

City Charter
City of Talent
Jackson County
Oregon

Preamble

We, the people of the City of Talent, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions 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 1998 Talent Charter

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

Section 3. Boundaries. The city includes all territory within its boundaries 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 II
Powers

Section 4. 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 5. 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 United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

Section 6. Distribution of Powers. 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.

Chapter III **Form of Government**

Section 7. Council. As of January 1, 2005, the council consists of six City councilors nominated and elected from the city at large or, in case of one or more vacancies in the Council, the council members whose offices are not vacant.

Section 8. 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 at large by position number running from one to six, each for a four-year term. Candidates for Council, starting with their nomination petition, designate the number of the Council seat to which they seek election; further, one candidate may only run for one position at an election.

Section 9. Mayor. The term of office of the mayor in office when this charter is adopted continues until the beginning of the next odd-numbered year after that time. At each subsequent general election a mayor shall be elected for a four-year term.

Section 10. Terms of Office. The term of office of an elective officer who is elected at a general election begins at the first Council meeting of the year immediately after the election and continues until a successor assumes the office.

Section 11. Appointive Offices. A majority of the Council may:

- (1) Create, abolish, and combine appointive City offices except the City Manager and,
- (2) Fill such offices by appointment and vacate them by removal.

Chapter IV **Council**

Section 12. Rules. The Council shall, by resolution, prescribe rules to govern its meetings and proceedings.

Section 13. Meetings. The Council shall meet in the city regularly at least once a month at a time and place designated by Council rules, and may meet at other times in accordance with its rules. The Mayor upon his/her own motion may, or at the request of three councilors shall, by giving notice thereto to all members of the Council then in the city, call a special meeting of the Council.

Section 14. Quorum. A majority of the Council constitutes a quorum for its business.

Section 15. Record of Proceedings. A record of Council proceedings shall be kept and authenticated in a manner prescribed by the Council.

Section 16. 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) Ensure Council rules are observed
- (d) Determine the order of business under the rules

(2) The Mayor or Chair may not vote on any matter of City business unless there is a tie vote. In this situation, the Mayor or Chair, must vote to resolve the tie, and may not abstain.

Section 17. Council President.

(1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall elect a president from its councilors.

(2) The President shall function as mayor when the Mayor is:

- a. Absent from a Council meeting, or
- b. Unable to function as mayor.
- c. When acting as Mayor the Council President shall not be entitled to vote on any matter of City business unless there is a tie. In this situation, the President must vote to resolve the tie, and may not abstain.

Section 18. Vote Required. As of January 1, 2005, 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 19. Vacancies. 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
- (2) Upon declaration by the Council of the vacancy in case of the incumbent's:
 - a. Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
 - b. unexplained absence from all meetings of the Council within a 30-day period,
 - c. Ceasing to reside in the city,
 - d. Ceasing to be a qualified elector under state law,
 - e. Conviction of a public offense punishable by loss of liberty,
 - f. Resignation from the office

Section 20. Filling Vacancies: A vacancy in the council shall be filled by appointment by a majority of the Council. The appointee's term of office runs from the time of qualifying for the office until either

- (1) the expiration of the term of the predecessor who left the office vacant or
- (2) the next election at which councilors are elected. If an election comes first, the position shall be subject to election for the original term of the vacated position.

During a council member's inability 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 pro tem.

The Council shall have the power, by a two-thirds affirmative vote of the entire Council, to expel any member of the Council for disorderly conduct in Council, inattention to duties or other actions that undermine the Council but only after a process determined by the Council and documented within the Council's resolution of rules.

Chapter V **Powers and Duties of Officers**

Section 21. Mayor and Council. The Mayor and Council shall appoint:

- (1) Members of committees and commissions established by Council, and
- (2) Other persons required by the Council to act in an advisory capacity to the Council or its appointed committees and commissions.

Section 22. City Manager.

- (1) The City Manager is the administrative head of the City government.

- (2) A majority of the Council shall appoint and may remove the Manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The Manager need not reside in the city.
- (4) Upon accepting the appointment, the Manager shall furnish the City a bond in an amount and a surety approved by the Council. The City shall pay the bond premium.
- (5) The Manager shall be appointed for a definite or indefinite term and may be removed by the Council at its pleasure.
- (6) The Manager shall:
 - a. Attend all Council meetings unless excused by the Council or Mayor;
 - b. Keep the Council advised of the affairs and needs of the City;
 - c. See the provisions of all ordinances are administered to the satisfaction of the Council.
 - d. See that all terms of franchises, leases, contracts, permits and privileges granted by the City are fulfilled;
 - e. Appoint, discipline and remove appointive personnel, except appointees of the Mayor or Council;
 - f. Supervise and control the Manager's appointees in their service to the City;
 - g. Organize and reorganize the departmental structure of City government;
 - h. Prepare and transmit to the Council an annual City budget;
 - i. Supervise City contracts;
 - j. Supervise operation of all City owned public utilities and property; and
 - k. Perform other duties as the Council prescribed consistently with this charter.
- (7) The Manager may not control:
 - a. The Council;
 - b. The Municipal Judge in the judge's judicial functions; or,
 - c. Except as the Council authorizes, appointive personnel of the City whom the Manager does not appoint.
- (8) The Manager and other personnel whom the Council designates may sit with the Council but may not vote on questions before it. The Manager may take part in all Council discussions.
- (9) When the Manager is absent from the City or disabled from acting as Manager, or when the office of Manager becomes vacant, the Council shall appoint a Manager Pro Tem, who has the powers and duties of Manager, except that the Manager Pro Tem may appoint or remove personnel only with approval of the Council.

