.

(6) The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.

(7) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER VI

ELECTIONS

Section 23. State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 24. 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 25. 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 26. 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 27. Nominations. A qualified elector who shall have resided in the city during the 12 months immediately preceding the election, as that term is defined in Section 12 of this charter, 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

office. If he does, his signature shall be valid only on the first petition filed. 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 time 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 time petition within Five days after time filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such 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 VII
VACANCIES IN OFFICE

Section 28. Vacancies: Occurrence. The office of a member of the council becomes vacant:

(1) Upon the incumbent's:

- (a) Death,
- (b) Adjudicated incompetence, or

(c) Recall from the office; or

(2) Upon declaration by the council of the vacancy in the case of the incumbent's:

(a) 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,

(b) Absence from the city for 30 days without the council's consent or from all meetings of the council within a 60 day period

- (c) Ceasing to reside in the city,
- (d) Ceasing to be a qualified elector under state law,

(e) Conviction of a public offense punishable by loss of liberty, or

(f) Resignation from the office.

Section 29. 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.

CHAPTER VIII
ORDINANCES

Section 30. Enacting Clause. Time enacting clause of all ordinances hereafter shall be, "The City of Lafayette, Oregon, ordains as follows:" .

Section 31. Adoption by Council. (1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open council meeting on two different days before being adopted by the council.

(2) Except as subsection (3) of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all council members present, provided the ordinance is read first in full and then by title.

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

(a) No council member present at the reading requests that the ordinance be read in full or

(b) At least one week before the reading:

(i) A copy of the ordinance is provided for each council member,

(ii) Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and

(iii) Notice of their availability is given by written, notice posted at the city hall and two other public places in the city.

(4) 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 open council meeting before the council adopts the ordinance.

(5) Upon the adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.

(6) 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 32. When Ordinances Take Effect. An ordinance enacted by the council shall take effect on the 30th day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX

MISCELLANEOUS PROVISIONS

Section 33. 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 34. 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 35. 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.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 36. 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 37. Existing Ordinances Continue. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 38. 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 39. 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 40. Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires

Section 41. Fire Department Levy. The common council of the city of Lafayette, Oregon, is hereby authorized and empowered each year to levy, assess, and collect taxes not to exceed three mills upon the dollar valuation, upon all property, both real and personal within the city of Lafayette, Oregon, not exempt from taxation, for the purpose of employing personnel and obtaining equipment of the fire department; to include in its general tax levy each year, such special levy as shall be required, in the judgment of the common council, not to exceed three mills upon the dollar valuation, for the employment of personnel and obtaining equipment of the fire department for the City of Lafayette, Oregon; all to be in addition to existing

levies and in addition to and in excess of the constitutional 6 percent limitation upon the city's tax levy. This levy shall be in addition to existing levies. The money realized by the levy herein provided for shall be deposited and kept in the Fire Department Fund; said money shall be disbursed by the common council by warrants drawn by the council upon said fire department fund, said warrants to be signed by the mayor and city recorder. This levy will be in addition to and in excess of the constitutional 6 per cent limitation upon the city's tax levy.

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