

**CHARTER OF THE
CITY OF INDEPENDENCE**

CHAPTER I

Name, Boundaries and General Provisions

Section 1. **Name.** The City of Independence, Polk County, Oregon, shall continue to be a municipal corporation under the name "City of Independence". (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 2. **Boundaries.** The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by 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 shall be maintained 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. (Section 2, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

Section 3. **Existing Ordinances Continued.** All ordinances and regulations of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed. (As amended by Ord. 1153, passed by elections held November 4, 1986)

Section 4. **Existing Rights and Liabilities Continued.** Except as this charter provides otherwise, its adoption shall impair or destroy no right, power, privilege, immunity, or liability of the city existing at the time of the adoption. (As amended by Ord. 1153, passed by election held November 4, 1986)

CHAPTER II

Powers

Section 5. **Powers of the City.** The city shall have all rights, powers privileges, and immunities which the constitution and the statutes of the United States, the constitution and statutes of the state of Oregon, and the common law grant[ed] or allow[ed] municipalities expressly or by implication, as fully

as though this charter expressly stated each of those rights, powers, privileges, and immunities. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 6. **Construction of Powers.** In this charter, no mention of a specific power is exclusive or restricts the authority that the city would have if the specific power were not mentioned. The charter shall be liberally construed, so that, within the limits imposed by the charter or the constitution or laws of the United States or the State of Oregon, the city has all powers necessary or convenient for conducting its private affairs, including all powers that cities may now or hereafter assume under the home rule provision of the constitution and laws of Oregon. The powers are continuing powers. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 7. **Exercise of Power.** The city's exercise of a right, power, privilege, or immunity, where not prescribed by constitution or law, shall be in the manner prescribed in this charter, or, when not prescribed by this charter, then in the manner prescribed by ordinance or resolution of the council. (As amended by Ord. 1153, passed by election held November 4, 1986)

CHAPTER III

Form of Government

Section 8. **Form of Government.** The government of the city shall be vested in a council and a mayor. (Section 8, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

Section 9. **Council.** The council shall be composed of six council members elected at large. The council positions shall be indicated numerically one through six. A candidate for the council must designate which position he seeks. Each council member shall serve for a term of four years and until a successor has been elected and qualified. At the regular city election in the year 1962 three council members were elected to serve until the end of the year 1966. At each subsequent regular city

election three council members shall be elected to serve a term of four years. (Section 9, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

Section 10. **Mayor.** At each regular city election a mayor shall be elected. He or she shall serve a term of two years and until his or her successor is elected and qualified. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 11. **Other Officers.** Additional officers of the city shall be the city manager, municipal judge and recorder. Each of these officers shall be appointed by the mayor with the consent of the council and may be removed by the mayor with the consent of the council. The city manager shall supervise the recorder but the municipal judge shall not be subject in judicial functions to supervision by any other officer. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 12. **Qualifications of Elected Officials.** No person shall be eligible for an elective office of the city unless at the time of election he or she is a qualified elector within the meaning of the state constitution, and has resided in the city continuously for the 12 months immediately preceding the election. The council shall be the final judge of the qualifications and election of its own members. (Section 12, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

Section 13. **Volunteer Employment of Elected Officials.** Any elected officer of the city may voluntarily fill the employment obligations of any city position. No compensation shall be received by the elected official for such volunteer employment. (As amended by Ord. 1153, passed by election held November 4, 1986)

CHAPTER IV

The Council

Section 14. **Council Meetings.** The council shall provide a time and place for its regular meetings and adopt rules and regulations for the government of its members and proceedings. Where no other rules or regulations apply, the city council proceedings shall be conducted according to the Roberts Rules of Order. The council shall meet

regularly at least once a month. The mayor, either on his or her own motion or upon the request of three or more members of the council, may call a special meeting of the council for any time by giving notice of the meeting to all members of the council then in the city. Special meetings of the council may also be held by common consent of all members of the council. Deliberations and proceedings of the council shall be public unless otherwise allowed by law. No council member or the mayor shall interfere with the administration and day to day operations of city departments and personnel, for which the city manager shall be responsible. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 15. **Quorum.** Four members of the council shall constitute a quorum to do business, but a lesser number may meet and compel the attendance of the absent members in a manner provided by ordinance. (Section 15, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

