



PUBLIC NOTICE

A meeting of the Woodburn Charter Review Committee will be held on Thursday, May 8, 2025 at 3:00 p.m. in person in the Woodburn Council Chambers, 270 Montgomery Street.

Anyone wishing to participate online through the web conferencing platform should contact Heather Pierson at heather.pierson@ci.woodburn.or.us or by phone at (503) 980-6318 to register by 12:00 p.m. on the day of the meeting.

The Agenda for this meeting can be found on the City's Website: <https://www.woodburn-or.gov/meetings>

This facility is ADA accessible. If you need special accommodation, please contact the City Recorder at 503-980-6318 or Statewide Toll Free Relay (800) 735-1232, at least 48 hours prior to this meeting.

Si usted necesita asistencia especial, comuníquese al 503-981-5386 o a la línea telefónica gratuita, (800) 735-1232, con un mínimo de 48 horas, antes de la reunión.

****Habrán intérpretes disponibles para aquellas personas que no hablan Inglés, previo acuerdo. Comuníquese al 503-981-5386.****

May 8, 2025

TO: Woodburn Charter Review Committee

FROM: Scott Derickson, City Administrator
McKenzie Granum, City Attorney

SUBJECT: **Review of Charter Amendment Proposal #1**

BACKGROUND:

On March 24, 2025, the Council voted to adopt Resolution No. 2248 to formally establish the City of Woodburn Charter Review Committee, set expectations for the Committee, and appoint members to the Committee.

On April 12, 2025, the Charter Review Committee ("Committee") held its first meeting to review the current charter and begin discussions regarding proposed amendments to the current Woodburn City Charter.

DISCUSSION:

Contrasting the City's current Charter (adopted 1982) with the League of Oregon City Model Charter (7th Ed., 2018) and the National Civic League Model Charter (9th Ed., 2021), the Committee completed its initial review of the Charter at its first meeting and provided direction to the City Attorney on proposed changes and amendments for consideration.

At the Committee's direction, the City Attorney incorporated suggested modifications and amendments into an annotated redline version of the Charter for presentation and further discussion at this Committee's May 8th meeting. Staff would specifically note the following changes and also highlight areas of the Charter that likely require further consideration:

- Qualifications of Officers (Section 12): Included proposed language for restrictions related to the employment of family members of elected officials.
- Meetings (Section 13): Added proposed language related to emergency and inability of the Council to meet monthly.

- President of the Council (Section 18): Modified language to make the election of the Council President the first meeting in January following the biennial election rather than December.
- Mayor (Section 20): Modified certain authority under the Mayor's duties. The Committee should also consider and discuss whether the duties of the Mayor should be listed under the current Officer's Chapter (V) of the Charter or be moved to under the Council Chapter (IV); this impacts the Mayor's ability to participate on the Budget Committee.
- City Administrator/Manager (Section 21):
 - Changed the City Administrator Office position to a City Manager specification and updated references throughout the Charter.
 - Updated some specific roles/duties under subsection (C).
 - Updated the appointment language related to the Term of the manager under subsection (B), which more closely tracks with the LOC Model and provides greater clarity on appointments.
 - Modified certain authority for the "Manager Pro Tem."
 - Included notes and consideration under the subsection for ineligible persons that relates to the definition of family members that would be prohibited from being employed by the City due to their relationship to the City Manager.
- Municipal Judge (Section 22): Reformatted this Section.
- Vacancies in Office (Section 30): Updated format to LOC Model Charter and included notes and considerations related to conduct that may result in councilor removal.
- Multiple Sections
 - Updated or modernized to the LOC Model Charter Text: Section 3 (Boundaries); 8 (Councilors); 13 (Meetings); 15 (Record of Proceeding); 25 (Regular Elections); 31 (Filling Vacancies); 32 (Enacting Clause); 38 (Debt Limit); and 40 (Repeal).
 - Removed gender specific or binary pronouns throughout Charter: Section 12 (x3 references); 13 (x1); 17 (x1); 20 (x4); 21 (x9); 22 (x4); 24 (x2); 31 (x2); 33 (x1).

