

CITY OF BROOKINGS

CHARTER OF 1993

Effective January 1, 1993

BROOKINGS CITY CHARTER

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PREAMBLE

We, the people of Brookings, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions of the city, except as provided in Chapter X, Section 37.

CHAPTER I

NAMES AND BOUNDARIES

Section 1. Title of Charter. This charter may be referred to as the 1993 Brookings Charter.

Section 2. Name of City. The city of Brookings, Oregon, continues under this charter to be a municipal corporation with the name city of Brookings.

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 during regular city office hours.

CHAPTER II

POWERS

Section 4. Powers of the City. The city has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Powers. 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 6. Distribution of powers. 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.

CHAPTER III

FORM OF GOVERNMENT

Section 7. Council. The council consists of a mayor and four councilors nominated and elected from the city at large or, in case of one or more vacancies in the council, the council members whose offices are not vacant.

Section 8. Councilors. The term of office of a 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, two councilors shall be elected, each for a four-year term.

Section 9. Mayor. The term of office of the most recently elected mayor at the time this charter takes effect begins at the first council meeting of the year 1993. At the general election of the year 1994 and at each subsequent general election, a mayor shall be elected for a two-year term, whose term of office shall commence at the first council meeting in January immediately following such general election.

Section 10. 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 calendar year immediately after the election and continues until the successor to the office assumes the office.

Section 11. Appointive Offices. A majority of the council shall appoint and may remove a city manager, municipal judge, city attorney and city recorder. A majority of the council may:

- (1) Create, abolish, and combine additional appointive offices and,
- (2) Except as the majority prescribes otherwise, fill such

offices by appointment and vacate them by removal.

CHAPTER IV

COUNCIL

Section 12. Rules. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 13. Meetings. The council shall meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

Section 14. Quorum. A majority of the council constitutes a quorum for its business.

Section 15. Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 16. Mayor's Functions at Council Meetings.

- (1) When present at council meetings the mayor shall:
 - (a) Preside over deliberations of the council,
 - (b) Preserve order,
 - (c) Enforce council rules, and
 - (d) Determine the order of business under the rules.
- (2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to the council president or, in the president's absence, to another council member.
- (3) The mayor is a voting member of the council.

Section 17. Council President.

- (1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.
- (2) Except in voting on questions before the council, the president shall function as mayor when the mayor is:
 - (a) Absent from a council meeting, or
 - (b) Unable to function as mayor.

Section 18. Vote Required. Except as Section 31 of this charter prescribes otherwise, the express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the council.

Section 19. Vacancies: Occurrence. The office of a member of the council becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,
 - (b) Adjudicated incompetence, or
 - (c) Recall from office; or
- (2) Upon declaration by the council of the vacancy in case of the incumbent's:
 - (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
 - (b) Absence from the city for 30 days without notifying the council or from all meetings of the council within

a 65-day period.

- (c) Ceasing to reside in the city,
- (d) Ceasing to be a qualified elector under state law,
- (e) Conviction of a felony crime, a misdemeanor involving moral turpitude or any other offense pertaining to the public office.
- (f) Resignation from the office.

Section 20. Vacancies: Filling. A vacancy in the council shall be filled within 60 days by:

- (1) Appointment by a majority of the council;

- (2) Special election when the number of vacancies in the council exceeds the number of members holding office.

The terms of office of those appointed or elected run from the time of their qualifying for office after appointment or election and until expiration of the terms of their predecessors who have left the offices vacant.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 21. Mayor. The mayor shall appoint the committees in adherence to the rules of the council. The mayor shall sign all approved records of proceedings of the council and countersign all checks and vouchers. The mayor 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, the mayor shall endorse all bonds of city officers and all bonds for licenses, contracts, and proposals.

Section 22. City Manager.

- (1) The city manager is the administrative head of the city government.
- (2) A majority of the council shall appoint and may remove the city manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The city manager shall be appointed for an indefinite term and may be removed by the council at its pleasure. Within six consecutive months after a vacancy occurs in the office, the council shall fill the vacancy by appointment.
- (4) The duties of the city manager shall be established by ordinance.
- (5) The city manager and other personnel whom the council designates may sit with the council but may not vote on questions before it. The city manager may take part in all council discussions.

