

# **CHARTER**

## **CITY OF FLORENCE, OREGON**

**MAY 17, 1988**

**CHARTER  
of the  
CITY OF FLORENCE, OREGON**

**Prepared by the Charter Committee and the  
Council of the City of Florence**

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**Adopted May 17, 1988 at the Primary Election**

**Effective May 17, 1988**

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# City of Florence CHARTER

We the people of the City of Florence, Lane County, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon, by 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 charter provisions except as hereinafter provided in Section 35 of the City Charter enacted prior to the time this Charter takes effect.

## CHAPTER I NAME AND BOUNDARIES

**SECTION 1. Title and Enactment.** This enactment may be referred to as the 1988 Florence Charter.

**SECTION 2. Name of City.** The City of Florence, Lane County, Oregon, shall continue to be a municipal corporation with the name CITY OF FLORENCE, Oregon.

**SECTION 3. Boundaries.** The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by state law. The custodian of City records shall keep at the City Hall at least two copies of this Charter and an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular City office hours.

## CHAPTER II POWERS

**SECTION 4. Powers of the City.**

(1) The City shall have all powers that the constitutions, statutes and common law of the United States and of the State of Oregon expressly or impliedly grant or allow municipalities as though this Charter specifically enumerated each of those powers.

(2) The following shall be deemed to be a description of some of the powers conferred upon the City by this Charter and may not be interpreted to limit any or all of the powers conferred:

(a) **Property.** To acquire property within or without the corporate limits of the City for any City purposes in fee simple or any lesser interest or estate by purchase, gift, devise, lease or condemnation; and to sell, lease, mortgage, and manage and control

such property as the interests of the City may require.

(b) **Indebtedness.** To borrow money within the limits prescribed by general laws.

(c) **Public Services.** To purchase, hire, construct, or maintain and operate or lease public utilities; to furnish all local public services, either within or without the corporate limits of the City; to grant local franchises for the use of public ways and to regulate the exercise of all franchisees.

(d) **Public Improvements.** To make local public improvements and to protect and preserve the improvement.

(e) **Bonds.** To issue and sell general obligations, refunding, revenue, or other bonds on the security of the faith and credit of the City, or to issue and sell any of such bonds on the security, in whole or in part, of any property or any utility owned by the City, or the revenues thereof, or by both.

(f) **Police Regulations.** To adopt and, enforce regulations not in conflict with general law that are necessary for the public health, safety and welfare.

(g) **Occupational and Police Regulatory Taxes.** To license, tax, and regulate for the purpose of City revenue and police regulations all businesses, callings, trades, and employments whether conducted as nonprofit or otherwise, as the City Council may require.

(h) **Annexations.** To annex areas to the City in accordance with State law.

**SECTION 5. Construction of Charter.** In this Charter no specification of a power is exclusive or restricts authority that the City would have if the power were not specified. The Charter shall be liberally construed so that the City may exercise as fully as possible all powers possible for it under this Charter and under United States and Oregon law. A power of the City is continuing unless the grant of the power clearly indicates the contrary.

### **CHAPTER III FORM OF GOVERNMENT**

**SECTION 6. Where Powers Vested.** Except as this Charter provides otherwise and as the Oregon Constitution reserves municipal legislative power to the electors of the City, all powers of the City are vested in the Council. The City shall operate under a Council-Manager form of government.

**SECTION 7. Council.** The Council shall be composed of a Mayor and four Councilors elected from the City at large.

**SECTION 8. Councilors.** Councilors in office at the time this Charter is adopted shall continue in office until the end of the present term of office of each. At each biennial general election after this Charter takes effect, two Councilors shall be elected, each for a term of four years, and at each biennial general election the number of Councilors to be elected to fill vacancies pursuant to Section 28 of this Charter shall be elected.

**SECTION 9. Term of Office.** The term of office of city officers elected at a biennial general election commences at the first Council meeting of the calendar year

immediately after the election and continues until the successor to the office assumes the office.

