



# CHARTER

## City Charter of the City of Detroit, Oregon, as Amended pursuant to the Emergency Election held December 4, 2012

We, the people of Detroit, 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 of Charter.** This Charter may be referred to as the 2012 City of Detroit Charter.

Section 2. **Name of City.** The City of Detroit, Marion County, Oregon, continues under this Charter to be a municipal corporation with the name "City of Detroit".

Section 3. **Boundaries.** The city includes all territory within its boundaries as they now exist, or hereafter are modified pursuant to state law. The City Recorder shall keep copy of it available, for public inspection, in the city office.

### 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 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 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 constructed 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 provisions 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 comprised of seven Council members elected in the city at large who are not paid city employees. Five (5) of the seven Council members must be primary residents of the city and up to two (2) may be non-primary residents who otherwise meet the requirements of Section 12.

Section 8. **Council Members.** The term of office of each Council member in office when this Charter is adopted shall continue for the term for which each was elected. At the General Biennial Election in November, and at each subsequent biennial election, the three (3) Councilors receiving the highest number of votes shall each hold office for four (4) years and the other members for two (2) years.

Section 9. **Mayor.** To be eligible to occupy the office of Mayor, a person must be a councilor who is a primary resident (Section 12 (3)) and who was elected to the Council by the electorate of the City. Councilors who are appointed by the Council to fill a vacancy shall not be eligible to occupy the office of Mayor. At the first meeting of each year, the Council shall choose, from its eligible membership, a chairperson who shall be Mayor. The Mayors' term of office shall be one year.

Section 10. **Other Officers.** Additional appointed officers of the city may be a recorder, municipal judge and such other officers as the Council deems necessary. Each of these officers shall be appointed, 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 his judicial functions.

Section 11. **Compensation.** The mayor and Council members shall not receive a salary. The compensation of each city officer and employee shall be the amount fixed by the Council. The Council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

Section 12. **Qualifications of Officers.**

- (1) No person shall be eligible for an elective office of the city unless, at the time of his election, he is a qualified elector within the meaning of the state constitution, and has a residence inside the city limits of the City of Detroit, Oregon, during the twelve months immediately preceding the election.
- (2) No city employee who receives compensation from the city shall hold a city elective office. No person who holds the office of municipal judge shall hold another city elective or appointed office.
- (3) Additional Residency Requirement – Primary Resident:
  - a. Must reside in the city a minimum of six (6) months plus one (1) day per calendar year
  - b. Must be registered to vote in the City of Detroit, Oregon

- c. Must receive official mail, including Federal and State tax information/returns, at their City of Detroit, Oregon, mailing address
  - d. Driver License or State ID card must be issued to their Detroit, Oregon address
  - e. Must be able to attend nine (9) out of twelve (12) regular City Council meetings in a calendar year
- (4) Additional Residency Requirement – Non-primary Resident:
- a. Must be able to prove part-time residency status (e.g. home ownership, lease or rental agreement, water bill)
  - b. Must be registered to vote in the City of Detroit, Oregon
  - c. Must be able to attend nine (9) out of twelve (12) regular City Council meetings in a calendar year
- (5) The Council shall be the 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 a month at a time and place in the city which it designates, and may meet at other times in accordance with the rules. It shall, by Ordinance, prescribe rules to govern its meetings and proceedings.

Section 14. **Quorum**. A majority of members of the Council shall constitute a quorum for its business.

Section 15. **Record of Proceedings**. The Council shall cause a record of its proceeding to be preserved.

Section 16. **Proceedings to be Public**. No action by the Council shall have any 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 the chairperson for the Council and preside over its deliberations. The mayor is a voting member of the Council and shall have authority to preserve order, enforce the rules of the Council and determine the order of business under the rules.

Section 18. **Council President**. At the 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.

Section 19. **Vote Required**. Except as this Charter otherwise provides, the concurrence of a majority of a quorum present and voting 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 other persons required by the Council to be so appointed; shall sign all approved records of proceedings of the Council; shall have no veto power; and, shall sign all ordinances passed by the Council within three days after their passage.