Section 16. **Journal.** The council shall keep a journal of its proceedings, and, upon the request of any of its members, the yeas and nays upon a question before it shall be taken and a record of the vote entered into the journal. (Section 16, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

Section 17. **Mayor's Duties at Council Meetings.** The mayor shall be the presiding officer of the council. He or she shall not vote except in the case of a tie vote of the members of the council present at a meeting. 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. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 18. **President of the Council.** At its first meeting after the adoption of this charter and thereafter at its first meeting of each succeeding year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside. Whenever the mayor is unable, on account of absence, illness or other cause, to perform the functions of his office, the president of the council

shall act as mayor. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 19. **Vote Required.** The concurrence of four members of the council shall be necessary to determine any question before the council, except in a case of a tie vote of all members of the council, when four votes, including the mayor's vote, shall be necessary. Members absent, abstaining, or council positions vacant may be considered negative votes for the purpose of invoking the "tie vote" clause, enabling the mayor to vote. (Section 19, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

CHAPTER V

Powers and Duties of City Officers

Section 20. **Mayor.** The mayor shall make appointments to the committees provided for under the rules of the council or otherwise, and shall fill all vacancies in such committees. All appointments shall be approved by vote of the council. The mayor shall have the authority to countersign all orders of the city. The mayor shall have no veto power, but shall sign all ordinances passed by the city council within three days after passage. The mayor shall sign all approved proceedings of the council, and shall have authority to sign all writings authorized by this charter, the laws of the State or the council. With the consent of the council, the mayor shall approve all official bonds and bonds for licenses, contract and proposals. The mayor shall not have the power to hire, remove or suspend any city employee, with the exception of the city manager, municipal judge or city recorder. Hiring, removal or suspension of the city manager, municipal judge or city recorder by the mayor shall be with the consent of the council. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 21. **Municipal Judge.** The municipal judge shall be the judicial officer of the city. He or she shall hold with the city a court known as the Municipal Court of the City of Independence, Polk County, Oregon. Except of nonjudicial days, the court shall be open for the transaction of judicial business, as prescribed by the laws of the State of Oregon. The jurisdiction of the court shall be the city. The municipal judge shall exercise original and exclusive jurisdiction over all crimes and

offenses defined and made punishable by ordinances of the city and over all actions brought to recover forfeitures or enforce penalties defined or authorized by ordinance of the city. The municipal judge shall have authority to issue process for the arrest of persons accused of an offense against the ordinances of the city, to commit such person to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify before him or her on the trial process necessary to carry into the effect the judgements of the municipal court, and to punish witnesses and others for contempt of court. When not governed by ordinance or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the general laws of the state governing justices of the peace and justice courts. (Section 21, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

Section 22. **Recorder.** The recorder shall be ex-officio clerk of the council, shall attend all meetings of the council and shall keep an accurate record of its proceedings in a book provided for that purpose. In his or her absence from a council meeting, the council shall appoint a clerk of the council pro tempore, who, while acting in that capacity, shall have all the authority of the recorder. The recorder shall countersign all writings authorized by this charter or the law of the State. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 23. **City Manager.** The city manager shall be the chief executive officer of the city and shall exercise supervision of its general affairs. The powers and duties of the city manager shall be as provided by ordinance. Hiring, suspensions and removal of all department heads and employees other than those officer specifically set forth in Section 11 pertaining to officers shall be by the city manager. (As amended by Ord. 1153, passed by election held November 4, 1986)

CHAPTER VI

Elections

Section 24. **Regular City Elections and Special Elections.** Unless otherwise provided in this charter or by ordinance, the general laws of the State apply to city elections. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 25. **Notice of Elections.** The recorder, under the direction of the council, shall give at least 10 days' notice of each city election by posting notices in three public places in each precinct in the city or by publishing a notice twice in a newspaper of general circulation in the city. The notice shall state the officers to be elected at the election, the measures to be voted on at the election, and the time and places of the election. (As amended by Ord. 1153, passed by election held November 4, 1986)

