



**Keizer Charter Review Task Force
Meeting Agenda
Tuesday, November 5, 2019, 6:00 pm
Keizer Community Center
Council Chambers**

1. Call to Order – Shannon Johnson, City Attorney
2. Election of Chair and Vice Chair – Nominations do not require a second; any member may nominate themselves or another member
3. Appearance of Interested Citizens
4. Review of Charter – Shannon Johnson, City Attorney
5. Adjourn

MEETING DATES:

December 3, 2019
January 7, 2020
February 4, 2020
March 3, 2020
April 7, 2020

MEETING: November 5, 2019

TO: CHARTER REVIEW COMMITTEE

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: CHARTER BACKGROUND

I am providing the Committee with this Memorandum to give some background on municipal Charters generally, as well as a history of Keizer's Charter. At the end of this Memorandum I have provided information on a suggested method for working through possible Charter changes.

Cities are divided into General Law or Home Rule cities. General Law cities are given their powers solely from the State. Home Rule cities have the right to decide the form of government and provide which powers they have by adopting a charter. Like most Oregon cities, City of Keizer is a Home Rule city.

The Charter is the City's Constitution. It delineates the basic form of government and describes the powers and duties of the elected officials and charter officers. The Charter also describes a method for adoption of ordinances. The Charter provides many provisions including the form of government, how a quorum is determined, how Council vacancies are filled, the powers and duties of the officers, and how ordinances are adopted.

A Charter does not enact specific laws or policies. Ordinances and resolutions are the appropriate tools for these type of tasks. The Charter provisions usually should be broad, allowing for ordinances and resolutions to more specifically define the issues. For example, the Keizer Charter has direction with regard to voting on council matters. However, Council Procedures define these issues with more detail. This is appropriate, because if there is a problem, changing the Charter requires a ballot measure before all the voters. However, changing the Council Procedures requires only a Council vote.

The City of Keizer was incorporated in 1982. The first original Charter was adopted March 29, 1983. It was based on a model charter at the time. The Charter was amended in 1985 to require all water department funds to be used exclusively for water department fund expenses. It was also amended in 1992 to make several relatively minor changes.

In 1993, a third amendment was done by an initiative process. The No Special Rights Committee, together with the Oregon Citizens Alliance gathered sufficient signatures to place a measure on the ballot that prohibited the City from granting "special rights" to

persons based on sexual orientation. (These groups had failed to have similar measures adopted statewide, and subsequently made a push to adopt them at the city and county level. Several of these local measures were passed throughout the state.)

Keizer voters approved the measure which was placed in the Charter as Section 44. Shortly after that, state law made all the local “no special rights” provisions unenforceable. ORS 659.870 also provides that a lawsuit can be brought if such local legislation is enacted or enforced.

Though state law makes the provision moot and unenforceable, that does not actually remove it from the Charter. To do that requires a Charter revision or amendment passed by the voters.

The City Council indicated that this provision should be proposed for deletion. However, because the Charter has not been updated in some time, the Council wanted to take this opportunity to consider where other amendments or a new revision would be appropriate.

As far as the process for working through the Charter, I have prepared the attached matrix that sets forth the League of Oregon Cities (LOC) Model Charter (2018) next to the similar sections of the Keizer Charter. The matrix includes my brief comments or suggestions on each section.

Most of my suggested changes are a preference based on making the language more clear. However, some sections may involve subtle, but actual change in intent. I will point these out as we go through the sections. (Please note that at this time I have only made it through Page 10 with suggestions.)

I would suggest simply starting at the beginning and working through each section. If there is consensus from all members, then no vote is necessary. However, if not, then we would vote on each section after a motion and a second.

I will note that your preliminary choices are just to direct me as to preparing the next draft. You will have plenty of opportunity to change your mind before a final vote to recommend a new draft Charter to the Council.

Please call me at 503-856-3432 if you have any questions. Thank you.

