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## **CHARTER**

### **PREAMBLE**

We, the people of the City of Cannon Beach, Clatsop 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 of the city enacted prior to the time this charter takes effect.

Be it enacted by the people of the City of Cannon Beach, Clatsop County, Oregon:

### **CHAPTER I NAME AND BOUNDARIES**

#### **Section 1. Title of Enactment.**

This enactment may be referred to as the City of Cannon Beach Charter of 1985.

#### **Section 2. Name of City.**

The municipality of the City of Cannon Beach, Clatsop County, Oregon, shall continue to be a municipal corporation with the name of the City of Cannon Beach.

#### **Section 3. Boundaries.**

The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of the city records shall keep an accurate, up-to-date description of the boundaries and

make copies of this charter and the boundary descriptions available for public inspection.

### **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 expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

#### **Section 5. Construction of Powers.**

In this charter, no mention of a specific power is exclusive or restricts the authority that the city would have if the specific power were not mentioned. The charter shall be liberally construed, so that, within the limits imposed by the charter or the constitution or laws of the United States or the State of Oregon, the city has all powers necessary or convenient for conducting its private affairs, including all powers that cities may now or hereafter assume under the home rule provision of the constitution and laws of Oregon. The powers are continuing powers.

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

#### **Section 6. Where Powers Vested.**

Except as this charter provides otherwise, all powers of the city are vested in the council.

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### **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 29 of this charter shall be elected.

### **Section 9. Mayor.**

The present mayor shall serve the remainder of the term, and at the general election of the year 1986 and every four years thereafter a mayor shall be elected.

### **Section 10. Appointive Officers.**

Additional officers of the city are a city manager, city attorney, and municipal judge, each of whom the council shall appoint and may remove by majority vote of all incumbent members of the council. The municipal judge shall not be subject in judicial functions to supervision by any other officer.

### **Section 11. 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 12. Qualification of Officers.**

(1) To be eligible for an elective city office, a person at the time of election must be a qualified elector within the meaning of the state constitution and have resided in the city during the twelve months immediately preceding the election. For purposes of this subsection, city means all area included in the corporate limits as of the date of the election.

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

(3) No person may be a candidate for the offices of mayor and councilor at the same election, nor shall any person serve a continuous period on the council of more than eight years plus the portion of a partial term to which he or she may have been originally appointed.

(4) Except as otherwise provided in this section, the council is the final judge of the qualifications and election of its own members.

## **CHAPTER IV COUNCIL**

### **Section 13. Meetings.**

The council shall hold regular meetings at least once a month in the city at a time and place that it designates. Meetings of the council other than regular meetings may be held in accordance with procedures prescribed by state law and general ordinance. The council shall adopt rules for the government of its members and proceedings.

**Section 14. Quorum.**

A majority of the incumbent members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

**Section 15. Record of Proceedings.**

The council shall cause a record of its proceedings to be kept in the manner provided by state law.

**Section 16. Meetings to be Public.**

All deliberations and proceedings of the council shall be public except as otherwise authorized by state law.

**Section 17. Mayor's Functions at Council Meetings.**

The mayor shall preside over council deliberations and shall have a vote on all questions before the council. The mayor shall preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

**Section 18. President of the Council.**

At its first meeting after this charter takes effect and thereafter 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 council determines that the mayor is unable to perform the functions of the office, the president shall act as mayor.

**Section 19. 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 council member present at a council meeting shall abstain from voting without first stating reasons in detail at the meeting.

**CHAPTER V**

**POWERS AND DUTIES OF OFFICERS**

**Section 20. Mayor.**

The mayor shall appoint the council committees provided by the rules of the council; sign all records of proceedings approved by the council; shall have no veto power; sign all ordinances passed by the council within three days after their passage; and, after the council approves a bond of a city officer or a bond for a license, contract or proposal, shall endorse the bond.

