

ROSEBURG CITY CHARTER

INTRODUCTORY PROVISIONS

98.1.1 - Title.

This revision shall be referred to as the Roseburg City Charter of ~~1982~~2023.

98.1.2 - Corporate Name and Capacity.

The ~~inhabitants of the~~ City of Roseburg, Oregon ~~have been and are hereby constituted~~continues as a municipal corporation ~~by~~with the name ~~of the~~ City of Roseburg ~~and by that name have perpetual succession and may sue and be sued in all courts of justice.~~

98.1.3 - Boundaries.

The City includes all territory ~~encompassed by~~within its boundaries as they now exist ~~when this revision of the Charter is adopted or as they are subsequently or are legally~~ modified ~~in accordance with state law. The repository of City records shall include at least two copies of this Charter each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours. The City will maintain as a public record an accurate and current description of the boundaries.~~

98.2 - POWERS

98.2.1 - Vesting, Grant and Construction of Powers.

- (1) Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City. The Council has legislative, administrative and quasi-judicial authority. The Council exercises legislative and quasi-judicial authority by ordinance, and administrative authority by resolution. The Council may not delegate its authority to adopt ordinances.
- (2) The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.
- (3) In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City has all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.

98.3 - CITY COUNCIL AND MAYOR

98.3.1 - Council: Membership.

Eight councilors constitute the Council of the City.

98.3.2 - Council: Election.

The councilors shall be elected two from each ward classified into positions: one position designated as Position 1 and the other as Position 2 for each ward. Each councilor shall be elected for four years and shall hold office until a qualified successor ~~is elected or appointed~~takes office. Councilors in Position 1 shall be elected in ~~1982-2026~~ and every fourth year thereafter and councilors in Position 2 shall be elected in ~~1984-2024~~ and every fourth year thereafter, to take office as provided in this Charter.

98.3.3 - Mayor: Election.

A mayor shall be elected each even-numbered year for two years and hold office until a qualified successor is elected or appointed.

98.3.4 - Council: Meetings.

The Council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.

~~The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in a manner prescribed by ordinance.~~

98.3.5 - Council: Quorum.

A majority of the Council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.

~~A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members.~~

98.3.6 - Council: Journal.

The Council shall keep a journal of its proceedings. Except where exempted by state law, the Council's deliberations and proceedings shall be public and its records available for inspection during business hours.

98.3.7 - Mayor: Functions.

The mayor shall preside at Council meetings but may not vote on matters before the Council, except in case of a tie, when ~~he or they~~ shall cast the deciding vote. The mayor shall, at least once each year, state to the Council the condition of the City and recommend such measures as ~~he or she~~they may deem expedient and proper.

98.3.8. - Council: President.

At the first meeting of the Council each year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City for thirty days or physically unable to function as mayor for thirty days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor, including veto power and voting only in the event of a tie.

~~98.3.10 – Council and Mayor: Immunity.~~

~~No councilor or mayor may be held liable or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.~~

98.4 - CITY MANAGER

98.4.1 - City Manager: Appointment and Qualifications.

The Council shall appoint a city manager for an indefinite term who shall hold office ~~during~~ at the pleasure of the Council and may be removed at any time with or without cause by two-thirds vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the city or state at the time of appointment, but promptly thereafter shall become and remain a resident of the city while in office. The Council shall have discretion to waive the city manager residency requirement, on an individual basis, when they deem appropriate. No councilor nor mayor may be appointed as city manager until one year after the expiration of ~~his or her~~ their service in the office of councilor or mayor.

98.4.2 - City Manager: Vacancy.

If the office of city manager becomes vacant or if the city manager is absent from the City or ~~disabled~~ unable to perform the duties of city manager, the Council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with the approval of the Council. The term of office of the city manager pro tem ends when the city manager returns to the City or takes office.

98.4.3 - City Manager: Powers and Duties.

