



HOOD RIVER CITY CHARTER OF 1991

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HOOD RIVER CITY CHARTER OF 1991

A CHARTER

To provide for the government of the City of Hood River, Hood River 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 HOOD RIVER, OREGON:

CHAPTER I - NAME AND BOUNDARIES

Section 1. Title of Charter. This charter may be referred to as the Hood River City Charter of 1991.

Section 2. Name of City. The City of Hood River, Oregon, continues under this charter to be a municipal corporation under the name of City of Hood River.

Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist and as they are hereafter modified by the electorate of the City or by the Council. An accurate, up-to-date description of the boundaries shall be maintained at city hall.

CHAPTER II – POWERS

Section 4. 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 5. Construction of Powers. In this charter, no statement 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. All powers are continuing unless a specific grant of power clearly indicates the contrary.

Section 6. Where Powers Vested. All powers of the City are vested in the Council except those reserved to the voters by the Oregon Constitution.

CHAPTER III – FORM OF GOVERNMENT

Section 7. Council. The Council consists of a Mayor and six (6) Council members, nominated and elected from the city at large. Any vacancy on the Council shall not divest the Council of its powers.

Section 8. Council members. The Council members in office or elected at the time this charter becomes effective shall continue in office until the end of their term of office. At each biennial general election thereafter, three shall be elected, each for a four year term.

Section 9. Mayor. The Mayor in office or elected at the time this charter becomes effective shall continue in office until the end of the Mayor's term. At each biennial general election thereafter, a Mayor shall be elected for a term of two years.

Section 10. Officers. Officers of the City shall be a City Judge, City Attorney and City Manager. These officers shall serve at the pleasure of the Mayor and Council. Each of these officers shall be appointed and may be removed by the Mayor, with the consent of the Council. An officer shall continue in office unless removed by the Mayor with the consent of the City Council. If a vacancy in an office occurs, the Mayor shall appoint an officer to fill the vacancy with the consent of Council within 45 days of the date the vacancy occurs.

Section 11. Compensation of Council and Officers. The compensation paid to the Council and each officer shall be set by the Council. The compensation to be paid to the Council shall be agreed upon by at least five members of the Council.

Section 12. Qualifications of the Council.

(1) To be eligible to serve on the Council, a person must:

- (A) Have residency within the city for a continuous period of 12 months immediately preceding election or appointment; and
- (B) Be registered to vote within the city for 12 continuous months immediately preceding election or appointment; and
- (C) Continue residency within the city during any term of office; and
- (D) Not be an employee of the city unless the employee's position is substantially volunteer in nature.

(2) No person shall be a candidate in a single election for more than one elective city office.

CHAPTER IV – COUNCIL

Section 13. Meetings. The Council shall prescribe rules to govern its meetings and proceedings. The Council shall hold regular Council meetings at least twice per month at a time and place designated by the Council and may meet at other times as provided by the Council.

Section 14. 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 members of the Council as prescribed by ordinance.

Section 15. Record of Proceedings. A record of Council proceedings shall be kept. The results of all votes and the vote of each member of the Council by name shall be recorded.

Section 16. Mayor's Function at Council Meetings. The Mayor shall preside over deliberations of the Council, preserve order, enforce Council rules and determine the order of business under the rules.

Section 17. Council President. At its first meeting after this charter takes effect and at its first meeting in each odd numbered year, the Council shall elect a president from its membership. If the Mayor is unable to function as Mayor or is absent from a Council meeting, the president shall function as Mayor. The president shall sign all approved

documents and ordinances passed by the Council if the Mayor fails to do so within a reasonable time.

Section 18. Vote Required. Except as this charter provides otherwise, express concurrence of a majority (four members) of the Council is necessary to decide affirmatively any question before the Council.

CHAPTER V – POWERS AND DUTIES OF CITY OFFICIALS

Section 19. Mayor. The Mayor shall appoint the committees provided by the rules of the Council. The officers of the city shall be appointed by the Mayor and may be removed by the Mayor, with the consent of the Council. The Mayor shall sign all approved documents and records of proceedings of the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within a reasonable time after their passage.