**Section 21. Municipal Court.**

(1) A judge shall hold within the city a court known as the municipal court for the City of Cannon Beach, Clatsop County, Oregon. The court shall be open for judicial business at times specified by the council. All area within the city and, as provided by law, territory outside the city, is within the territorial jurisdiction of the court. All proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as this charter or city ordinance prescribe to the contrary. The municipal court has original jurisdiction over all offenses that city ordinances define and make punishable and over all actions to recover or enforce forfeitures or

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penalties that city ordinances define or authorize. (2) A municipal judge may: (a) render judgments and impose sanctions for enforcement of judgments on persons and property within its jurisdiction; (b) cause the arrest of a person accused of an offense against the city; (c) commit to jail or admit to bail pending trial a person accused of an offense against the city; (d) issue and compel obedience to subpoenas; (e) compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court; (f) punish witnesses and others for contempt of court; (g) issue any process necessary to carry into effect the judgment of the municipal court; (h) issue search warrants; (i) perform other judicial or quasi-judicial functions as the council prescribes by general ordinance. (3) The council may appoint a municipal judge and such pro tem judges as it considers necessary, to hold office at the pleasure of the council.

### **Section 22. City Manager.**

(1) Qualifications. The city manager: (a) shall be the administrative head of the city government; (b) shall be chosen by a majority vote of all members of the council in office without regard to political considerations and solely with reference to executive and administrative qualifications. (2) Bond. Before taking office, the manager shall be bonded in an amount not less than \$500,000 with such surety as is approved by the council. This amount shall be subject to annual review by the council. The premiums on the bond shall be paid by the city. (3) Term. The manager shall be appointed

for an indefinite term and may be removed at the pleasure of the council. If a vacancy occurs in the office of manager after the first appointment under this charter, the council, at its next meeting, shall adopt a resolution of its intention to appoint another manager. Not later than four months after adopting the resolution, the council shall appoint a manager to fill the vacancy. (4) Powers and Duties. The manager shall: (a) implement policy as determined by the council, keeping the council advised of the affairs and needs of the city; (b) attend all meetings of the council unless excused by the council or the mayor, (c) make reports annually, or more frequently if requested by the council, about the affairs and departments of the city; (d) be responsible for the enforcement of all ordinances; (e) be responsible for the enforcement of the provisions of all franchises, leases, contracts, permits, licenses, and privileges granted by the city; (f) appoint and remove all employees except as otherwise provided by this charter; (g) generally supervise and control employees, except as otherwise provided in this charter; (h) organize the various city departments; (j) supervise all purchasing; (k) supervise the operation of all city-owned public utilities and city-owned property; (l) perform such other duties as the council directs. (5) The manager shall not have control over the council. (6) Participation in Council Meetings. The manager may take part in all council discussions. (7) Manager Pro Tem. When the manager is disabled from acting as manager, or when the office becomes vacant, the council shall

appoint a manager pro tem who shall possess the powers and duties of the manager. The manager pro tem may not appoint or remove any employee except with the approval of three-fourths of the incumbent members of the council. In accordance with subsection (3) above, the manager pro tem shall not hold the position for more than four months. (8) Interference in Administration. (a) A member of the council shall not attempt to coerce the manager in carrying out the duties of the office; or attempt to exact a promise relative to making purchases or to an appointment from any candidate for manager. (b) A violation of this subsection may occasion the removal from office of the offending member of the council by the council or a court of competent jurisdiction. The council may, however, in session, discuss with the manager anything pertinent to city affairs or the interests of the city. Further, a councilor may, at any time, request and receive from the manager or any other city employee information to which a private citizen is entitled.

## **CHAPTER VI ELECTIONS**

### **Section 23. Regulation of Elections Generally.**

Except as this charter provides otherwise and as the council provides otherwise by ordinance, the general laws of the state apply to city elections.

### **Section 24. 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 25. Commencement of Terms of Office.**

The term of office of a person elected to a city office at a regular city election commences at the first council meeting of the year immediately following the election.