Following discussion and deliberation by the Committee on the proposed amendments, staff would ask that the Committee either (i) make a motion to recommend a package of Charter amendment(s) to the City Council for consideration; or (ii) direct staff to conduct additional work on the charter amending language and return to the Committee with a different or modified proposal.

ATTACHMENTS:

- Annotated Redline Amended Charter (Draft #1)

WOODBURN CHARTER

CHAPTER I NAMES AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the City of ~~Woodburn Charter of 1982~~ 2026.

Commented [MG1]: This would track with an implementation date of January 1, 2026, following the ballot measure election.

Section 2. NAME OF CITY. The municipality of the City of Woodburn, Marion County, Oregon, shall continue to be a municipal corporation with the name "City of Woodburn."

Section 3. BOUNDARIES. The city shall include 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 boundaries~~encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council or any other agency with legal power to modify them. The recorder shall keep in his or her office at the city hall at least two copies of this charter, in each of which he or she 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.~~

Commented [MG2]: Replacing with LOC Model Charter Language (Section 1.3)

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 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 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 six councilors. The city shall be apportioned into six wards for nomination and election of councilors. The Council of Woodburn shall alter the ward boundaries to maintain an equal population distribution not less than once every ten years.

Section 8. COUNCILORS. ~~The councilors in office at the time this charter is adopted shall continue in office, each until the end of his or her term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, three councilors shall be elected, each for a term of four years. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each biennial general election after the adoption, three councilors will be elected for four-year terms.~~

Commented [MG3]: Replacing with LOC Model Charter Language (Section 7.1)

Commented [MG4]: Specifying that election of 3 Councilors would occur every two years.

Section 9. MAYOR. At each biennial general election, a mayor shall be elected from the city at large for a term of two years.

Section 10. ADMINISTRATOR~~MANAGER~~, JUDGE, CITY ATTORNEY, AND OTHER OFFICERS. Additional officers of the city shall be a ~~city administrator~~city manager, a municipal judge, and a city attorney, each of whom the council shall appoint, and such other officers as the council deems necessary. The council may combine any two or more appointive offices, except the offices of ~~city administrator~~city manager and judge, or the offices of city attorney and judge. The municipal judge shall not be subject in judicial functions to supervision by any other officer.

Commented [MG5]: Updating references to City Manager to match the proposed changes to Section 21.

Section 11. SALARIES. The compensation for the services and legitimate expenses of the mayor and councilors and each city officer and employee shall be the amount fixed by the council.

Section 12. QUALIFICATION OF OFFICERS. No person shall be eligible for an elective office of the city unless at the time of ~~his or her~~ election, ~~he or she~~ the person is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. Persons shall not be eligible for election as councilor unless at the time of ~~his or her~~ election, ~~the person~~ is a resident of the ward from which ~~he or she~~ they are elected. The council shall be the final judge of the qualifications and the election of the mayor and its own members. No person who is an employee of the City of Woodburn, nor is a spouse or immediate family member of a city staff member, shall hold elective office of the city ~~while an employee of the city~~. No former mayor or councilor may be employed by the city in any capacity for at least one (1) year after leaving office.

Commented [MG6]: Member of the "immediate family" of any person usually means the person's spouse, domestic partner, child, parent, or sibling residing in the same household.

This definition could be included in the Charter or more simply in the Council Bylaws.

Commented [MG7]: Option to add further qualification/eligibility criteria to restrict from office those persons that have spouses or family members employed by the City.

Through my research, it appeared only one other Oregon city had a similar restriction (Lebanon, OR).

CHAPTER IV COUNCIL

Section 13. MEETINGS. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates, ~~unless an emergency or other extenuating circumstance prevents the council from meeting~~. It shall adopt rules for the government of its members and proceedings. The mayor upon ~~his~~their own motion may, or at the request of three 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 in accordance with the rules and law of the State of Oregon for a time not earlier than three nor later than forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.~~

Commented [MG8]: Suggested change from the Committee.

Research on this type of qualification did not yield any similar charter clauses in Oregon.

Commented [MG9]: City would notice and convene special meetings under the procedures established under State Law. This follows the text in the LOC Model Charter (See Section 3.6).