- (6) When the city manager is absent from the city or disabled from acting as city manager, or when the office of city manager becomes vacant, the council shall appoint a city manager pro tem, who has the powers and duties of city manager, except that the city manager pro tem may appoint or remove personnel only with approval of the council. No person may be city manager pro tem more than six consecutive months.

CHAPTER VI

PERSONNEL

Section 23. Qualifications.

- (1) An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before being elected or appointed to the office. In this subsection "city" means area inside the city limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) An elective officer may be employed in a city position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court upon the request of the city council.
- (4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

Section 24. Compensation.

- (1) The council shall prescribe the compensation of city officers. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.
- (2) No establishment of compensation of the mayor or

councilors, or increase in such compensation once established, may take effect, however, until the first of the odd-numbered year immediately following the first general election after the increase is authorized.

Section 25. **Merit System.** Subject to council approval and to all collective bargaining agreements between the city and one or more groups of its employees, the city manager shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees, all of which shall be based on merit and fitness.

Section 26. **Political Contributions.** No person shall attempt to or actually coerce, command or require any appointed city official or employee to influence or give money, service or anything of value to promote or oppose any political committee, the nomination or election of a candidate, the adoption of a measure, or the recall of a member of the council.

Section 27. **Oath.** 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 and the charter and ordinances of the city of Brookings.

CHAPTER VII

ELECTIONS

Section 28. **State Law.** Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 29. **Nominations.** A qualified elector who shall have resided in the city during the 12 months immediately preceding the election or the appointment may be nominated for an elective city office. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by general ordinance. The custodian of city records 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.

CHAPTER VIII

ORDINANCES

Section 30. Ordaining clause. The ordaining clause of an ordinance shall be "The city of Brookings ordains as follows:".

Section 31. Adoption by Council.

- (1) An ordinance shall be fully and distinctly read in open council meeting on two different days before being adopted by the council, except that:
 - (a) The council may adopt an ordinance at a single meeting by the express unanimous votes of all council members present and entitled to vote, provided the ordinance is read first in full and then by title.
 - (b) Any reading of an ordinance may be by title only if no council member or member of the public present at the reading requests that the ordinance be read in full, and at least one week before the reading:
 - (i) A copy of the ordinance is provided for each councilor;
 - (ii) Three copies of the ordinance are available for public inspection in the office of the custodian of city records;
 - (iii) Notice of their availability is given by written notice posted at the city hall and two other public places in the city; and,
 - (iv) Notice of the proposed action is given to the local media for publication.

- (v) An ordinance read by title only which differs from its terms as it was filed and noticed prior to the reading shall have all the differing terms and changes read fully and distinctly in open council meeting before the council adopts the ordinance.
- (2) Upon the adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.
- (3) After adoption of an ordinance and upon its being signed by the mayor, the custodian of city records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 32. **Effective date.** A nonemergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 33. **Procedures for Public 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 applicable state law.

Section 34. **Special Assessments.** The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 35. Debt. 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 36. Continuation of Ordinances. Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 37. Repeal. All charter provisions adopted before this charter takes effect, with the exception of Chapter 16, "Water Intake Relocation", and Chapter 17, "Wastewater Treatment Plant Facilities Plan", which shall become Chapters 11 and 12 respectively, of this charter, are hereby repealed.

Section 38. Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 39. Time of Effect. This charter shall take effect on the _____ first day of January _____, 1993 .

CHAPTER XI

WATER INTAKE RELOCATION

Section 40. Authorization to Expend Proceeds from Sale of Bonds. The City of Brookings has heretofore been authorized to engage in the enterprise and business of owning, operating and maintaining a municipal water works and water system and to sell and dispose of water for irrigation, domestic, municipal and other purposes and uses to its inhabitants and to people residing without the boundaries of said City. To that end the City Council is hereby authorized to expend the proceeds from the sale of the bonds hereby authorized for the purposes herein provided in this Charter amendment and to provide, buy, construct, equip and maintain the municipal water system of the City of Brookings, and any combination of such purposes.

