

CHARTER

UNION CHARTER

AN ACT ENACTING A CHARTER FOR THE CITY OF UNION, UNION COUNTY, OREGON; AND REPEALING ALL FORMER CHARTERS OF THE CITY.

Be it enacted by the city of Union, Union County, Oregon:

CHAPTER I

Name, Boundaries and General Provisions

Section 1. Name. The city of Union, Union County, Oregon, shall continue to be a municipal corporation under the name “ City of Union.”

Section 2. Boundaries. The boundaries of the city shall be as follows:

Commencing at the northwest quarter [corner] of the northwest quarter of Section 18, Township 4 south, Range 40 east of the Willamette Meridian, and running east one-half mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth of a mile; thence east one-fourth of a mile; thence south one-half of a mile; thence west one-fourth of a mile; thence south one mile; thence west three-fourths of a mile; thence north one-fourth of a mile; thence west three-fourths of a mile to the northwest corner of the southeast quarter of the southwest quarter of Section 24, Township 4 south, Range 39 east of the Willamette Meridian; thence north about seven-eighths of a mile to Catherine Creek; thence east one-fourth of a mile, Catherine Creek being the line; thence north about three-eighths of a mile to the center of Section 13, Township 4 south, Range 39 east of the Willamette Meridian; thence east one-fourth of a mile; thence north one-fourth of a mile; thence east one-fourth of a mile; thence north one-fourth of a mile to place of beginning.

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of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

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.

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CHAPTER II

Powers

Section 5. Powers of the City. The city shall have all rights, powers, privileges and immunities which the constitutions, 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 expressly stated each of those rights, powers, privileges and immunities.

Section 6. Enumeration of Powers Not Exclusive. In this charter no enumeration of or reference to particular rights, powers, privileges or immunities shall be construed to be exclusive.

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, where not prescribed by constitution, law or this charter, then in the manner prescribed by ordinance or resolution of the council.

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 9. Council. The council shall be composed of six councilmen elected at large. Each councilman shall serve a term of four years and until his successor is elected and qualified. The two councilmen in office at the time of adoption of this charter whose terms of office expire at the end of 1941 shall continue in office until 1942. At the regular city election in 1940, four councilmen shall be elected. The one receiving the lowest number of votes shall serve until the end of 1942. The other three shall serve until the end of 1944. At each subsequent regular city election, three councilmen shall be elected to serve a term of four years.

Section 10. Mayor. At each regular city election a mayor shall be elected. He shall serve a term of two years and until his successor is elected and qualified.

Section 11. Other Officers and Employes. Additional officers of the city shall be a municipal judge, a recorder, a treasurer and any other officer whom the council deems necessary. These officers shall be appointed by the mayor with the approval of the city council. By resolution the council may combine any of these offices, and may provide that any person whom it designates may supervise any appointive officer except the municipal judge in the exercise of the officer's functions.

Section 12. Qualifications of Officers. No person shall be eligible to an elective office in the city who at the time of his election is not a qualified voter of the state or has not resided within the city for one year immediately preceding his election.

CHAPTER IV

The Council

Section 13. 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. It shall meet regularly at least once each month. The mayor, either upon his own motions 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 the members of the council.

Section 14. Quorum. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and compel attendance of the absent members in a manner provided by ordinance. The mayor shall be deemed a councilman for the purpose of constituting a quorum.

Section 15. Journal. The council shall keep a journal of its proceedings; and, upon the request of the mayor or two of its members, the ayes and nays upon a question before it shall be taken and a record of the vote entered in the journal.

Section 16. Meetings to Be Public. The deliberations and proceedings of the council shall be public.

Section 17. Mayor's Duties at Council Meetings. The mayor shall be the presiding officer of the council. He shall not vote except in case of a tie vote of the members of the council present at a meeting. He 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 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.

Section 19. Vote Required. The concurrence of a majority of the members of the council present at any meeting shall be necessary to determine any question before the council, except in case of a tie vote, and in the event of a tie vote the mayor shall cast the deciding vote.

