

**CHARTER OF THE CITY OF
AURORA**

**TO PROVIDE FOR THE
GOVERNMENT OF THE CITY OF
AURORA, MARION 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 the
City of Aurora, Marion County, Oregon:**

CHAPTER I

NAMES AND BOUNDARIES

Section 1. TITLE OF ENACTMENT.

This enactment may be referred to as the City of Aurora Charter of 1985.

Section 2. NAME OF CITY. The City of Aurora, Marion County, Oregon, shall continue to be a municipal corporation with the name "City of Aurora."

Section 3. BOUNDARIES. The City of Aurora 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 at the City Hall at least two copies of this charter in each of which shall be maintained an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the recorder.

CHAPTER II

POWERS

Section 1. 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 if this Charter specifically enumerated each of those powers.

**Section 2. 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.

**Section 3. POWER TO LICENSE,
TAX AND REGULATE.** The city council shall have the power to license, tax and regulate for the purpose of city revenue, all businesses, callings, trades, employments and professions as the council may require to be licensed, and which are not prohibited by the laws of the State of Oregon.

**Section 4. INITIATIVE AND REFER-
ENDUM POWERS.** The power to enact or amend the Charter of the City of Aurora and all other rights guaranteed to the people of this city under the Initiative and Referendum

Provisions of Section 1-A, Article IV of the Constitution of the State of Oregon are hereby reserved and guaranteed to the people of the City of Aurora by this Charter, and the council shall provide the method of carrying into effect the initiative and referendum power of the people.

CHAPTER III

FORM OF GOVERNMENT

Section 1. WHERE POWERS VESTED.

Except as this Charter provides otherwise, all powers of the city shall be vested in the council.

Section 2. COUNCIL. The Council shall be elected from the city at large and be comprised of four council members and a Mayor, with each having one vote.

Section 3. COUNCIL MEMBERS. The council members in office at the time this charter takes effect shall continue in office until the end of their term, as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, two council members shall be elected, each for a term of four years.

Section 4. MAYOR. At each biennial general election a Mayor shall be elected for a term of two years. The Mayor shall be called a city officer and council member.

Section 5. OTHER OFFICERS. Additional officers of the city shall be a Treasurer, a Municipal Judge, a Recorder and such

other officers as the council deems necessary. All officers of the city shall be appointed by the Mayor with the consent of the council, and shall hold their office during the pleasure of the council or until their successors are appointed and qualified. Appointed officers are subject to removal at any time by the council with or without cause. The duties of all officers not defined in this Charter may be prescribed by the council. The council may combine any two or more appointive city offices.

Section 6. SALARIES. The compensation for the services of each city officer and employee shall be the amount fixed by the council.

Section 7. 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 six months immediately preceding the elections. The council shall be final judge of the qualifications and election of its own members.

Section 8. SECURITY BONDS. Any officer or employee connected with the handling of city monies shall be bonded, with the city paying for the bonds. All other city officers shall be bondable.

Section 9. COUNCIL AND MAYOR IMMUNITY. No council member or mayor may be held liable for words uttered in any meeting of the council, its sub-committees, commissions and boards.

CHAPTER IV

COUNCIL

Section 1. MEETINGS. The council shall hold a regular meeting at least once each month in the city at a regular and consistent time and place. It shall adopt rules for the government of its members and proceedings. The mayor may, or at the request of the two members of the council, shall, by giving notice thereof to all members of the council and public notice to all interested persons call a special meeting of the council for a time not earlier than twenty-four 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 and after twenty-four hours reasonable notice to the public. Emergency meetings of the council may be called by the mayor, or the president of the council, in the absence of the mayor, for an actual emergency, and notice thereof shall be given by telephone calls to the press and interested persons.

Section 2. QUORUM. A majority, minimum of three, of the members of the council shall constitute a quorum for its business.

Section 3. CONTROL OF CONDUCT. The council may reprimand any member for disorderly conduct at any meeting or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor. The council may by unanimous vote of all other council members, expel a member from a meeting for good cause.

Section 4. RECORD OF PROCEEDINGS.

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

Section 5. 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 takes place at proceedings open to the public.

Section 6. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.

The mayor shall be the chairperson of the council and preside over its deliberations. He or she shall have a vote on all questions before it and shall have authority to preserve order, enforce the rules of the council and determine the order of business.

Section 7. PRESIDENT OF THE COUNCIL.

At first meeting of each odd numbered year, the council by vote shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it.

Section 8. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting at which a quorum is present shall be necessary to decide any question before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 1. MAYOR. The mayor shall be the official conductor of business of the City of Aurora, and carry out rules of the council. He or she shall appoint committees and sign all records of proceedings approved by the council. He or she shall have no veto power and shall sign all ordinances, bonds and other official documents passed by the council within five full business days of their passing. He or she shall keep the council advised at all times of the affairs and needs of the city, and make reports annually of the affairs and departments of the city. He or she shall see that all ordinances are enforced, and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed. He or she shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests. He or she shall also have general supervision over all city property, and perform such other duties as may be prescribed from time to time by the council.

