



CHARTER OF THE CITY OF SUTHERLIN

We, the voters of the City of Sutherlin, Douglas County, 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 of Enactment.** This enactment may be referred to as the Charter of 2006.

Section 2. **Name of the City.** The City of Sutherlin, Douglas County, Oregon, shall continue to be a municipal corporation with the name of "City of Sutherlin."

Section 3. **Boundaries.** The city shall include all territory encompassed by its boundaries as they now exist or are hereafter modified pursuant to law. The custodian of the city records shall keep an accurate description of the boundaries and make copies of this charter and boundary descriptions available for public inspection.

CHAPTER II POWERS

Section 4. **Powers of the City.** The city shall have all the rights, powers, privileges and immunities which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities.

Section 5. **Construction of Charter.** The Charter shall be liberally 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 the laws and to the municipal home rule provisions of the constitutions of the United States and the State of Oregon.

Section 6. **Exercise of Power.** All rights, powers, privileges and immunities of the City shall be exercised in the manner prescribed in this Charter, or, if the manner be not prescribed in this Charter, then in the manner provided by ordinance or resolution of the council or the laws of the State of Oregon.

CHAPTER III FORM OF GOVERNMENT

Section 7. **Where Powers Vested.** The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. Except as this Charter provides otherwise, all other powers of the City shall be vested in the council.

Section 8. **Council.** The council shall be composed of seven council members, a mayor and six councilpersons. The mayor and councilors shall be nominated and elected from the city at large.

At each general election after the adoption of this Charter, three councilors shall be elected for four-year terms and a mayor shall be elected for a term of two years.

Section 9. **Appointive Officers.** The appointive offices of city manager, municipal judge, and city attorney are hereby created. Any requirement that an appointive officer fill two or more appointive offices may be effected by ordinance. These officers shall be appointed and may be removed by a majority of the council. The compensation for the services of each appointive officer shall be whatever amount the council fixes.

CHAPTER IV COUNCIL

Section 10. **Meetings.** The council shall hold a regular meeting at least once each month at a time and place in the city designated by the council, and shall adopt rules for the government of its members and proceedings. Upon the mayor's own motion, or at the request of three city councilors, the mayor may call a special meeting of the council upon giving notice thereof to the council members in the manner provided by law.

Section 11. **Quorum.** A majority of the members of the council shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 12. **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 results of the vote entered in the record.

Section 13. **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 14. **Mayor's Functions.** The mayor serves as the political head of the city government. The mayor shall be chairperson of the council, preside over the deliberations and shall have a vote on any question before the council. The mayor shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council. The mayor shall appoint members to the city council committees and may have appointment power to other boards, commissions and committees as specified by ordinance or resolution. The mayor shall sign all approved records of proceedings of the council. The mayor

shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. Upon the approval of the council, the mayor shall endorse all bonds of officers of the city.

Section 15. **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, on account of absence, illness, or other cause, to perform the functions of the mayor's office, the president of the council shall act as mayor.

Section 16. **Vote Required.** Except as this Charter otherwise provides, the express concurrence of a majority of the members of the council present at the council meeting shall be necessary to decide any question before the council.

CHAPTER V APPOINTIVE OFFICERS

Section 17. City Manager.

(a) **Qualifications.** The city manager shall be the administrative head of the government of the city and shall be chosen by the council without regard to political considerations and solely with reference to the city manager's executive and administrative qualifications. The city manager need not be a resident of the city or of the state at the time of appointment, but unless expressly waived by the council, the city manager shall promptly become, and during the city manager's tenure remain, a resident of the city. Before taking office the manager shall file with the mayor a bond for faithful performance of the city manager's duties as manager, payable to the city in the amount determined by the council by resolution, the premium of which the city shall pay. The bond shall be to the satisfaction of the council and the mayor shall endorse it.

(b) **Term.** The manager shall be appointed for an indefinite term and may be removed at any time by a majority of the council. Upon any vacancy occurring in the office of city manager, the council must fill the office by appointment as soon as practicable.

(c) **Powers and Duties.** The powers and duties of the manager shall be as follows:

(1) The city manager's entire time shall be devoted to the discharge of official duties. The city manager shall attend all meetings of the council, unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

(2) The city manager shall oversee the enforcement of all ordinances and resolutions, and the observation of all franchises, leases, contracts, permits, and privileges granted by the city.