CHAPTER V

Powers and Duties of City Officers

Section 20. Mayor. The mayor shall be the executive officer of the city and shall exercise a careful supervision over its general affairs. He shall appoint the committees provided for under the rules of the council, or otherwise, and by appointment shall fill all vacancies in committees of the council from that body. He shall sign all approved proceedings of the council and countersign all orders on the city [treasury]. He shall have no veto power and shall sign all ordinances passed by the city council within three days after their passage. He shall sign all writings authorized by this charter, the laws of the state or the council. He shall approve, with the consent of the council, all official bonds and bonds for licenses, contracts and proposals. With the consent of the council, he shall have power to remove or suspend any appointive officer or public employe of the city for any cause which he deems sufficient and shall state the cause in the order of removal or suspension.

Section 21. Municipal Judge. The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Union, Union County, Oregon. Except on nonjudicial days, the court shall be open for the transaction of judicial business as prescribed by the laws of the state. The jurisdiction of the court shall be the city. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by an ordinance of the city, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an 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 persons to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify before him on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the municipal court, and to punish witnesses and others for contempt of the 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 applicable general laws of the state governing justices of the peace and justice courts. Trials in the municipal court of cases of violation of city ordinances shall be had without a jury.

Section 22. Recorder. The recorder shall be ex officio clerk of the council, attend all the meetings of the council, and keep an accurate record of its proceedings in a book provided for that purpose. In his 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, the council or the law of the state.

CHAPTER VI

Elections

Section 23. Regular City Elections. Regular city elections shall be held at the same time and

places as general biennial elections for state and county officers. At each regular city election all elective officers to be elected at that time, and all matters submitted to the electors at that time, shall be voted upon. The election officers and precincts within the city for such state and county elections shall be the election officers and precincts for regular city elections.

Section 24. Special Elections. By resolution the council may call and provide for special elections.

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 the notice in three public places in each precinct in the city or by publishing the 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 election.

Section 26. Qualifications of Electors. Every legal voter of the state who has been a resident of the city for 90 days immediately preceding the election shall be entitled to vote at a city election.

Section 27. Canvass of Election Returns. By noon of the day following a city election, the returns of the election shall be filed with the recorder; and within 10 days after the election, the recorder and at least one member of the council shall meet and canvass the returns. In all elections held in conjunction with state and county elections, the state law governing the filing and canvassing of returns shall apply. The results of each election shall be entered in the journal of the council. The record shall state the number of votes cast at the election, the number of votes cast for each person, the number of votes cast for and against each measure, the names of the officers elected, and the measures enacted or approved. Tie votes shall be resolved by lot.

Section 28. Certificate of Election. Immediately after completion of the canvass, the recorder shall issue a certificate of election to each person elected. The certificate shall be prima facie evidence of the facts which it states, but the council shall be the final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction. Contested elections shall be determined according to the state law regulating proceedings in contested elections of county officers.

Section 29. 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 meeting in January immediately following the election. In case of an election or appointment to fill a vacancy in an office, the person elected or appointed shall enter upon his office immediately.

Section 30. 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 and laws of the United States and of this state and the charter and ordinances of the city of Union, and that he will perform the duties of his office to the best of his ability.

Section 31. Nominations. The council shall provide by ordinance the mode for nominating

elective officers.

CHAPTER VII

Vacancies in Office

Section 32. 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 30 days without the consent of the council, or ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor on or before the day his 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 absence from meetings of the council for a period of 60 days without the consent of the council.

Section 33. Filling of Vacancies. Vacancies in office shall be filled by appointment of the council, and the appointee shall serve the unexpired term of his predecessor. Within 24 hours after his appointment, an officer appointed to fill a vacancy must qualify for the office as in case of an officer elected and, in case he fails to so qualify, be deemed to have declined the office and the office shall be deemed vacant.

