

PREAMBLE

We, the people of the City of Tillamook, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitution 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 1

NAMES AND BOUNDARIES

Section 1. Title of Charter. This charter may be referred to as the 1999 City of Tillamook Charter.

Section 2. Name of the City. The City of Tillamook, Oregon, continues under this charter to be a municipal corporation with the name City of Tillamook.

Section 3. Boundaries. The city includes all territory within its boundaries and all land currently owned by the City of Tillamook 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 2

FORM OF GOVERNMENT

Section 4. Council. The council consists of six councilors elected from the city by wards.

Section 5. 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 or is elected at the time of the adoption. At each general election after the adoption, three councilors shall be elected, each for a four year term.

Section 6. Mayor. The term of office of the mayor in office when this charter is adopted continues until that term expires. A mayor shall be elected for a four year term at a general election.

Section 7. Terms of Office. The term of office of an elective officer who is elected at a general election begins at the first council meeting in January of the year immediately after the election and continues until the successor to the office assumes the office.

Section 8. 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 9. Qualifications of Elective and Appointive Officers.

- (a) An elective city officer shall be a qualified elector under the State of Oregon 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.
- (b) No person may be a candidate at a single election for more than one elective city office.
- (c) An elective officer shall not be an employee of the city. However, an elective officer may serve in a volunteer capacity with the city subject to council approval.
- (d) The council is the final judge of the election and qualifications of its members.
- (e) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

Section 10. Compensation. The council shall prescribe the compensation of city personnel. The council shall prescribe a plan for reimbursing city personnel, the mayor and council members for expenses that they incur in serving the city.

Section 11. Oath. Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the state of Oregon.

Section 12. Elections.

- a) 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.
- b) Nominations – A person may be nominated in a manner as provided by city ordinance to run for an elective office of the city.
- c) In the event of a tie vote for candidates for a city office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Chapter 3

POWERS

Section 13. Powers of the City. The city has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or implied grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 14. 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 the United States and Oregon law. The City Council shall be the primary interpreter of this charter. All powers are continuing unless a specific grant of power clearly indicates the contrary. The City Council shall enact such laws as are necessary or convenient to fulfill the provisions and intentions of this charter.

Chapter 4

COUNCIL - POWERS AND DUTIES

Section 15. Distribution of Power. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 16. Regular Meetings. The council shall meet twice a month in a manner prescribed by ordinance.

Section 17. Special Meetings.

- a) The Mayor may, or at written 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 24 hours after notice is given but prior to the next regular council meeting.
- b) An emergency meeting may be called on less than 24 hours notice by the Mayor or at the written request of three members of the council.
- c) 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 18. Quorum. A majority of the council, excluding the Mayor, constitutes a quorum for its business, but at least three members of the council may meet and compel attendance of absent councilors as prescribed by council rules.

Section 19. 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) The Mayor may delegate the functions described in subsection (1) to the Council President or, if the Council President is absent, to another council member. This delegation shall be for not more than two meetings, unless otherwise specified and with the council's consent.
- (3) The Mayor shall have a vote only in case of a tie-vote.

Section 20. Council President.

- (1) At its first meeting of each year, the council shall elect a president from its councilors by a majority of the votes cast.
- (2) The President shall function as Mayor when the Mayor is:
 - a) Absent from a council meeting,

- b) Unable to function as Mayor.
- (3) If the council president acts as Mayor or presides over a meeting, the council president shall retain a vote as councilor.

Section 21. Vote Required. Except as this charter otherwise provides, the express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the council.

Section 22. 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 case of incumbent's:
 - a) Failure to assume the duties of the office following election or appointment to the office within 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 90 day period, or failure to attend two consecutive regular meetings of the council without council consent,
 - c) Failure to reside within the appropriate ward 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 of the office.

Section 23. Vacancies: Filling. A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term shall run until the next available state biennial general election and at that election the office shall be filled for the remainder of the four year term. During a council member's disability to serve on the council or during a member's absence from the city, a majority of the other council members may, by appointment, fill the vacancy temporarily until the elected official is able to resume the duties or the end of the term of office of the council member, whichever occurs first.

Chapter 5

POWERS AND DUTIES OF OFFICERS

Section 24. Mayor. The Mayor:

- (1) Shall appoint and remove with the consent of the majority of the council, members of committees established by council rules.
- (2) Shall sign all approved records of proceedings of the council and shall endorse all bonds of city officers and all bonds of licenses, contracts and proposals.
- (3) No ordinance passed by the council shall go into effect, as provided for in Chapter 6, Section 30 of this Charter, until approved by the Mayor.
- (4) If the Mayor does not approve an ordinance passed by the council, then the Mayor must return the ordinance within ten (10) calendar days of its passage to the City Recorder with written reasons for not approving it. If the mayor does not return the ordinance with written reasons for not approving it within the time specified in this subsection, then the ordinance shall go into effect as if the Mayor had approved it based on the provisions of Chapter 6, Section 30 of this Charter.
- (5) At the first regular council meeting after the return of an ordinance not approved by the mayor, the City Recorder shall deliver the ordinance to the council with the mayor's written reasons for not approving it. Those written reasons must be read at that council meeting. The ordinance may then again be passed by the council provided that at least five (5) council members are present to deliberate on the ordinance. If four (4) of the members of the council vote to approve the ordinance, the ordinance shall go into effect without the Mayor's approval based on the provisions of Chapter 6, Section 30 of this Charter.

