CITY OF PHOENIX
PHOENIX, OREGON

RESOLUTION NO. 932

A RESOLUTION CALLING FOR AN ELECTION WITHIN THE CITY REFERRING TO THE VOTERS A MEASURE TO ADOPT A 2015 CITY CHARTER.

RECITALS:

WHEREAS, the City Council of the City of Phoenix desires to amend its Charter by enacting a new Charter.

NOW CITY OF PHOENIX RESOLVES AS FOLLOWS, the City calls for a general election to be held in the City of Phoenix on November 3, 2015 by mail-in-ballot, as designated by the County Clerk of Jackson County on the question of adopting a 2015 City Charter.

BE IT FURTHER RESOLVED, that the City Recorder is hereby authorized to request the Jackson County Clerk to place said question on the November 3, 2015 ballot and is authorized to execute such documents and make such changes to the ballot measure as may be necessary to comply with the legal requirements relating to such measures.

PASSED AND APPROVED by the City Council of the City of Phoenix and signed in authentication thereof at a regular meeting on the 3rd day of August, 2015.

Jeff Bellah, Mayor

ATTEST:

Janette Boothe, City Recorder

CITY OF PHOENIX CHARTER

Approved in a General Election on November 3, 2016.

PREAMBLE

We, the people of Phoenix, 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 I: NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2015 Phoenix Charter.

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

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. 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 impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Powers. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of powers clearly indicates the contrary.

Section 6. Distribution of Powers. Except as this charter prescribes otherwise, and as the Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters, this charter vests all other city powers in the council. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

CHAPTER III: FORM OF GOVERNMENT

Section 7. Council. The council consists of a Mayor and six councilors nominated and elected from the city at large.

Section 8. Mayor. The Mayor presides over and facilitates council meetings, preserves order, enforces council rules, determines the order of business under council rules, votes in case of a tie, and has no veto authority. With the consent of council, the Mayor appoints members of commissions

and committees established by ordinance or resolution. The Mayor must sign all records of council decisions and serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the Mayor, acts as Mayor when he/she is unable to perform his/her duties, and becomes Mayor when there is a vacancy in the office of Mayor. Upon the Council President's ascendancy to Mayor, the council vice president becomes council president and the council must elect a new council vice president from its membership.

Section 10. Council Vice President. At its first meeting each year, the Council shall appoint a vice president from its membership. The vice president presides in the absence of the Mayor and council president and acts as Mayor when the mayor and Council president are unable to perform their duties.

Section 11. Rules. The Council must by resolution adopt rules to govern its meetings.

Section 12. Meetings. The Council must meet in the city regularly at least once a month at a time and place designated by Council's rules, and may meet at other times in accordance with the rules.

Section 13. Quorum. Except as provided in Section 33, (Vacancies, Filling), four Council members shall constitute a quorum and be necessary to conduct business. However, a smaller number of Council members may meet and compel attendance of absent Councilors as prescribed by Council rules. If the Mayor's inclusion is needed to establish a quorum, he/she may become a voting member for that meeting. As set forth in Section 33, (Vacancies, Filling), of this charter, a vacancy in the Council shall be filled by appointment by a majority of the remaining Council members, regardless of the actual number of remaining Councilors.

Section 14. Vote Required. Except as this charter prescribes otherwise, 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 15. Record of Proceedings. A record of Council proceedings shall be kept by some mechanical device, as well as manually. The mechanical record shall be retained as provided for by state law.

Section 16. Ordinances. The Council will exercise its legislative authority by adopting ordinances.

Section 17. Ordinance Adoption.

(1) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the Council at two meetings.

(2) If it contains an emergency clause, the Council may adopt an ordinance at a single meeting by a 2/3 approval of the Council.

(3) Any amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.

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

(5) After adoption of an ordinance, the City Recorder must endorse it with the date of adoption and his or her name and title.

(6) An ordinance may be suspended pursuant to changes in Oregon State Law.

Section 18. Effective Date of Ordinance. Ordinances ordinarily take effect on the 30th day after adoption – the date approved by the City Council - or on a later date as provided in the ordinance. An ordinance that contains an emergency clause shall take effect as soon as it is adopted or on such later date specified in the ordinance.

CHAPTER IV: ADMINISTRATIVE AUTHORITY

Section 19. Resolutions. The council will normally exercise its administrative authority by approving resolutions.

Section 20. Resolution Approval

(1) Approval of a resolution or any other Council administrative decision may be approved by the Council at one meeting.

(2) Any amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at the meeting.

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

(4) After approval of a resolution, the City Recorder must endorse it with the date of approval and his or her name and title.

Section 21. Effective date of Resolution. Resolutions and other administrative decisions take effect on the date of approval by the City Council or on a later day provided in the resolution.

CHAPTER V: QUASI-JUDICIAL AUTHORITY

Section 22. Orders. The Council will normally exercise its quasi-judicial authority by approving orders.

Section 23. Order Approval.

(1) Approval of an order or any other Council quasi-judicial decision may be approved by the Council at one meeting.

(2) Any amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.

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

(4) After approval of an order, the City Recorder must endorse it with the date of approval and his or her name and title.

Section 24. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

CHAPTER VI: ELECTIONS

Section 25. 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. All elections for city offices must be nonpartisan.

