

***THE CHARTER
OF THE
CITY OF KEIZER,***

***MARION COUNTY,
STATE OF OREGON***



Incorporated November 2, 1982

Adopted by the Voters on March 29, 1983

Amended by the Voters on March 26, 1985

Amended by the Voters on November 3, 1992

Amended by the Voters on November 9, 1993

TABLE OF CONTENTS

CHAPTER I - NAME OF BOUNDARIES	1
SECTION 1 Title of Enactment.....	1
SECTION 2 Name of City.....	1
SECTION 3 Boundaries	1
CHAPTER II - POWERS	1
SECTION 4 Powers of the City.....	1
SECTION 5 Construction of Charter.....	1
CHAPTER III - FORM OF GOVERNMENT.....	1
SECTION 6 Where Powers Vested	1
SECTION 7 Council.....	1
SECTION 8 Councilors.....	1
SECTION 9 Mayor	2
SECTION 10 Manager, Municipal Judge, And Other Officers	2
SECTION 11 Salaries.....	2
SECTION 12 Qualifications of Officers	2
CHAPTER IV - COUNCIL.....	2
SECTION 13 Meetings.....	2
SECTION 14 Quorum	2
SECTION 15 Record of Proceedings	2
SECTION 16 Proceedings to be Public.....	2
SECTION 17 Mayor's Function at Council Meetings.....	2
SECTION 18 President of the Council.....	3
SECTION 19 Vote Required	3
CHAPTER V - POWERS AND DUTIES OF OFFICERS	3
SECTION 20 Mayor.....	3
SECTION 21 City Manager	3
SECTION 22 Municipal Judge.....	4
SECTION 23 (This section left intentionally blank).....	5
CHAPTER VI - ELECTIONS.....	5
SECTION 24 Regulations of Election Generally	5
SECTION 25 Tie Votes.....	5
SECTION 26 Commencement of Terms of Office	5
SECTION 27 Oath of Office	5
SECTION 28 Nominations.....	5
CHAPTER VII - VACANCIES IN OFFICE.....	5
SECTION 29 What Creates Vacancy	5
SECTION 30 Filling of Vacancies	6

CHAPTER VIII - ORDINANCES	6
SECTION 31 Enacting Clause	6
SECTION 32 Mode of Enactment.....	6
SECTION 33 When Ordinances Take Effect	6
CHAPTER IX - PUBLIC IMPROVEMENTS	7
SECTION 34 Condemnation	7
SECTION 35 Improvements	7
SECTION 36 Special Assessments	7
SECTION 37 Bids	7
CHAPTER X - MISCELLANEOUS PROVISIONS	7
SECTION 38 Debt Limit.....	7
SECTION 39 Existing Ordinances Continued	7
SECTION 40 Severability	7
SECTION 41 Number and Captions	7
SECTION 42 Time of Effect of Charter.....	7
SECTION 43 Water Revenue Use.....	7
SECTION 44 Prohibit Minority Status for Homosexuality.....	8

A CHARTER

To provide for the government of the City of Keizer, Marion County, Oregon.

Be it enacted by the people of the city of Keizer, Marion County, Oregon:

CHAPTER I: NAME AND BOUNDARIES

SECTION 1. TITLE OF ENACTMENT. This enactment may be referred to as the Keizer City Charter as amended.

SECTION 2. NAME OF CITY. The municipality of Keizer, Marion County, Oregon, shall continue to be a municipal corporation with the name "City of Keizer."

SECTION 3. BOUNDARIES. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state 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 Hall during regular city office hours.

CHAPTER II: POWERS

SECTION 4 . P OWERS O F T H E C ITY. The city shall have all powers which 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 CHARTER. In this charter, no specification 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, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

CHAPTER III: FORM OF GOVERNMENT

SECTION 6. WHERE POWERS VESTED. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

SECTION 7. COUNCIL. The council shall be composed of a mayor and six councilors elected from the city at large by numbered positions.

SECTION 8. COUNCILORS. Councilors shall hold office by positions which shall be numbered one through six. The term of office of each councilor in office when this charter is adopted is the term of office for which the councilor has been elected before adoption of the charter (or is elected at the time of the adoption). At each general election after the adoption, three councilors shall be elected, each for a four-year term.

SECTION 9. MAYOR. The term of office of the Mayor in office when this charter is adopted is the term of office for which the mayor has been elected before adoption of the charter. The term of office of the mayor elected at the time of adoption of the charter shall begin as provided by Section 26 of this charter. At the next general election after this adoption, a mayor shall be elected for a two year term.