### **Section 26. 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 27. Nominations.**

A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the council. Such petition shall be signed by not fewer than 50 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by ordinance and state law. 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**

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### **Section 28. What Creates Vacancy.**

(1) An office becomes vacant upon the incumbent's: (a) death; (b) adjudicated incompetence; (c) conviction of a felony or a crime pertaining to the office; (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 to commence. (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 two consecutive regular meetings of the council without like consent, and upon a declaration by the council of the vacancy.

### **Section 29. Filling Vacancies.**

Vacant elective city 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 that election a successor shall be elected to fill the unexpired term, if any, of the predecessor in office of the appointee.

## **CHAPTER VIII ORDINANCES**

### **Section 30. Enacting Clause.**

The enacting clause of all ordinances hereafter enacted shall be, "The City of

Cannon Beach ordains as follows:".

### **Section 31. Mode of Enactment.**

(1) Except as subsections (2) and (3) provide to the contrary, an ordinance shall, before enactment, be read fully and distinctly in open council meeting on two different days. (2) Except as subsection (3) allows both readings by title only, an ordinance may be enacted at a single council meeting by unanimous vote of all councilors present after being read first in full and then by title. (3) Any of the readings may be by title only if a copy of the ordinance is provided for each councilor, three copies are provided for public inspection in the office of the custodian of city records not later than one week before the first reading of the ordinance, and notice of the availability of copies is given by written posting at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city not later than one week before the reading. (4) An ordinance: (a) enacted after being read by title alone, under the provisions of subsection (3) shall have no legal effect if it differs substantially from its terms as filed prior to the reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council; (b) may be amended at the time of enactment if the ordinance as amended deals with the same general subject. (5) On the final vote on an ordinance, the ayes and nays of the members of the council shall be taken and entered in the record of proceedings. (6) On the enactment of an

ordinance, the custodian of city records shall endorse it with the date of enactment and the attester's name and title. Within three days thereafter, the mayor shall sign and date the ordinance over the title of "mayor". (7) An ordinance takes effect on the 30th day after its enactment. However, when the council considers it advisable, an ordinance may provide a later effective date.

**Section 32. Emergency.**

The council may in an emergency, by unanimous vote of the members present and voting, provide an earlier effective date for an ordinance or that it take effect immediately upon its final passage. The emergency shall be clearly stated within the ordinance itself and the reason for the emergency stated in the record.

**CHAPTER IX  
PUBLIC IMPROVEMENTS**

**Section 33. Condemnation.**

Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

**Section 34. Improvements.**

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance, or, to the extent not so governed, by the applicable state laws. A remonstrance by the owners of two-thirds of the property to be specially

assessed for a proposed public improvement shall suspend action regarding the improvement for six months. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the custodian of city records, the said purchaser shall be deemed the "owner".

**Section 35. Special Assessment.**

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

**Section 36. Procurement.**

Procurement of materials, equipment and services shall be in accordance with current regulations prescribed for state agencies or in accordance with current procedures recommended by the Oregon State Department of General Services for local governments and at the discretion of the contract review board in accordance with subsequent amendments to those regulations or procedures.

**CHAPTER X  
MISCELLANEOUS PROVISIONS**

**Section 37. Advisory Boards.**

No member of any city standing committee, commission, board or similar body shall serve more than eight consecutive years on any such body or

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serve on more than two such bodies simultaneously unless the council first states on the record detailed reasons why such service is in the vital interests of the city.

### **Section 38. Debt Limit.**

No debt shall be incurred contrary to municipal budget law or other relevant state law, nor regardless of state law shall General Obligation Bonds, except Bancroft Bonds, be issued without a vote of the people.

### **Section 39. 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 40. Charter Provisions.**

All charter provisions of the city enacted prior to the time this charter takes effect are repealed.

### **Section 41. Initiative and Referendum.**

A proposed amendment to this charter or a proposed ordinance, whether proposed by the council and referred to the electors or proposed by the electors in the exercise of the initiative power, shall embrace but one subject and matters properly connected therewith.

### **Section 42. Severability.**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the

charter and its provisions to other persons or circumstances shall not be affected.

### **Section 43. Time of Effect of Charter.**

This charter is in effect January 1, 1985.