

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

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



**Incorporated November 2, 1982**

**Adopted by the Voters on \_\_\_\_\_, 2020**

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## **PREAMBLE**

We, the people of the City of Keizer, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

### **Section 1 NAMES AND BOUNDARIES**

Section 1.1. Titles. This charter may be referred to as the 2020 Keizer City Charter.

Section 1.2. Name of City. The municipality of Keizer, Marion County, Oregon, shall continue to be a municipal corporation with the name City of Keizer.

Section 1.3. Boundaries. The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record an accurate and current description of the boundaries.

### **Section 2 POWERS**

Section 2.1. Powers. The City has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers, including powers hereafter granted or allowed.

Section 2.2. 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.

Section 2.3. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to City voters. This charter vests all other City powers in the council except as the charter otherwise provides. The council has legislative, administrative, and quasi-judicial authority. The council may not delegate its authority to adopt ordinances.

### **Section 3 COUNCIL**

Section 3.1. Council. The council shall be composed of a mayor and six councilors elected from the City at large by numbered positions.

Section 3.2. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules.

- a) The mayor is a voting member of the council and has no veto authority.
- b) The mayor must sign all records of council decisions.

- c) The mayor serves as the political head of the City government.

Section 3.3. Council President. At its first meeting of each odd-numbered year, the council members shall elect a president from its membership. The council president shall be elected by a vote of not less than four (4) council members. In the mayor's absence from a council meeting, the council president shall preside. Whenever the mayor is unable to perform the functions of the office, the council president shall act as mayor.

Section 3.4. Rules. The council must adopt rules to govern committees, members, and proceedings.

Section 3.5. Meetings.

- a) 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.

- b) The mayor may call a special council meeting at mayor's own discretion, and shall call a special meeting at the request of three council members. Any special meeting shall occur as provided under state law.

- c) Special meetings of the council may also be held at any time by the common consent of all the members of the council.

- d) All meetings shall be held and conducted pursuant to state law.

Section 3.6. Quorum. A majority of the members currently serving on the council, excluding vacant seats, shall constitute a quorum. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 3.7. Vote Required. Except as this charter or other rules or laws otherwise provide, 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.

Section 3.8. Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.

## **Section 4 ORDINANCES**

Section 4.1. Ordinances Enacting Clause. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Keizer ordains as follows:"

Section 4.2. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.

- b) The council may adopt an ordinance at a single meeting if: (1) all members of the council present and voting approve the ordinance by unanimous vote; (2) the members of the council present and voting constitute a quorum of the council; and (3) the proposed ordinance is available in writing to the public at least five (5) calendar days before the meeting.

- c) Any substantive amendment to a proposed ordinance must be read aloud at a meeting, or made available in writing to the public, before the council adopts the amended ordinance.
- d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- e) The mayor shall sign all ordinances within three (3) calendar days of passage.
- f) After adoption of an ordinance, the City custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

Section 4.4. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

## **Section 5 RESOLUTIONS**

Section 5.1. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Keizer resolves as follows:"

Section 5.2. Resolution Approval.

- a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.
- b) Any substantive amendment to a proposed resolution must be read aloud at a meeting, or made available in writing to the public, before the council adopts the amended resolution.
- c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- d) The mayor shall sign all resolutions within three (3) calendar days of passage.
- e) After approval of a resolution, the City custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

## **Section 6 ORDERS**

Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Keizer orders as follows:"

Section 6.2. Order Approval.

- a) Approval of an order requires approval by the council at one meeting.

- b) Any substantive amendment to a proposed order must be read aloud at a meeting, or made available in writing to the public, before the council adopts the amended order.
- c) After approval of an order, the vote of each member must be entered in the council minutes.
- d) The mayor shall sign all orders within three (3) calendar days of passage.
- e) After approval of an order, the City custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 6.3. Effective Date of Orders. Orders take effect on the date of final approval, or on a later day provided in the order.

## **Section 7 ELECTIONS**

Section 7.1. City Elections. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for City offices must be nonpartisan.

Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a two-year term.

Section 7.3. 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 7.4. Qualifications.

- a) The mayor and each councilor must be a registered voter in the City under state law, at the time of election or appointment and during their term of office, and reside within the City for at least one year immediately before election or appointment to office.
- b) No person may be a candidate at a single election for more than one City office.
- c) Neither the mayor nor a councilor may be employed by the City during their term of office.
- d) The council is the final judge of the election and qualifications of its members.