The city manager shall be the chief executive officer and head of the administrative branch of the City government and shall be responsible to the Council for the proper performance of ~~his or her~~ their duties. The city manager shall:

- (a) Supervise and control all administrative and business affairs of the City;
- (b) Enforce all ordinances;
- (c) See that the provisions of all franchises, contracts, leases, permits and privileges granted by the City are fully observed and enforced;
- (d) Except for municipal court judge(s), generally supervise and control all employees of the City including, but not limited to, employing, disciplining and discharging employees ~~at pleasure~~, assigning duties and accounting for performances;
- (e) Delegate duties, but remain responsible for all subordinates.
- (ef) Organize, disband or reorganize departments;
- (gf) Prepare the annual budget;
- (hg) Make all purchases;
- (ih) Execute all contracts;
- (ji) At ~~his or her~~ their discretion, appoint advisory boards to assist the city manager;
- (kj) Prepare and furnish reports requested by the Council;

- (~~l~~k) Devote full time to the office of city manager; and
- (~~m~~j) Perform other duties as the Council directs.

98.4.4 - City Manager: Council Meetings.

The city manager and such other ~~officers~~ officials of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions.

98.4.5 - City Manager: Interference in Administration.

~~No mayor or council member may directly or indirectly attempt to coerce the city manager or a candidate for the office of city manager in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, the mayor or councilors may discuss or suggest anything with the city manager relating to City business. No councilor or mayor may influence or attempt to influence the city manager in personnel decisions or in the purchase of supplies, nor may any councilor or mayor exact any promise relative to any personnel decision by the city manager. Violation of this section forfeits the office of the violator. The mayor and any councilor may, however, in open Council meeting discuss with or suggest to the city manager anything pertaining to City affairs.~~

98.4.6 - City Manager: Exclusive Powers.

~~The powers herein granted to the city manager are exclusive.~~

98.5 - MUNICIPAL COURT AND JUDGE

98.5.1 - Municipal Court: Creation and Jurisdiction.

The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has ~~original and~~ jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.

98.5.2 - Municipal Court: Powers.

(~~2~~1) The municipal judge may:

- (a) Render judgements and may impose sanctions for the enforcement thereof on persons and property within its jurisdiction;
- (b) Cause the arrest of any person accused of an offense against the City;
- (c) ~~Commit to jail or admit to bail anyone accused of a City offense; Commit to jail pending trial any person accused of an offense against the City;~~
- (d) Issue and compel obedience to subpoenas;
- (e) Compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court;
- (f) Punish witnesses and others for contempt of court;

- (g) Issue any process necessary to carry into effect the judgment of the municipal court, including search warrants; and
- (h) Perform other judicial or quasi-judicial functions as the Council prescribes by general ordinance.

98.5.3 - Municipal Judge: Appointment.

The Council may appoint a municipal judge and such pro tem judges as it deems necessary to serve for indefinite terms to hold office at the pleasure of the Council and may remove any of them any time, with or without cause, by two-thirds vote of the entire Council.

98.5.4 - Municipal Judge: Vacancy.

If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or ~~disabled~~unable to perform the duties of municipal judge, the City Council may appoint an ~~acting~~ municipal judge pro tem. The ~~acting~~ municipal judge pro tem shall perform the duties of municipal judge. The term of ~~acting~~ municipal judge pro tem shall end when the municipal judge returns to the City or takes office.

~~98.6 - MUNICIPAL OFFICERS AND EMPLOYEES.~~

~~6.1 – Municipal/City Officer. City officers are elected officers, the city manager and the municipal judge.~~

~~98.6.1-2 - Qualifications.~~

No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City or ward ~~he or she~~they ~~seeks~~ to represent when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filed.

~~98.6.2-3 - Certificate of Election.~~

Immediately after the votes at a municipal election for filling an elective office have been canvassed, the City ~~officer~~official in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated, but the Council shall be the judge of the election and qualifications of the mayor and councilors. Neither the mayor nor a councilor may be employed by the City, ~~and in case of a contest between two or more persons claiming an elective city office shall determine the contest.~~

~~98.6.3-4 - Terms.~~

The term of an officer elected at a general election begins at the first Council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office, unless the office becomes vacant under Section 6.6.