(3) The city manager shall appoint and may remove all employees, except as this charter otherwise provides, and shall have general supervision and control over them and

their work, with power to transfer an employee from one department to another, and shall exercise supervision and control over the departments, to the end of obtaining the utmost efficiency in each of them. The city manager shall have no control over the council, the appointive officers, or the city's auditor who shall be appointed by the city council. The city manager must appoint a police chief, fire chief and city recorder.

(4) The city manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(5) The city manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(6) The city manager shall perform such other duties as may be required by this charter and as the council may require.

(d) **Seats at Council Meetings.** The manager and such other officers and employees as the council designates shall be entitled to take part in the discussion of all matters before the council, but shall have no vote on questions before the council.

(e) **Manager Pro Tem.** When the manager is temporarily disabled from acting as manager or when the office of the manager 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.

(f) **Interference in Administration** No council member may directly or indirectly attempt 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 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 city manager relating to city business.

(g) **Ineligible Persons.** No person related to the manager or the manager's spouse by consanguinity or affinity within the third degree, nor the spouse, shall hold any appointive office or employment with the city.

Section 18. **Municipal Judge.** The municipal judge shall be the judicial officer of the city. The municipal judge shall be licensed to practice law in the State of Oregon and shall be in good standing with the Oregon State Bar. The municipal judge shall hold within the city a court known as the Municipal Court for the City of Sutherlin, Douglas County, Oregon. Except on non-judicial days, the court shall be open for transaction of judicial business. All areas within the city and all property owned or controlled by the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and 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 an ordinance of the city. The municipal judge 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 any such person to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court

on the trial of any cause before the municipal judge , 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 the 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 19. **City Attorney.** The city attorney shall be the chief legal officer of the city. The city attorney shall be licensed to practice law in the State of Oregon and shall be in good standing with the Oregon State Bar.

CHAPTER VI ELECTIONS

Section 20. **Regular Elections.** Regular city elections shall be held at the same times as biennial general state elections, in accordance with the applicable state election laws.

Section 21. **Special Elections.** The council shall designate the dates and provide the means for holding any special election.

Section 22. **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 23. **Term of Elective Office.** The term of a council member in office when this Charter is adopted is the remainder of the term for which the council member was elected or appointed to serve. The term of office of a council member elected to an office after the adoption of this Charter shall commence the first regular city council meeting of the year immediately following the election and continue until the successor qualifies and assumes office.

Section 24. **Oath of Office.** Before entering upon the duties of office, each council member shall take an oath to support the constitutions and laws of the United States and of Oregon and to faithfully perform the duties of office.

Section 25. **Qualifications for Elective Office.**

(a) At the time of the election, the candidate must be a qualified elector under state law and must have resided in the city for at least one year immediately preceding the election.

(b) No person may be a candidate at a single election for more than one city office.

(c) Council members shall continue to maintain residence within the city during the term of office.

(d) No council member may be employed by the city at the time the term commences or during the pendency of the term.

(e) The council is the final judge of the election and qualifications of its members.

Section 26. **Nominations.** The manner for a person to be nominated to run for mayor or a city councilor position shall be governed by ordinance.

CHAPTER VII VACANCIES IN ELECTIVE OFFICE

Section 27. **What Creates a Vacancy.** An elective office shall be deemed vacant upon the incumbent's:

- (a) Death;
- (b) Adjudicated incompetence;
- (c) Recall from the office;
- (d) Conviction of a felony;
- (e) Resignation;
- (f) Forfeiture;
- (g) Absence from the city for thirty days without the consent of the council;
- (h) Ceasing to possess the qualifications necessary for the office;
- (i) Failure to qualify for office within three days prior to the time for the elective officer's term of office to commence;
- (j) Absence from meetings of the council for sixty days without the consent of the council.

Section 28. Filling of Vacancies.

(a) Vacancies in elective offices of the city shall be filled by appointment by a majority of the remaining council members as set forth below.

(1) Upon the declared vacancy of any council position that occurs within six months of a council or mayoral election, the City Council shall offer the appointment to the council or mayoral candidate from the most recent election who received the highest number votes without being elected.

(2) Should that individual no longer desire to serve, or has since been declared ineligible to serve; then the candidate with the next highest number of votes shall be

offered the appointment, and such process shall continue until the candidate pool has been exhausted.

(3) When the previous candidate pool has been exhausted because of a decision by the candidate(s) to no longer serve or by way of ineligibility; if no other candidates exist, or if the vacancy occurs more than six months after a council or mayoral election, the Council shall make the appointment using a process that the Council determines to be most beneficial to the City.

