

CHARTER OF THE CITY OF CRESWELL

PREAMBLE

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

Chapter I

NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2006 Creswell Charter.

Section 2. Name. The City of Creswell, Oregon, continues as a municipal corporation with the name City of Creswell.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record, an accurate and current description of the city boundaries.

Chapter II

POWERS

Section 4. Powers. The City has all powers that the constitutions, statutes, and common law of the United States and state of Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under the laws of the state of Oregon and the United States.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council, except as the charter provides otherwise. 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 legislative authority.

Chapter III

COUNCIL

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city at large.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council, and has no veto authority. With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor, and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules. The council, by resolution, must adopt rules consistent with state law, to govern its meetings

Section 11. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules.

Section 12. Quorum. A majority of the council is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members, as prescribed by council rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules and state law.

Chapter IV

LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council exercises its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Creswell ordains as follows:"

Section 16. Ordinance Adoption.

(a) Except as this section provides to the contrary, every ordinance of the Council shall, before final passage, be read fully and distinctly in open council meeting on two different days.

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(b) 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.

(c) Any reading of the ordinance may be by title only if either:

(1) No Council member present at the meeting requests to have the ordinance read in full; or

(2) 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 there are copies of the ordinance available to any member of the public in attendance at the meeting.

(d) Any substantive amendment to a proposed ordinance must be read aloud or copies made available to the public at the meeting, before the Council adopts the ordinance.

(e) After adoption of an ordinance, the vote of each member must be entered in the Council minutes.

(f) After adoption of an ordinance, the Mayor and City Custodian of Records must sign it with the date of passage, name, and title of office.

Section 17. Effective Date. Ordinances normally take effect on the 30th day after adoption, or on a later day designated in the ordinance. An ordinance may take effect as soon as adopted, or on a date prior to the 30th day after adoption, if the ordinance contains an emergency clause.

Chapter V

ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state: "The City of Creswell resolves as follows:"

Section 19. Resolution Approval.

(a) Approval of a resolution or another administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts substantive amendment to the resolution at that meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered in the council minutes.

(d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

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Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day designated in the resolution.

Chapter VI

QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state: "The City of Creswell orders as follows:"

Section 22. Order Approval.

(a) Approval of an order or another quasi-judicial decision requires approval by a majority of the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public before the council adopts the order.

(c) After approval of an order or other quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of approval, or on a later day designated in the order.

Chapter VII

ELECTIONS

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.

Section 25. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At each general election after the adoption, a mayor will be elected for a two-year term.

Section 26. State Law. City elections must conform to state law except as this charter or city ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 27. Qualifications.

- (a) The mayor and each councilor must be qualified electors under state law, and must have resided within the city for at least one year immediately before election or appointment to office.
- (b) No person may be candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.
- (d) The council is the final judge of the election and qualifications of its members.

Section 28. Nomination. A person may be nominated to run for mayor or a city council position in the manner prescribed by city ordinance.

Section 29. Term. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office, and support the constitution and laws of the state of Oregon and the United States.

Section 31. Vacancies: The mayor or a council office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Death;
 - (2) Adjudicated incompetence; or
 - (3) Recall.
- (b) Upon declaration by a majority of a quorum of the council after the incumbent's:
 - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
 - (2) Absence from the city for 30 consecutive days without council consent, or from all council meetings within a 60-day period, without council consent;
 - (3) Ceasing to reside in the city;
 - (4) Ceasing to be a qualified elector under state law;
 - (5) Conviction of a public offense punished by loss of liberty.
 - (6) Resignation from office; or
 - (7) Attempt to directly or indirectly coerce the City Administrator to appoint or remove a city employee; or to attempt to directly or indirectly coerce the City Administrator to perform the Administrator's duties related to a particular matter, in a manner which is contrary to express direction provided by the council.

Section 32. Filling Vacancies. A council vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office will run from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Administrator.

- (a) The office of City Administrator is established as the administrative head of the city government. The City Administrator is responsible to the Mayor and Council for the proper administration of all City business. The City Administrator will assist the Mayor and Council in the development of City policies, and carry out policies established by ordinances and resolutions.
- (b) The Mayor, with the consent of a majority of the Council, must appoint and may remove the City Administrator. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- (c) The City Administrator may be appointed for a definite or an indefinite term, and may be removed at any time by the Mayor with the consent of a majority of the Council. The Mayor, with a majority of the Council's consent, must fill the office by appointment as soon as practicable after the vacancy occurs.
- (d) The powers and duties of the City Administrator shall be as follows:
- (1) Attend all council meetings unless excused by the Mayor or Council;
 - (2) Make reports and recommendations to the Mayor and Council about the needs of the City;
 - (3) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other City decisions;
 - (4) Appoint, supervise, and remove City employees;
 - (5) Organize City departments and administrative structure;
 - (6) Prepare and administer the annual City budget;
 - (7) Administer City utilities and property;
 - (8) Encourage and support regional and intergovernmental cooperation;
 - (9) Promote cooperation among the Council, staff, and citizens in developing City policies, and building a sense of community;
 - (10) Perform other duties as directed by the Council;
 - (11) Delegate duties, but remain responsible for acts of all subordinates.

