

CHARTER OF JACKSONVILLE, OREGON

CHARTER

Chapter I

Names and Boundaries

Section 1. Title of Enactment. This enactment may be referred to as the Jacksonville Charter of 1953.

Section 2. Name of City. The city of Jacksonville, Jackson County, Oregon, shall continue to be a municipal corporation with the name "City of Jacksonville."

Section 3. Boundaries. The city shall include all territory bounded by a line commencing at the southwest corner of the southeast quarter of Section 31, Township 37 South, Range 2 West of Willamette Meridian, running thence east 160 chains to the north-south center line of Section 33 in said township and range; thence north along said center line to the north boundary line of the James R. Poole D.L.C. No. 90; thence westerly along the north line of the James R. Poole D.L.C. No. 90 and the north line of the James Cluggage D.L.C. No. 37, and the westerly extension thereof, to the intersection of said westerly extension of the north line of said Cluggage D.L.C. No. 37, and the west line of the east half of Section 30 in said township and range; thence southerly along the west line of the east half of Section 30, and the west line of the east half of Section 31, to the place of beginning.

EXCEPTING THERE FROM: All that real property described in decrees made and entered in the following named and numbered cases in the circuit court of the State of Oregon for Jackson County, to-wit:

<u>Title</u>	<u>Case #</u>	<u>Judgment Roll #</u>	<u>Decree dated</u>
Geo. W. and Catherine E. Wendt vs. City of Jacksonville	8991E	10479	June 18, 1945
Bruce P. Fleming vs. City of Jacksonville	8947E	10470	July 9, 1945
Roy V. Martin et al vs. City of Jacksonville	8825E	10549	January 18, 1945
<u>Title</u>	<u>Case #</u>	<u>Judgment Roll #</u>	<u>Decree dated</u>
John H. Hueners et ux Vs. City of Jacksonville	7450E	8004	January 31, 1940

Chapter II

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 from the city at large.

Section 8. Councilmen. The term of office of each councilman in office when this charter amendment is adopted shall continue until such term would otherwise expire. The term of office of each councilman thereafter shall be four (4) years.

At the first biennial general election after these amendments to the Charter are adopted, six councilmen shall be elected. The three candidates receiving the highest number of votes will be elected to four (4) year terms and the three candidates receiving the next highest number of votes will be elected to two (2) year terms. At each biennial general election thereafter, three councilmen shall be elected, each to serve a four (4) year term. (Amended by general election May, 1984)

Section 9. Mayor. The term of office for the Mayor in office when these amendments to the Charter of 1953 are adopted shall continue until such term would otherwise expire, January 1, 1967. At the biennial general election of 1966 and at each general biennial election every fourth year thereafter a mayor shall be elected for a term of four years. (Amended by special election November, 1985)

Section 10. Commencement of Terms. The term of the mayor, and each of the councilmen, shall commence on the first day of January of the year following his election.

Section 11. Other Officers. Additional officers of the city shall be a municipal judge, a recorder, a treasurer and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council, provided, however, that the persons elected to the office of recorder and the officer of treasurer at the general election for said city in 1953, shall hold office until their terms would otherwise expire. The council may combine any two or more appointive city offices, including the offices of said treasurer and recorder, provided, however, that such power shall not be exercised by the council on or before the first day of January 1955. The council may designate any appointive officer to supervise any other appointive officer

except the municipal judge in the exercise of his judicial functions. All employees and appointive officers having access to any of the funds of the city, including the recorder and treasurer, shall, before entering into the performance of the duties of his office, file with the council a good and sufficient fidelity bond in such amount as may be fixed by the council.

Section 12. Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council. No councilman shall, however, nor shall the mayor, receive compensation for serving in that capacity. The mayor and the several councilmen may be reimbursed, however, for actual and necessary expenses incurred in behalf of, or on the business of the city, by order of the council.

Section 13. 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. No person shall hold the office of mayor or councilman unless he shall be a taxpayer upon property, either real or personal, within the city of Jacksonville. 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 14. Meetings. The council shall hold a regular meeting at least once each month at a time and at a place in the city 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 hours nor later than five days 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 15. 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 16. 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 17. Meetings to be public. All deliberations and proceedings of the council shall be public.

Section 18. Mayor's function 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 19. President of the Council. At its first meeting after this charter takes effect and thereafter, at its first meeting of each 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 mayor.