**SECTION 10. Oath of Office.** Before commencing the duties of office, each officer shall take an oath or shall affirm faithful performance of the duties of the office and support for the constitutions and laws of the United States and the State of Oregon.

**SECTION 11. Mayor.** The present Mayor shall serve the remainder of the term, and at the general election of the year 1988 and every two years thereafter a Mayor shall be elected.

**SECTION 12. Manager, Judge, and Other Officers.** Additional officers of the City shall be a City Manager and Municipal Judge, each of whom the Council shall appoint, and such other officers as the Council deems necessary. The Council may combine any two or more appointive offices, except the offices of City Manager and Municipal Judge, but in judicial functions the Municipal Judge is not subject to supervision by any other appointive officer.

**SECTION 13. Salaries.** The Council shall fix the amount of compensation for City officers and shall approve a compensation plan for City employees. Elected officers shall receive no compensation for serving in an official capacity as elected officers except actual authorized expenses.

**SECTION 14. Qualifications of Officers.**

(1) No person shall be eligible for an elective office of the City unless at the time of his or her election or appointment he or she is a qualified elector within the meaning of the State Constitution and has resided in the City during the twelve months immediately preceding election or appointment.

(2) No City appointive officer or employee may serve on the Council.

(3) No person may be a candidate at a single election for more than one elective office of the City.

(4) No Councilor with an unexpired term of office in excess of two years may be a candidate for the office of Mayor without first filing with the Council at least 100 days before standing for election as Mayor his or her written resignation from the Council effective at the end of the calendar -year. Such resignation is to allow candidates for the Councilor's seat to file nomination petitions and stand for election to fill the unexpired term of the resigned Councilor.

(5) No person shall serve a continuous period on the Council of more than twelve years plus the portion of a partial term to which the *official* may have been originally appointed.

(6) The Council shall be the final judge of the qualifications and election of its own members.

## CHAPTER IV COUNCIL

**SECTION 15. Meetings.** The Council shall hold regular meetings at least once a month in the City at a time and place that it designates. Other meetings of the Council may be held as prescribed by State law. The Council shall adopt rules for the government of its members and proceedings.

**SECTION 16. Quorum.** A majority of members of the Council shall constitute a quorum for its business, but a small number may meet and compel the attendance of the absent members in a manner provided by council rules.

**SECTION 17. Record of Proceedings.** Except when exempt from public disclosure under State law, the record of Council proceedings shall be open for public inspection at City Hall during normal business hours.

**SECTION 18. Mayor's Functions at Council Meetings.** The Mayor shall:

- (1) Preside over Council deliberations and preserve order;
- (2) Except in case of conflict of interest, vote on all questions before the Council;
- (3) Enforce the rules of the Council; and,
- (4) Determine the order of business under the Council rules.

**SECTION 19. President of the Council.** 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 his or her office, the President shall act as Mayor.

**SECTION 20. Vote Required.** Except as this Charter otherwise provides the concurrence of a majority of members of the Council voting when a quorum of the Council is present shall decide any question before it. No Councilor present at a Council meeting shall abstain from voting without first stating reasons at the meeting.

## CHAPTER V POWERS AND DUTIES OF OFFICERS

**SECTION 21. Mayor.** The Mayor shall appoint the committees of the Council provided by the Council rules; shall sign all records of proceedings approved by the Council; shall have no veto power; and shall sign all ordinances passed by the Council within three days after their passage.

**SECTION 22. City Manager.**

**(1) Qualifications.** The City Manager shall be the administrative head of the government of the City, and chosen by the Council without regard to political considerations and solely with reference to his or her executive and administrative qualifications. The Manager need not be a resident of the City or of the State at the

time of appointment. The City Manager shall not have been a member of the Council any time during the twelve (12) months preceding his or her appointment as Manager. Before taking office, the Manager shall be bonded in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City.

**(2) Term.** The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of Manager, the Council at its next regular meeting shall adopt a resolution of its intention to appoint another Manager. Not later than six months after adopting the resolution, the Council shall appoint a Manager to fill the vacancy.

**(3) Powers and Duties.** The Manager shall:

(a) Devote full time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.