CHAPTER VIII

Ordinances

Section 34. Enacting Clause. The enacting clause of all ordinances shall be, "The city of Union does ordain as follows:"

Section 35. Introduction, Reading and Passage. Every ordinance shall be fully and distinctly read in open council meeting on two different days previous to being put upon its final passage; but any ordinance may be introduced, read twice, once in full and once by title, and put on its final passage at a single meeting by a unanimous vote of all members of the council present at the meeting. Upon the final vote, the ayes and nays of the members 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 name and the title of office.

Section 36. 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, or that it is to take effect immediately.

CHAPTER IX

Public Improvements

Section 37. Condemnation. The necessity for taking property by condemnation shall be determined by the council and declared by a resolution describing the property and stating the use to which it is to be devoted.

Section 38. Special Assessment. The procedure for levying special assessments for public improvements shall be governed by ordinance.

Section 39. Bids for Public Improvements. All contracts for public improvements shall be let to the lowest responsible bidder, to be done according to the plans and specifications to be furnished by the proper office or department of the city and approved by the council.

CHAPTER X

Miscellaneous

Section 40. Limitations on General and Bonded Indebtedness. Unless otherwise authorized by the legal voters of the city, the council shall not contract a voluntary floating indebtedness of the city in excess of the sum of \$30,000 for general city purposes; provided, that the legally authorized debt of the city of Union existent November 1, 1940, shall not be included in such indebtedness for purposes of calculation of the limitation.

City officials or employes who create or officially approve any indebtedness in excess of the limitation shall be jointly and severally liable for the amount of the excess.

Section 41. Damage Suits. The city shall in no event be liable in damages for an injury to person or property caused by a defect or dangerous place in a sidewalk, crosswalk, street, alley, sewer, public ground, public building, drain, gutter, ditch or way, unless prior to the injury the city has written notice of the defect or dangerous place, and a reasonable time after the notice in which to remove or repair the defect or dangerous place. In no case shall more than \$100.00 be recovered as damages from the city for such an accident or injury.

No action shall be maintained against the city for damages growing out of such an accident or injury unless the claimant, within 30 days after sustaining the injury or damages, gives to the council written notice stating:

- (1) When, where and the circumstances under which the accident or injury occurred;
- (2) His claim for compensation for the injury or damage; and
- (3) The amount of compensation or relief demanded.

The city shall not be liable for the injury or damage until 30 days have elapsed after the presentation of the notice to the council.

Section 42. Repealing Clause and Date Charter Becomes Effective. All former charters of the city, together with their amendments, are repealed. But this provision shall in no way impair the effect of Section 4 of this charter. This charter shall become effective immediately upon its approval by the voters of the city of Union.

CHAPTER XI

Sewage Disposal System

Section 43. Authorization of Sewage Disposal System. The city council of the city of Union, Oregon, is hereby authorized and directed to construct, operate and maintain a sewage disposal system, together with all related facilities usable or convenient thereto or in connection therewith, and to acquire property to be used in connection therewith.

Section 44. General Obligation Bonds. In connection with and for the purpose of carrying forward the foregoing project, the city council is authorized and directed to issue general obligation installment-type bonds of the city in a sum not exceeding \$995,000.00 and to use the proceeds of said bonds for the completion of said project.

Section 45. Maturity and Tenure. The city council shall determine the maturity and tenure of such bonds, provided that they shall be serial in character and shall be payable over a period not to exceed 40 years from the date of issue.

Section 46. Sale of Bonds. The council is authorized and directed to issue and to sell such bonds from time to time as the same may be needed for the purposes hereinabove specified.

Section 47. Sinking Fund. The city council shall establish a sinking fund for the prompt payment of such bonds as they mature and for the payment of interest thereon.

Section 48. Sewer User Fees and Rates. The council is hereby authorized and directed to establish such sewer user fees and rates, sewer connection charges and assessments as said council shall deem necessary to provide interest and principal payments for the such installment-type bonds. Said bonds shall be used for no other purpose as long as any of the bonds hereby authorized shall be outstanding.

