DONALD, OREGON
CHARTER TABLE OF CONTENTS

Section

Chapter I. Name and Boundaries

1 Title of enactment
2 Name of city
3 Boundaries

Chapter II. Powers

4 Powers of the city
5 Construction of charter

Chapter III. Form of Government

6 Where powers vested
7 Council
8 Councilmen
9 Mayor
10 Other officers
11 Salaries
12 Qualifications of officers

Chapter IV. Council

13 Meetings
14 Quorum
15 Journal
16 Proceedings to be public
17 Mayor's functions at council meetings
18 President of the council
19 Vote required

Chapter V. Powers and Duties of Officers

20 Mayor
21 Municipal judge
22 Recorder

Chapter VI. Elections

23 Regular elections
24 Notice of regular elections

25 Special elections
26 Regulation of elections
27 Canvass of returns
28 The votes
29 Commencement of terms of office
30 Oath of office
31 Nominations

Chapter VII. Vacancies in Office

32 What creates vacancy
33 Filling of vacancies

Chapter VIII. Ordinances

34 Enacting clause
35 Mode of enactment
36 When ordinances take effect

Chapter IX. Public Improvements

37 Condemnation
38 Improvements
39 Special assessments
40 Bids
40(a)
40(b) 1981 amendment for sewer construction

Chapter X. Miscellaneous Provisions

41 Debt limit
42
43 Existing ordinances continued
44 Time of effect of charter

To provide for the government of the City of Donald, Marion County, Oregon.

Be it enacted by the people of the City of Donald, Marion County, Oregon:

A CHARTER

CHAPTER I. NAME AND BOUNDARIES

SECTION 1. TITLE OF ENACTMENT.

This enactment may be referred to as the Donald Charter of 1964.

SECTION 2. NAME OF CITY.

The City of Donald, Marion County, Oregon shall continue to be a municipal corporation with the name " City of Donald".

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 his office at the city hall at least two copies of this charter in each of which he shall maintain 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 to 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 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 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 composed of a mayor andsix councilmen elected from the city at large.

SECTION 8. COUNCILMEN.

The council then in office at the time this charter is adopted shall continue in office, each until the end of his term of office as fixed by the provisions of the Oregon Revised Statutes. At each biennial general election after this charter takes effect, three councilmen shall be elected, each for a term of four years.

SECTION 9. MAYOR.

The Mayor in office at the time this charter is adopted shall continue in office until the end of his term of office as fixed by the provisions of the Oregon Revised Statutes. At each biennial general election after this charter takes effect, a mayor shall be elected for a term of two years.

SECTION 10. OTHER OFFICERS.

Additional officers of the city shall be a municipal judge, a recorder, and such other officers as the council deems necessary. The terms of office of the recorder, treasurer, and marshall who are in office at the time this charter is adopted shall terminate as of the date this charter takes effect. Each of the

additional 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. SALARIES.

The compensation for the services of each city officer and employe 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 his election he is 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, subject, however, to review by a court of competent jurisdiction.

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 his 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 earlier than three nor later than forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the 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. JOURNAL.

The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken, and a record of the vote entered in the journal.

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 FUNCTIONS AT COUNCIL MEETINGS.

The mayor shall be chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. 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 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. 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 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 questions 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. He shall sign all approved records of proceedings of the council. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passing. 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. 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 Donald, Marion County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise orginal and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court 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 court, and to punish witnesses and others for contempt of the Court. When not governed by ordinances or this charter, all proceedings of 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.

SECTION 22. 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 in a book provided for that purpose, and sign all orders on the treasury. 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 23. REGULAR ELECTIONS.

Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws.

SECTION 24. NOTICE OF REGULAR ELECTIONS.

The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

SECTION 25. SPECIAL ELECTIONS.

The council shall provide the time, manner, and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election.

SECTION 26. REGULATION OF ELECTIONS.

Except as this charter provides otherwise and as the council provides otherwise by ordinances 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 27. CANVASS OF RETURNS.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. The journal shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

SECTION 28. THE 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 in a manner prescribed by the council.

SECTION 29. COMMENCEMENT OF TERMS OF OFFICE.

The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

SECTION 30. OATH OF OFFICE.

Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

SECTION 31. NOMINATIONS.

The council shall provide by ordinance the mode for nominating elective officers.

CHAPTER VII. VACANCIES IN OFFICE

SECTION 32. WHAT CREATES VACANCY.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation; recall from office; 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 his term of office to commence; or in the case of a mayor or councilman, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

SECTION 33. FILLING OF VACANCIES.

Vacancies in elective offices in the city shall be filled by a majority of the incumbent members of the council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for ay cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII. ORDINANCES

SECTION 34. ENACTING CLAUSE.

The enacting clause of all ordinances hereafter enacted shall be, "The city of Donald ordains as follows:"

SECTION 35. MODE OF ENACTMENT.

(1) Except as this section provides 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 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 or (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 not later than one week before the first reading of the ordinance and notice of their availability is given forthwithupon the filing, by (i) written notice posted at the city hall and two other public places in the city or (ii) advertisement in a newspaper of general circulation 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 recorded in the journal.

(5) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his name and title of office and within three days thereafter the mayor shall sign it with the date of his signature, his name and the title of his office.

SECTION 36. 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 to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX. PUBLIC IMPROVEMENTS

SECTION 37. CONDEMNATION.

Any necessity of 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 38. 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 two-thirds of the property to be specially assessed therefor. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the city recorder, the said purchaser shall be deemed the "Owner".

SECTION 39. 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 40. BIDS.

A contract in excess of $500.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

SECTION 40(A).

Editor's note:

An amendment providing for water system capital construction and improvements, as proposed by Ord. 8, passed 1-18-1979, was approved by the voters but is not available for codification.

SECTION 40(B). 1981 AMENDMENT FOR SEWER CONSTRUCTION.

The City of Donald may own, acquire, construct, equip, operate and maintain, either within or without its corporate limits, in whole or in part, a sanitary sewage disposal system with all appurtenances necessary, useful or convenient for the collection, treatment and disposal of sewage.

The City Council is authorized to construct and equip a sewage collection and treatment facility, including interceptors and collector lines, pumping stations, holding ponds, lagoon-spray irrigation system, any and all other necessary appurtenances and also acquire necessary parcels of real property and easements on which to construct and operate said facilities.

The City Council is authorized to issue and sell general obligation bonds of the City in the sum of ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($165,000) for a term not exceeding FORTY (40) years, for the purpose of providing funds with which to pay the costs of said public improvements, including the costs of engineering and legal services. The debt limitation contained in the Charter of the City of Donald shall not apply to the bonds hereby authorized.

Editor's note:

The text of this amendment is taken from Ord. 18, passed 2-3-1981.

CHAPTER X. MISCELLANEOUS PROVISIONS

SECTION 41. DEBT LIMIT.

Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed $7,500.00; nor its bonded indebtedness, $25,000.00 at any one time. 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 employes who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

SECTION 42.

In no event shall the city be liable in damages for an injury to person, a damage to property, or a death, caused by a defect or a dangerous condition in a public thoroughfare, site, or facility, unless the city has had actual notice prior to the injury, damage, or death that the defect or condition existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than $500.00 be recovered as damages for an injury, damage, or death resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such injury, damage or death unless the claimant first gives written notice to the council within 30 days after the injury, damage or death is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefor of the city in an amount which he specifies. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

SECTION 43. 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 44. TIME OF EFFECT OF CHARTER.

This charter shall take effect immediately upon its enactment.