

# CITY OF HAPPY VALLEY CITY CHARTER

## PREAMBLE

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

## Chapter I

### NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2009 City of Happy Valley Charter.

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

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

## Chapter II

### POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and 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 United States and Oregon law.

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 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 7. Council. The council consists of a mayor and four councilors nominated and elected by the city at large.

Section 8. Mayor.

(a) The mayor presides over and facilitates council meetings, preserves order, enforces council procedures, and determines the order of council business.

(b) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.

(c) The mayor must sign all records of council decisions.

(d) The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting of 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.

Section 10. Rules. The council must by resolution adopt rules 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. The mayor and two councilors or three councilors is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by rule.

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 rule.

## Chapter IV

### LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Happy Valley ordains as follows:”

Section 16. Ordinance Adoption.

(a) Except as authorized by subsection (b), the council must adopt an ordinance with the approval of a majority of the council at two meetings.

(b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least three members of the council, provided the proposed ordinance is available to the public at least one week before the meeting.

(c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council adopts the ordinance at that meeting.

(d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(e) After adoption of an ordinance, the city recorder must attest to the adoption and the date of adoption.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30<sup>th</sup> day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

## Chapter V

### COUNCIL 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 Happy Valley resolves as follows:”

Section 19. Resolution Approval.

(a) A resolution or any other council administrative decision may be approved by the council at one meeting.

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

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

(d) After approval of a resolution, the mayor must sign it and the city recorder must attest to the date of approval.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided 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 Happy Valley orders as follows:”

Section 22. Order Approval.

(a) An order or any other council quasi-judicial decision may be approved by the council at one meeting.

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

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

(d) After approval of an order, the mayor must sign it and the city recorder must attest to the date of approval.

Section 23. 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 by ordinance.

## Chapter VII

### ELECTIONS

Section 24. Councilors. At each general election after the adoption of this charter, two councilors will be elected for four-year terms by position. The terms of councilors in office when this charter is adopted are the terms for which they were elected.

Section 25. Mayor. At every general election after the adoption of this charter, a mayor will be elected for a four-year term. The term of the mayor in office when this charter is adopted is the term for which the mayor was elected.

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

Section 27. Qualifications.

(a) To hold a city elective position, each person must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a 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. Nominations.

The council must prescribe by ordinance other procedures for the nomination and election of persons for city elective positions.

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

Section 30. Oath. To hold a city elective position each person must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

Section 31. Vacancies: A city elective position becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by 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 days without council consent, or from all council meetings within a 60-day period,
- (3) Ceasing to reside in the city,
- (4) Ceasing to be a qualified elector under state law,
- (5) Conviction of a public offense punishable by loss of liberty,
- (6) Assuming another elected office,

- (7) Resignation from the office, or
- (8) Removal under Section 33(h).

Section 32. Filling Vacancies. A vacant city elective position will be filled by appointment by a majority of the remaining councilors. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a councilor from attending council meetings, a majority of the council may appoint a councilor pro tem.

## Chapter VIII

### APPOINTIVE OFFICERS

#### Section 33. City Manager.

(a) The office of city manager is established as the chief administrative officer of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely based on education and experience with local government management.

(c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(d) The manager must:

- (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 manager has no authority over the mayor or council or over the judicial functions of the municipal judge.

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

(g) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(h) Neither the mayor nor a councilor may attempt directly or indirectly to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by four councilors after a public hearing. In council meetings, the mayor and councilors may discuss or suggest any topic with the manager relating to city employees or administrative matters.

Section 34. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the mayor and councilors must appoint and may remove the attorney.

Section 35. Municipal Court and Judge.

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

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

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the 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 court also has jurisdiction under state law unless limited by 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;
- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify and jurors to serve for trials;
- (6) Penalize contempt of court;
- (7) Issue processes 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) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

## Chapter IX

### PUBLIC IMPROVEMENTS

Section 36 Procedure. The council must provide by ordinance for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by the owners of real property to be specially assessed for the improvement. The numbers of owners necessary to suspend the action must be determined by ordinance.

Section 37. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property must be governed by ordinance.

## Chapter X

### MISCELLANEOUS PROVISIONS

Section 38. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 39. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 40. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 41. 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 42. Time of Effect. This charter takes effect January 1, 2009.