~~The term of city elective offices shall commence on the first day in January following the officer's election.~~

~~98.6.4-5 - Oath of Office.~~

Each elective officer, the city manager and municipal judge before entering upon the duties of office shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of ~~his or her~~their office.

98.6.5-6 - Offices:- Vacancies.

The mayor or a Council office becomes vacant:

a) Upon the incumbent's:

- 1) Death;
- 2) Adjudicated incompetence; or
- 3) Recall from the office.

b) Upon declaration by the Council after the incumbent's:

- 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- 2) Absence from the City for 30 days without Council consent, or from all Council meetings within a 60-day period;
- 3) Ceasing to reside in the City;
- 4) Ceasing to be a qualified elector under state law;
- 5) Conviction of a felony crime;
- 6) Resignation from the office; or
- 7) Removal under Section 4.5.

6.7 - Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining Council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office.

- ~~(1) An office becomes vacant upon its incumbent's death, adjudication of incompetence, conviction of a felony, removal from the City, resignation or ceasing to be a qualified elector of the City. An elective City office becomes vacant whenever its incumbent is absent from the City for thirty consecutive days without the consent of the Council or whenever the elected City officer has been absent from meetings of the Council for sixty days without the Council's consent or whenever a councilor removes his or her residence from the ward from which he or she is elected or appointed.~~
- ~~(2) The Council shall judge when an office becomes vacant.~~

98.6.6 - Compensation.

~~Councilors and the mayor shall receive no pay for their services but may be reimbursed for actual expenses they incur when performing their duties. The compensation of other officers shall be prescribed by the Council.~~

98.6.7-8 - Liability for Unauthorized Expenditures.

- ~~(1) A city officer or employee who knowingly participates in, advises, consents to, or allows City money to be diverted to any purpose other than the purpose for which the money is raised may be removed from office and be charged with relevant criminal offenses as provided by statute.
A city officer who participates in, advises, consents to, or allows City money to be diverted to any purpose other than the one for which it is raised is guilty of malfeasance and removable from office as provided by law.~~
- ~~(2) If any City money is diverted from the purpose for which it is raised, if any money is unlawfully used or if any void evidence of debt is paid, any qualified elector or taxpayer of the City may~~

~~bring a civil action in the name of the City against any officer voting for, approving of, or in any way directing the diversion, unlawful use, or void payment, to recover that amount, with interest, for the benefit of the City.~~

98.6.8-9 - State Ethics Laws.

State of Oregon ethics laws shall govern the conduct of all city officers, employees, appointees and agents. ~~(Res. 94-6, approved 4/11/94)~~

98.7 - ELECTIONS.

98.7.1 - Elections.

City elections, insofar as not governed by this Charter or City ordinance shall be conducted as prescribed by state law governing popular elections.

98.7.2 - Wards.

The Council shall divide the City into wards and redefine the boundaries thereof as necessary to accord persons in the City ~~the equal~~ protection of the laws representation.

98.7.3 - Voter's Qualifications.

No person may vote at a city election who is not a qualified voter of the state. No person may vote in a ward other than that in which ~~he or she~~ they resides.

98.7.4 - Notice.

The ~~officer~~ official in charge of city elections shall give ten days' public notice of each city election. The notice shall state the officers to be elected and the measures to be submitted at the election. ~~The notice shall also state the places for the election.~~

98.7.5 - Nomination.

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

98.8 - ORDINANCES.

98.8.1 - Ordaining Clause.

The ordaining clause of an ordinance shall read: "The City of Roseburg ordains as follows:".

98.8.2 - Adoption.

- (1) Except as subsection (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.
- (2) Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by three-fourths vote of the entire Council 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 or if a copy of the ordinance is provided for public inspection in the office of the mayor or city manager no later than one week before the first reading of

the ordinance and if notice of their availability is posted at City Hall ~~or published once in a newspaper of general circulation in the city.~~

- (4) An ordinance adopted after being read by title only has no legal effect if it differs substantially from its terms as they stand when so read, unless each section incorporating such a difference, as finally amended prior to being adopted by the Council, is fully and distinctly read in open Council meeting.

