

RESOLUTION 26-23

A RESOLUTION REFERRING A PROPOSED AMENDMENTS TO MULTIPLE SECTIONS OF THE ASTORIA CITY CHARTER AND APPROVING A BALLOT TITLE

WHEREAS, Astoria City Charter of 1997 was adopted by and may only be amended by the qualified electors of the City.

WHEREAS the Astoria City Council has proposed an amendment to Sections 4.2, 4.9, 5.2, 5.3 and creating a new Section 5.4 of the Astoria City Charter of 1997 dealing with City governance and administration.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF ASTORIA:

Section 1. The Astoria City Council hereby approves a proposed amendment to Sections 4.2, 4.9, 5.2, 5.3 and creating a new Section 5.4 of the Astoria City Charter of 1997 dealing with governance and administration of the City as described on the attached Exhibit A for referral to the qualified electors of the City of Astoria at the next general election.

Section 2. The Astoria City Council hereby approves the ballot title set forth on the attached Exhibit B and directs the City Manager to file this ballot title with the City Elections official.

ADOPTED BY THE CITY COUNCIL THIS 6th DAY OF JULY 2026.



Mayor

ATTEST:



City Manager

ROLL CALL ON ADOPTION

YEA NAY ABSENT

~~Councilor~~
~~Commissioner~~ Davis
Mazzarella
Adams
Conklin
Mayor Fitzpatrick

x
x
x
x
x

EXHIBIT A

Existing Text

Section 4.2 Quorum

A majority of the Council constitutes a quorum for its business, but a smaller number of the Council may meet and compel attendance of absent Councilors.

Proposed Amendment

Section 4.2 Quorum

Except as specifically provided in this Section and Section 4.9, a majority of the Council members constitutes a quorum to conduct business. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by Council rules. In the event of a vacancy due to resignation or other cause, the quorum shall be reduced accordingly solely for the purpose of making appointments necessary to achieve the quorum required by Section 4.9.

Existing Text

Section 4.9 Filling Vacancies

A vacancy in the Council shall be filled:

- A. Within 60 days by appointment by a majority of the Council; or
- B. In the alternative, a majority of the Council, by Resolution, may declare that the vacancy will be filled at the next available election or at a special election.

Whether a vacancy is filled by appointment or election, the term of office runs from the time of taking the oath of office until the expiration of the term of the predecessor who has left the office vacant.

During a Council member's temporary disability to serve on the Council or during a member's temporary absence from the City, a majority of the other Council members may, by appointment, fill the vacancy pro tem. In this provision, temporary means over 30 days.

Amended Text

Section 4.9 Filling Vacancies

A vacancy in the office of Mayor or Councilor shall be filled by appointment of a majority of the remaining Council members. Notwithstanding the quorum requirement of Section 4.2, if Council membership is reduced to fewer members required for a quorum, the remaining members may, by majority vote, appoint additional members until Council membership reaches a quorum of Council to conduct regular business. For purposes of filling vacancies, a single remaining Council member constitutes a majority if all other Council positions are vacant.

The term of an appointee shall commence upon appointment and continue until expiration of the term of the elected officeholder whose office became vacant.

EXHIBIT A

If a disability prevents a Council member from attending Council meetings, or if a Council member is absent from the City, a majority of the Council may appoint a Councilor Pro Tem.

Existing Text

Section 5.2 City Manager

- (1) The City Manager is the administrative head of the City government.
- (2) A majority of the Council shall appoint and may remove the Manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The Manager need not reside in the State when appointed, but promptly thereafter shall become, and during his/her tenure of office remain, a resident of the State. The City Council may set the terms of his or her contract, including any additional residency requirements the Council wishes to include.
- (4) Upon accepting the appointment, the Manager shall furnish the City a bond in an amount and with a surety approved by the Council. The City shall pay the bond premium.
- (5) The Manager shall be appointed for a definite or an indefinite term and may be removed by the Council at its pleasure.
- (7) The Manager may not control:
 - (a) The Council;
 - (b) The Municipal Judge;
 - (c) The City Attorney; or
 - (d) Except as the Council authorizes, appointive personnel of the City whom the Manager does not appoint.
- (8) The Manager shall sit with the Council but may not vote on questions before it. The Manager may take part in all Council discussions.
- (9) When the Manager is temporarily absent from the City or temporarily disabled from acting as Manager, or when the office of Manager becomes vacant, the Council shall appoint a Manager Pro Tem, who has the powers and duties of Manager, except that the Manager Pro Tem may appoint or remove personnel only with approval of the Council.
- (10) Except in Council meetings, no Council member may directly or indirectly, by suggestion or otherwise, attempt to influence the Manager or a candidate for the office of Manager in the appointment, supervision, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In Council meetings, members of the Council may discuss with, or suggest to, the Manager anything pertinent to City affairs.

EXHIBIT A

Amended Text

Section 5.2 City Manager

(1) The office of City Manager is established as the administrative head of the City government. The City Manager is responsible to the Mayor and Council for the proper administration of all City business. The City Manager shall assist the Mayor and Council in developing City policies and shall carry out policies established by ordinance and resolution.