Section 7.5. Nominations. A Keizer resident who meets the qualifications in Section 7.4 may file to run 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 registered voters in the City.

Section 7.6. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.

Section 7.7. Oath. 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.

Section 7.8. Vacancies. The mayor or a councilor office becomes vacant:

- a) Upon the incumbent's:
  - 1) Death;
  - 2) Adjudicated incompetence; or
  - 3) Recall from the office.
- b) Upon declaration by the council after the incumbent's:
  - 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
  - 2) Absence from the City for 30 days without council consent, or from all council meetings within a 60-day period without council consent;
  - 3) Ceasing to reside in the City;
  - 4) Ceasing to be a qualified registered voter in the City under state law;
  - 5) Conviction of a felony crime or other crime pertaining to their office;
  - 6) Intentional unlawful destruction of public records;
  - 7) Resignation from the office; or
  - 8) Removal under Section 8.1(h).

Section 7.9. Filling 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 the appointee's appointment and shall continue throughout the unexpired term of appointee's 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 tem in the manner provided for filling vacancies in office permanently. Should the office of mayor become vacant, then the council president shall become mayor and the council shall appoint a councilor as provided herein.

Section 7.10. 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 8 APPOINTIVE OFFICERS**

Section 8.1. City Manager.

- a) The office of city manager is established as the administrative head of the City government. The city manager is responsible to the mayor and councilors for the proper administration of all City business. The city manager will assist the mayor and councilors in the development of city policies and carry out policies established by ordinances and resolutions.
- b) A vote of not less than four (4) council members is required to appoint or remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management. 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.

c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a vote of not less than four (4) council members. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

d) The manager must:

- 1) Attend all council meetings unless excused by the mayor or councilor;
- 2) Make reports and recommendations to the mayor and councilors about the needs of the City;
- 3) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other City decisions;
- 4) Appoint, supervise, and remove City employees;
- 5) Organize City departments and administrative structure;
- 6) Prepare and administer the annual City budget;
- 7) Have general supervision over City utilities and property;
- 8) Perform other duties as directed by the council; and
- 9) Delegate duties, but remain responsible for actions of all subordinates.

e) The manager has no authority over the council, the city attorney's office, or over the judicial functions of the municipal judge.

f) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

g) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

h) In council meetings, council members may discuss or suggest anything with the manager relating to City business. However, no 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.

Section 8.2. City Attorney. The office of city attorney is established as the chief legal officer of the City government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.

Section 8.3. Municipal Court and Judge.

a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court at such place as the council directs. The court will be known as the Municipal Court.

b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

c) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the court.

d) The municipal court has jurisdiction over every offense created by City ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by City ordinance.

e) The municipal judge may:

- 1) Render judgments and impose sanctions on persons and property;
- 2) Order the arrest of anyone accused of an offense against the City;
- 3) Commit to jail or admit to bail anyone accused of a City offense;
- 4) Issue and compel obedience to subpoenas;
- 5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
- 6) Penalize contempt of court;
- 7) Issue processes necessary to enforce judgments and orders of the court;
- 8) Issue search warrants; and
- 9) Perform other judicial and quasi-judicial functions assigned by ordinance.

f) The council may appoint and may remove municipal judges pro tem.

g) The council may transfer some or all of the functions of the municipal court to an appropriate court.

## **Section 9 PERSONNEL**

Section 9.1. Compensation. The council must authorize the compensation of City officers and employees as part of its approval of the annual City budget. Council members shall be unpaid except that they may be reimbursed for ordinary and necessary expenses incurred in the performance of their official duty.

## **Section 10 MISCELLANEOUS PROVISIONS**

Section 10.1. 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 10.2. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 10.3. 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 10.4. 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.

Section 10.5. Number and Captions. 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 10.6. Amendments and Revisions. No amendment, revision or repeal of this Charter may take effect unless approved by City voters. Either the council by a majority vote or City voters by an initiative petition may refer an amendment of this Charter to the City voters. Only the council, by a majority vote, may refer a revision or repeal of this Charter to the City voters.

Section 10.7. Time of Effect. This charter takes effect \_\_\_\_\_, 20\_\_.