Section 20. City Manager. The City Manager shall serve as chief administrative officer of the City. The City Manager shall be responsible for the direction and supervision of all activities of city departments, the execution of the budget and implementation of policy as established by the City Council. The City Manager shall have authority and responsibility to provide city staff and to employ, discipline and discharge all city employees, except officers appointed by the Mayor with the consent of the Council as designated in this charter. All orders on the treasury shall include the signature of the City Manager or the manager's designee and the signature of the Mayor or President of the Council. The City Manager shall designate another city employee to serve in the absence of the City Manager.

Section 21. Municipal Judge. The Municipal Judge shall be the judicial officer and shall hold within the City a court known as the Municipal Court for the City of Hood River. All areas within the City shall be within the territorial jurisdiction of the court. The municipal court has original and exclusive jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeitures, penalties and other provisions that ordinances of the city prescribe. The Municipal Judge may render judgments and impose sanctions on persons and property within the court's territorial jurisdiction to enforce the judgments rendered. The Municipal Judge may order the arrest of any person accused of an offense against the City and may commit any such person to jail or set bail for the release from jail for anyone accused of such offense. The Municipal Judge may issue and compel obedience to subpoenas and compel witnesses to appear and testify and jurors to serve in trials before the court and issue any process necessary to effectuate judgments and orders of the court; penalize contempt of court; issue search warrants and perform such other judicial and quasi-judicial functions prescribed by ordinance. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of city ordinances shall be governed by the laws of the State governing justices of the peace and justice court.

Section 22. City Attorney. The City Attorney shall serve as chief legal advisor to the Council, city agencies, City Manager and all city departments represent the City in legal proceedings and perform such other duties designated by the Council.

Section 23. City Recorder. There shall be a City Recorder designated by the City Manager. The recorder shall serve as the city election official, shall maintain the records of the city and a record of council proceedings. The City Manager shall designate another city employee to serve in the absence of the City Recorder.

CHAPTER VI – ELECTIONS

Section 24. Conduct of Elections. The election laws of the State of Oregon shall apply to elections held under this charter except as this charter or an ordinance of the City prescribes otherwise.

Section 25. Tie Vote. In the event of a tie vote for candidates for the Council, the successful member of the Council shall be determined by a public drawing of lots in a manner prescribed by the Council prior to the first day of the calendar year immediately following the election at which the tie vote occurred.

Section 26. Commencement of Terms of Office. The term of office of a member of the Council elected at each biennial general election shall commence the first day of the calendar year immediately following the election.

Section 27. Oath of Office. Before beginning duties for a term of office, each member of the Council shall take an oath or affirm support of this charter, the ordinances of the City of Hood River, the constitution and laws of the United States and State of Oregon and faithful performance of the duties of a member of the Council.

Section 28. Nominations. A person qualified to serve on the Council may submit a petition to the City Recorder for nomination specifying the position sought. Each petition of nomination shall include the signature and residence address of the prospective nominee. The petition for nomination shall be signed by at least 20 electors who reside within the City. The signatures to a nomination petition shall have an affidavit of the circulator of the petition attached indicating the number of signers to the petition and stating that each signature on the petition was made in the presence of the circulator of the petition. Each petition for nomination shall include each signer's residence by street address. If a nomination petition is deficient, the Recorder shall return it to the prospective nominee and shall advise in writing of the deficiency within three working days of the date the nomination petition is filed. The deficient petition may be amended and re-filed or a new petition for the same candidate may be filed. Nomination petitions shall be filed with the City Recorder as provided by ordinance or if not so provided, as required by State law. The City Recorder shall furnish the County Clerk with a certified statement of the City offices and candidates for City offices in a timely manner as required by State law.