ORS 192.640(3) requires at least 24 hours' notice for any special meeting.

Emergency meetings can be called with less than 24 hours' notice; however, the city is required to identify why the meeting could not be delayed with the reasons articulated in the minutes of the meeting.

Section 14. QUORUM. A majority of the incumbent 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 request of any of its members, ayes and nays upon any question before it shall be taken and entered into the record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.~~

Commented [MG10]: Replacing with LOC Model Charter Language (See Section 3.9).

Section 16. PROCEEDINGS TO THE 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. The mayor shall vote only in case of a tie. The mayor shall have the authority to preserve order, enforce rules of the council, and determine the order of business under the rules of the council.

Commented [MG11]: Modifying per Committee direction.

Section 18. PRESIDENT OF THE COUNCIL. At its first ~~regular~~ meeting ~~of the year after this charter takes effect and thereafter at its first regular meeting in the month~~ following a biennial general election, 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 office, the president shall act as mayor. In any event, the president of the council shall retain the right to vote as a councilor.

Commented [MG12]: Modifying per Committee direction.

Impact of this change means the Council President election will move from the December Council meeting following the election to the first meeting in January.

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 be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of writs and other legal actions, however, this shall not be construed as conferring upon the office of mayor any powers or functions in conflict with other provisions of this charter. The mayor serves as the political head of the city government but shall have no administrative duties.~~ The mayor shall appoint the committees of the council as provided by the rules of the council. The mayor shall ~~appoint or remove~~ the members of the boards, committees, and commissions as provided by ordinance. The mayor shall sign all records of proceedings approved by the council. After the council approves a bond of a city officer or a bond for license, contract, or proposal, the mayor shall endorse the bond. ~~In time of public danger or emergency, if so authorized by council, the mayor shall take command of the police and other departments of the city to maintain law and enforce order.~~ The mayor shall, from time to time, communicate to the council such information and recommend such measures as, in ~~his or her~~ their opinion, may tend to the improvement of the finances, the protection, the health, the security, the ornament, the comfort, the administrative management and the general welfare and prosperity of the city. The mayor shall establish a cooperative arrangement to interact between the council and the ~~administrator~~ manager, to assist in the interpretation of the council's objectives so that the implementation of the council's actions will derive the greatest benefit to the city. This does not preclude the ~~administrator~~ manager discussing problems with council members. All ordinances and resolutions shall, before they take effect, be presented to the mayor. If the mayor approves thereof, ~~he or she~~ the mayor shall sign the same, and such as ~~he or she~~ the mayor shall not sign shall be returned to the council with written objections thereto, by depositing the same with the city recorder to be presented to the council at their next regular meeting thereafter. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered and the questions shall again be put upon the passage of same notwithstanding the objections of the mayor; and if, upon such vote, the council shall pass the same by a majority vote of the incumbent members of the council, it shall have the same effect as if approved by the mayor. If any ordinance or resolution shall not be returned to the city recorder by the mayor within five working days after it shall have been presented ~~to him or her~~, the same shall have the same force and effect as if approved by the mayor. It shall be the duty of the city recorder to endorse upon each ordinance or resolution upon the records of the proceedings of the council the time when such ordinance or resolution was delivered to the mayor, and the time when the same shall be returned to the recorder's office by the mayor.

Section 21. CITY ADMINISTRATORMANAGER.

(A) Qualifications. The ~~city administrator~~ city manager shall be the

Commented [MG13]: In changing to the Council-City Manager referenced form of government, the Committee may want to consider moving this Section into the Chapter IV above (The Council). It could be consolidated into or become part of Section 17. If the Mayor is considered a part of the Council and not considered a separate officer, then they could be included and participate in the Budget Committee.

Commented [MG14]: Replacing with LOC Model Charter Language (See Section 3.3(c)).

Commented [MG15]: Adding per Committee direction.

Commented [MG16]: Removing per Committee direction.

Commented [MG17]: Updating references to City Manager to match the proposed changes to Section 21.

Commented [MG18]: Updating references to City Manager to match the proposed changes to Section 21.