Section 20. Vote required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any questions before the council.

Chapter V

Powers and Duties of Officers

Section 21. 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 passing. Upon the approval of the council, he shall endorse all bonds of the city officers and all bonds for licenses, contracts, and proposals.

Section 22. Failure of mayor to act. Upon the failure of the mayor to perform any ministerial duty required of him by this chapter, or of any ordinance or resolution of the council duly passed and adopted, the president of the council shall perform such act in the like manner and with the effect as though the same had been performed by the mayor.

Section 23. Municipal Judge. The judicial officer of the city shall be the municipal judge, to be appointed and removed by the mayor with the concurrence of the council. The salary of said municipal judge shall be in such amount as is fixed by the council. Before entry upon his duties, said municipal judge, shall post with the council such bond as may be required by the city council. The municipal judge shall hold within the city a court known as the Municipal Court for the City of Jacksonville, Jackson 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 ordinance of the city and of all actions brought to recover or enforce forfeitures for penalties defined or authorized by ordinances of the city. He shall, by virtue of his office, be ex-officio Justice of the Peace, with all powers of such Justice of the Peace within the Justice District of Jacksonville. 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 jurisdiction 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 justice of the peace and justice courts. Trials in the Municipal Court for violation of city ordinances shall be had without juries. The Municipal Judge shall keep such additional records and make such reports as the council may from time to time prescribe.

Section 24. Recorder. The recorder shall serve ex-officio as clerk of the council, attend all its meetings unless excused there from by the council, keep an accurate record of its proceedings in a book provided for that purpose, and sign all orders on the treasury, and shall have such other duties and powers as the council may from time to time prescribe. 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.

The recorder shall, in addition to the above duties, keep such additional records and perform such other duties as the council may from time to time prescribe.

Section 25. Treasurer. The treasurer must receive and safely keep all moneys and funds that come to the city, either from taxation or otherwise, and shall pay the same out only upon warrants drawn upon him by the mayor and attested by the recorder, and to do and perform all other acts as are prescribed for him by the city council. He shall pay no claim against the city until the same shall have been audited and allowed by the city council. The treasurer shall also keep such records and accounts, make such reports and perform such other duties as the council may from time to time prescribe.

Chapter VI

Elections

Section 26. Regular Elections. Regular city elections shall be held at the polling places designated by the Jackson County Clerk on the first Tuesday following the first Monday of November in even numbered years. (Amended by primary election May, 1980)

Statutory reference:

Elections, see O.R.S. 221.160 et seq.

Section 27. 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 at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon and the time and place of the election. (Amended by primary election May, 1980)

Section 28. Special Elections. The council shall provide by ordinance the time, manner, and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election. (Amended by primary election May, 1980)

Section 29. Regulation of Elections. Except as this chapter 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 there from, and contests thereof. (Amended by primary election May, 1980)

Section 30. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the city election, and in each regular city election held in an even numbered year, the returns there from shall be filed with the recorder on or before noon of the seventh day following the election, and at or before the next regular meeting after the filing with the recorder, 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. It 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. (Amended by primary election May, 1980)

Section 31. 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. (Amended by primary election May, 1980)

Section 32. 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 Oregon and that he will faithfully perform the duties of his office. (Amended by primary election May, 1980)

Section 33. Nominations. Any person qualified for any office of the city as defined in Section 13 may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed the council. Such petition shall be signed by not fewer than 20 electors. An elector may sign one petition for each position being contested in the election. If the elector signs more than the allowed number of petitions, his signature is valid only on the allowed number of petitions based on the order they are duly filed with the city recorder. 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 135 days or later than 75 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 different petition for the same candidate may be filed, with the regular time for filing nomination petitions. The recorder shall notify an eligible person of his 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 candidates is elected, expires. (Amended by primary election May, 1980)

Chapter VII

Vacancies in Office

Section 34. What Creates Vacancy? An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation, or recall from office, upon the incumbent's ceasing to possess the qualifications necessary for his office; or upon the failure of the person elected or appointed to an office to qualify therefore within three days after the time for his term of office to commence; and in the case of mayor or councilman, upon his absence from meetings of the council for 60 days without the consent of the council and upon a declaration by the council of the vacancy.