Section 49. Tax Levy. The city council shall include in the general municipal tax levy of the city of Union, Oregon, in each year, a special levy sufficient to raise an amount which, together with other available funds, shall be sufficient to pay principal and interest payments on said bonds when due. [Chapter XI added by special election held November 5, 1974.]

CHAPTER XII

Miscellaneous Amendments

Section 50. Debt Limitation. Unless authorized by the legal voters of the city, the City Council shall not contract a voluntary lease agreement in excess of the sum of \$30,000 including interest, for the duration of the contract. The power to indebted the city beyond this limit by any legal instrument rests entirely with the voting public.

Section 51. Public Meeting Notification. The City Council must notify the citizenry of Union within 30 days prior to voting on a motion, resolution, or ordinance that affects water or sewer user fees, creates an order on the city treasury in excess of the budgeted amount, modifies zoning requirements, or affects city law. Such notification shall be satisfied only by a direct mass mailing to the townspeople of Union and the notice shall include an invitation for each citizen to attend a public meeting that will be held prior to a vote.

Section 52. Conflict of Interest. No elective officer or employee, outside of employment, of the City of Union shall provide or contract for goods or services in excess of \$1,500.00 per fiscal year to the City of Union.

Section 53. Election to Numbered Seats. Each candidate for election to the City Council shall specify the number of the seat for which he or she is filing. For each seat, the candidate receiving the greatest number of votes shall be elected.

At the regular meeting of the City Council in July, 1988, the Mayor shall assign numbers to the seats on the Council; as Position Number One, Position Number Two, and so on. Those positions due for election in 1988 shall receive odd numbers.

[Chapter XII added by election held May 17, 1988.]

CHAPTER XIII

Water System Improvements

Section 54. The City Council of the City of Union, Oregon, is hereby authorized and directed to improve, expand and repair the existing water distribution system, and to acquire the necessary facilities and property to be used in connection therewith.

Section 55. In connection with, and for the purpose of carrying forward, the foregoing project, the City Council is authorized and directed to issue general obligation bonds of the City in a sum not exceeding \$600,000 and to use the proceeds of said bonds for the completion of said project.

Section 56. The City Council shall determine the maturity and tenure of such bonds, provided that they shall be serial in character and shall be payable over a period not to exceed forty (40) years from the date of issue.

Section 57. The Council is authorized and directed to issue and sell such bonds from time to time as the same may be needed for the purpose hereinabove specified.

Section 58. The City Council shall establish a sinking fund for the prompt payment of such bonds as they mature and for the payment of interest thereon.

Section 59. The Council is hereby authorized and directed to establish such water user fees and rates, water connection charges and assessments as said Council shall deem necessary to provide interest and principal payments for the bonds. Said fund shall be used for no other purpose as long as any of the bonds hereby authorized shall be outstanding.

Section 60. The City Council shall include in the general municipal tax levy of the City of Union, Oregon, in each year, a special levy sufficient to raise an amount which, together with other available funds, shall be sufficient to pay principal and interest payments on said bonds when due.
[Chapter XIII added by special election held June 18, 1988.]

Chapter XIV

Utility Rates

Section 61. Limitations of Salary and Benefits. In the operation of the City of Union' s water and sewage system, the expense of salary and benefits of city employees as they perform services for said systems shall not exceed 45 percent of the total of the Utility Fund, the General Fund, and the Street Fund.

Section 62. Exclusive Usage of Utility Funds. Funds collected through the imposition of water and sewer rates shall be used, respectively, for water and sewer system purposes. The City of Union shall not, use, borrow, or draw upon such funds for other purposes including, but not limited to, general fund purposes.

If revenues received from the imposition of water and sewer rates exceed expenses of the current operation, capital improvement costs, and debt service for such said water and sewer systems, the excess water and sewer revenues shall be held, respectively, in the water improvement reserve fund and the sewer improvement reserve fund, and the use of those funds shall be limited to the future maintenance, improvement, and debt payment of the water and sewer systems, respectively.