(b) Enforce all ordinances and see that all terms or franchises, leases, contracts, permits, and privileges granted by the City are observed.

(c) Appoint and remove all City employees except as this Charter otherwise provides; shall have general supervision and control over employees and their work with power to transfer an employee from one department to another; and shall organize and supervise the departments to the end of obtaining the utmost efficiency in each of them, except the Manager shall have no control over strictly judicial activities of the Municipal Judge.

(d) Act as purchasing and business agent for the City.

(e) Be responsible for preparing and submitting to the Budget Committee the proposed annual budget in accordance with State law.

(f) Supervise the operation of all public utilities owned and operated by the City.

(g) Have general supervision over all City property.

(h) Perform such other duties as the Council directs.

**(4) Seats at Council Meetings.** The Manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The Manager may take part in all Council discussions.

**(5) Manager Pro Tem.** Whenever the Manager is temporarily disabled from acting as Manager, or whenever his office becomes vacant, the Council shall appoint a Manager Pro Tem, who shall possess the powers and duties of the Manager. No Manager Pro Tem, however, may appoint or remove a City employee except with the approval of the Council.

**(6) Interference in Administration.** No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the Manager in the making of any appointment or removal of any employee; or to influence an award of contract contrary to City Code; or, except through the Manager, attempt to direct any City officer or employee under the Manager's supervision in the performance of his or her duties; or attempt to exact any promise relative to any appointment to be made by the Manager from any candidate for Manager. Nothing in this section shall be construed, however, as prohibiting the Council, or

Council members, from fully and freely discussing with or suggesting to the Manager anything pertaining to City affairs or the interests of the City.

**(7) Political contributions.** No person shall attempt to or actually coerce, command or require any appointed City official or employee to influence or give money, service or anything of value to promote or oppose any political committee, the nomination or election of a candidate, the adoption of a measure, or the recall of a member of the Council.

**SECTION 23. Municipal Judge.**

(1) The Municipal Judge shall hold within the City at a place and times that the Council specifies a court known as the Municipal Court for the City of Florence, Lane County, Oregon.

(2) Except as this Charter or City ordinance prescribes to the contrary, proceedings of the Court shall conform to the general laws of this State governing justices of the peace and justice courts.

(3) Area within the City and, to the extent provided by state law, area outside the City is within the territorial jurisdiction of the Court.

(4) The Municipal Court has original jurisdiction over all offenses that ordinances of the City make punishable. The Court may enforce forfeitures and other penalties that the ordinances prescribe for the offenses.

(5) The Municipal Judge may

- (a) Render judgments and, for enforcing them, impose sanctions on persons and property within the Court's territorial jurisdiction;
- (b) Order the arrest of anyone accused of an offense against the City;
- (c) Commit to jail or admit to bail anyone accused of such an offense;
- (d) Issue and compel obedience to subpoenas;
- (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the Court;
- (f) Penalize contempt of Court;
- (g) Issue process necessary to effectuate judgments and orders of the Court;
- (h) Issue search warrants; and
- (i) Perform other judicial and quasi judicial functions prescribed by City ordinance.

(6) The Council may authorize municipal judges pro tem.

(7) Notwithstanding this Section and Section 12 of this Charter, the Council may transfer the functions of the municipal court to any appropriate court of this State.

**CHAPTER VI  
ELECTIONS**

**SECTION 24. Regulation of Elections Generally.** Except as this Charter or as the Council by ordinance provides to the contrary, the general laws of the State apply to City elections.

**SECTION 25. 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 26. Nominations.** A qualified elector who shall have resided in the City during the 12 months immediately preceding the election or the appointment may be nominated for an elective City office. Nomination shall be by petition specifying the elective office sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 25 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by general ordinance. The custodian of City records 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.

## **CHAPTER VII VACANCIES IN OFFICE**

**SECTION 27. Vacancies in Office.**

(1) The office of Mayor or Councilor becomes vacant upon the incumbent's:

- (a) Death.
- (b) Adjudicated incompetence.
- (c) Conviction of a public offense which is punishable by loss of liberty for one year or more.
- (d) Unlawful destruction of public records.
- (e) Resignation.
- (f) Recall from office.
- (g) Ceasing to possess the qualifications for office.
- (h) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office commences.