Section 35. Filling of Vacancies. Vacancies in elective offices of the city shall be filled by appointment by a majority of the entire membership 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 or until the next biennial election, whichever comes first. 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. (Amended by general election May, 1980)

Chapter VIII

Ordinances

Section 36. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be “The City of Jacksonville ordains as follows:”

Section 37. Introduction, Reading and Passage. Every ordinance of the council shall be fully and distinctly read in open council meeting on two different days previous to being put upon its final passage. The ordinance may be put upon its final passage in the meeting at which the second reading of such ordinance occurs. Any ordinance, however, may be introduced, read twice, once in full and once by title, and put on its final passage at a single meeting by unanimous vote of all members of the council present at the meeting.

Upon the final vote on an ordinance the ayes and nays of the members of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter, the mayor shall sign it with the date, his name, and the title of his office.

Section 38. 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. No ordinance shall bear an emergency clause unless it shall pass by a two-thirds majority of the council. The council shall be the sole judge of the existence or non-existence of the emergency.

Chapter IX

Public Improvements

Section 39. 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 40. 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. A remonstrance by the owners of two-thirds of the property to be specially assessed for a proposed public improvement shall suspend action regarding the improvement for six months. For the purpose of this section “owner” shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the city recorder, the said purchaser shall be deemed the “owner”.

Section 41. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvement or other services to be charged against real property shall be governed by general ordinance.

Section 42. Contracts. The procedure and manner of letting, and entering into contracts by the city shall be governed by ordinance, and such ordinance may be a special ordinance; provided however that no such ordinance shall bear an emergency clause, and in no event shall become effective until 30 days after its enactment by the city council.

Chapter X

Miscellaneous Provisions

Section 43A. Debt Limit. (I) except by consent of the voters the City's floating indebtedness shall not exceed \$5,000.00 or its bonded indebtedness \$25,000.00 at any one time. For purposes of calculating the limitations, however, the legally authorized debt of the City in existence at the time this charter amendment takes effect shall not be considered, nor shall the validity of any such existing obligations be affected hereby either in whole or in part. 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 43B. (II) Notwithstanding the provisions of subsection I above, the Council of the City of Jacksonville shall have the power to issue bonds and incur indebtedness in the aggregate amount of \$115,000.00 for the purpose of financing the improvement and extension of the present water system of the City of Jacksonville to connect the same with the water system of the City of Medford, and shall have the power and right to designate the manner and time of payment of said bonds and interest thereon, provided that the rate of interest on such bonds shall not exceed six per cent (6%) per annum. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors, or bondholders, and the bonds issued in pursuance of this section shall not be subject to the limitation on bonded or other indebtedness now set forth in section 74A of the present charter, nor shall such bonded indebtedness be subject to the provisions of section 43A I above.

Section 44. Torts. In no event shall the city be liable in damages to any person for an injury to person or property caused by a defect or dangerous place in a sidewalk, crosswalk, street, alley, sewer, public ground, public building, drain, gutter, ditch, or way, unless the city has had actual notice prior to the injury that the defect or dangerous place existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500.00 be recovered as damages for an injury resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such an injury unless the claimant first gives written notice to the council within 30 days after the injury is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefore 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 45. 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 46. Repeal of Previously Enacted Provision. All charter provisions of the City enacted prior to the time that this charter takes effect are hereby repealed except the provision of Section 86, subsection 1 to, and including, 32, and 34 to, and including, 63 of the present charter, provided that nothing herein contained shall effect the validity of any outstanding obligations or rights of the city.

Section 47. Time of Effect of Charter. This charter shall take effect (December 4, 1953).

Section 48. In addition to the indebtedness otherwise authorized by law and this charter, the city council of the City of Jacksonville shall have the power and authority to issue the general obligation bonds of the city in such amounts and with such maturity dates as the city council shall in its discretion deem advisable in an aggregate amount not to exceed \$170,000.00 for the purpose of financing the acquisition and construction of a water distribution reservoir, together with the necessary appurtenances thereto, including pumps, pump houses, feeder mains, control systems valves and grids connected with the pressure reducing stations, all for use in connection with the community water system of the city of Jacksonville, and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums

paid, the effective rate of interest on such bonds shall not exceed 6% per annum. The power herein granted shall be exercised by the council without submitting the question to a further vote of the electors, and the bonds issued in pursuance of this section shall not be subject to the limitation on bonded or other indebtedness, nor considered in applying limitation on bonded or other indebtedness elsewhere contained in the charter of said city. (Added by special election May, 1968)