ESJ/tmh

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

LOC MODEL	CURRENT CITY	COMMENT/DIFFERENCE
<p>Preamble. We, the voters 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.</p>	<p>Be it enacted by the people of the city of Keizer, Marion County, Oregon:</p>	<p>Prefer LOC version – emphasis on home rule power</p>
<p>Section 1.1. Titles. This charter may be referred to as the 2020 Keizer Charter.</p>	<p>Section 1. Title of Enactment. This enactment may be referred to as the Keizer City Charter as amended.</p>	<p>Prefer LOC – states the date</p>
<p>Section 1.2. Names. The City of Keizer, Oregon, continues as a municipal corporation with the name City of Keizer.</p>	<p>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.”</p>	<p>No significant difference</p>
<p>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.</p>	<p>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.</p>	<p>No significant difference. LOC reads better</p>
<p>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.</p>	<p>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.</p>	<p>No significant difference – suggest adding in Keizer version “now or hereafter” after “of this state”</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>Section 2.2. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.</p>	<p>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.</p>	<p>Prefer Keizer version</p>
<p>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 exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.</p>	<p>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.</p>	<p>Prefer Keizer version. The LOC version does not exactly reflect how the ordinance, resolution and orders work.</p>
<p>Section 3.1. Council. The council consists of a mayor and six councilors nominated and elected from the city at large.</p>	<p>Section 7. Council. The council shall be composed of a mayor and six councilors elected from the city at large by numbered positions.</p>	<p>Prefer Keizer version</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>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. The mayor is a voting member of the council and has no veto authority.</p> <p>a) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.</p> <p>b) The mayor must sign all records of council decisions.</p> <p>c) The mayor serves as the political head of the city government.</p>	<p>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.</p> <p>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.</p>	<p>Though formatted differently, roughly similar. Suggest using Keizer version, but delete first sentence of Section 20; Council Procedures lay out committee/task force appointment process.</p>
<p>Section 3.3. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.</p>	<p>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.</p>	<p>Similar, but LOC version is every year. Suggest keeping Keizer version. Should review "ballot" language – not typically done that way</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>Section 3.4. Rules. The council must by resolution adopt rules to govern its meetings.</p>	<p>(See Section 13 below.)</p>	
<p>Section 3.5. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.</p>	<p>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.</p>	<p>Prefer Keizer version</p>
<p>Section 3.6. Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.</p>	<p>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.</p>	<p>Prefer Keizer version. Change “ordinance” to “council rules”</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>Section 3.7. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.</p>	<p>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.</p>	<p>Prefer Keizer version. Suggest adding “or other rules or laws” after “this charter”</p>
<p>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.</p>	<p>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.</p>	<p>Prefer LOC version</p>
<p>Section 4.1. Ordinances. 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:”.</p>	<p>Section 31. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, “The City of Keizer ordains as follows:”</p>	<p>Prefer Keizer version</p>
<p>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 by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.</p>	<p>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</p>	<p>Prefer LOC version as more straightforward and easier to read. Suggest changing “one week” to “five (5) calendar days.”</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.</p> <p>d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.</p> <p>e) 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.</p>	<p>councilors present, upon being read first in full and then by title.</p> <p>(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.</p> <p>(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.</p> <p>(5) Upon the enactment of an ordinance the custodian of city records shall sign it with the date of its</p>	
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COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

	<p>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.</p>	
<p>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.</p>	<p>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.</p>	<p>Prefer LOC version</p>
<p>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:"</p>		<p>Keizer version does not have similar section. LOC version is appropriate, but suggest deleting first sentence of Section 5.1</p>
<p>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 resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.</p>		<p>Keizer version does not have similar section. LOC version is appropriate</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.</p> <p>d) 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.</p>		
<p>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.</p>		<p>Keizer version does not have similar section. LOC version is appropriate</p>
<p>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:"</p>		<p>Keizer version does not have similar section. LOC version is appropriate, but suggest deleting first sentence of Section 6.1</p>
<p>Section 6.2. Order Approval.</p> <p>a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.</p> <p>b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.</p> <p>c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.</p>		<p>Keizer version does not have similar section. LOC version is appropriate</p>

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<p>d) 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.</p>		
<p>Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.</p>		<p>Keizer version does not have similar section. LOC version is appropriate</p>
<p>Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.</p>	<p>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.</p>	<p>Prefer Keizer version</p>
<p>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 four-year term.</p>	<p>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.</p>	<p>Prefer Keizer version</p>

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<p>Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.</p>	<p>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.</p>	<p>Prefer LOC version</p>
<p>Section 7.4. Qualifications. a) The mayor and each councilor must be a qualified elector under state law, 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. d) The council is the final judge of the election and qualifications of its members.</p>	<p>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.</p>	<p>Prefer LOC version</p>
<p>Section 7.5. 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.</p>	<p>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.</p>	<p>Prefer Keizer version</p>

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<p>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.</p>	<p>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.</p>	
<p>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.</p>	<p>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.</p>	
<p>Section 7.8. Vacancies. The mayor or a council office becomes vacant:</p> <p>a) Upon the incumbent's:</p> <ol style="list-style-type: none"> 1) Death; 2) Adjudicated incompetence; or 3) Recall from the office. <p>b) Upon declaration by the council after the incumbent's:</p> <ol style="list-style-type: none"> 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; 3) Ceasing to reside in the city; 4) Ceasing to be a qualified elector under state law; 	<p>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</p>	