Section 41. Issuance and Sale of Bonds. For the purpose of providing funds with which to provide, construct, build, acquire, equip and operate a water works and water system within and without the boundaries of the City of Brookings, Oregon, for the use and benefit of the inhabitants of said City, and for profit, and to acquire rights of way, easements, personal property, real property, water rights, and other property within and without the boundaries of the City of Brookings for the purposes, necessities, uses and conveniences of said City and securing an adequate and sufficient supply of water, the municipal water works and water system owned, operated and maintained by said City to supply water to said City and its inhabitants and the people residing without the boundaries of said City, and to pay the legal and engineering expense in connection therewith, the Council of said City is hereby authorized and empowered to issue and sell bonds of said City in a sum not to exceed \$1,300,000.00, notwithstanding any debt limitation or restriction contained in or prescribed by the Charter of the City of Brookings, Oregon, or any amendment thereof. The debt limitations or restrictions contained in or prescribed by the Charter of the City of

Brookings, or any amendment thereof, limiting or restricting the total indebtedness which the City may incur, or any provision of the Charter regulating the issuance and sale of bonds, shall not apply to the bonds hereby authorized or the indebtedness created by the issuance of such bonds.

Section 42. Authorization to Effect Amendment; Establishment of "Water Bond Sinking Fund." The City of Brookings may purchase or acquire by the exercise of eminent domain, lease, hold or receive property, real and personal, within and beyond the limits of said City for the construction, equipment, operation and maintenance of a water works and water system to supply the City with water for municipal purposes and its inhabitants within said City and people without the boundaries of said City with water for domestic, irrigation and other beneficial purposes or uses; and for such purpose or purposes may take private property within and beyond the limits of said City of public use for the purpose of supplying said City and its inhabitants, and persons and corporations residing outside the limits of said City, with water; and may take and enter into all contracts necessary or convenient to that end. The right to furnish the inhabitants of said City with water shall be forever vested in the City of Brookings, and no franchise, right or privilege shall hereafter be granted to or contract made with any person or corporation by said City to furnish or supply the said City or its inhabitants with water, without the authorization of the legal voters of said City. The Council is hereby granted authority to carry into effect this amendment and Charter provision and to do any and all things necessary, proper and convenient to secure for said City an efficient and effectual water works, water system and water service, and provide for the appropriation, preservation and security of a water supply for said City, and for the fixing and collection of taxes and charges as compensation from users of water from the water system of said City, and to enact and provide all rules and regulations

necessary, proper or convenient in the operation, maintenance, control and management of such water system, and the collection of such rates and charges, as hereinafter provided.

All revenues arising from the sale or use of water from said system shall be set apart; first, as a special fund to be known as the "Water Fund" from which to pay needful expenses in maintaining, operating, repairing, renewing and extending said water system and works as necessity therefor shall arise, and for the payment of the interest on the City of Brookings water bonds as the same shall accrue; and, second, of the residue of such revenue a sinking fund shall be created to be kept inviolate and to be applied in the payment and/or redemption of the water bonds of said City, and such fund shall be used for no other purpose, and shall be known as the "Water Bond Sinking Fund."

Section 43. **Bonds to be General Obligation Bonds of the City of Brookings.** Said bonds shall be payable as to both principal and interest from taxes levied upon the taxable property within the corporate limits of the City of Brookings or from rates and charges as herein provided. The Council shall prescribe, fix and determine the form, date or dates, denomination or denominations, date or dates of maturity, rate of interest, time and place of payment of principal and interest, and all other matters not herein provided for or respecting said bonds. Said bonds shall be general obligation bonds of the City of Brookings.

Section 44. **Authorization to Levy Taxes.** The Council is hereby authorized and required at the time of making the annual tax levy for city purposes each year to levy, in addition to all other taxes upon taxable property of the City, such sum as shall be necessary to meet and pay the interest on said Brookings Water Bonds and the principal of said bonds as it matures, provided that the rates and charges herein established are at any time insufficient to

pay such interest and principal amounts. The Council is further authorized to apply for and obtain Federal aid, loans or grants to assist in carrying out the provisions of this Charter amendment.

