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A CHARTER

To provide for the government of the City of Scappoose, Columbia County, Oregon; and to repeal all Charter provisions of the City enacted prior to the time that this Charter takes effect.

Be it enacted by the People of the City of Scappoose, Columbia County, Oregon:

CHAPTER 1

NAMES AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the City of Scappoose Charter of 2010.

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

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 2

POWERS

Section 4. Powers of the City. The City shall have all the powers which the constitution, 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. The City shall exercise the power of eminent domain pursuant to state law, but shall not condemn property for the sole purpose of economic development.

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 the 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 3

FORM OF GOVERNMENT

Section 6. Form of Government. The City of Scappoose shall have a Council/Manager form of government. Legislative authority shall reside in the Council. Administrative functions shall be carried out by a City Manager.

CHAPTER 4

COUNCIL

Section 7. Council. The Council consists of a mayor and six councilors elected from the City at large who are residents of the City.

Section 8. Councilors. The term of office of each councilor in office when this Charter is adopted is the term of office for which the councilor has been elected at or before adoption of the Charter. (or is elected at the time of the adoption). At each biennial general election, after the adoption, three councilors shall be elected, each for a four-year term.

Section 9. Rules. The Council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 10. Meetings. The Council shall hold a regular meeting at least once each month in the City at a time and place which it designates, and may meet at other times in accordance with Council rules and State law. All deliberations and meetings of the Council shall be in accordance with State law.

Section 11. Quorum. A quorum is a majority of the all seated members of the Council. A quorum is required to conduct business; however, a smaller number may meet and require the attendance of absent members in a manner provided by ordinance. (Amendment adopted by electorate November 8, 2011)

Section 12. Voting. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting, a quorum being present, shall be necessary to decide any question before the Council.

Section 13. Record of Proceedings. The Council shall cause a record of its proceedings to be kept in accordance with State law.

CHAPTER 5

POWERS AND DUTIES OF OFFICERS

Section 14. Mayor. At each biennial general election, a mayor shall be elected for a term of two years. The Mayor shall be Chair of the Council and preside over its deliberations; shall have a vote on all questions before it; shall have the authority to preserve order, enforce the rules of the Council, determine the order of business, appoint committees with approval of Council, and sign all ordinances passed by the Council as provided by the rules of the Council. The Mayor shall have no veto power. (Amendment adopted by electorate November 8, 2011)

Section 15. President of the Council. At the first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside. Whenever the Mayor is unable to perform the functions of office, the president shall act as Mayor.

Section 16. Officers. The City of Scappoose shall have a City Manager, City Recorder, City Attorney, and such other officers as the Council deems necessary.

Section 17. City Manager. The City Manager is the administrative head of the city government. The office of City Manager shall be appointed, for a definite or an indefinite term, and may be removed by a majority of the seated members of Council. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications. The compensation for the services of the City Manager shall be the amount fixed by the Council. Within six consecutive months after a vacancy occurs in the office, the Council shall fill the vacancy by appointment. (Amendment adopted by electorate November 8, 2011)

The City 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. Implement provisions of all ordinances;
- d. Implement franchises, leases, contracts, permits, and privileges granted by the City;
- e. Supervise, discipline, and have authority over officers and employees;
- f. Hire and terminate officers and employees as prescribed by rules of the Council;
- 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. Delegate the performance of the above duties as necessary and convenient;
- l. Perform other duties as the Council prescribes consistent with this Charter.

The City Manager shall have no authority over the Municipal Judge with respect to performance of judicial functions. (Amendment adopted by electorate November 8, 2011)

Section 18. Municipal Court and Judge. 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 times that the Council specifies, a court known as the Municipal Court for the City of Scappoose, Columbia County, Oregon.

CHAPTER 6

ELECTIONS

Section 19. State Law. Except as this Charter or a City ordinance prescribes to the contrary, City elections shall conform to State law applicable to the election.

Section 20. Nominations. A person may be nominated in a manner prescribed by City ordinance to seek an elective office of the City.

Section 21. Qualifications of Elected Officers. No one shall be eligible for an elective office of the City unless at the time of election that person is a qualified elector within the meaning of the State Constitution and has resided in the City during the 12 months immediately preceding the election. The Council shall be the final judge of the qualifications and election of its own members, subject to review by a court of competent jurisdiction.

Section 22. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined in a manner prescribed by the Council. (Amendment adopted by electorate November 8, 2011)

Section 23. Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence at the first regular meeting of the calendar year immediately following the election.

Sections 24--27

Section 24. Oath of Office. Before entering upon the duties of office, each elected officer shall affirm or take an oath supporting the constitutions and laws of the United States and of Oregon, and to faithfully perform the duties of the office.

CHAPTER 7

VACANCIES IN ELECTIVE OFFICE

Section 25. What Creates a Vacancy. An elective office becomes vacant upon:

- (1) the incumbent's death;
- (2) adjudicated incompetence;
- (3) conviction of a felony;
- (4) resignation;
- (5) recall from office.

The City Council shall declare an elective office vacant upon:

- (1) the incumbent's ceasing to possess the qualifications necessary for office;
- (2) upon the failure of the person elected or appointed to an office to qualify therefore within three(3)days after the time for term of office to commence;
- (3) upon absence from the City or from meetings of the Council for sixty(60)days without the consent of the Council.
(Amendment adopted by electorate November 8, 2011)

Section 26. Filling of Vacancies. Vacant elective City offices shall be filled by appointment by a majority vote of the remaining members of Council. The appointee shall serve immediately on appointment and shall continue until the beginning of the year following the next general biennial election occurring more than 100 days after the appointment. At that election, a successor shall be elected to fill the unexpired term, if any, of the predecessor in office of the appointee. (Amendment adopted by electorate November 8, 2011)

CHAPTER 8

ORDINANCES

Section 27. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Scappoose ordains as follows:"

Section 28. Introduction, Reading, and Adoption. Introduction, reading and adoption of ordinance shall be in accordance with state statutes and the rules of the Council.

Section 29. When Ordinances Take Effect. An ordinance enacted by the Council shall take effect on the thirtieth (30th) calendar day after its enactment. When the Council deems it advisable, an ordinance may provide a later effective date. If the situation necessitates the immediate preservation of the public peace, health and safety of the residents of the City of Scappoose, the ordinance may take effect upon adoption.

CHAPTER 9

PUBLIC IMPROVEMENTS

Section 30. Improvements. The procedure for making, altering, 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.

Section 31. 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 general ordinance.

Section 32. Fees and Charges. The City shall have authority to assess fees and charges for water, sewer, and other public facilities and services as are allowed by ordinance and state law, and such fees and charges may be enforced as liens on property as provided by ordinance.

Section 33. Debt. The City's indebtedness may not exceed debt limits imposed by state law. City officers or employees who create or officially approve indebtedness in excess of such limitation are jointly and severally liable for the excess.

Section 34. Existing Ordinances Continued. All ordinances of the City consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Sections 35--37

Section 35. Repeal of Previously Enacted Charter Provisions. All charter provisions of the City enacted prior to the time that this charter takes effect are hereby repealed.

Section 36. Severability. The terms of this Charter are severable. If any part of the Charter is held invalid, that invalidity does not affect any other part of the Charter, except as the logical relation between the two parts requires.

Section 37. Time of Effect of Charter. This Charter shall take effect upon certification of the vote thereon.