98.8.3 - Attestation and Approval.

Upon the adoption of an ordinance a true duplicate original thereof shall be submitted to the mayor. If the mayor approves the ordinance, the mayor shall date and sign the ordinance. The city recorder shall attest to all ordinances.

98.8.4 - Veto.

If not approving an ordinance so submitted, the mayor shall, within ten days after receiving it, return it to the city manager, with the reasons for not approving it. If not so returned, the ordinance shall have legal effect as if so approved.

98.8.5 - Overriding of Veto.

At the first meeting of the Council after the mayor returns an ordinance not so approved, the city manager shall present the ordinance to the Council with the objections of the mayor, the ordinance shall then be put upon adoption again, and if three-fourths of the entire Council vote in favor of the ordinance, it takes effect in accordance with Section 8.6 of this Charter.

98.8.6 - ~~Times of Effect~~ Effective Date of Ordinances.

~~Ordinances normally take effect on the 30th day after adoption, passage over the mayor's veto, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption or passage over the mayor's veto, if it contains an emergency clause. An ordinance takes effect thirty days after its adoption by the Council and approval by the mayor or passage over the mayor's veto, unless it is necessary to have immediate effect for the preservation of the peace, health and safety of the city, states in a separate section the reasons why it is so necessary, and is approved by the affirmative vote of three-fourths of the entire Council. In that event it takes effect immediately upon its adoption by the Council and approval by the mayor or passage over his or her veto or at whatever subsequent time the ordinance specifies.~~

8.7 - Ordinance Continuation.

All ordinances consistent with this Charter in force when it takes effect remain in effect until amended or repealed.

98.9 - PUBLIC IMPROVEMENTS

98.9.1 - Procedure.

The Council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

- (1) ~~Except as provided in this section, the procedure for making, altering, vacating or abandoning a public improvement shall be governed by the applicable general laws of the state.~~

~~(2) If a remonstrance against a street or alley improvement or repair is filed by the owners of two-thirds or more of the front footage of the property abutting the street or alley, the proposed improvement or repair may not be made and may not be initiated again for six months, except on the petition of the owners of one-half or more of the front footage of the real property abutting the proposed street or alley.~~

98.9.2 – 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~~ will be governed by ~~general~~ ordinance.

98.9.3 – Liens.

~~The docket of city liens is a public writing, and the original or a certified copy of any matter authorized to be entered in the docket shall have the force and effect of a judgment. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other items and encumbrances upon the property and may be enforced in the manner authorized by the Council.~~

98.10 - MISCELLANEOUS PROVISIONS.

98.10.1 – Revenue Bonds.

~~The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility.~~

98.10.2 – City Manager Tax Levy.

~~The Council shall in each year levy a tax not to exceed two and one-half mills upon the assessed valuation of all taxable property in the City. The tax shall be in addition to and in excess of constitutional limitations on taxation by the City and shall be used to assist in defraying the cost of the office of city manager.~~

98.10.3-1 - Indebtedness: Limits.

- (1) Indebtedness of the City may not exceed the limits on city indebtedness under state law.
- (2) Approval by the voters of City indebtedness need not be in the form of a Charter amendment.

98.10.4 – Terms, Proceeds and Retirement of Bonds.

~~Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed and accounted for and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.~~

98.10.5 – Presumption of Validity of City Action.

~~In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard~~

~~every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.~~

~~98.10.6 – 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.~~

~~98.10.7.2 - Repeal~~

~~(1) All Charter provisions adopted before this Charter takes effect are repealed.~~

~~All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed except the sanitary sewer rates and charges established in subsection 67 of Section 33 of the 1907 Charter as amended, and except bond issuing power that have not been exhausted.~~

~~(2) No repeal of a feature of the 1907 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.~~

~~(3) No repeal of a feature of the 1907 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.~~

~~10.3 – Severability.~~

~~The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the Charter.~~

~~98.10.8.4 - Effective Date of Revision.~~

This revised Charter takes effect on ~~January 1, 1983~~ July 1, 2023.