

A CHARTER

To provide for the government of the City of Cove, Union County, Oregon; and to repeal all charter provisions of the city enacted to the time that the charter is enacted.

Be it enacted by the people of the City of Cove, Union County, Oregon:

CHAPTER 1

Name and Boundaries

Section 1. Title of Enactment. This Enactment may be referred to as the City of Cove Charter of 2020.

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

Section 3. 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 the Recorder's 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.

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 of Oregon 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 chapter 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, and its municipal court including all powers that cities may assume pursuant to state laws and to the municipal home-rule provisions of the constitution of the State of Oregon.

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 a mayor and six councilors elected from the City at large.

Section 8. Councilors. The Councilors in office at the time of this charter is adopted shall continue in office, each until the end of the councilor's 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.

Section 9. Mayor. At each biennial general election, a mayor shall be elected for a term of two years. The Mayor in office at the time this charter is adopted shall continue in office, until the term of office as fixed by the charter of the City in effect at the time this charter is adopted, has expired.

Section 10. Other Officers. Additional officers of the City shall be a Recorder, Public Works Director, and other employees ~~such other officers~~ as the Council deems necessary. 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 Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of ~~their~~his judicial functions.

Section 11. Salaries. The compensation for the services of each city employee shall be the amount fixed by the Council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the City unless at the time of their election they are a qualified elector within the meaning of the state constitution and has resided in the City during the twelve months immediately preceding the election. The Council shall be final judge of the qualifications and election of its own members.

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. It shall adopt rules for the government of its members and proceedings. The Mayor upon the Mayor's 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 for a time not less than twenty-four (24) hours after the notice is given, except in a genuine emergency as defined in the rules of council. Special meetings of the Council may also be held at any time by the common consent of a quorum of members of the Council.

Section 14. Quorum. A majority of 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 and authenticated in a manner prescribed by the Council. All votes are to be recorded by name. ~~(Council shall be taken and entered in the record)~~

Section 16. Proceedings to be 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 Function at Council Meetings. The Mayor shall be Chairman of the Council and preside over its deliberations. The Mayor shall vote only in the event that deliberations result in a tie vote. 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.

Section 18. President of the Council. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the Council ~~by ballot~~ shall elect a president from its membership, with the vote of Council President being recorded by name. 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 ~~his~~ they/their office, the President shall act as Mayor.

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 appoint the committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council and countersign all orders on the treasury. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.

Section 21. 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, sign all orders on the treasury, and perform such other duties as specified by the Council. In the Recorder's absence from a council meeting, the Mayor shall appoint a clerk of the Council pro tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.

CHAPTER VI

Elections

Section 22. 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 23. Nominations. A qualified elector who has resided in the city during the twelve (12) months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than twenty (20) electors. No elector shall sign more than one petition for each office to be filled at the election. If ~~they~~ he does so, ~~their~~ his signature shall be valid only on the first sufficient petition filed for the office. The petition and declaration of candidacy shall be on state approved forms and shall be in accordance with state law. All nomination papers comprising a petition shall be assembled and filed with the Recorder as one instrument not earlier than ninety (90) days nor later than ~~thirty-seventy~~ (70+) days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any ~~other particular way whatsoever~~, the candidate may amend the petition, or a substitute petition may be filed for the same candidate, within the regular time for filing nomination petitions. The Recorder shall notify an eligible person of ~~his~~ they/their nomination, and that person shall file with the Recorder ~~his~~ they/their written acceptance of nomination, in such form as the Council may require, within five days of nomination. Upon receipt of the acceptance of nomination, the Recorder shall cause the nominee's name to be printed on the ballots.

Section 24. Oath of Office. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States, Oregon, and the City of Cove.

Section 25. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined ~~pursuant to ORS 254.575(4).~~by the Recorder drawing lots at a publicly noticed meeting.

Section 26. Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence when nominee is sworn in the first council meeting of the year immediately following the election. ~~(the first of the year immediately following the election)~~

CHAPTER VII

Vacancies in Office

Section 27. Vacancies: Occurrence. 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; or
 - (2) Upon declaration by the majority of 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 the term of office to begin,
 - (b) Absence from the City for thirty days without the consent of the Council or from all meetings of the council within a sixty 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,
- or
- (f) Resignation from the office.

Section 28. Filling of Vacancies. Vacant elective offices in the City shall be filled by appointment. A majority vote of the Council shall be required to validate the appointment. The appointee's term of office shall begin immediately upon their appointment and shall continue throughout the unexpired term of the appointee's predecessor. During the temporary disability of any officer or during their absence temporary from the City for any cause, the officer's office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

Ordinances

Section 29. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be "The City of Cove ordains as follows".

Section 30. 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 read fully and distinctly 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 read first in full and then by title.

(3) Any 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, or by posting on the city's website. 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 of an ordinance, the vote being recorded by name 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 their name and title of office, and within three days thereafter, the Mayor shall sign it with the date of the Mayor's signature, the Mayor's name and title of office.

Section 31. 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 an emergency, it may take effect immediately.

CHAPTER IX

Resolutions

Section 32. Resolutions. The Council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "City of Cove resolves as follows."

Section 33. Resolution Approval.

- (1) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.
- (2) Any substantive 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 decisions, the vote of each member must be entered into the council minutes.
- (4) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 34. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

CHAPTER X

Public Improvements

Section ~~351~~. 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 two-thirds of the land to be specifically 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 ~~3236~~. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessment for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section ~~3337~~. ~~BIDS~~Public Contracting. The City of Cove will follow the requirements of ~~ORS Chapter 279~~the Oregon Revised Code, or any rules adopted pursuant to said Code, in relationship to ~~bids and private contracting~~public contracting.

CHAPTER XI

Miscellaneous Provisions

Section ~~3438~~. Debt Limit. 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 ~~3539~~. 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.

Section ~~3640~~. Repeal of Previously Enacted Provisions. All charter provisions of the City enacted prior to the time that this charter takes effect are hereby repealed.

Section ~~3741~~. Time of Effect of Charter. This charter shall take effect December 31, 2020.