

# DALLAS CHARTER OF 2014

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF DALLAS, POLK COUNTY, OREGON AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT, EXCEPT AS PROVIDED HEREIN.

Be it enacted by the people of the city of Dallas, Polk County, Oregon:

## *CHAPTER I Name and Boundaries*

**Section 1. Title of Enactment.** This charter may be referred to as the City of Dallas Charter of 2014.

**Section 2. Name of City.** The city of Dallas, Polk County, Oregon, shall continue as a municipal corporation with the name "City of Dallas."

**Section 3. Boundaries.** The city includes all territory within its boundaries as they now exist or may hereafter be modified in a manner provided by law. The city will maintain as a public record an accurate and current description of the boundaries.

## *CHAPTER II Powers*

**Section 4. Powers of the City.** The city shall have 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 Charter.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the city would have if the particular power were not mentioned. The charter shall be liberally construed so that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may exercise pursuant to state and federal laws and to the municipal home rule provisions of the state constitution.

**CHAPTER III**  
***Form of Government***

**Section 6. Where Powers Vested.** The Oregon Constitution reserves initiative and referendum powers as to municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council may not delegate its authority to adopt ordinances.

**Section 7. Council.** The council shall be composed of nine council members elected from the city at large.

**Section 8. Council Members.** The council members in office at the time this charter is adopted shall continue in office, each until the end of their terms 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, four or five council members, as the case may be, shall be elected, each for a term of four years.

**Section 9. Mayor.** At each biennial general election a mayor shall be elected for a term of two years.

**Section 10. Manager and Other Officers.** Additional officers of the city shall be a city manager, who shall be appointed and subject to removal by the council in consultation with the mayor, and such other officers as the council deems necessary.

**Section 11. Compensation.** The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

**Section 12. Qualifications of Officers.** No person shall be eligible for an elective office of the city unless at the time of election or, in the case of appointment to fill a vacancy in an elective office under Chapter VII, Section 33, he or she is a qualified elector within the meaning of the state constitution and has been a resident of the city for the 12 months immediately preceding the election or appointment. The council shall be final judge of the qualifications and election or appointment 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 may, and at the request of three members of the council must, by giving notice to the council, call a special or emergency meeting of the council. A special meeting shall be called for a time not earlier than 24 hours after the notice is given. Emergency meetings may be held on less than 24 hours' notice, subject to the

requirements of state law. In the absence or incapacity of the mayor, an emergency meeting may be called by the council president or, in the absence of the council president, by the most senior member of the council available to call the meeting.

**Section 14. Quorum.** A majority of members of the council constitutes a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance or the rules of the council.

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

**Section 16. Proceedings To Be Public.** No action by the council shall have legal effect unless the motion for the action and the vote on the motion takes place at a meeting open to the public.

**Section 17. Mayor's Functions at Council Meetings.** The mayor shall be chair of the council and preside over its deliberations. The mayor is entitled to vote in case of a tie vote of the council, except on the final passage of an ordinance. 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 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 and shall be entitled to vote when presiding over the council as president in place of the mayor. Whenever the mayor is unable to perform the functions of the mayor's office, the president shall act as mayor, but shall not have the power of veto.

**Section 19. Vote Required.** Except as this charter otherwise provides, the concurrence of a majority of the whole number of the council shall be necessary to decide any question before the council. A council member who is present for a vote of the council may not abstain from voting, but must vote aye or nay, and the council may postpone a vote, or recess or adjourn a meeting of the council, to compel an absent council member to attend and vote.

## **CHAPTER V**

### ***Powers and Duties of Officers***

**Section 20. Mayor.** The mayor shall appoint committees as provided by ordinance, resolution or the rules of the council, shall sign all approved records of proceedings of the council and shall have the power of veto as provided in chapter VIII, Section 31, of this charter. After the council approves 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 manager shall be chosen by the council without regard to political considerations and solely with reference to the manager's executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment. But immediately following appointment the manager shall become and remain a resident of the city during his or her entire term of office. Before taking office, the 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 for an indefinite term and may be removed at the pleasure of the council.

(c) Powers and duties. The manager shall:

(1) Devote his or her entire time to the discharge of the manager's 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) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed.

(3) Appoint and may remove appointive city officers and employees except as this charter or the ordinances of the city otherwise provide, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council or over the judicial activities of any municipal judge that may be appointed by the council.

(4) Act as purchasing agent for all departments of the city. All purchases shall be made by requisition authorized by the manager.

(5) Be the budget officer of the city and, as such officer, be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) Supervise the operation of all public utilities and facilities owned and operated by the city and shall have general supervision over all city property.

(7) Be the clerical and accounting officer of the city. The manager is clerk of the council and shall keep a fair and correct journal of the proceedings of the council and shall be custodian of all papers and books connected with the business of the council. The manager shall sign all checks and warrants or otherwise authorize the payment of money out of the city treasury.