Section 25. Other city officers shall include but not be limited to: City Manager, City Recorder and Municipal Judge.

The offices of City Manager, City Recorder and Municipal Judge shall be filled by appointment and such officers may be removed at any time by a majority vote of the members of the council.

City Manager shall:

- (a) Carry out the policy decisions of the Council and serve as the administrative head of the city government;
- (b) Manage the daily business of the city;
- (c) Appoint, discipline and remove personnel, except appointees of the Mayor and or Council;
- (d) Attend all council meetings unless excused by the Council or Mayor;

- (e) Keep the Council advised of the affairs and needs of the city;
- (f) See that the provisions of all ordinances are administered to the satisfaction of the Council;
- (g) See that all terms of franchises, leases, contracts, permits, and privileges granted by the city are fulfilled;
- (h) Supervise and control the manager's appointees in their service to the city;
- (i) Organize and reorganize the departmental structure of city government;
- (j) Prepare and transmit to the Council an annual city budget;
- (k) Supervise city contracts;
- (l) Supervise operation of all city-owned public utilities and property;
- (m) Perform other duties as the Council prescribes consistently with this charter.

City Recorder shall:

- (a) Work in cooperation with the City Manager and under the general direction of the City Council;
- (b) Administer, plan and direct the accounting, payroll, and financial management functions of the City;
- (c) Maintain official City Records and perform other duties as the council prescribes.

Municipal Court and Judge.

Municipal Court shall be held within the City at such place and times specified by the Court.

- (1) All area within the City and, to the extent provided by law, area outside the City is within the territorial jurisdiction of the court.
- (2) The Municipal Court has original jurisdiction over every offense that an Ordinance of the City makes punishable.
- (3) The Municipal Judge shall have such authority and perform such duties as otherwise provided by local and other law.
- (4) The Council may authorize the Municipal Judge to appoint the Municipal Judge Pro Tem for terms of office set by the judge or the Council.
- (5) Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate State Court.

Chapter 6

ORDINANCES

Section 26. Ordaining Clauses. The ordaining clause of an ordinance shall be “The City of Tillamook ordains as follows:”

Section 27. Ordinance adoption by the City Council.

- (1) An ordinance, except an emergency ordinance, shall be read by title only at two separate regular council meetings before being adopted by the council. However, an ordinance shall be read in whole or any part upon request of any council member.
- (2) An emergency ordinance necessary for the immediate preservation of the peace, health and safety of the city and its citizens shall be read fully and distinctly once and then by title only at a regular or special council meeting before being adopted by the council. A separate section in the ordinance shall state the reasons why the ordinance should become immediately effective. Emergency ordinances shall require four (4) affirmative votes of all members of the city council.
- (3) The following shall apply at least one week before the reading of any non emergency ordinance:
 - (a) A copy of the ordinance will be provided to each council member,
One copy of the ordinance will be available for public inspection in the office of the City Recorder, and
 - (b) Notice of its availability will be given by written notice posted at city hall and two other public places in the city.
- (3) 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.
- (4) After adoption of an ordinance, the City Recorder and the Mayor shall endorse it with its date of adoption and the City Recorder and Mayor’s name and title.

Section 28. When Ordinances Take Effect. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption by the council or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency shall take effect as soon as adopted.

Chapter 7

PUBLIC IMPROVEMENTS

Section 29. Public Works and Improvements.

- (1) The City Council of the City of Tillamook is now and in the future authorized to acquire, construct, equip, operate and maintain within and without the city limits of Tillamook such public works systems as it deems necessary for the health, safety and welfare of the citizens of the City of Tillamook. Public works shall include, but not be limited to such streets, storm drainage, parks, water and sewerage systems necessary, useful or convenient for urban development. Public works shall not include any utilities the city has franchised out. The city shall be the sole and exclusive purveyor of water and sewer service within the city limits, unless otherwise approved by the City Council.
- (2) The revenues derived from each specific public works system shall be applied directly back to cover the costs associated with the maintenance, repairs, operations, management, expansion, renovation, payment of debt service and general betterment of that specific system from which those revenues were derived.

Section 30. 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 applicable state laws. 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 no more than six months. For the purpose of this section “owner” shall mean the record holder of legal title to 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 custodian of city records, the said purchaser shall be deemed the “owner”.

Section 31. Special Assessment. The procedure for levying, contracting 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.

Chapter 8

MISCELLANEOUS PROVISIONS

Section 32. 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 33. Repeal of Previously Enacted Provisions. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 34. Time of Effect of Charter. This charter shall take effect thirty days after the election date at which it was approved by the voters of the City of Tillamook.

Section 35. 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 36. Severability. The terms of this charter are severable. If a part of the charter is held invalid, the invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

**Approved by City of Tillamook voters at a special election on May 18, 1999.
This Charter took effect on June 18, 1999.**