- (10) Except in Council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the Manager or a candidate for the office of Manager in the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In Council meeting, members of the Council may discuss with, or suggest to, the Manager anything pertinent to City affairs.

Section 23. Municipal Court and Judge.

- (1) If the Council creates the office of Municipal Judge and fills it by appointment, the appointee shall hold, within the City at a place and time that the Council specifies, a court known as the Municipal Court for the City of Talent, Jackson County, Oregon.
- (2) Except as this charter or City ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.
- (3) All area within the City and, to the extent provided by state law, area outside the City is within the territorial jurisdiction of the court.
- (4) The Municipal Court has original jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.
- (5) The Municipal Judge may:
 - a. Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
 - b. Order the arrest of anyone accused of an offense against the City;
 - c. Commit to jail or admit to bail anyone accused of such an offense;
 - d. Issue and compel obedience to subpoenas;
 - e. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
 - f. Penalize contempt of court;
 - g. Issue process necessary to effectuate judgments and orders of the court;
 - h. Issue search warrants; and
 - i. Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (6) The Council may authorize the Municipal Judge to appoint municipal judges pro tem for terms of office set by the Judge or the Council.
- (7) Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate state court.

Chapter VI Personnel

Section 24. Qualifications.

- (1) An elective City officer shall be a qualified elector under the State constitution and shall reside and be registered to vote in the city immediately before submitting petition for or being appointed to office.
- (2) No person may be a candidate at a single election for more than one elective City office.
- (3) An elective officer may be employed in a City position that is substantially volunteer in nature. Whether the position is so may be decided by the Municipal Court or in some other manner, whichever the Council prescribes.
- (4) Except as subsection (3) of this section provides to the contrary, the Council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the City are whatever the Council prescribes or authorizes.
- (6) If an elected officer intends to become a candidate for a different elected office within the City and their current term of office does not expire at the same time as the term of office to which they aspire they deliver their resignation from the currently held office
 - a. in writing to the City Manager
 - b. no later than the first day ballot petitions become available to candidates for the office they are vacating.

Section 25. Compensation. The Council shall prescribe the compensation, if any, of City officers. The Council may prescribe a plan for reimbursing City personnel for expenses that they incur in serving the City.

Section 26. Merit System. Subject to all collective bargaining agreements between the City and one or more groups of its employees, the Council shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff and dismissal of City employees, all of which shall be based on merit and fitness.

Section 27. Political Rights. By policy the Council may affirm the rights of City personnel to participate in political activities and may limit those activities to the extent necessary for orderly and effective operation of the City government.

Section 28. 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.

Chapter VII Elections

Section 29. 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.

Section 30. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the City.

Chapter VIII Ordinances

Section 31. Ordaining Clause. The ordaining clause of an ordinance shall be “The City of Talent ordains as follows:”

Section 32. Adoption by Council.

- (1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open Council meeting on two different days before being adopted by the Council.
- (2) Except as subsection (3) of this section allows reading by title only, the Council may adopt an ordinance at a single meeting by the express unanimous votes of all Council members present, provided the ordinance is read first in full and then by title.
- (3) A reading of an ordinance may be by title only if:
 - a. No Council member present at the reading requests that the ordinance be read in full
 - b. At least one week before the reading:
 - i. A copy of the ordinance is provided for each Council member,
 - ii. Three copies of the ordinance are available for public inspection in the office of the custodian of City records, and
 - iii. Notice of their availability is given by written notice posted at the City Hall and two other public places in the city.
- (4) 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.
- (5) Upon the adoption of an ordinance, the ayes and nays of the Council members shall be entered in the record of Council proceedings.

- (6) After adoption of an ordinance, the custodian of City records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 33. Effective Date. A non emergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

Chapter IX **Public Improvements**

Section 34. Procedure.

- (1) The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the Council present to be needed at once because of an emergency shall be suspended for six months upon remonstrance by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the Council.
- (2) In this section "owner" means the record holder of legal title or, as to land being purchased under a Land Sale Contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Chapter X **Miscellaneous Provisions**

Section 36. Annexation. Annexation to the City of Talent may be approved by City Council unless a majority vote of the electorate is requested by

- (a) a verified petition signed by 100 qualified voters or one (1) percent of the qualified voters, whichever is greater or
- (b) a majority of the City Council, or
- (c) when required by the law of Oregon

Section 37. 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 38. Continuation of Ordinances. Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 39. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 40. Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 41. Time of Effect. This charter takes effect July 1, 1998; Amended on November 5, 2002 with effective date January 1, 2003. Amended on November 2, 2004 with effective date January 1, 2005.