(2) In the case of a Mayor or Councilor, an office also becomes vacant upon the incumbent's removal of residency from the City, absence from the City for 30 consecutive days without consent of the Council, or absence from four consecutive regular meetings of the Council without like consent, and upon a declaration by the Council of the vacancy.

**SECTION 28. Filling Vacancies.** Vacant elective offices shall be filled by appointment by a majority vote of the remaining members of the Council. The appointee's term of office begins immediately on appointment and shall continue until the beginning of the year following the next general biennial election occurring more than 100 days after the appointment. At the election a successor shall be elected to fill the unexpired term, if any, of the predecessor in the office of the appointee. During the temporary disability of any officer or during the officer's absence temporarily from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently.

## CHAPTER VIII ORDINANCES

**SECTION 29. Enacting Clause.** The enacting clause of all ordinances shall read:

(1) In case of enactment by the Council alone, "The City of Florence ordains as follows:"

(2) In case of enactment or ratification by the electors of the City, "The people of the City of Florence ordain as follows:".

**SECTION 30. Mode of Enactment.**

(1) Except as provided in Subsection (2) of this section before being put upon its final passage, every ordinance of the Council shall be read in open Council meeting on two different days.

(2) An ordinance may be enacted at a single meeting of the Council by being read twice with unanimous consent of all Council members present and then being put upon its final passage.

(3) As used in Subsections (1) and (2) of this Section, an ordinance is read in any one of the following methods:

(a) by being read fully and distinctly;

(b) by title only, if no Council member present at the time of the reading requests that the ordinance be read in full; or

(c) by title only if no later than the week before the first reading of the ordinance a copy of the ordinance is provided each Council member and three copies are provided for public inspection at City Hall and notice of the availability of the ordinance is posted in three public places, or is published in a newspaper of general circulation in the City.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(5) Upon the enactment of an ordinance the custodian of city records shall endorse it with the date of its enactment and the endorser's name and title of office, and within three days thereafter the Mayor shall endorse it and date it.

**SECTION 31. When Ordinances Take Effect.** An ordinance shall take effect on the thirtieth day after its enactment. When the Council **deems** it advisable, however, an ordinance may provide a later or different time for it to take effect, and in case of an emergency, it may take effect immediately.

## CHAPTER IX LOCAL IMPROVEMENTS

**SECTION 32. Procedure for Making Local Improvements.** The following shall be governed by general ordinance of the City or to the extent not so governed, by applicable State law:

(1) The time, method, and manner of making all street, sidewalk, sewer, water, and other local improvements, and the method of financing the same;

(2) The procedure for vacation, alteration, or abandonment of streets and other local improvements.

**SECTION 33. Special Assessments.** The procedure for determining, levying, collecting, and enforcing the payment of special assessments for local improvements or other services to be charged against real property shall be governed by general ordinance.

## **CHAPTER X MISCELLANEOUS PROVISIONS**

**SECTION 34. 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 35. Repeal of Previously Enacted Provisions.** All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed, except the charter amendment enacted by the voters of the City on June 19, 1950, and authorizing a continuing levy each year, in an amount not to exceed \$1.25 per \$1,000.00 (originally authorized at not to exceed 5 mills per dollar of assessed value at 259 assessment ratio of true cash value upon all property, real and personal, within the City for the purpose of providing street lighting, said levy to be in addition to and in excess of 6• limitation, shall remain in full force and effect following adoption of this Charter. *(Measure 47, passed in 1996, and Measure 50, passed in 1997, included this provision within the City's tax base.)*

**SECTION 36. Severability.** The terms of this Charter are severable. If a part of this charter is held invalid, that invalidity does not affect another part of the Charter except as the logical relationship between the two parts requires.

**SECTION 37. Time of Effect of Charter.** This Charter shall take effect immediately upon voter approval.