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. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 27. **Commencement of Terms of Office.** The term of each elective officer chosen at a regular city election shall commence at the time of the first regular council meeting in January immediately following the election. In case of an election or appointment to fill a vacancy in office, the person elected or appointed shall enter upon the office immediately. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 28. **Oath of Office.** Every officer, upon entering office, shall take or file with the recorder an oath or affirmation that he will support the constitution of the United States and of the state of Oregon and the charter and ordinances of the city of Independence and that he or she will perform the duties of his or her office to the best of his or her ability. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 29. **Nominations.** The council shall provide by ordinance the mode for nominating elective officers. (As amended by Ord. 1153, passed by election held November 4, 1986)

CHAPTER VII

Vacancies in Office

Section 30. **When Office is Vacant.** An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city, absence from the city for a period of 90 days without the consent of the

council, or ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefor on or before the day his or her term of office commences; and in the case of the mayor or a member of the council, in addition to the above causes, upon his or her absence from meetings of the council for a period of 90 days without the consent of the council. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 31. **Filling of Vacancies.** Vacancies in elected offices in the city shall be filled by a majority of the incumbent members of the council. In the case of a tie vote, the mayor shall have the right to vote as provided in Section 19. The appointee's term of office shall begin immediately upon his or her appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his or her absence from the city for any cause, his or office may be filled pro tem in the manner provided for filling vacancies in office permanently. (Section 32, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

CHAPTER VIII

Ordinances

Section 32. **Enacting Clause.** The enacting clause of all ordinances shall be "The City of Independence does ordain as follows". (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 33. **Introduction, Reading and Passage.** Every ordinance shall be read in open council meeting on two different days previous to being put upon its final passage. Each ordinance shall be read once in full and once by title. However, any ordinance may be introduced, read twice, once in full and once by title, and put upon its passage at a single meeting by a unanimous vote of all members of the council present at the meeting or, in the case of an emergency, by a majority vote of all members of the council present at the meeting. Upon the final vote the yeas and nays of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall so endorse it, with the date and his name and title of office, and the mayor shall, within three days thereafter, sign the ordinance with

the date, his or her name, and the title of office. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 34. **When Ordinances Take Effect.** Each ordinance passed by the council shall take effect on the thirtieth day after it has been signed by the mayor; but when the council desires, or in case of an emergency, an ordinance may provide a different time when it is to take effect. The emergency shall be clearly stated within the ordinance itself and the reason for the emergency stated in the record. (As amended by Ord. 1153, passed by election held November 4, 1986)

CHAPTER IX

Public Improvements

Section 35. **Condemnation.** The necessity for taking property by condemnation shall be determined by the city council and declared by resolution describing the property and stating the use to which it shall be devoted. (As amended by Ord. 1153, passed by election held November 4, 1986)

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 state laws. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 37. **Special Assessments.** The procedure for levying special assessments for public improvements shall be governed by ordinance. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 38. **Bids for Public Improvement.** All contracts for public improvements in the total amount of more than \$5,000 shall be let to the lowest responsible bidder. Plans and specifications shall be furnished by the proper office or department of the city and approved by the council. Contracts for public improvements in the total amount of less than \$5,000 shall be awarded on the basis of competitive quotes, as approved by the city manager. (Section 39, as amended by election held November 6, 1962; and Ord. 1153, passed by election held November 4, 1986)

CHAPTER X

Miscellaneous

Section 39. **Limitations on General and Bonded Indebtedness.** The city's indebtedness may not exceed the limits imposed on a city by state law. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 40. **Time of Effect of Charter.** This charter is in effect immediately upon its passage and approval by the voters of the City of Independence. All charter provisions of the city enacted prior to the time this charter takes effect are repealed. (As amended by Ord. 1153, passed by election held November 4, 1986)

Section 41. **Severability.** If any provisions 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 affected. (As amended by Ord. 1153, passed by election held November 4, 1986)