

**RESOLUTION NO. 1118**

**A RESOLUTION CALLING FOR AN ELECTION IN THE CITY OF TROUTDALE, SUBMITTING TO THE VOTERS A REVISED CITY CHARTER, APPROVING A BALLOT TITLE, AND PROVIDING FOR NOTICE OF ELECTION AND OTHER MATTERS PERTAINING TO THE ELECTION.**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:**

**Section 1.** An election is called in and for the City of Troutdale on Tuesday, November 8, 1994, for the purpose of submitting to the voters of the city a revised city charter for their approval. A copy of the proposed charter is attached hereto as Exhibit A.

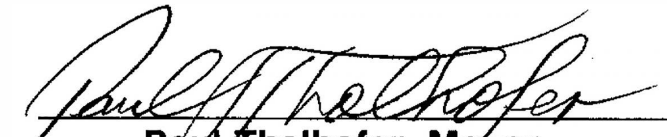
**Section 2.** The ballot title for the revised city charter measure attached as Exhibit B, is adopted and directed to be filed with the City Recorder. The City Recorder shall publish in the next available edition of a newspaper of general distribution in the city a notice of receipt of this ballot title including notice that an elector may file a petition for review of the ballot title as specified in ORS. 250.296.

**Section 3.** The City Recorder is directed to certify to the Elections Clerk for Multnomah County the revised city charter measure for inclusion as a part of the regular ballots to be prepared by the Elections Clerk for voting at all precincts within the City of Troutdale at the general election on November 8, 1994. The City Recorder is directed to do all things necessary and expedient to call and hold this election under state and municipal law.

**Section 4.** The City recorder shall provide at least ten (10) days public notice of this election by either posting an election notice in three (3) public places in each precinct in the city or publishing the notice twice in a newspaper of general circulation in the city. The notice shall contain the ballot title under which the measure will appear on the ballot and the time and place of the election.

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE  
THIS 23rd DAY OF AUGUST, 1994.**

**YEAS: 5**  
**NAYS: 1 (BURGER-KIMBER)**  
**ABSTAINED: 0**

  
Paul Thalhofer, Mayor  
Dated: AUGUST 25, 1994

**ATTEST:**

  
George Martinez, City Recorder  
D: CREATED . RES / CHARTER . ELC

**CHARTER  
CITY OF TROUTDALE**

**PREAMBLE**

The voters of the City of Troutdale adopt the following charter which shall be called the 1994 Troutdale Charter.

**CHAPTER I.**

**NAMES, BOUNDARIES, AND GENERAL PROVISIONS**

**SECTION 1. NAME.** The City of Troutdale, originally chartered October 2, 1907, continues as a municipal corporation with the name "City of Troutdale."

**SECTION 2. BOUNDARIES.** The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state and local law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular office hours.

**SECTION 3. EXISTING ORDINANCES CONTINUED.** All ordinances and other regulations of the City of Troutdale not inconsistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

**SECTION 4. EXISTING RIGHTS AND LIABILITIES CONTINUED.** Except as the charter provides otherwise, its adoption shall impair or destroy no right, power, privilege, immunity or liability of the city existing at the time of the adoption of this charter.

## CHAPTER II.

### POWERS

**SECTION 5. POWERS OF THE CITY.** The city has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

**SECTION 6. CONSTRUCTION OF SPECIFIED POWERS.** The powers of the city specified in this charter are not exclusive. Any specification of power in this charter is not intended to limit authority.

**SECTION 7. DISTRIBUTION OF POWERS.** Except as otherwise prescribed by this charter or the state constitution, all powers of the city are vested in the council.

## CHAPTER III.

### FORM OF GOVERNMENT

**SECTION 8. FORM OF GOVERNMENT.** The City of Troutdale shall be governed by council.

**SECTION 9. COUNCIL.** The council consists of a mayor and six councilors nominated and elected from the city at large. The council may consist of fewer members when there are vacancies in office.

**SECTION 10. COUNCILORS.** The term of office for a councilor is four years. Councilors in office at the time this charter is adopted shall complete their terms of office. Councilors elected at the time of adoption of this charter begin new terms of office. At each general election after adoption of this charter, three councilors shall be elected, each for a four year term.

**SECTION 11. MAYOR.** At the first general election after the adoption of this charter, and every four years thereafter, a mayor shall be elected for a four-year term.

**SECTION 12. OTHER OFFICERS.** Additional officers of the City of Troutdale shall be a City Administrator, a Municipal Judge, a City Attorney and any other officers whom the council deems necessary for the proper conduct and management of the city. The Mayor shall appoint an officer if the appointment is approved by a majority of the council. An officer shall be removed by the mayor if the removal is approved by a majority of the council. By ordinance the council may combine any of these offices.