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>5) Conviction of a misdemeanor or felony crime; 6) Resignation from the office; or 7) Removal under Section 8.1(i).</p>	<p>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.</p>	
<p>Section 7.9. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.</p>	<p>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 tem 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.</p>	

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>Section 8.1. City Manager.</p> <p>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 council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.</p> <p>b) A majority of the council must appoint and may 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.</p> <p>c) The manager need not reside in the city.</p> <p>d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.</p> <p>e) The manager must:</p> <ol style="list-style-type: none"> 1) Attend all council meetings unless excused by the mayor or council; 	<p>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.</p> <p>Section 21. City Manager.</p> <p>(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.</p> <p>(b) Term The manager shall be appointed by a majority of all members of the council</p>	
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COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>2) Make reports and recommendations to the mayor and council about the needs of the city;</p> <p>3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;</p> <p>4) Appoint, supervise and remove city employees;</p> <p>5) Organize city departments and administrative structure;</p> <p>6) Prepare and administer the annual city budget;</p> <p>7) Administer city utilities and property;</p> <p>8) Encourage and support regional and intergovernmental cooperation;</p> <p>9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;</p> <p>10) Perform other duties as directed by the council; and</p> <p>11) Delegate duties, but remain responsible for actions of all subordinates.</p> <p>f) The manger has no authority over the council or over the judicial functions of the municipal judge.</p> <p>g) The manager and other employees designated by the council may sit at council meetings but have</p>	<p>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.</p> <p>(c) Powers and Duties The powers and duties of the manager shall be as follows:</p> <p>(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.</p> <p>(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.</p>	
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COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

<p>no vote. The manager may take part in all council discussions.</p> <p>h) When the manger 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 manger, except that a pro tem manager may appoint or remove employees only with council approval.</p> <p>i) 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. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.</p>	<p>(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.</p> <p>(4) The city manager shall organize and reorganize the departmental structure of city government.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>	
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COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER

	<p>have no vote on questions before it. The manager may take part in all council discussions.</p> <p>(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 employee 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.</p> <p>(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</p>	
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	<p>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.</p>	
<p>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.</p>	<p>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</p>	

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	<p>judicial functions to supervision by any other officer.</p>	
<p>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 in the city 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;</p>	<p>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 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</p>	

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<p>4) Issue and compel obedience to subpoenas;</p> <p>5) Compel witnesses to appear and testify and jurors to serve for trials before the court;</p> <p>6) Penalize contempt of court;</p> <p>7) Issue processes necessary to enforce judgments and orders of the court;</p> <p>8) Issue search warrants; and</p> <p>9) Perform other judicial and quasi-judicial functions assigned by ordinance.</p> <p>f) The council may appoint and may remove municipal judges pro tem.</p> <p>g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.</p>	<p>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.</p>	
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<p>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.</p>	<p>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.</p>	
<p>Section 9.2. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.</p>		
<p>Section 10.1. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.</p>	<p>Section 35. 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 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</p>	

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	<p>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".</p>	
<p>Section 10.2. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.</p>	<p>Section 36. 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 general ordinance.</p>	
<p>Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.</p>	<p>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.</p>	
<p>Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.</p>	<p>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.</p>	
<p>Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.</p>		
<p>Section 11.4. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the</p>	<p>Section 41. Severability. If any provision of this charter is held invalid, the other provisions of the charter</p>	

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<p>invalidity does not affect any other part of the charter.</p>	<p>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.</p>	
<p>Section 11.5. Time of Effect. This charter takes effect _____, 20__.</p>	<p>Section 42. Time of Effect of Charter. This charter shall take effect upon its passage.</p>	
	<p>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.</p>	
	<p>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.</p>	
	<p>Section 34. 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.</p>	
	<p>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.</p>	

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	<p>Section 41. 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.</p>	
	<p>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.</p>	
	<p>Section 44. Prohibit Minority Status for Homosexuality.</p> <p>(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.</p> <p>(b) City funds shall not be expended to promote homosexuality or express approval of homosexual behavior.</p> <p>(c) This Section shall not be construed to deny any Citizen, based</p>	

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	<p>on perceived or actual private lawful sexual practices, any City services, licenses, or approvals otherwise due or available.</p> <p>(d) This Section shall not be construed to limit public libraries from providing materials for adults which address homosexuality.</p> <p>(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.</p> <p>(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</p>	
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	<p>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.</p> <p>(g) This Section shall be an explicit and necessary restriction and limitation upon the authority of the Council.</p> <p>(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</p>	
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