Section 2. TREASURER. It shall be the duty of the City Treasurer to supervise the organization of all monies that come to the city by taxation or otherwise, and shall keep same in separate funds as may be directed by ordinance and pay out the same as provided by this charter or by ordinance, or by resolution of the council. At the end of each quarter he or she shall prepare and present to the council a fair and accurate itemized statement of the receipts and disbursements of the various city funds during the quarter; and at the end of the fiscal year present a

statement, the same being a summary of his quarterly statements which shall be posted in a conspicuous place for interested persons. The books and accounts of the City Treasurer shall be open to the inspection of any interested persons. The treasurer shall be bonded as prescribed in Chapter III, Section 9.

Section 3. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. He or she shall hold within the city a court known as the Municipal Court for the City of Aurora, 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 original and exclusive jurisdiction of all offenses defined or authorized by the ordinances of the city. He or she 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 or her, 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 court. When not governed by ordinances 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 for violation of city ordinances may be had before a jury and trials and proceedings before the municipal court

shall be governed by ordinance or otherwise by the provisions of state laws regulating such actions and proceedings before justice courts, insofar as the same are or can be made applicable in the general cases arising before the municipal court. When ordinances of the City of Aurora provide for different procedure in the municipal court in any case proceedings, the provisions of such ordinance or ordinances shall control.

Section 4. CITY RECORDER. The recorder shall serve ex-officio as clerk of the council, attend all its meetings unless excused by the council, keep an accurate record of its proceedings in a book provided for that purpose, provide copies to council members prior to the next council meeting, 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.

Section 5. AUTHORITY TO CONTRACT FOR PROFESSIONAL SERVICES.

The council shall have the authority to contract for the professional services of a city attorney, municipal judge, city engineer, public accountant, city planner, medical examiner, or others whose professional skills, training and knowledge may be required at any time or from time to time for the administration of city affairs and municipal government. Such contractee shall not be deemed to be an officer or employee of the city, and contracts for their respective services shall be subject to any public bidding requirements. The duties and responsibilities of such persons engaged for their profes-

sional skills, knowledge and abilities shall be specified in their respective contracts with the city.

Section 6. CITY ATTORNEY. The City Attorney is a legal advisor of the officials of the City of Aurora and shall be retained by the council. The city attorney shall represent and defend the city in all suits, actions at law, and all matters and things in which the city may be legally interested. The city attorney, or a deputy appointed by him, shall also represent the city in the municipal court, including violations of any city ordinances or for the violations of all other laws under which municipal court has jurisdiction.

CHAPTER VI

ELECTIONS

Section 1. 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 2. NOTICE OF REGULAR ELECTIONS. In addition to any notice required to be given by state election laws, the recorder, pursuant to directions from the council shall give at least ten days notice of each regular city election by posting notice thereof in a conspicuous place in the city hall and in three other public places in the city. The notice shall state, at least, the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 3. SPECIAL ELECTIONS.

The council shall provide the time, manner and means for holding all special elections. 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 4. REGULATION OF ELECTIONS.

Except as this charter provides otherwise and as the council provides otherwise by resolutions or ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefore and contests thereof.

Section 5. 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 all city elections the returns therefore shall be filed with the recorder canvassed by the city council at the regular meeting following the filing of returns by the county elections department. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. The entry 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. The certificate so made and delivered shall be prima

facie evidence of the truth of the statements contained in it.

Section 6. 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 in a manner prescribed by the council.

Section 7. COMMENCEMENT OF TERMS OF OFFICE.

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

Section 8. 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 constitution and laws of the United States, the State of Oregon and the City of Aurora and that he will faithfully perform the duties of his office.

Section 9. NOMINATIONS. A qualified elector who shall have resided in the city during the six months immediately preceding the election may be nominated for an elective city position. Nominations for elective city offices may be made at a mass meeting of the electors of the city, called by the mayor to be held in the city not more than ninety nor less than seventy-five days before the next regular or special election. Notice of such mass meeting shall be given by the city recorder posting notice thereof at least ten days prior to said meeting in three public and conspicuous places in the city. At such mass meeting of the electors the mayor shall preside over the meeting until a meet-

ing chairman and secretary shall have been selected by the electors present. The chairman of such meeting shall preside over the meeting, and the secretary shall keep a record of the deliberations and determinations and a record of the nominations for city offices. Upon conclusion of such mass meeting, the chairman and secretary thereof shall certify to the city recorder the names and addresses of all persons nominated for elective city offices, and the position to which each nominee is nominated. All nominations made at such mass meeting of the electors and subsequently certified by the chairman and secretary to the city recorder shall be included on the ballot at the next special or regular city election, providing that each of said nominees shall first file with the city recorder a signed statement of acceptance of the nomination. The signed acceptance of nomination shall be filed within five days of notification of nomination. The name of any nominee for an elective city office who neglects or fails to file his notice of acceptance within the period required, shall not be included on the ballot.