(2) A majority of the Council shall appoint and may remove the Manager. The appointment shall be made without regard to political considerations and solely on the basis of education, experience, and demonstrated competency in local government management.

(3) The Manager need not reside within the City.

(4) The Manager may be appointed for a definite or indefinite term and may be removed at any time by a majority of the Council. The Council shall fill the office by appointment as soon as practicable after a vacancy occurs.

(5) The Manager shall:

(a) Attend all Council meetings unless excused by the Mayor or Council;

(b) Make reports and recommendations to the Mayor and Council regarding the needs of the City;

(c) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other City decisions;

(d) Appoint, supervise, and remove City employees;

(e) Organize City departments and administrative structure;

(f) Prepare and administer the annual City budget;

(g) Administer City utilities and property;

(h) Encourage and support regional and intergovernmental cooperation;

(i) Promote cooperation among the Council, staff, and citizens in developing City policies and building a sense of community;

(j) Perform other duties directed by the Council; and

(k) Delegate duties while remaining responsible for the actions of subordinates.

(6) The Manager has no authority over the Council or over the judicial functions of the Municipal Judge.

(7) The Manager and other employees designated by the Council may sit with the Council but shall have no vote. The Manager may participate in Council discussions.

(8) When the Manager is temporarily disabled from acting as Manager, or when the office becomes vacant, the Council shall appoint a Manager Pro Tem. A Manager Pro Tem shall possess the powers and duties of Manager except that a Manager Pro Tem may appoint or remove employees only with Council approval.

EXHIBIT A

(9) To preserve the form of government established by this Charter, protect the authority of the Council as a body, promote transparency, and maintain the separation between administrative and legislative functions, no Council member shall coerce or attempt to coerce the Manager or a candidate for Manager regarding the appointment or removal of City employees or administrative decisions concerning City property or contracts. A violation of this provision constitutes grounds for removal from office by a majority vote of the Council after a public hearing. This prohibition does not apply during publicly noticed meetings, including Council meetings, committee meetings, executive sessions, or work sessions.

Existing Text

Section 5.3 Municipal Court and Judge

- (a) 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 Astoria, Clatsop County, Oregon.
- (b) The Council may remove the Municipal Judge at any time, with or without cause.
- (c) 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.
- (d) 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.
- (e) The Municipal Court has original jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeiture and other penalties that such ordinances prescribe.
- (f) The Municipal Judge may:
 - (1) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
 - (2) Order the arrest of anyone accused of an offense against the City;
 - (3) Commit to jail or admit to bail anyone accused of such an offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
 - (6) Penalize contempt of court;
 - (7) Issue process necessary to effectuate judgments and orders of the court;
 - (8) Issue search warrants; and
 - (9) Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (g) The Council may authorize the Municipal Judge to appoint Municipal Judges Pro Tem for terms of office set by the Judge or the Council.

EXHIBIT A

- (h) Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate State court.

Amended Text

Section 5.3 Municipal Court and Judge

- (a) A majority of the Council may appoint and remove a Municipal Judge. The Municipal Judge shall hold court at a location designated by the Council. The court shall be known as the Municipal Court.
- (b) Proceedings of the Municipal Court shall conform to Oregon law governing justices of the peace and justice courts.
- (c) The Municipal Court shall have territorial jurisdiction within the City and such additional areas as state law permits.
- (d) The Municipal Court shall have jurisdiction over offenses created by City ordinance and such other jurisdiction as state law provides unless limited by ordinance.
- (e) The Municipal Judge shall possess the powers set forth in the Charter, including authority to render judgments, impose sanctions, issue warrants, subpoenas, and process necessary to enforce judgments and orders of the Court.
- (f) The Council may appoint and remove Municipal Judges Pro Tem.
- (g) The Council may transfer some or all functions of the Municipal Court to an appropriate state court.
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5.4 City Attorney (New Section)

Section 5.4 City Attorney

The office of City Attorney is established as the chief legal officer of the City government. A majority of the Council shall appoint and may remove the City Attorney.

EXHIBIT B

Proposed Ballot Title

Caption (10 words or less)

Revises Charter Provisions Regarding City Government Administration

Question (20 words or less)

Shall Astoria City Charter provisions governing vacancies, appointments, city administration, municipal court, and city attorney be revised?

Summary (175 words or less)

This measure amends multiple provisions of the City Charter.

The measure revises quorum and vacancy procedures by allowing remaining Council members to fill vacancies even when Council membership falls below a normal quorum. It creates procedures for appointing temporary Council members.

The measure updates provisions governing the City Manager, including qualifications, duties, authority, appointment, removal, and restrictions on interference by Council members in administrative matters.

The measure revises provisions governing the Municipal Court and Municipal Judge and authorizes appointment and removal of Municipal Judges Pro Tem.

The measure creates a definition for the office of City Attorney and provides that the City Attorney is appointed and may be removed by a majority of the Council.

Other conforming and clarifying amendments are included.