SECTION 10. MANAGER, MUNICIPAL JUDGE, AND OTHER OFFICERS. The officers of the city shall be a city manager, municipal judge, and city attorney, each of whom the council shall appoint and may remove by majority vote of all the members of the council, and such other officers as the council deems necessary. The council may combine any two or more appointive offices, except the offices of city manager and municipal judge. In no such combination shall the municipal judge be subject in his judicial functions to supervision by any other officer.

SECTION 11. SALARIES. The compensation for the services of each city officer and employee shall be the amount fixed by the council. Councilors shall be unpaid except that they may be reimbursed for ordinary and necessary expenses incurred in the performance of their official duty.

SECTION 12. QUALIFICATIONS OF OFFICERS. No person shall be eligible for an elective office of the city unless at the time of his or her election he or she is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members.

CHAPTER IV: COUNCIL

SECTION 13. MEETINGS. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor, upon his or her own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council, call a special meeting of the council for a time after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

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. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record.

SECTION 16. PROCEEDINGS TO BE PUBLIC. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

SECTION 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The mayor shall be chairperson of the council and preside over its deliberations. The mayor shall have a vote on all questions before it. The mayor shall have authority to 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 of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever 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 the members of the council voting when a quorum of the council is present shall decide any question before the council.

CHAPTER V POWERS AND DUTIES OF OFFICERS

SECTION 20. MAYOR. The mayor shall appoint the council committees provided by the rules of the council. The mayor shall sign all records of proceedings approved by the council. The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

SECTION 21. CITY MANAGER.

(a) **Qualifications**

The city manager shall be the administrative head of the government of the city. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. Before taking office, the city manager shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(b) **Term**

The manager shall be appointed by a majority of all members of the council for an indefinite term and may be removed at the pleasure of the council by a vote of not less than four (4) councilors. Upon any vacancy occurring in the office of manager the council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the council shall appoint a manager to fill the vacancy.

(c) **Powers and Duties**

The powers and duties of the manager shall be as follows:

- (1) The city manager shall devote full time to the discharge of his or her official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.
- (2) The city manager shall ensure that all ordinances are administered to the satisfaction of the council, and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are fulfilled.
- (3) The city manager shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The city manager shall supervise the

departments to the end of obtaining the utmost effective efficiency. The city manager shall have no control, however, over the council, city attorney, or over the judicial activities of the municipal judge.

- (4) The city manager shall organize and reorganize the departmental structure of city government.
 - (5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.
 - (6) The city manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.
- (d) **Seats at Council Meetings**
The manager and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The manager may take part in all council discussions.
- (e) **Manager Pro Tem**
Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employe except with the approval of three-fourths of the members of the council. No manager pro tem shall hold the position as such for more than six months, and no appointment of a manager pro tem shall be renewed.
- (f) **Interference in Administration and Elections**
No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with the manager the matter of specific appointment to any city office or employment. A violator of the foregoing provisions of this section may be removed from office by the council and such action may be reviewed by a court of competent jurisdiction. The council by general ordinance shall set the procedures for removing a member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to city affairs or the interests of the city. Further, a councilor may, at any time request and receive information to which a private citizen is entitled.

SECTION 22. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. The municipal judge shall hold within the city a court known as the municipal court for the City of Keizer, Marion County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city and, as provided by law, territory outside the city, shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions authorized by ordinances of the city. The municipal judge shall have authority to issue process for the arrest of any person accused of an offense

against the ordinances of the city, to commit any such person to jail or admit him or her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him or her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. The council may appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the council. Notwithstanding this section or Section 10 of this charter, the council may provide for the transfer of powers and duties of the municipal court to the appropriate court of the State of Oregon.

SECTION 23. (This section left intentionally blank.)

CHAPTER VI: ELECTIONS

SECTION 24. REGULATION OF ELECTION GENERALLY. Except as this charter provides otherwise, or the council provides otherwise by ordinances, general laws of the state apply to city elections.

SECTION 25. TIE VOTES. In the event of a tie vote for candidates for an elective office, the successor candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

SECTION 26. COMMENCEMENT OF TERMS OF OFFICE. The term of office of an elective officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

SECTION 27. OATH OF OFFICE. Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.

SECTION 28. NOMINATIONS. A qualified elector who has resided continuously in the city during the 12 months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought. The petition shall be signed by not fewer than 120 electors.