**SECTION 13. QUALIFICATIONS FOR ELECTIVE OFFICE.** No persons may be eligible to fill an elective office unless at the time of their election or appointment they are qualified voters under the meaning of the Constitution of Oregon and have resided in the city at least six months immediately preceding the election or appointment. No officer elected or appointed may continue to serve if he or she ceases to be a resident of the city. An elected or appointed officer may not hold another elective office. City employees may not hold an elective office within the City of Troutdale.

## **CHAPTER IV.**

### **THE COUNCIL**

**SECTION 14. COUNCIL RULES AND MEETINGS.** The council shall, by ordinance, prescribe rules to govern its meetings and proceedings and meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

**SECTION 15. QUORUM.** A quorum consists of a majority of council. Fewer council members may compel absent members to attend to obtain a quorum. As used in this charter, "majority of the council" means a majority of the members of the council (mayor and councilors) in office. Except as this charter provides otherwise, the agreement of a majority of council members present and constituting a quorum is necessary to decide affirmatively a question before the council.

**SECTION 16. RECORD OF PROCEEDINGS.** A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

**SECTION 17. MEETINGS TO BE PUBLIC.** Except as permitted by state law the deliberations and proceedings of the council and other bodies empowered by the council to make decisions or recommendations shall be open to the public.

**SECTION 18. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.**

(1) When present at council meetings the mayor shall:

- (a) Preside over deliberations of the council;
- (b) Preserve order;
- (c) Enforce council rules; and,
- (d) Determine the order of business under the rules.

(2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to the president of the council, or in absence of the president, to another council member.

(3) The mayor is a voting member of the council.

**SECTION 19. PRESIDENT OF THE COUNCIL.** At its first meeting in January after the adoption of this charter, and thereafter at its first meeting of each succeeding year, the council, shall elect a president of the council from its councilors. In the mayor's absence from a council meeting the president of the council shall preside as mayor. Whenever the mayor is unable, due to illness, absence from the city, or other cause, to perform the functions of the mayor's office, the president of the council shall act as mayor. While functioning as mayor the president shall have but one vote.

**CHAPTER V.**

**POWERS AND DUTIES OF CITY OFFICERS**

**SECTION 20. MAYOR.** The mayor oversees the operation of the city. The mayor has all executive authority, except for those powers delegated by ordinance to the city administrator or other officers. The mayor appoints the members of committees of the council. The mayor has any other power established by ordinance, including, the power to appoint members of city boards and commissions.

**SECTION 21. CITY ADMINISTRATOR.**

(1) The mayor shall appoint a city administrator after obtaining approval of a majority of the council. The city administrator is responsible to the mayor for the continuous administration of the affairs of the city. The duties and responsibilities

of the city administrator shall be set out by ordinance.

(2) Outside of council meetings, a councilor shall not, directly or indirectly, by suggestion or otherwise, attempt to influence decisions of the city administrator or other city employees relating to personnel matters, the awarding of city contracts, or the disposition of city property.

**SECTION 22. MUNICIPAL COURT AND JUDGE.**

(1) If the council creates the office of municipal judge and fills it by appointment, the appointee 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 Troutdale, Multnomah County, Oregon.

(2) Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.

(3) All 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 every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.

(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 ordinance.

(6) The council may authorize the municipal judge to appoint municipal judges pro-tem for terms of office set by the judge or the council.

(7) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

(8) Nothing in this section prevents the council from establishing administrative adjudication processes to impose fines and provide other remedies for violations of municipal ordinances.

## CHAPTER VI.

### ELECTIONS

**SECTION 23. ELECTIONS.** Both state and local law govern the conduct of city elections.

**SECTION 24. TERMS OF OFFICE.** The term of office of an officer elected at a general election begins at the first council meeting of the year following the election and continues until the successor to the office assumes the office. In case of an appointment to fill a vacancy in an office, the person appointed shall enter upon the office immediately.

**SECTION 25. OATH.** Before taking office, an officer shall swear or affirm that he or she faithfully will perform the office's duties and support the laws of the City of Troutdale, the State of Oregon and the United States.

**SECTION 26. NOMINATIONS.** The council shall provide by ordinance the mode for nominating elective officers.

## CHAPTER VII.

### VACANCIES IN OFFICE

**SECTION 27. WHAT CREATES A VACANCY.**

(1) The office of mayor or councilor becomes vacant if the incumbent:

- (a) Dies;
- (b) Is adjudged to be incompetent;
- (c) Is recalled from office; or,
- (d) Resigns.

(2) In addition, the office of mayor or councilor may be declared to be vacant by the council if the incumbent:

- (a) Is convicted of a felony or crime pertaining to the incumbent's office;
- (b) Fails to qualify for the office within ten days after the term for the office is supposed to begin;
- (c) Ceases to reside in the city;
- (d) Ceases to be a qualified elector under state law;

- (e) Is absent from the city for more than 30 consecutive days without consent of the council; or,
- (f) Is absent from three consecutive regular meetings of the council without consent of the council.