Commented [MG19]: Updating references to City Manager per Committee Direction.

administrative head of the government of the city. The ~~administrator manager~~ shall be chosen by the mayor and the council, collectively, and as a group, without regard to political considerations and solely with reference to ~~his or her the manager's~~ executive and administrative qualifications. The ~~administrator manager~~ need not be a resident of the city or of the state at the time of appointment but promptly thereafter shall become and during ~~his or her their~~ tenure remain a resident of the city. Before taking office, ~~he or she the manager~~ shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(B) Term. The ~~administrator manager~~ shall be appointed for ~~an definite or~~ indefinite term and may be removed at ~~the pleasure of the mayor and any time by a majority of the~~ council, ~~collectively and as a group~~. Upon any vacancy occurring in the office of ~~administrator manager after the first appointment pursuant to this charter~~, the council shall fill the office by appointment as soon as practicable, ~~at its next meeting, shall adopt a resolution of its intention to appoint another administrator.~~

(C) Powers and Duties: The ~~powers and duties of the administrator city manager~~ shall be as follows:

(1) ~~He or she shall d~~Devote ~~his or her their~~ entire time to the discharge of official duties, attend all meetings of the council unless excused therefrom by the council or 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) ~~He or she shall s~~See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) ~~Appoint, supervise, and remove city employees. He or she shall appoint and may remove a City Recorder, Police Chief, Fire Chief, Director of Finance, Director of Public Works, Library Director and Director of Recreation and Parks. Such appointment or removal shall be with the consent of the council. The administrator shall appoint and may remove all other city officers and 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. He or she shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He or she~~The manager shall have no control, however, over the mayor, the council, or the judicial activities of the municipal judge.

~~(3)(4)~~ Organize city departments and administrative structure.

Commented [MG20]: These proposed changes were not directly discussed in the previous review meeting, but follow to incorporate the LOC Model Charter language here (see Section 8.1(d)).

Commented [MG21]: Modified to more active voice per Committee recommendation

Commented [MG22]: Modified pursuant to LOC Model Charter (See Section 8.1(e)(4)-(5) and (f)).

~~(4)(5) He or she shall a~~ Act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by him or her or a designee.

~~(5)(6) He or she shall b~~ Be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

~~(6)(7) He or she shall s~~ Supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

~~(7)(8) He or she may d~~ Delegate certain management powers to any department head; however, the final responsibility for all management actions shall rest with the administratormanager.

(D) Seats at Council Meetings. The administratormanager and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The administratormanager may take part in all council discussions.

(E) Administrator Manager Pro Tem. Whenever the administratormanager is absent from the city, is temporarily disabled from acting as administratormanager, or whenever ~~his or her~~the manager office becomes vacant, the council shall appoint an administratormanager pro tem, who shall possess the powers and duties of the administratormanager. ~~No administrator pro tem, however, may appoint or remove a city officer or employee except with the approval of the majority of the incumbent members of the council.~~ No administratormanager pro tem shall hold ~~his the~~ position as such for more than four months, and no appointment of an administratormanager pro tem shall be renewed more than one time.

Commented [MG23]: Removed per Committee direction.

(F) Interference in Administration and Elections. No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the administratormanager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for administratormanager; or discuss directly or indirectly with ~~him~~the manager the matter of specific appointments to any city office or employment. A violation of the foregoing provisions of this section shall be grounds for forfeiture of the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council, while in session, from fully and freely discussing with or suggesting to the administratormanager anything pertaining to city affairs or interest of the city. No employee of the city shall take part in securing, or

contributing any money toward, the nomination or election of any candidate for a municipal office.

(G) Ineligible Persons. Neither the ~~administrator~~manager's spouse nor any person related to the ~~administrator-manager~~ or ~~his or her~~their spouse by consanguinity with affinity within the third degree may hold any appointive office or employment within the city.

Section 22. MUNICIPAL JUDGE.

(A) ~~The~~ municipal judge shall be the judicial officer of the city. ~~He or she~~They must be a member of the Oregon State Bar. ~~He or she must be and~~ a resident of the State of Oregon, but need not be a resident of the city.

(B) ~~He or she~~The municipal judge shall hold within the city a court known as the municipal court for the city of Woodburn, Marion County, Oregon. 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.