Section 45. Authorization to Adopt Plans and Specifications. The Council of the City of Brookings is hereby authorized to adopt plans and specifications to provide, purchase, construct, reconstruct and extend such municipal water system and to enter into such contracts as shall be necessary and proper to carry on such work or make such purchase or to do such work, or any part thereof, with City forces, employees and equipment, to make purchases as herein authorized and to do any or all acts or things necessary or requisite to be done to that end, and to order the costs and expense thereof to be paid from said bond fund.

CHAPTER XII

WASTEWATER TREATMENT PLANT FACILITIES PLAN

Section 46. Authorization to Issue and Sell Bonds. For the purpose of providing funds with which to acquire, construct and maintain a sewage disposal plant for the City of Brookings, construct intercepting sewers, out-fall sewers, pumping stations, pressure lines and to purchase all equipment necessary therefor, all for the City of

Brookings, and for the purposes, necessities, uses and conveniences of said City of Brookings and the inhabitants thereof, the Council of the City of Brookings is hereby authorized and empowered to issue and sell bonds of said City in an amount not to exceed \$3,200,000.00 notwithstanding any debt limitation or restriction now contained or provided in or by the Charter of the City of Brookings or any amendments thereof. The debt limitations or restrictions contained in or provided by the Charter of the City of Brookings or amendments thereof, may incur, or any provision or amendment of said Charter regulating the issuance and sale of bonds, shall not apply to the bonds hereby authorized or the indebtedness created by the issuance of such bonds.

Section 47. Bonds to be Known as "City of Brookings Sewage Disposal Bonds, Series of 1988." Said bonds shall be payable as to both principal and interest from taxes levied upon the taxable property within the corporate limits of the City of Brookings and from rates and charges established from time to time by the City Council. The bonds to be issued hereunder shall be known as "City of Brookings Sewage Disposal Bonds, Series of 1988". Said bonds shall be negotiable in form. The Council shall prescribe, fix and determine the form, date or dates, denomination or denominations, date or dates of maturity, rate of interest, time and place of payment of principal and interest, and all other matters not herein provided for or respecting said bonds. Said bonds shall be general obligations of the City of Brookings and shall be signed by the Mayor and countersigned by the City Recorder under the corporate seal of the City of Brookings and shall be sold by the Council from time to time in such amounts as the Council may, in its judgment, determine to be necessary to provide funds for the purposes for which said bonds are to be issued. The interest coupons shall bear facsimile signatures of both the Mayor and City Recorder.

Section 48. Establishment of "Brookings Sewage

Disposal Construction Fund. The proceeds from the sale of said bonds shall be deposited by the City Recorder in a special fund to be known as the "Brookings Sewage Disposal Construction Fund" and shall be used for no purpose other than to construct, build, equip, own, acquire, operate and maintain within and without the corporate limits of the City of Brookings, in whole or in part, a sewage treatment disposal plant and the facilities thereof, to provide a sanitary means of disposing of the sewage of said City with all appurtenances necessary, useful or convenient for the treatment and disposal of sewage for the use and benefit of the inhabitants thereof, and to acquire rights of way, easements, personal property and real property within and without the City for said purposes, necessities, uses and conveniences, and to construct out-fall and intercepting sewers, pumping stations, pressure lines and all equipment, and for legal and engineering expense in connection therewith.

Section 49. Authorization to Adopt Plans and Specifications. The Council of the City of Brookings is hereby authorized to adopt plans and specifications for such sewage disposal plant, sewers, and pumping stations and to estimate the cost of the same and of such work and to enter into such contracts as shall be necessary and proper to carry on such work, or to do said work, or any part thereof, with City forces and employees and equipment; to do any and all acts or things necessary or requisite to be done to that end, and to order the cost and expense thereof to be paid from said construction funds. The Council is further authorized and empowered in behalf of the City of Brookings to apply for and obtain such Federal aid, grants, funds or assistance to aid in paying the cost of said improvements, or any part thereof.

Section 50. Authorization to Levy Taxes. The Council is hereby authorized and required at the time of making the annual tax levy for city purposes each year to levy, in addition to all other taxes upon taxable property of the City, such sum as shall be necessary to meet and pay the interest on said City of Brookings Sewage Disposal Bonds, Series of 1988, and the principal of said

bonds as it matures, provided that the rates and charges herein established are at any time insufficient to pay such interest and principal amounts.