Nominations for elective city positions may also be made by petition specifying the position sought, and the form of the petition shall be prescribed by the council. Such petition shall be signed by not fewer than fifteen registered voters, and all nominating petitions shall be filed with the city recorder at least eighty days prior to the election. No elector shall sign more than one petition for each vacant position. If he does so, his signature shall be valid only on the first sufficient petition filed for the position. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating

the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of resident, identified by his street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument. At the time of the filing of all nomination papers, a signed consent for nomination shall be filed for each nominee and the failure of any nominee to sign the consent to nomination shall invalidate his nomination, and his name shall not be included on the ballot. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition or a substitute petition for the same candidate may be filed within the regular time for filing nomination petitions. Upon the receipt of a sufficient nominating petition and the signed acceptance of the nominee, the recorder shall cause the nominee's name to be printed on the ballot. The petition of nomination for a successful candidate at an election and also the minutes of the mass meeting of electors called for nominating candidates to elective city offices shall be preserved in the office of the recorder until the term of office for

which the candidate is elected expires. If it becomes necessary to change the nomination procedure, the council may do so by ordinance.

CHAPTER VII

VACANCIES IN OFFICE

Section 1. 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; unlawful destruction of public records; resignation; recall for office; ceasing to possess the qualifications for the office; failure of the person elected or appointed to the office to qualify therefore 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 thirty days without consent of the council or upon his absence from meetings of the council for sixty days without like consent, and upon a declaration by the council of the vacancy.

Section 2. FILLING OF VACANCIES.

Vacancies in elective offices in the city shall be filled by a majority of the 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 any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

ORDINANCES

Section 1. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Aurora Ordains as Follows:".

Section 2. MODE OF ENACTMENT.

All ordinances shall be read at two meetings of the council. If approved by the council the first reading may be by title only and a brief outline covering the purpose of the ordinance. The second reading may be by title only unless any person present requests to have the ordinance or any part thereof read in full. Immediately following the first reading of a proposed ordinance, it shall be signed and published by the recorder at least once at full length in a newspaper of general circulation; provided, however, that the council may order instead that the proposed ordinance be posted in three public and conspicuous places in the city for a period of five days prior to the passage of said ordinance. Whenever the council proposes to take final action on any proposed ordinance at a special meeting, notice thereof giving the time and place of such meeting shall be posted along with the ordinance. In any event, before the final action has been taken on any proposed ordinance, there shall be filed by or with the recorder proof by affidavit of the publication or posting of proposed ordinance. After final reading of a proposed ordinance, the council may immediately take action thereon or may, by a majority vote of the council present at such meeting, postpone final action on the proposed ordinance from time to time, and it shall require a ma-

jority vote of all members of the council to pass an ordinance after its final reading.

Upon the final vote of an ordinance, the ayes and nays of the members shall be taken and recorded in the record, and 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 five days thereafter, the mayor shall sign it with the date of his signature, his name and the title of his office.

Section 3. WHEN ORDINANCES TAKE EFFECT.

Except as otherwise provided in this charter, 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 another time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 1. PROCEDURE. Except as provided in this section, the procedure for making, altering, repairing, 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.

Section 2. 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 3. IMPROVEMENTS. 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 therefore. 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 4. 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 5. BIDS. Public contracting shall be done in compliance with the Provisions of Oregon's Public Contracting Code, the rules and regulations promulgated thereunder, and with all local contracting ordinances and rules established by the city.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 1. DEBT LIMIT. The city's voluntary floating indebtedness shall not exceed \$25,000.00. 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 2. TORTS.

(A) 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 sidewalk, street, alley, sewer, public ground, public building, drain gutter, ditch, or other type of 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 the city has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$1,000.00 be recovered as damages for 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 thirty 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 start-

ed until thirty days have elapsed after the presentation of this notice to the council.

(B) No recourse shall be had against the city for damages or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk.

(C) It shall be the duty of all persons owning lots or land which have sidewalks abutting the same to maintain and keep and repair said sidewalks and not permit the same to become or remain a dangerous or unsafe condition. Any owner of lots or lands who neglects to promptly comply with the provisions of this section shall be answerable to any person injured by such negligence.

Section 3. 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 4. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 5. CONTRACTUAL OBLIGATIONS. Except gifts of money to the city for specified purposes, expenditures of sums not budgeted and expenditures of budgeted funds for a single purchase or contract in excess of \$15,000.00 shall be authorized by a resolution or an ordinance; and the city shall not be bound by any contract unless the same is in writing and signed by the mayor and attested by the recorder on behalf of the city.

Section 6. 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. When so adopted, the same shall be submitted to a vote of the legal voters 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 therefore under the initiative provisions of Oregon statutes by a petition duly signed by the appropriate number of qualified voters.

Section 7. TIME OF EFFECT OF CHARTER. This charter shall take effect January 1, 1985.