Section 21. **Recorder**. The recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused 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 Council.

Section 22. **Municipal Judge**. The municipal judge shall be the judicial officer of the city and shall hold, within the city, a court known as the Municipal Court for the City of Detroit, Marion County, Oregon. The court shall be open for the transition of judicial business at times specified by the Council. All areas within the city shall be territorial jurisdiction of the court. The municipal judge shall exercise original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe. The municipal judge may: render judgement, and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction; penalize contempt of court; issue process necessary to effectuate judgements and orders of the court; and, perform other judicial and quasi-judicial functions prescribed by ordinances. The Council may authorize the municipal judge to appoint municipal judges pro tem, for terms of office set by Council. Notwithstanding this section, the Council may transfer some or all of the function of the municipal court to an appropriate state court.

## Chapter VI

### ELECTIONS

Section 23. **Regulation of Elections**. Except as this Charter or city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 24. **Tie Votes**. In the event of a tie vote for candidates for elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 25. **Commencement of Terms of Office**. The term of office of a person elected at a regular city election shall commence the first Council meeting of the year immediately following the election.

Section 26. **Oath of Office**. Before entering upon the duties of their office, the officers shall take an oath that they will support the constitutions and laws of the United States and of Oregon, and that they will faithfully perform the duties of their office.

Section 27. **Nominations**. A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective position (see Section 12, Qualifications of Officers). Nomination petitions shall be in the form and filed in the manner and within the time prescribed by state law; such petitions shall be signed by not fewer than 20 electors. The City Recorder shall make a record of the exact time in which each petition is filed and notify an eligible person of their nomination.

## Chapter VII

### VACANCIES IN OFFICE

Section 28. **What Creates Vacancy**. An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, other offense pertaining to office, unlawful destruction of public records, resignation, recall from office, fails to meet the qualifications of officers (Section 12), ceasing to possess the qualification for the office, or failure of the person elected or appointed to the office to qualify therefor within ten days after the time for term of office to commence; or in the case of mayor or Council member, upon absence from the

city for 30 days without the consent of the Council, absence from meetings of the Council for three regular meetings within a calendar year without like consent and upon declaration by the Council of the vacancy.

Section 29. **Filling of Vacancies.** A vacancy in the Council shall be filled by appointment by a majority of the Council. The appointee's term of office shall begin immediately upon his or her appointment and shall continue until the beginning of the year following the next general election, and until his or her successor is qualified. The successor for the unexpired term shall be elected at the next general biennial election after the appointment to serve for two years. During a Council member's inability to serve on the Council, or during a member's absence from the city, a majority of the other Council members may, by appointment, fill the vacancy pro tem.

## Chapter VIII

### ORDINANCES

Section 30. **Enacting Clause.** The enacting clause of all ordinances hereafter enacted shall be, "The City of Detroit, Oregon ordains as follow:"

Section 31. **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 of the readings may be by title only:

- a. if no Council member present at the meeting requests to have the ordinance read in full;
- b. 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 no 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. 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 on an ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

Upon the enactment of an ordinance the recorder shall endorse it with its date of adopting and the endorser's name and title of office; within three days thereafter, the mayor shall endorse it with date of endorsement and endorser's name and title of office.

Section 32. **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 33. **Procedure.** 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. Proposed action on a public improvement that is not declared by two-thirds of the Council present 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. In this section "owner" shall mean the record holder of legal title or, as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Section 34. **Special Assessments.** The procedure for fixing, levying and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

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## Chapter X

### MISCELLANEOUS PROVISIONS

Section 35. **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 indebtedness.

Section 36. **Continuation of Ordinances.** Insofar as consistent with this Charter, and until amended or repealed, all ordinances in force when the Charter takes effect retain the effect they have at that time.

Section 37. **Repeal.** All Charter provisions adopted before this Charter takes effect are hereby repealed.

Section 38. **Severability.** The terms of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected.

Section 39. **Acknowledgement of Council.** This form of the Charter amended by Emergency Election December 4, 2012 shall be acknowledged by the Council at the first Council meeting of January, 2013.