(e) The City Administrator has no authority over the Council or over the judicial functions of the municipal judge.

(f) The Administrator and other employees designated by the Council may sit at Council meetings but have no vote. The Administrator may take part in all Council discussions.

(g) When the Administrator is temporarily disabled from acting as Administrator or when the office of City Administrator becomes vacant, the Mayor, with consent of a majority of the Council, shall appoint an Administrator Pro Tem. The Administrator Pro Tem has the authority and duties of City Administrator, except that a pro tem administrator may appoint or remove employees only with Council approval.

(h) No Council member may directly or indirectly attempt to coerce the Administrator or a candidate for the office of Administrator in the appointment or removal of any City employee, or in the administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the Administrator relating to City business.

(i) The salary of the Administrator shall be such as shall be from time to time fixed and determined by action of the City Council.

Section 34. City Attorney. The City Attorney is designated as the chief legal officer of the city. A majority of the council must appoint and may remove the City Attorney. The City Attorney will have the exclusive authority to appoint, supervise and remove the City Attorney's staff.

Section 35. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.

(b) All proceedings of Municipal Court will conform to state laws governing justices of the peace and justice courts.

(c) All area within the city and area outside the city, as permitted by state law, is within the territorial jurisdiction of the Municipal Court.

(d) The Municipal Court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The Municipal Court also has jurisdiction under state law, unless limited by state law or City ordinance.

(e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the city;
- (3) Commit to jail or admit to bail anyone accused of a city offense;

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- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
- (6) Penalize contempt of court;
- (7) Issue process necessary to enforce judgments and orders of the court;
- (8) Issue search warrants; and
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) A majority of the council may appoint and remove pro tem municipal judges.

(g) The council may transfer some or all of the functions of the Municipal Court to an appropriate state court, in accordance with state law.

Section 36. Other Offices. The council may create, combine, or eliminate any other office by ordinance, as it determines necessary or prudent for the conduct of city government.

Chapter IX

PERSONNEL

Section 37. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 38. Merit Systems. The council, by resolution, will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees, based on merit and fitness.

Chapter X

PUBLIC IMPROVEMENTS

Section 39. Procedure. The procedure for making, altering, vacating, or abandoning a public improvement will be governed by ordinance or state law. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 40. Special Assessments. The procedure for levying, collecting, and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter XI

MISCELLANEOUS PROVISIONS

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

Section 42. Property Tax. The council may levy property taxes as authorized by state law.

Section 43. Ordinance Continuation. All ordinances consistent with this charter, in force when it takes effect, remain in effect until amended or repealed.

Section 44. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 45. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 46. Time of Effect. This charter takes effect on January 1, 2007.

*(Section 47. Water Rates was approved by the voters at the September 15, 2015 election)

Section 47. Water Rates.

(a) Notwithstanding any other provision in this Charter, the City of Creswell, beginning the fiscal year following passage of this measure, shall determine water rates on an annual basis as part of the budget adoption process. Water rates shall be set so as to fully cover the actual costs of providing water services.

(b) For water rates effective following the passage of this measure, a water rate advisory committee shall be established by the Mayor to review and recommend water rates for the upcoming fiscal year. The advisory committee shall be composed of six members, three of whom shall be Councilors, two citizens of Creswell, and one at-large position. The City Council shall hold a public hearing prior to the Council's adoption of water rates.

(c) Setting of water rates shall be performed by the City Council as provided in this Section. There shall be no requirement to submit proposed water rates to City voters for approval. Should the Council approve a water rate increase so as to fully cover the actual costs of providing water services, the amount of the water rate increase shall not be limited by financial measures such as the rate of inflation or the consumer price index.

(d) For purposes of this Section, water rates are the rates charged by the City to users of the City's water utility system. Water rates include any per-cubic foot charge as well as any base or fixed charges assessed to water utility customers.

(e) For purposes of this Section, the actual costs of providing water service includes all the costs associated with providing water services to City water utility customers. Costs

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include, but are not limited to, infrastructure costs, water permit costs, water supply costs, maintenance costs, personnel costs, and debt service costs.