CHAPTER VII: VACANCIES IN OFFICE

SECTION 29. WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his or her office; or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his or her term of office to commence; or in the case of a mayor or councilor, upon his or her absence from the city for 30 days without the consent of the council or upon his or her absence from meetings of the council for 60 days without like consent, or upon the incumbent's removal of his or her

principal residency from the city, and upon a declaration by the council of the vacancy.

SECTION 30. FILLING OF VACANCIES. Vacant elective offices in the city shall be filled by appointment. A majority vote of the remaining members of the council shall be required to validate the appointment. The appointee's term of office shall begin upon his or her appointment and shall continue throughout the unexpired term of his or her predecessor. During the temporary disability of any officer for greater than 60 days or during a temporary absence from the city for greater than 60 days for any cause, the office may be filled pro tern in the manner provided for filling vacancies in office permanently. Should the office of mayor become vacant, then the president of the council shall become mayor and the council shall appoint a councilor as provided herein.

CHAPTER VIII: ORDINANCES

SECTION 31. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Keizer ordains as follows:"

SECTION 32. MODE OF ENACTMENT.

- (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.
- (2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all councilors present, upon being read first in full and then by title.
- (3) Any of the readings may be by title only if no councilor present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each councilor and three copies are provided for public inspection at city hall not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless such section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.
- (4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.
- (5) Upon the enactment of an ordinance the custodian of city records shall sign it with the date of its passage and his or her name and title of office, and within three days thereafter the mayor shall sign it with the date of his or her signature, his or her name, and the title of his or her office.

SECTION 33. WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately or on a date specified in the ordinance.

CHAPTER IX: PUBLIC IMPROVEMENTS

SECTION 3 4. CO NDEMNATION. 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 3 5. I MPROVEMENTS. 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 general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section "owners" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the City Manager in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner".

SECTION 3 6. S PECIAL A SSESSMENTS. 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 37. BIDS. The procedure for bidding public improvements shall be governed by general ordinance and shall be in agreement with standards established by state law.

CHAPTER X: MISCELLANEOUS PROVISIONS

SECTION 38. DEBT LIMIT. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.

SECTION 3 9. E XISTING O RDINANCES 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. 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 41. NUMBER AND CA PTIONS. As used herein, the singular shall include the plural, and the plural the singular. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this charter.

SECTION 42. TIME OF EFFECT OF CHARTER. This charter shall take effect upon its passage.

SECTION 43. WATER REVENUE USE. All revenue generated by the City of Keizer Water Department fund shall be used exclusively to pay for the water department fund expenses. [Referred to the people by the city council; passed March 26, 1985.]

SECTION 44. PROHIBIT MINORITY STATUS FOR HOMOSEXUALITY.

- (a) The City of Keizer, including its Council and elected or appointed officers, shall not make, pass, adopt, or enforce any ordinance, rule, regulation, policy or resolution that extends minority status, affirmative action, quotas, special class status, or any similar concepts, based on homosexuality or which establishes any categorical provision such as "sexual orientation, " "sexual preference," or any similar provision which includes homosexuality.
- (b) City funds shall not be expended to promote homosexuality or express approval of homosexual behavior.
- (c) This Section shall not be construed to deny any Citizen, based on perceived or actual private lawful sexual practices, any City services, licenses, or approvals otherwise due or available.
- (d) This Section shall not be construed to limit public libraries from providing materials for adults which address homosexuality.
- (e) Subsection (a) of this Section shall not nullify or be construed to nullify any city, state, or federal civil rights protection based on race, religion, color, sex, marital status, familial status, national origin, age or disability. Neither shall subsection (a) be construed to abrogate, abridge, impede, or otherwise diminish the holding, enjoyment, or exercise of any rights guaranteed to Citizens by the Constitution of the State of Oregon or the Constitution of the United States.
- (f) Subsection (a) of this Section shall not be construed to forbid the adoption of provisions prohibiting employment decisions based on factors not directly related to employment. If such a provision is adopted, it is the intent of the People that lawful private sexual behavior, or rumor, perception, or knowledge of a person's lawful private sexual behavior, are factors not directly related to employment. If such a provision is adopted, it is the intent of the People that personal expression, conversation or any other free expression concerning private lawful sexual behavior shall also be considered factors not directly related to employment, unless such actions disrupt the workplace.
- (g) This Section shall be an explicit and necessary restriction and limitation upon the authority of the Council.
- (h) It shall be considered that it is the intent of the People in enacting this Section that if any part thereof is held unconstitutional by a court of competent jurisdiction, the remaining parts shall be held in full force and effect. This Section shall be in all parts self-executing. *[Initiative passed by the voters on November 9, 1993]*