

CITY OF HOOD RIVER
COMMON COUNCIL

RESOLUTION NO. 67 - 3

WHEREAS, the Common Council of the City of Hood River has completed a study for an up-dating of the CHARTER OF THE CITY OF HOOD RIVER as enacted by the Legislative Assembly of the State of Oregon on February 28, 1901, and all amendments thereto and has caused to be filed on March 7, 1967 with the City Recorder a copy of a proposed new City Charter and that the same is now ready for submission to the electorate of the City.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Hood River, Oregon, that the existing Charter issued by Special Act of the Legislature of the State (of Oregon) of February 28, 1901 and all amendments thereto, be amended by the enactment of the following proposed Charter, hereafter referred to as the "HOOD RIVER CITY CHARTER OF 1967" and that the same be submitted to the voters of the City of Hood River for their adoption and/or refusal on May 23, 1967:

PROPOSED CHARTER FOR THE CITY OF HOOD RIVER
(To replace original Charter issued by Special
Act of the Legislature of 1901 on February 28, 1901
and all amendments thereto)

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, HOOD RIVER COUNTY, OREGON:

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the HOOD RIVER CITY CHARTER of 1967.

Section 2. Name of City. The municipality of Hood River, Hood River County, Oregon, shall continue to be a municipal corporation with the name "City of Hood River".

Section 3. Boundaries. The city shall include all

territory encompassed by its boundaries as they now exist and are indicated on the attached map or as they are hereafter modified by the electorate of the city, by the council of the city, or by any other agency with legal power to modify them. The recorder shall keep in his office at the city hall at least two copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder.

CHAPTER II

POWERS

Section 4. Powers of the City. 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 mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. Council. The council shall be composed of a mayor and six councilmen elected from the city at large.

Section 8. Councilmen. The councilmen in office at the time this charter is adopted shall continue in office, each until the end of his term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, three councilmen shall be elected, each for a term of four years.

Section 9. Mayor. The mayor in office at the time this charter is adopted shall continue in office until January 1, 1969. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. Other Officers. Additional officers of the city shall be a municipal judge, a recorder, an attorney and city administrator, and such other officers as the council deems necessary. The council may create other offices. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

Section 11. Salaries. The compensation for the services of each city officer and employe shall be the amount

fixed by the council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his election he 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, subject, however, to review by a court of competent jurisdiction.

CHAPTER IV

COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least twice 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 own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than forty-eight hours 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 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. Journal. The council shall cause a journal 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 a record of the vote entered in the journal.

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 chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. He 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 after this charter takes effect and thereafter 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 his office, the president shall act as a mayor.

Section 19. Vote Required. Except as this charter otherwise provides, the affirmative concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. He shall sign all approved records of proceedings of the council. He 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. Municipal Judge. The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Hood River, Hood River County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He 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 to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, 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 the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 22. Recorder. The recorder shall serve ex officio as a clerk of the council, attend all its meetings unless excused therefrom by the council, and keep an accurate record of its proceedings in the journal for that purpose. He or his deputy shall sign all orders on the treasury, together with the signature of the mayor or the president of the council. In the recorder's 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, both while the council is in session and between council meetings.

VI

ELECTIONS

Section 23. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws.

Section 24. Notice of Regular Elections. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof in a conspicuous place in the city, shall, in one public place in each voting precinct of the city, and by publication in some newspaper published in the city of each general election and the notice shall state the officers to be elected at the election, the ballot title of each measure to be voted upon at the election, and the time and place or places of the election.

Section 25. Special Elections. The council shall prescribe the time, manner, and means for holding any special election. The recorder shall give at least ten days' notice of each special election by posting notice thereof in a conspicuous place in the city hall and in one public place in each voting precinct of the city, and by publication in some newspaper published in the city. The notice shall state the officers to be elected at or the measure to be voted upon at the election and such further matters as the council may prescribe in its action ordering the election.

Section 26. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 27. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. The journal shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28. 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 29. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the first of the calendar year immediately following the election.

Section 30. Oath of Office. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of the State of Oregon and that he will faithfully perform the duties of his office.

Section 31. Nominations. A qualified elector who has resided in the city during the 12 months immediately preceding the election at which he seeks to be elected to a city office may be nominated for that office. 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 20 electors. No elector shall sign more than one petition for each vacant position. If he does so, his signature shall be valid only on the first sufficient petition filed for the position. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended

thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 90 nor later than 30 days before the election. The recorder 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. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, and such person shall file with the recorder his written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of such acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

CHAPTER VII

VACANCIES IN OFFICE

Section 32. 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 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 term of office to commence; or in the case of a mayor or councilman, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

Section 33. Filling of Vacancies. Vacancies in elective offices in the city shall be filled by a majority of the incumbent members of the council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

ORDINANCES

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be "The City of Hood River ordains as follows:".

Section 35. Mode of Enactment. (1) Except as this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and

Section 40. Bids. A contract in excess of \$2,000.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 41. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$75,000.00; nor its bonded indebtedness \$50,000.00 at any time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. Torts. In no event shall the city be liable in damages for an injury to person, a damage to property, or a death, caused by a defect or a dangerous condition in a public thoroughfare, site, or facility, unless the city has had actual notice prior to the injury, damage, or death that the defect or condition existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500 be recovered as damages for an injury, damage or death resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such injury, damage or death unless the claimant first gives written notice to the council within 30 days after the injury, damage or death is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefor of the city in an amount which he specifies. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

Section 43. 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 44. Repeal of Previously Enacted Provision. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 45. Time of Effect of Charter. This charter shall take effect July 1, 1967.

WHEREAS it has been determined that an early date should be set for the voting upon this proposed new City Charter so it could take effect on July 1, 1967, and it is necessary for the peace, health and safety of the inhabitants of the City of Hood River that this Resolution be made effective immediately,

THEREFORE AN EMERGENCY IS HEREBY DECLARED TO EXIST and this resolution shall go into force and effect upon its adoption and approval.

NOTICE OF SPECIAL MEETING OF THE COMMON COUNCIL
OF THE CITY OF HOOD RIVER

April 17, 1967

NOTICE is hereby given that at a special meeting of the Common Council of the City of Hood River, Hood River County, Oregon, is hereby called for Tuesday, the 18th day of April, 1967, at 1:00 P.M., Oregon Standard Time at the City Council Chambers in the City of Hood River, Oregon, for the purpose of transacting such business as may be presented and particularly for the purpose of acting upon an ordinance calling for a special election providing for the submission of a new proposed Charter for the City of Hood River to the legal voters of the City of Hood River, repealing all provisions in conflict therewith, providing for the giving of notice, and for holding said election, making provisions therefore, and declaring an emergency.

DATED April 17, 1967

R.A. Wilson
Mayor of the City of Hood River

Attest:

B.A. Fisher
City Recorder for City of
Hood River, Oregon

CONSENT TO MEETING

We, the undersigned members of the Common Council of the City of Hood River and the City Recorder of the City of Hood River, Hood River County, Oregon, hereby accept service of the foregoing NOTICE and we hereby waive any and all irregularities in such service of notice and consent and agree that the Common Council of the City of Hood River shall meet at the time and place therein named for the purposes stated in said notice.

R.A. Wilson
Mayor

B.A. Fisher
City Recorder

Paul Henne
City Councilman

St. M. Jensen

City Councilman

William H. Patton

City Councilman

Robert W. Moore, MD

City Councilman

Jay B. Coffey

City Councilman

Ernest W. ...

City Councilman