(C) ~~He or she~~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 ~~him or her~~them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the court, 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.

(D) When not governed by ordinances or this charter, all proceedings in the municipal court for 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 23. 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 or inability to perform duties of office, the ~~administrator~~manager shall appoint a recorder pro tem, who while acting in that capacity, shall have all the authority and duties of the recorder.

Section 24. CITY ATTORNEY. The City attorney shall perform all professional services incidental to the office, and shall appear and conduct all suits,

Commented [MG24]: This should likely be discussed by the Committee as this matter is one more generally controlled under State Ethics rules and should probably be removed from the Charter.

Commented [MG25]: This does have a specific legal definition which includes:

Consanguinity translates to kinship or relationship by blood. It can be either lineal, where there is a direct line between parties, such as between a parent and their children, or it can be collateral where persons have the same ancestors, but do not descend (or ascend) from the other, such as cousins, aunts and uncles. Consanguinity is expressed in terms of "degrees" or how close the relationship is between a person and his or her relatives.

The degree of relationship is calculated according to the civil law system; the following relatives are within the third degree of relationship: parent, child, grandparent, grandchild, great grandparent, great grandchild, sister, brother, aunt, uncle, niece, and nephew; the listed relatives include whole and half blood relatives and most step relatives.

Including "with affinity" means also those relationships established by marriage. A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree of relationship is the same as the degree of underlying relationship by blood.

Modification Option: "Neither the manager's spouse nor any immediate family member of the manager or his or her spouse may hold any appointive office or employment with the city."

Member of the "immediate family" of any person usually means the person's spouse, domestic partner, child, parent, or sibling residing in the same household.

Commented [MG26]: Committee request to create subsections under this section.

Formatted: List Paragraph, Indent: Left: 0.25", First line: 0.5", Right: 0.24", Space Before: 12 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1.09"

prosecutions, and proceedings, civil or criminal, in which the City of Woodburn is directly or indirectly interested; and shall, when required, furnish opinions upon any subject pertaining to the affairs of the said city submitted by the council or its committees; ~~he or she~~ This City attorney shall also advise with and counsel all city officers in respect to their official duties and attend the regular meetings of the council and of such committees and boards as shall request ~~his or~~ assistance.

CHAPTER VI ELECTIONS

Section 25. REGULAR ELECTIONS. ~~City elections shall be held in accordance with applicable state election laws. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each city election by posting notice thereof at a conspicuous place in the city hall and in two other public places within 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. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.~~

Commented [MG27]: Replaced with LOC Model Charter Section (see 7.3).

Section 26. TIE VOTES. In the event of a tie vote for candidates for elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 27. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular city election shall commence with the first regular council meeting in the month following the election.

Section 28. OATH OR AFFIRMATION. All elective officers, the municipal judge, the ~~city administrator~~ city manager, and the city attorney, before entering upon the duties of their offices, shall subscribe and file with the head of the department in charge of city records, an oath or affirmation of office. The oath shall read: "I _____, do solemnly swear that I will support the constitution of the United States and of the State of Oregon, uphold the charter and ordinances of the City, and that I will, to the best of my ability, faithfully perform the duties of _____ during my continuance therein, so help me God." If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."

Commented [MG28]: Updated per Section 21.

Section 29. NOMINATION. Nomination of a candidate for an elective office shall be in a manner prescribed by ordinance.

CHAPTER VII VACANCIES IN OFFICE

Section 30. WHAT CREATES A VACANCY. ~~An office shall be deemed vacant~~

~~upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his or her office, or unlawful destruction of public records; resignation; recall from office; in the case of elected officers or the city administrator, discontinuance of residency within the city limits or the ward in which he or she was elected; 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 or her term of office to commence; or in the case of a mayor or councilor, upon his or her absence from the city for 30 calendar days without the consent of the council or upon his or her absence from meetings of the council for 60 calendar days without consent, and upon a declaration by the council of the vacancy. The mayor or council office becomes vacant:~~

(A) Upon the incumbent's:

- (1) Death;
- (2) Resignation;
- (3) Adjudicated incompetence; or
- (4) 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 or from all council meetings within a 60-day period without council consent;
- (3) Ceasing to reside within the boundaries of the city or the ward in which they were elected;
- (4) Ceasing to be a qualified elector under state law;
- (5) Conviction of a felony crime; or
- (6) Removal under Section 21(F).