Section 26. Councilors. The term of a Councilor in office when this charter is adopted is the term for which the Councilor was elected or appointed. At each general election preceding the expiration of their terms of office, three Councilors shall be elected each for a four year term.

Section 27. Mayor. The term of the Mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At a general election preceding the expiration of the Mayor's term in office, a Mayor shall be elected for a two year term.

Section 28. Term 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 the successor to the office assumes the office.

Section 29. Prerequisite.

(1) An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city limits during the 12 months immediately before being elected or appointed to the office.

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

(3) The Council is the final judge of the election and whether its members have met the prerequisites of the position.

(4) The prerequisites of appointive officers of the city are whatever the Council prescribes or authorizes.

(5) Neither the Mayor nor a Councilor may be employed by the city.

Section 30. Nominations. The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for Mayor or a city Council position.

Section 31. Oath of Office. Before assuming city office, an office holder shall take an oath or affirm that he or she will faithfully perform the duties of the office and support the laws of the City of Phoenix.

Section 32. Vacancies, Occurrence. The office of Mayor or of a member of the City Council becomes vacant:

(1) Upon the incumbent's:

(a) Death,

(b) Adjudicated incompetence, or

(c) Recall from office; or

(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 (10) days after the time for the term of office to begin,

(b) Absence from the city for thirty (30) days or from all meetings of the Council within a 45-day period without the Council's consent,

(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, or

(f) Resignation from the office.

Section 33. Vacancies, Filling

(1) A vacancy in the Council shall be filled by appointment by a majority of the remaining Council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office.

(2) A vacancy in the office of Mayor shall be filled by the Council president for the remainder of the vacated term.

(3) A vacancy in the office of Council president will be filled by the Council vice-president for the remainder of the vacated term.

(4) A vacancy in the position of Council vice-president will be filled by Council appointment of a Council vice-president at the next Council meeting.

CHAPTER VII: APPOINTIVE OFFICERS

Section 34. Appointive Offices. A majority of the Council may:

(1) Create, abolish, and combine appointive city officers,

(2) Appoint the City Manager by majority vote of the Council.

Section 35. City Manager.

(1) The office of the City Manager is established as the administrative head of the city government. The City Manager is responsible to the Mayor and Council for the proper administration of all city business. The City Manager will assist the Mayor and Council in the development of city policies, and carry out policies established by ordinances and resolutions.

(2) A majority of the Council must appoint and may remove the City Manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

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(3) The City Manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the Council. The Council may fill the office by appointment as soon as possible after the vacancy occurs.

(4) The City Manager must:

(a) Attend all Council meetings unless excused by the Mayor or Council;
(b) Report and recommend to the Mayor and Council about the needs of the city;
(c) Administer and enforce ordinances, resolutions, franchises, leases, contracts, permits, and other Council decisions;
(d) Appoint, supervise and remove city employees;
(e) Organize city departments and administrative structure;
(f) Prepare and administer the annual city budget;
(g) Administer city utilities and property;
(h) Encourage and support regional and intergovernmental cooperation;
(i) Promote cooperation among Council, staff and citizens in developing city policies and fostering a sense of community.
(j) Perform other duties as directed by the Council;
(k) Delegate duties, but remain responsible for acts of all subordinates.

(5) The City Manager has no authority over the Council or over the judicial functions of the Municipal Judge.

(6) The City Manager and other employees designated by the Council may sit at Council meetings but have no vote. The City Manager may take part in all Council discussions.

(7) When the City Manager is temporarily disabled from acting as City Manager, the Council may appoint a City Manager pro tem. The City Manager pro tem has the authority and duties of the City Manager, except that a pro tem City Manager may appoint or remove employees only with Council approval.

(8) No individual City Council member may directly or indirectly attempt to coerce the City Manager or a candidate for the office of City Manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this provision is grounds for removal from office by a majority of the Council after a public hearing.

9) The Council as a whole may discuss, suggest, request or require actions of the City Manager relating to city business and in conformance with his/her contract and the boundaries of this Charter.

Section 36. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the Council must appoint and may remove the City Attorney.

Section 37. Municipal Court and Judge.
(1) A majority of the Council may appoint and remove a municipal judge. A municipal judge will hold court in the city in such place as the Council directs. The court will be known as the Municipal Court.
(2) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(3) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(4) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinance. The court also has jurisdiction under state law unless limited by city ordinance.

(5)The municipal judge may:

(a) Render judgments and impose sanctions on persons and property;
(b) Issue and compel obedience to subpoenas;
(c) Compel witness to appear and testify and jurors to serve for trial before the court;
(d) Penalize contempt of court;
(e) Issue processes necessary to enforce judgment and orders of the court;
(f) Issue search warrants; and
(g) Perform other judicial and quasi-judicial functions assigned by ordinance.

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

CHAPTER VIII: PERSONNEL

Section 38. Compensation. The Council may review and evaluate and adjust compensation for the City Manager. The Council may authorize the compensation of city officers and non-bargaining unit employees through the evaluation of the City Manager and on his/her recommendation for other non-bargaining unit employees.

CHAPTER IX: MISCELLANEOUS PROVISIONS

Section 39. Annexation. Annexations shall be in compliance with state law through city ordinances.

Section 40. 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 41. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remains in effect until amended or repealed.

Section 42. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 43. 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 44. Time of Effect. This charter takes effect on December 1, 2015.

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