CHAPTER VII – VACANCIES

Section 29. Occurrence of Vacancies. The office of a member of the Council becomes vacant:

- (1) Upon the member's:
 - (A) Death;
 - (B) Adjudicated incompetence;
 - (C) Recall from office;
 - (D) Ceasing residency in the city; or
 - (E) Resignation from the Council.
- (2) Upon declaration by the Council of the vacancy in the case of:
 - (A) Failure, following election or appointment to the Council, to qualify for the Council within ten days from the date the term is to begin;
 - (B) Absence from all regular Council meetings within a 45 day period, without the consent of the Council; or

(C) Conviction of any felony or a crime relating to performance of Council duties.

Section 30. Filling of Vacancies. Council vacancies shall be filled by a majority of the remaining members of the Council. The appointee's term of office shall begin immediately and shall continue through the unexpired term of the predecessor.

CHAPTER VIII – ORDINANCES

Section 31. Enacting Clauses. The enacting clause of an ordinance shall be "The City of Hood River ordains as follows:"

Section 32. Methods of Adoption.

(1) An ordinance shall be fully and distinctly read in open Council meetings on two different days before being adopted by the Council, except,

(A) A reading of an ordinance may be by title only if:

(a) No member of the Council present at the meeting requests that the ordinance be read in full, and

(b) At least one week before the reading:

(1) A copy of the ordinance is provided to each member of the Council.

(2) Copies of the ordinance are available for public inspection in the office of the City Recorder, and

(3) Notice of the availability and the title page of the ordinance are posted at the City Hall.

(B) The Council may adopt an ordinance at a single meeting by unanimous vote of the entire Council.

(2) Any section of a proposed ordinance containing a substantive change shall be read in full prior to consideration which shall occur at the next Council meeting.

(3) The Mayor and Recorder shall sign all ordinances. The date of passage and the effective date shall be stated in the ordinance.

Section 33. Emergency Ordinances. Ordinances necessary for the immediate preservation of the health, safety and welfare of the City may become effective immediately if the ordinance states the reason and if the ordinance is approved by the affirmative vote of five members of the Council.

Section 34. Effective Date. A non-emergency ordinance passed by the Council shall take effect on the 30th day after its adoption unless the ordinance provides a later date. An emergency ordinance may take effect immediately upon its adoption or on a date indicated in the ordinance.

CHAPTER IX – PUBLIC IMPROVEMENTS

Section 35. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by ordinance or to the extent not so governed, by State law. Action on any proposed public improvement, except a sidewalk or an improvement unanimously declared by the Council to be needed immediately due to an

emergency, shall be suspended for six months upon filing of remonstrances by owners of two-thirds of the property to be specially assessed for the improvement. "Owner" in this section refers to the record holder of legal title. However, as to land being purchased under a recorded land sale contract, the purchaser shall be considered the owner.

Section 36. Special Assessments. The procedure for fixing, levying and collecting special assessment against real property for public improvements or other public services shall be governed by ordinance.

CHAPTER X – MISCELLANEOUS

Section 37. Public Contracts and Contracts for Public Improvements. Public contracts and contracts for public improvements shall conform to the requirements of State law.

Section 38. Liens Against Real Property for Unpaid Utility Charges. Ordinances may provide that unpaid city utility charges may become a lien against real property and may further provide for foreclosure of such liens.

Section 39. Debt Limit. The City's indebtedness may not exceed the limit imposed by State law. Any city official or employee who creates or officially approves indebtedness in excess of the limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

Section 40. Continuation of Ordinances. All ordinances in force when this charter becomes effective shall remain in effect until modified or repealed.

Section 41. Repeal. All charter provisions adopted before this charter takes effect as hereby repealed.

Section 42. Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect any other part of the charter, except as logical relation between the two parts requires.

Section 43. Time of Effect of Charter. This charter shall take effect on the 1st day of July, 1991.

Section 44. Drinking Water Protection. In order to protect the health and safety of the City of Hood River's residents and their children, the City of Hood River, or other water supply operator, shall not be permitted to add to the City's water supply system any industrial waste by-product or other substance that would cause the City's drinking water to exceed the U.S. Environmental Protection Agency's Maximum Contaminant Level Goals. This restriction does not apply to treatments or the addition of substances intended to make water safe or potable such as the use of chlorine.