



CITY OF GRASS VALLEY CHARTER

SHERMAN COUNTY, OREGON

**KNOWN AS AN ACT TO INCORPORATE THE CITY OF GRASS VALLEY, IN
SHERMAN COUNTY, OREGON, AND TO PROVIDE A CHARTER THEREFOR, AND
DEFINE ITS POWERS.**

AS AMENDED BY VOTE OF THE PEOPLE ON MAY 19, 1922

AS REVISED BY VOTE OF THE PEOPLE ON MAY 16, 1999

CITY OF GRASS VALLEY: ESTABLISHED 1901

CITY OF GRASS VALLEY

CHARTER

To provide for the government of the City of Grass Valley, Sherman 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 City of Grass Valley, Sherman County, Oregon:

CHAPTER I

NAMES AND BOUNDARIES

Section 1: Title of Enactment: This enactment may be referred to as the City of Grass Valley Charter 1999.

Section 2: Name of City: The municipality of the City of Grass Valley, Sherman County, Oregon, shall continue to be a municipal corporation with the name "City of Grass Valley."

Section 3: Boundaries: The city shall include all territory encompassed by its boundaries as they now exist, or hereafter are modified by electors, by the council, or by any other agency with legal power to modify them. The city clerk shall keep in the clerk's office at the City Hall at least two copies of the charter and shall maintain an accurate, up-to-date description of the boundaries in each of them.

CHAPTER II

POWERS

Section 4: Powers of the City: The city shall have all powers which the constitution, statutes, and common law of the United States, and of this state now or hereafter 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 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 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 provision of the state constitution.

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 six (6) councilors elected from the city at large.

Section 8. Councilors: The term of office of each councilor in office when this Charter is adopted shall continue until the beginning of the first odd-numbered year after that time. At the next biennial general election, six councilors shall be elected. Of the six, the three receiving the highest number of votes shall each hold office for four years, and the other three shall each hold office for two years. At each subsequent biennial general election, 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.

Section 10. Other Officers: Additional officers of the city shall be a city clerk and such other officers as the council deems necessary. Each of these officers shall be appointed by, and may be removed by the vote of a minimum of four councilors. The council may designate any appointed officer to supervise or train any other appointed officer.

Section 11. Salaries: The compensation for the services of each city officer and employee shall be the amount fixed by the council.

Section 12. Qualification of Officers: No person shall be eligible for an elective office of the city unless at the time of election the person is a qualified elector within the meaning of the state constitution, and has resided in the city for a continuous period of twelve months immediately preceding the election or appointment. The council shall be the final judge of the qualifications and election of the elected city officers.

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 place which it designates. It shall adopt rules for the government of its members and proceedings.

Section 14. Quorum: A majority of the incumbent members of the council shall constitute a quorum for doing 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 preserved and published.

Section 17. Mayor's Functions at Council Meetings: The mayor shall be chairperson of the council and preside over its deliberations; and shall cast a vote only in case of a tie. 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 shall elect a president from its membership. 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 the office, the president shall act as mayor. In the absence of both the mayor and president, a mayor pro-tem shall be elected from the councilors present. The president and mayor pro-tem shall have a vote on all questions.

Section 19. Votes Required: Except as this Charter otherwise provides, the concurrence of a majority of the council present at a council meeting shall decide any questions before the council. If council consists of three or less councilors present, questions before the council must pass by a unanimous vote.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20. Mayor: The mayor shall appoint the committees and/or individuals to carry out the council's actions; where required, shall sign all records of proceedings approved by the council; and shall have no veto power.

Section 21. City Clerk: The city clerk shall serve as clerk of the council; attend all its meetings unless excused therefrom by the council or mayor; keep an accurate record of its proceedings, and perform the duties of Recorder/Treasurer according to a job description approved by the council.

CHAPTER VI

ELECTIONS

Section 22. Regulations of Elections: Except as this charter provides otherwise, and as the council provides otherwise by ordinance relating to elections, the

general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 23. Tie Votes: In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots.

Section 24. Commencement of Terms of Office: The terms of office of a person elected at a regular city election shall commence the first council meeting of the new year immediately following the election.

Section 25. Oath of Office: Before entering upon the duties of office, each officer shall take an oath, or shall affirm to support the charter and ordinances of the City of Grass Valley, constitution and laws of the United States and of Oregon, and to faithfully perform the duties of office.

Section 26. Nominations: A qualified elector who shall have resided in the city of Grass Valley for a continuous period of 12 months immediately preceding the election may be nominated for an elective city position. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by ordinance and state law. The city clerk shall make a record of the exact time in which each petition is filed and shall take and preserve the name and address by whom it is filed.

CHAPTER VII

VACANCIES IN OFFICE

Section 27. What Creates Vacancy: An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony or other offense pertaining to the office; unlawful destruction of public records; resignation; recall from office; removal of residency from the city; or ceasing to possess the qualifications for the office. Upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for the term of office to commence; or in the case of a mayor or council member, upon the person's absence from the three consecutive meetings of the council without consent and upon a declaration by the council of the vacancy.

Section 28. Filling of Vacancies: Public notice of a vacancy in an elective office shall be given promptly. Vacancies shall be filled within 60 days of public notice by appointment by the mayor, upon approval of a majority of the incumbent council members. The appointee's term shall begin immediately upon appointment and shall continue until the beginning of the year following the next general biennial election, and until a successor is qualified. The successor for the unexpired term shall be chosen at the next biennial election after the appointment. During the temporary disability of any officer, or during an absence temporarily from the city for any cause, the 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 Grass Valley 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 twice in open council meetings, the second reading to be not less than ten (10) days after the date of the first reading.
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 of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full, and 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 clerk not later than two weeks before the first reading of the ordinance, and if notice of their availability is given forthwith 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. An ordinance enacted after being read by title only may have no legal effect if it differs substantially from its terms as it was thus posted 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 on an ordinance, the yes and no votes of the members shall be taken and entered in the record of proceedings.
5. Upon the enactment of an ordinance, the clerk shall sign it with the date of its passage, the clerk's name and title of office, and within three days thereafter the mayor shall sign it with the date, 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

PUBLIC IMPROVEMENTS

Section 32. Condemnation: Any necessity for taking property for the city by Condemnation shall be determined by the council and declared by a resolution of the council describing the property, and stating the uses to which it shall be devoted.

Section 33. 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 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 two-thirds of the land to be specially assessed therefore. 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 34. 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 35. Contracts: All public contracts and contracts for public improvement shall conform to the requirements of state law.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 36. Utility Funds: Funds and assessments deposited into the utility fund shall be used exclusively for that department.

Section 37. Debt Limit: The city's indebtedness may not exceed the limits imposed on a city by state law. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 39. Time of Effect of Charter: This charter shall take effect, if approved by the voters, five days following the official canvass of votes cast at the
_____ general election.

Section 40. Procedure for Amendment: Amendments to this charter may be proposed by the city council by resolution duly adopted at any regular meeting of the council, and when so adopted, the same shall be submitted to a vote of the legal electors of the city upon the date of any general election in the State of Oregon which may be held after giving notice as provided in this charter. This charter may also be amended by proposal therefor under the initiative provisions of Oregon statutes by a petition duly signed by the appropriate number of qualified electors.