Section 31. 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 approve the appointment. ~~As little as a single council member may constitute a majority for purposes of filling vacant council seat(s), if all other council seats are vacant.~~ The appointee's term of office shall begin immediately upon ~~his or her~~ appointment and shall continue throughout the unexpired term of ~~his or her~~ predecessor.

CHAPTER VIII ORDINANCES

Section 32. ENACTING CLAUSE. ~~The enacting clause of all ordinances hereafter enacted shall be, "The City of Woodburn ordains as follows:". The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Woodburn ordains as follows."~~

Commented [MG29]: Following LOC Model Charter Section and Formatting (see 7.8).

Commented [MG30]: This follows our current charter language

Commented [MG31]: Only including exclusion for felony convictions, not misdemeanors or "other offenses pertaining to his/her office"

Commented [MG32]: Other language I have seen includes:

"...may be removed from office after a hearing, for willful violation of duty, or for the commission of an offense involving moral turpitude, upon written notice from a majority of the City Council at least five days before the hearing."

"a council member shall be subject to removal by the council for: ...misconduct, malfeasance, incompetence, inability or willful neglect in performance of official duties."

I did not find specific examples that included removal for "willful violations of city policy."

Commented [MG33]: This is removal for unlawful interference with the City Manager.

Commented [MG34]: Copied over from LOC Model Charter (See Section 7.9)

Commented [MG35]: Copied from LOC Model Charter (Section 4.1)

Section 33. 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 fully and distinctly read 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 first read 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 a 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 or her~~ the recorder's name and title of office.

Section 34. 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 emergency, it may take effect immediately.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 35. 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 36. 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 a majority of the land to be specially assessed therefor. 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 37. 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 ordinance.

Section 38. DEBT LIMIT. ~~Except by the consent of the voters, the city's voluntary floating indebtedness shall not exceed \$5,000.00 at any one time except as permitted by State Law. 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. The council shall have the authority to issue bonds in an amount that has been approved by a majority of the voters at an election held for that purpose. 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. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.~~

Commented [MG36]: Copied from LOC Model Charter (See Section 11.1)

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 39. EXISTING ORDINANCE 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 40. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed. ~~except the provision of Chapter IV, Section 25 of the previous charter as added by amendment adopted at an election held on May 17, 1946, and an amendment adopted at an election held on May 18, 1962, as follows:~~

Commented [MG37]: Removed prior taxing authority since the general grant of power included under Section 4 would otherwise govern.

~~"Section 25. POWER TO LEVY TAX. The common council shall have power to assess, levy, and collect taxes for general municipal purposes upon all~~

~~property both real and personal which is taxable by law for state and county purposes; provided, in addition thereto, the council may annually assess, levy, and collect a tax not to exceed three mills on the dollar of such taxable property to provide for and maintain a public library, provided further, in addition to the taxes above provided for, the council may at any time the city shall have outstanding bonds, assess, levy, and collect annually, a tax not to exceed one tenth of such outstanding bonds, and annual interest thereon, for the purpose of redeeming such bonds and the payment of the interest thereon."~~

~~And the provision of Chapter X, Section 11, of the previous charter as added by amendment adopted at an election held on March 26, 1948, as follows:~~

~~Section 11. In addition to all other taxes authorized by the charter of the City of Woodburn and provided for in the budget of said city, the common council shall levy a tax of 5 mills upon each dollar of taxable property within the corporate limits of the City of Woodburn in the fiscal year 1948-49 for the purpose of providing necessary or expedient maintenance for and supervision of the parks, playgrounds, and other public recreational facilities of said city, and authorizing the common council to include in its budget for fiscal years succeeding the fiscal year 1948-49 a special levy not exceeding 5 mills for such purpose. The funds derived from such tax shall be turned over by the common council to a board known as the Woodburn Recreation and Park Board, which board shall be appointed by the mayor under the provisions of an ordinance covering such appointment, which shall have been or shall be passed by the council."~~