

**CITY OF GREENHORN, OREGON  
Box 157  
Sumpter, Oregon 97877**

**ADOPTION OF NEW CITY OF GREENHORN, OREGON CHARTER**

**QUESTION:** Shall new City of Greenhorn Charter be adopted, replacing current charter?

**SUMMARY:** Grants general powers to city. Would establish the mayor as a council member, require elective office qualifications to include being a property owner for one year in the city before election or appointment, term limits of two terms with a lapse of one term before re-appointment or elected at large, and provides home rule government.

GREENHORN CHARTER  
2005 CHARTER FOR GREENHORN, OREGON

WE, the voters of Greenhorn, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

CHAPTER I

Section 1. Title. This charter may be referred to as the 2005 City of Greenhorn Charter.

Section 2. Name. The City of Greenhorn, Oregon, continues as a municipal corporation with the name City of Greenhorn, Oregon.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as public record an accurate and current description of the boundaries.

CHAPTER II  
POWERS

Section 4. Powers. The city has all powers that the constitution and common law of the United States and Oregon expressly or impliedly grant and allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative administrative and quasi-judicial authority. The council exercises legislative authority by resolution and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

CHAPTER III  
COUNCIL

Section 7. Council. The council consists of a mayor and four councilors nominated or elected from the city at large.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. City Recorder. The city recorder will be a appointed position. The recorder shall serve ex-official as clerk of the council, attend all its meetings unless excused there from by the council and keep an accurate record of the proceedings. The recorder shall sign and the mayor countersigns all orders on the treasury. In the 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 11. Rules. The council must by resolution adopt rules to govern its meetings.

Section 12. Meetings. The council must meet at least two times a year, at a time and place designated by the city council, and may meet at other times in accordance with the rules.

Section 13. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 14. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 15. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

#### CHAPTER IV LEGISLATIVE AUTHORITY

Section 16. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Greenhorn ordains as follows:".

Section 17. Ordinance Adoption.

- (a) Except as authorized by subsection (b), adoption of a ordinance requires approval by a majority of the council at two meetings.
- (b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the ordinance is available in writing to the public before the council adopts the ordinance at that meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

- (d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- (e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title

Section 18. Effective Date of Ordinances. Ordinances normally take effect upon adoption or other date less than 30 days if the ordinance contains an emergency clause.

#### CHAPTER V ADMINISTRATIVE AUTHORITY

Section 19. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Greenhorn resolves as follows:".

#### Section 20. Resolution Approval

- (a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- (c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes
- (d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and custodian's title.

Section 21. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

#### CHAPTER VI QUASI-JUDICIAL AUTHORITY

Section 22. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Greenhorn orders the following:".

#### Section 23. Order Approval.

- (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.
- (b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
- (d) After approval of an order, the city custodian of records must endorse it with date of approval and the custodian's name and title.

Section 24. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

## CHAPTER VII ELECTIONS

Section 25. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At the next general election after adoption positions 3 and 5 will be elected to a four year terms and positions 2 and 4 will be elected to a two year term.

Section 26. Mayor. The term of the mayor in office when this charter is adopted is the term for which the mayor was elected. The mayor will be elected at the next general election to a four year term.

Section 27. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 28. Qualifications.

- (a) The mayor and each councilor must be a qualified elector under state law: and or so qualified under State Legislative House Bill #2991, dated June 6, 1983.
- (b) If a number vacancies exist at the same time in the offices of members of the City Council of a historic ghost town so that the remaining members do not constitute a quorum for the conduct of city business, the governing body of the county in which the historic ghost town is located shall appoint to the vacant offices the minimum number of qualified persons sufficient, with the incumbent members of the city council, to form a quorum. Persons appointed by the county governing body under this section, together with the incumbent members serving in office, shall appoint qualified persons to the remaining vacant offices. A person appointed under this section shall perform the duties of the office of member of the city council until the date on which, under the city charter, and elected and qualified successor could assume the office. On that date, the tenure of office of persons appointed under this section shall cease. Reappointment by qualification per the charter.
- (c) In making appointments to the city council of a historic ghost town under the act, the governing body of a county shall give preference for appointment, in the following order, to:
  - (1) A person who is a registered elector within the city.
  - (2) A person who owns and maintains property within the city and is a registered elector of the county in which the historic ghost town is situated.

- (3) A person who owns and maintains property within the city and is a registered elector anywhere in this state.
  - (4) A person who is a registered elector and a resident of the county in which the historic ghost town is situated.
- (d) The council is the final judge of the election and qualifications of its members.
  - (e) No person may be a candidate at a single election for more than one city office.
  - (f) To be appointed or be an elector must be a property owner for one year.

Section 29. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

Section 30. 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. No elected or appointed official shall serve more than two consecutive terms. A lapse of at least one term must exist before reappointment or elected to any city position.

Section 31. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitution and laws of the United States and Oregon.

Section 32. Vacancies. The mayor or a council office becomes vacant:

- (a) Upon the incumbent's:
  - (1) Death
  - (2) Adjudicated incompetence, or
  - (3) Recall from office.
- (b) Upon declaration by the council after the incumbent's:
  - (1) Failure to qualify for office within 10 days of the time the term of office is to begin.
  - (2) Ceasing to be a qualified elector under state law.
  - (3) Conviction of a public offense punishable by loss of liberty.
  - (4) Resignation from office.

Section 33. 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 or appointed to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro-tem.

## CHAPTER VIII APPOINTIVE OFFICERS

Section 34. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove

the attorney. The attorney must appoint and supervise, and may remove any office employee.

Section 35. Municipal Court and Judge. A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court. All proceedings of this court will conform to state laws governing justices of the peace and justice courts. All areas within the city and outside the city as permitted by state law are within the territorial jurisdiction of the court. The municipal court has jurisdiction over every offense created by city ordinances. The court also has jurisdiction under state law unless limited by city ordinances. The city council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER IX  
PERSONNEL

Section 36. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 37. Merit Systems. The council by resolution will determine the rules governing recruitment, promotion, demotion, suspension, layoff and dismissal of city employees.

CHAPTER X  
PUBLIC IMPROVEMENTS

Section 38. 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 of 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.

Section 39. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

CHAPTER XI  
MISCELLANEOUS PROVISIONS

Section 40. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 41. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 42. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 43. The council reserves the right to make appointments that might become necessary.

Section 44. 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.

Section 45. Time of Effect.

This charter takes effect: May 20<sup>th</sup>, 2006.

James Villwock  
Mayor City of Greenhorn, Oregon

June 25, 2006  
Date

Jose Zappal  
Recorder City of Greenhorn, Oregon

June 25, 2006  
Date