

CITY OF RIVERGROVE, OREGON

CHARTER

Originally Adopted by the Voters

November 5, 1974

Incorporated March 11, 1971

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CHARTER OF THE CITY OF RIVERGROVE

To provide for the government of the city of Rivergrove, Clackamas County, Oregon; and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect.

Be it enacted by the people of the city of Rivergrove, Clackamas County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment.

This enactment may be referred to as the Rivergrove City Charter of 1974.

Section 2. Name of City.

The municipality of Rivergrove, Clackamas County, Oregon, shall continue to be a municipal corporation with the name "City of Rivergrove."

Section 3. Boundaries.

The city shall include all territory encompassed by its' boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The recorder shall keep in his office at least two copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder.

CHAPTER II

POWERS

Section 4. Powers of the City.

The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Charter.

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be literally, construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

FORM OF GOVERNMENT

Section 6. Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. Council.

The council shall be composed of a mayor and four councilmen elected from the city at large.

Section 8. Councilmen.

The term of office of each councilman in office when this charter is adopted shall continue until the beginning of the first odd-numbered year after that time. At the first biennial general election after the charter is adopted, five councilmen shall be elected. Of the five, the two receiving the two highest numbers of votes shall each hold office for four years, and the three receiving the next three highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, three councilmen shall be elected. Of the three, the two receiving the two highest numbers of votes shall each hold office for four years, and the one receiving the third highest number of votes shall hold office for two years.

Section 9. Mayor.

At its first meeting of each odd-numbered year, the council shall choose from its membership a chairman, who shall be mayor. The mayor's term of office shall be two years.

Section 10. Other Officers.

Additional officers of the city shall be a municipal judge, a recorder, and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

Section 11. Salaries.

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

Section 12. Qualifications of Officers.

No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the six months immediately preceding the election. The council shall be final Judge of the qualifications and election of its own members.

CHAPTER IV

COUNCIL

Section 13. Meetings.

The council shall hold a regular meeting least once each month in or near the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor, upon his own motion may, or at the request of two members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than twenty-four 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. This section is not intended to limit in any way the calling of special meetings in case of a true emergency.

Section 14. Quorum.

A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. Record of Proceedings.

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

Section 16. Proceedings to be Public.

No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. Mayor's Functions at Council Meetings.

The mayor shall be chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. President of the Council.

its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by ballot shall elect a 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 his office, the president shall act as mayor.

Section 19. Vote Required.

Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

Chapter V

POWERS AND DUTIES OF OFFICERS

Section 20. Mayor.

The mayor shall appoint the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council and countersign all orders on the treasury. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

Section 21. Municipal Judge.

There is hereby established a municipal court for the City of Rivergrove. The municipal Judge shall be the Judicial officer of the city. The court shall be open for the transaction of judicial business at times specified by the council, All area within the city shall be within the territorial Jurisdiction of the court. The municipal Judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the Judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing Justices of the peace and Justice courts,

Section 22. Recorder.

The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings, and sign all orders on the treasury. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tern who, while acting in that capacity, shall have all the authority and duties of the recorder.

Chapter VI

ELECTIONS

Section 23. Regular Elections.

Regular city elections shall be held at the same times and places as biennial general elections, in accordance with applicable state election laws.

Section 24. Notice of Regular Elections.

The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 25. Special Elections.

The council shall provide the time, manner, and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election.

Section 26. Regulation of Elections.

Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 27. Canvass of Returns.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election the council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28. 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 29. Commencement of Terms of Office.

The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 30. Oath of Office.

Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 31. Nominations.

A qualified elector who has resided in the city during the six months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than 20 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for the office. 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. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 100 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. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, and that person shall file with the recorder his written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

Chapter VII

VACANCIES IN OFFICE

Section 32. What Creates Vacancy.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence; or in the case of a mayor or councilman, upon his absence from two or more regular, consecutive council meetings without reasonable justification, and upon a declaration by the council of the vacancy. The city council shall make a declaration of what constitutes reasonable justification.

Section 33. Filling of Vacancies.

Vacant elective offices in the city shall be filled by appointment by the mayor. A majority vote of the council shall be required to confirm the appointment. The appointee's term of office shall begin immediately upon his confirmation and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

Chapter VIII

ORDINANCES

Section 34. Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, "The city of Rivergrove ordains as follows:"

Section 35. Mode of Enactment.

(1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.

(2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

(3) Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(5) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date of his signature, his name and the title of his office.

Section 36. When Ordinances Take Effect.

An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

Chapter IX

PUBLIC IMPROVEMENTS

Section 37. 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 38. Improvements.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. Joint owners of land must be in unanimous agreement for inclusion of their land in the two-thirds rule. In this section "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 39. Special Assessments.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. Bids.

A contract in excess of \$250.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

Section 41. Debt Limit.

Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed 1% of the assessed valuation of the city; nor its bonded indebtedness exceed 3% at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. Torts.

In no event shall the city be liable in damages for an injury to person, a damage to property, or a death, caused by a defect or a dangerous condition in a public thoroughfare, site, or facility, unless the city has had actual notice prior to the injury, damage, or death that the defect or condition existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500 be recovered as damages for an injury, damage, or death resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such injury, damage, or death unless the claimant first gives written notice to the council, within the time limitations provided by Oregon statute, after the injury, damage, or death is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefor of the city in an amount which he specifies. But in no event shall the action be started until 60 days have elapsed after the presentation of this notice to the council.

Section 43. Existing Ordinances Continued.

All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 44. Repeal of Previously Enacted Provisions.

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 45. Amendment.

- (1) This charter may be amended by the voters at a regular or special election.
- (2) An ordinance to refer an amendment to the voters shall be adopted at least 60 calendar days before the election at which the measure is to be voted upon and shall be effective upon the signature of the presiding officer of the council.
- (3) An initiative petition proposing a charter amendment shall be filed with the officer in charge of elections at least 90 calendar days before the election at which the measure is to come before the voters. If a petition is filed and the council calls a special election on the measure, the election may not be held sooner than 90 calendar days after the call.

Section 46. Time of Effect of Charter.

This charter shall take effect 30 days after approval by the voters.