(8) Perform other duties as directed by the council.

(9) Have the authority to delegate duties, but will remain responsible for acts of all subordinates.

(d) Seats at council meetings. The manager and such other officers as the council designates shall 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. In case of the manager's absence from the city, temporary disability to act as manager, discharge by the council, or resignation, 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 employee except with the approval of the council.

(f) Ineligible persons. No person related to the manager or the manager's spouse by consanguinity or affinity within the third degree, nor the manager's spouse, shall hold any appointive office or employment with the city.

(g) Neither the mayor nor any council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, the mayor and councilors may discuss or suggest anything with the manager relating to city business.

**Section 22. Municipal Court and Judge.** The council may, by ordinance, establish a municipal court, and may appoint and remove a municipal judge as provided by ordinance.

## *CHAPTER VI*

### *Elections*

**Section 23. 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. All elections for city offices must be nonpartisan.

**Section 24. 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 shall be filed with the manager 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 council meeting record. The council meeting record 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 manager 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 25. Commencement of Terms of Office.** The terms of office of a person elected at a regular city election shall commence the first day of January of the year immediately following the election.

**Section 26. Oath of Office.** The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon, and the charter and ordinances of the City of Dallas.

**Section 27. 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.

## **CHAPTER VII** *Vacancies in Office*

**Section 28. What Creates Vacancy.** An office becomes vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Conviction of a felony, other offense pertaining to the office, or unlawful destruction or falsification of public records;
- (4) Resignation; or
- (5) Recall from office.

(b) Upon declaration of the council after:

(1) The incumbent ceases to possess the qualifications for the office;

(2) The failure of the person elected or appointed to the office to qualify for the office within 10 days after the time for his or her term of office to commence; or

(3) In the case of the mayor or a council member, upon his or her absence from the city for 30 days without the consent of the council or absence from meetings of the council for 60 days without like consent.

(4) In the case of a council member, upon his or her refusal to vote on a matter as required in Chapter IV, Section 19, or if the council member has absented himself or herself from a meeting of the council for the purpose of avoiding a vote.

(5) In the case of the mayor or a council member, the council has determined the person has violated Chapter V, Section 21 (g).

**Section 29. Filling of Vacancies.** Vacancies in elective offices in the city shall be filled by vote of a majority of the incumbent members of the council. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the appointee's predecessor. During the temporary disability of any officer or during his or her absence temporarily from the city for any cause, his or her office may be filled pro tem in the manner provided for filling vacancies in office permanently except as otherwise provided herein.

## **CHAPTER VIII** **Ordinances**

**Section 30. Enacting Clause.** The enacting clause of all ordinances shall be, "The City of Dallas does ordain as follows:"

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

(a) Except as otherwise provided in this section, 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.

(b) Except as otherwise provided in this section, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only (1) if no council member present at the meeting requests to have the ordinance read in full or (2) if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city manager not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by (i) written notice posted at the city hall and two other public places in the city or (ii) advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone will have no legal effect if it differs substantially from its terms as it was filed prior to such 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.

(d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.

(e) Upon the enactment of an ordinance the manager shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor, if the mayor approves the ordinance, shall sign it with the date of the mayor's signature, the mayor's name, and the title of the mayor's office. If the mayor does not approve of the ordinance, the mayor must, within 10 days of the receipt thereof, return it to the city manager with his or her reasons for not approving it in writing. At the first meeting of the council after the return of an ordinance which is not approved by the mayor, the city manager shall deliver it to the council with the mayor's reasons for not approving it in writing. The ordinance shall then be put upon its final passage again and if two-thirds of the whole number of the council vote for its passage, it shall become law without the approval of the mayor.

**Section 32. 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.

## *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 ordinance or to the extent not so governed, by state law.

**Section 35. Special Assessments.** 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 ordinance or, to the extent not so governed, by state law.

**CHAPTER X**  
***Bonds***

**Section 36. General Obligation and Revenue Bond Authority.** The city council may issue and sell general obligation or revenue bonds, or a combination thereof, of the city at any time without further charter authority, subject to and as provided by state law.

**CHAPTER XI**  
***Miscellaneous Provisions***

**Section 37. Debt Limit.** City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. 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 38. Existing Ordinances Continued.** Any ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

**Section 39. Repeal of Previously Enacted Provisions.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed; provided, those sections of the prior charter that authorized the issuance of bonds for financing public improvements and in respect to which the bonds or some part thereof are outstanding obligations of the city at the time this charter takes effect shall remain in effect until the bonds so authorized have been fully paid.

**Section 40. 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 41. Time of Effect of Charter.** This charter shall take effect July 1, 2015.