(b) The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the appointee's predecessor.

(c) During the temporary disability of any officer or during the officer's absence temporarily from the city for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII ORDINANCES

Section 29. **Enacting Clause.** The enacting clause of all ordinances hereafter enacted by the council shall be, "The City of Sutherlin ordains as follows:"

Section 30. **Mode of Enactment.**

(a) Except as Subsections (b) and (c) provide to the contrary, an ordinance shall, before enactment, be approved by a majority of councilors present at two meetings on two different days, be read fully and distinctly in open council at the first such city council meeting and be read by title at the second such meeting.

(b) An ordinance may be enacted at a single council meeting if all councilors present vote unanimously to enact at a single meeting and, if not later than one week before the first reading of the ordinance, a copy of the ordinance is made available to each councilor, a copy is provided for public inspection in the office of the custodian of city records, and notice of the availability of copies is given by written posting at the city hall and two other public places in the city or by publication of that notice in a newspaper of general circulation in the city.

(c) The council may enact an ordinance without reading it in full if, not later than one week before the first reading of the ordinance, a copy of the ordinance is made available to each councilor, a copy is provided for public inspection in the office of the custodian of city records, and notice of the availability of copies is given by written posting at the city hall and two other public places in the city or by publication of that notice in a newspaper of general circulation in the city.

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

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

(f) On the enactment of an ordinance, the custodian of city records shall endorse it with the date of enactment and the attester's name and title.

Section 31. **When Ordinances take Effect.** Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or on another date less than 30 days after adoption if it contains an emergency clause.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 32. **Acquisition and Disposition of Property.** The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement.

Section 33. **Improvements.** Street, sewer, sidewalk, and such other public improvements as the council deems necessary may be undertaken on the motion of the council or on petition of the owners of a majority of the property to benefit specially from the improvements. A remonstrance of the owners of a majority of the frontage of the property to be specially affected by such an improvement shall defeat such a motion or petition, in which event no further action to effect the improvement shall take place for six months.

Section 34. **Special Assessments.** The procedures for determining the amounts of special assessments, their apportionment to various parcels of property, and the property upon which they are to be levied; for giving notices to property owners and other interested parties; for hearings on and levy of the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments shall be governed by the applicable laws of the state relating to special assessments or by general ordinances enacted by the council.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 35. **Debt Limit.** The city's indebtedness shall not exceed the limit provided by state statute.

Section 35.5. Public Disclosure of Financial Records.

(a) City Financial Records must be made available to the public on the City's web site or similar technology.

(b) For the purposes of this section, City Financial Records means monthly fiscal reports; monthly expenditure summaries (by department/fund); monthly expenditure detail (by

department/fund); year-to-date expenditure summaries (by vendor); and credit card summary reports.

(c) The City Council may enact ordinances to implement this Charter section. Such ordinances may allow for public disclosure on a technology other than the City's web site if the Council finds that the other technology provides equivalent or better public access to the documents. Such ordinances may also amend the definition of City Financial Records if the records provided provide an equivalent or greater amount of information.

Section 36. **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 36.5. **Utility Rate Initiative.** The rates for City utilities based on water usage may only be increased in any calendar year by a percentage no greater than the annual increase in the Consumer Price Index – All Urban Consumers (CPI-U) as published by the Bureau of Labor Statistics for the West Urban area applied to the same rate twelve months prior to the effective date of the new rates without the approval of a majority of those voting on the increase in a municipal election. This limitation shall apply to all rate elements with the exception of any state and federal taxes.

Section 37. **Initiative and Referendum.** A proposed amendment to this charter or a proposed ordinance, whether proposed by the council and referred to the electors or proposed by the electors in the exercise of the initiative power, shall embrace but one subject and matters properly connected therewith.

Section 38. **Severability.** If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be effected.

Section 39. **Repeal of Previously Enacted Provisions.** All charter provisions of the city enacted prior to the time this charter takes effect are hereby repealed.

Section 40. **Effective Date of this Charter.** This charter shall be in effect from and after **July 1, 2006**; and Charter Amendment as described in Chapter X, Section 36.5 approved by Sutherlin voters **November 4, 2008**; and Charter Amendments approved by Sutherlin voters **November 8, 2016**, as described in Chapter VII, Section 28 and Chapter X, Section 35.5.