**SECTION 28. FILLING OF VACANCIES.**

(1) A vacancy in the office of councilor shall be filled by appointment by a majority of the council. The appointee's term of office runs from the time of appointment and qualification until expiration of the term of the predecessor who left the office vacant. If, however, the vacancy is filled prior to July 15 of the second year of the term, the appointee's term of office runs only until the first council meeting in the third year of the term. At the general biennial election in the second year of the term, a person shall be elected to the council for a two-year term.

(2) A vacancy in the office of mayor shall be filled by election only. That election shall be called for at the next regular election date as defined by state law following the 61st day after the position becomes vacant.

**CHAPTER VIII.**

**ORDINANCES**

**SECTION 29. ENACTING CLAUSE.** The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE."

**SECTION 30. ORDINANCE ADOPTION PROCESS.** (1) The council shall adopt all legislation by ordinance. Except as this charter otherwise provides, the council may not adopt any ordinance at a meeting unless:

(a) The ordinance is introduced at a previous meeting of the council at which a public hearing was held;

(b) The title of the ordinance as introduced is included in a written agenda of the meeting at which the ordinance is adopted;

(c) The agenda of that meeting is publicized not less than three business days nor more than ten days before the meeting; and,

(d) Copies of the ordinance are available for public inspection at least three business days before that meeting.

The text of an ordinance may be amended, but not substantially revised, at the meeting at which it is adopted.

(2) The provisions of subsection (1) do not apply to an ordinance adopted by all council members present, containing findings on the need for immediate adoption, and which has been distributed to the council and made available for public inspection at least 24 hours prior to its adoption.

(3) A nonemergency ordinance takes effect on the 30th day after its adoption or on a later day the ordinance prescribes. An ordinance declaring an emergency, and approved by all council members present, may take effect earlier or immediately upon passage. The reasons for the emergency must be clearly stated in a separate section of the ordinance.

(4) Each ordinance may embrace only one subject and matters properly connected with it. The council shall plainly word each ordinance and avoid technical terms as far practicable.

(5) After adoption of an ordinance, the custodian of the city records shall endorse it with the date of adoption and the endorser's name and title of office. Within three days of adoption, the mayor shall sign and date the ordinance over the title of "Mayor."

## CHAPTER IX.

### PUBLIC IMPROVEMENTS

SECTION 31. CONDEMNATION. The necessity for taking property by condemnation shall be determined by the council, and declared by a resolution or ordinance describing the property and stating the use to which it is to be devoted. Condemnation proceedings shall be conducted in accordance with the general laws of the State of Oregon.

SECTION 32. SPECIAL ASSESSMENT. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or services to be charged against real property shall be governed by general ordinance.

SECTION 33. BIDS FOR PUBLIC IMPROVEMENT. All contracts for public improvements shall be handled in accordance with state law.

## CHAPTER X.

## MISCELLANEOUS

**SECTION 34. DEBT.** The City's indebtedness may not exceed debt limits imposed by state law. City officers or employees who create or officially approve indebtedness in excess of such limitation are jointly and severally liable to the city for the excess.

**SECTION 35. REPEALING CLAUSE AND DATE CHARTER BECOMES EFFECTIVE.** Any and all former Charters of the City of Troutdale, together with the amendments, are hereby repealed. Provided, however, that such repeal shall not in any manner affect or impair any of the provisions or rules of the council hereto or now existing and under which the council prepared and submitted this charter to the legal voters of the city. This charter shall become effective on January 1st following the November General Election at which it is approved by the voters of the City of Troutdale.

**SECTION 36. SEVERABILITY.** The terms of this charter are severable. If a part of this charter is held invalid, that invalidity does not affect any other part of this charter unless required by logical relation between the parts.

**SECTION 37. AMENDMENT OF CHARTER.** All amendments to this charter must be made by a vote of the electorate. The council may refer, and the city voters may initiate, amendments to this charter. A proposed charter amendment may embrace only one subject and matters properly connected with it. The council shall provide by ordinance for a procedure to revise this charter.

**Ballot Title for Charter Revision Measure**

**Caption:** City Charter Revision

**Question:** Should the 1942 City Charter be Revised?

**Explanation:** City charter revision referred by the City Council. The revision updates and changes the 1942 City Charter. It was drafted by a citizen committee and modified by the city council. The revised charter defines city powers and structure of government. Continues council of six councilors. Adds mayor as voting member of council. Creates four year term of office for mayor. Subjects city administrator to mayor and council oversight. Limits councilor interference in certain staff decisions.