

**CITY OF GASTON
CHARTER OF 2021**

PREAMBLE

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

ARTICLE 1

NAMES AND BOUNDARIES

Section 1.1 Titles. This charter may be referred to as the City of Gaston Charter of 2021.

Section 1.2 Name. The City of Gaston, Oregon, continues as a municipal corporation with the name City of Gaston.

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

ARTICLE 2

POWERS

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

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.

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.

ARTICLE 3

COUNCIL FORM OF GOVERNMENT

Section 3.1 Council. The council consists of a mayor and six councilors nominated and elected from the city at large.

Section 3.2 Mayor.

- (a) The mayor presides over and facilitates council meetings, preserves order, enforces council procedures, and determines the order of council business under council rules. The mayor is a voting member of the council.
- (b) With the consent of council, the mayor appoints members of commissions, boards and committees established by ordinance or resolution.
- (c) The mayor must sign all records of council decisions.
- (d) 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 3 days after their passage.
- (f) All powers to appoint and remove officials and employees shall be subject to the approval of the council.

Section 3.3 Council President. At its first meeting of each odd numbered 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.

Section 3.4 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.

Section 3.5 Adoption of Rules. The council must by resolution adopt rules to govern its meetings.

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.

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.

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.

ARTICLE 4

LEGISLATIVE AUTHORITY

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 Gaston ordains as follows:"

Section 4.2 Ordinance Adoption.

- (a) Except as authorized by subsection (b), the council must adopt an ordinance with the approval of at least four councilors at two meetings.
- (b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least four councilors, provided the proposed ordinance is available to the public at least one week before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council adopts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- (e) After adoption of an ordinance, the city custodian of records must attest to the ordinance by name, title, and date of enactment.

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 adopted may take effect as soon as adopted, or other date less than 30 days after adoption if it contains an emergency clause.

ARTICLE 5

COUNCIL ADMINISTRATIVE AUTHORITY

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 Gaston resolves as follows:"

Section 5.2 Resolution Approval.

- (a) A resolution or any other council administrative decision may be approved by the council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available to the public before the council adopts the resolution at that meeting.
- (c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- (d) After approval of a resolution, the city custodian of records must attest to the date of approval.

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.

ARTICLE 6

QUASI-JUDICIAL AUTHORITY

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 Gaston orders as follows:”

Section 6.2 Order Approval.

- (a) An order or any other council quasi-judicial decision may be approved by the council at one meeting.
- (b) Any substantive amendment to an order must be read aloud or made available to the public at the meeting before the council adopts the order.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
- (d) After approval of an order, the city custodian of records must attest to the date of approval.

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 or by ordinance.

ARTICLE 7

ELECTIONS

Section 7.1 Councilors. At each general election after the adoption of this charter, three councilors will be elected for four-year terms. The terms of councilors in office, or elected at the time of adoption of this charter, are the terms for which they were elected.

Section 7.2 Mayor. At every other general election after the adoption of this charter, a mayor will be elected for a four-year term. The term of the mayor in office when this charter is adopted is the term for which the mayor was elected.

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.

Section 7.4 Qualifications.

- (a) To hold a city elective position, each person 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.

Section 7.5 Nominations. The council must prescribe by ordinance other procedures for the nomination and election of persons for city elective positions.

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

Section 7.7 Oath. To hold a city elective position each person must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

Section 7.8 Vacancies: A city elective position becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
- (2) Absence from the city for 30 consecutive 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,
- (5) Conviction of a misdemeanor or felony crime,
- (6) Resignation from the office.

Section 7.9 Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining councilors. The appointee's term of office runs from appointment until the expiration of the term of office of the last person elected to that office. If a disability prevents a councilor from attending council meetings, a majority of the council may appoint a councilor pro tem.

ARTICLE 8

APPOINTIVE OFFICERS

Section 8.1 City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the mayor and councilors must appoint and may remove the attorney.

Section 8.2 Municipal Court and Judge.

(a) A majority of the mayor and councilors may appoint and remove a municipal judge. The municipal judge will hold court at such place as the council directs. The court will be known as the municipal court. The municipal judge must be admitted to practice as a member of the Oregon State Bar.

(b) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(c) 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.

(d) The municipal judge may:

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

(e) The mayor and council may appoint and remove municipal judges pro tem.

(f) The council may transfer some or all municipal court functions as allowed by state law as existing and as hereafter enacted.

ARTICLE 9

PERSONNEL

Section 9.1 Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

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.

ARTICLE 10

PUBLIC IMPROVEMENTS

Section 10.1 Procedure. The council may provide by ordinance 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.

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.

ARTICLE 11

MISCELLANEOUS PROVISIONS

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.

Section 11.2 Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 11.3 Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 11.4 Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 11.5 Time of Effect. This charter takes effect on January 1, 2021.

RESOLUTION No. 20-010

A RESOLUTION OF THE CITY OF GASTON DECLARING THAT A NEW CHARTER SHALL TAKE EFFECT ON JANUARY 1, 2021

WHEREAS, the City of Gaston prepared a new charter to be submitted to the voters at the general election held November 3, 2020; and

WHEREAS, a majority of the voters of the City of Gaston approved the new charter as submitted.

NOW, THEREFORE, THE CITY OF GASTON RESOLVES AS FOLLOWS:

The voters of the City of Gaston approved the proposed new charter as counted and certified by the Washington County Clerk. The City of Gaston Charter of 2021, attached as **Exhibit "A"** hereto, shall take effect on January 1, 2021.


This resolution is effective upon adoption.

Passed and adopted by the City Council of the City of Gaston this 16 day of December, 2020.

Attest:



City Recorder, Wenonah Blanchette



Mayor, David Meeker