

City of Dundee Charter

CHAPTER I

NAME, BOUNDARIES, AND GENERAL PROVISIONS

Section 1. REVISION CLAUSE:

The sections in the City Charter for the City of Dundee, Oregon have been revised as hereinafter stated.

Section 2. NAME:

The City of Dundee, Oregon continues under this Charter to be a municipal corporation with the name City of Dundee.

Section 3. BOUNDARIES:

The City includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The City administrator 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.

Section 4. EXISTING ORDINANCES CONTINUE:

All ordinances of the City not in conflict with this Charter or previous Charters, and presently in force shall remain in effect until amended or repealed.

CHAPTER II

POWERS OF CITY GOVERNMENT

Section 5. POWERS OF THE CITY:

The City shall have all the rights, powers, privileges, and immunities, which the constitution, statutes, and common laws of the United States and of this state expressly or impliedly granted or allowed municipalities, as fully as though this Charter expressly stated each of those rights, powers privileges, and immunities.

Section 6. 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 power possible under this Charter and under the United States and Oregon law. All powers are continuing unless a grant of power expressly indicates to the contrary.

Section 7. DISTRIBUTION OF POWERS:

Except as this Charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the City of Dundee, all powers of the City are vested in the City Council.

CHAPTER III

FORM OF GOVERNMENT

Section 8. CITY COUNCIL:

The City Council consists of a mayor and six City Councilors nominated and elected from the City at large or, in case of one or more unexpired terms in the City Council, the City Council members whose offices are not expired.

Section 9. CITY COUNCILORS:

The term of office of a City Councilor in office when this Charter is adopted is the term of office for which the City Councilor has been elected before adoption of the Charter (or is elected at the time of the Charter adoption). At each general election after the adoption, three Councilors shall be elected, each for four-year terms.

Section 10. MAYOR:

The term of office of the mayor in office when this Charter is adopted continues until the beginning of the first odd-numbered year after that time. At each subsequent general election, a mayor shall be elected to a two-year term.

Section 11. TERMS OF OFFICE:

The term of office of an elective officer (City Councilor or mayor) who is elected at general election begins at the first City Council meeting of the calendar year immediately after the election and continues until the successor to the office assumes the office.

Section 12. APPOINTIVE OFFICERS:

Appointive officers shall be a City administrator, municipal court judge, department managers, and other officers, as the City Council deems necessary. A majority of the City Council may:

- (1) Create, abolish, and combine appointive City offices, and,
- (2) Fill such offices by appointment and vacate them by removal.

Section 13. QUALIFICATIONS OF ELECTIVE OFFICERS:

The following qualifications shall apply to the candidacy of all persons seeking elective City office:

- (a) No person shall be eligible for an elective office of the City unless at the time of their election they are a qualified elector within the meaning of the state constitution, and have resided continually in the City the twelve (12) months immediately preceding the election.
- (b) No person shall be eligible for an elective office of the City that is elected to another position with a government.

- (c) No person shall be eligible for an elective office of the City who is employed by the City.
- (d) No more than two members of a City department comprised of volunteer personnel may simultaneously hold an elective City office. No volunteer member of a City department shall vote to approve or disapprove of any item on which they may have a conflict of interest.
- (e) The City Council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction.

Section 14. COMPENSATION OF ELECTIVE AND APPOINTIVE OFFICERS:

The compensation of elective or appointive officers shall be set by the City Council.

CHAPTER IV

CITY COUNCIL PROCEEDINGS AND CONDUCT

Section 15. CITY COUNCIL MEETINGS;

The City Council shall hold a regular meeting at least once each month in the City at a time and at a place, which it designates. The mayor upon his or her own motion may, or at the request of three City Councilors shall, by giving notice thereof to all members of the City Council then in the City, call a special meeting of the City Council for a time not earlier than 24 hours nor less than 48 hours after public notice is given by the City administrator. Special meetings of the City Council may also be held at any time by the common consent of a majority of the City Council.

Section 16. COUNCIL RULES:

The City Council shall adopt by ordinance rules governing the conduct of its members and proceedings.

Section 17. QUORUM:

A majority of the members of the City Council shall constitute a quorum for conducting its business, but a smaller number may meet and compel the attendance of absent members in a manner provided for by ordinance.

Section 18. RECORD OF PROCEEDINGS:

The City Council shall cause a journal of its proceedings to be kept. Upon the request of any City Council member, the ayes and nays upon any question before the City Council shall be taken, and a record of the vote entered into the journal.

Section 19. COUNCIL ACTIONS IN PUBLIC:

No final action by the City Council shall be considered legal or proper unless the motion for such action and the vote by which it is disposed of takes place at in a public meeting.

Section 20. MAYOR'S FUNCTION AT CITY COUNCIL MEETINGS:

The mayor shall preside over all deliberations of the City Council, preserve order, enforce the rules of the City Council, and determine the order of business under the rules of the City Council.

Section 21. PRESIDENT OF THE CITY COUNCIL:

At its first meeting of each odd-numbered year, the City Council shall elect a president from its membership. In the mayor's absence from a City Council meeting, the president of the City Council shall preside over it. When the mayor is unable, on account of an absence, illness or other causes to perform the functions of the mayor's office, the president of the City Council shall act as mayor.

Section 22. MAYOR PRO TEM:

In the absence of both the mayor and City Council President, a mayor pro tem shall be elected from the City Councilors present at a specific meeting.

Section 23. VOTE REQUIRED:

Except as this Charter otherwise provides, the concurrence of a majority of the members of the City Council present shall be necessary to decide any question before it.

CHAPTER V.

POWERS AND DUTIES OF CITY OFFICIALS

Section 24. MAYOR:

The mayor shall appoint the committee members with advice and consent of the City Council. The mayor shall sign all approved proceedings of the City Council, and countersign all checks and warrants on the City treasury. The mayor shall have no veto power, and shall sign all ordinances passed by the City Council within (3) days after their adoption by the City Council. The mayor will have the power to remove or suspend the City administrator or municipal court judge for cause but only after due process and the consent of the City Council.

Section 25. CITY ADMINISTRATOR/RECORDER:

There shall be a City administrator who shall be appointed by and serve at the will of the City Council. The City administrator shall be responsible to the City Council for the proper administration of the daily affairs of the City of Dundee, and carry out the policies established by the City Council. The City administrator duties shall be established by ordinance. In the absence of a City Recorder, the duties of that position shall be performed by the City administrator. Compensation shall be set by the City Council. A bond in an amount specified by ordinance shall be provided; the annual premium shall be paid by the City. The City Council may enter into an employment agreement with the City administrator/recorder.

Section 26. MUNICIPAL COURT 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 Dundee, Yamhill County, Oregon. The court shall be open for transaction of judicial business at times specified by the City administrator/recorder. 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 Jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offences defined and made punishable by ordinances of the City and of all actions brought to recover or enforce forfeitures of penalties defined or 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 submit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on trial of any cause before the judge, 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 of this Charter, all proceedings in the municipal court of the violation of a City ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

CHAPTER VI.

ELECTIONS

Section 27. REGULAR CITY ELECTIONS:

Regular City elections shall be held at the same time and places as general biennial elections for state and county officers. At each regular City election all elective officers to be elected at that time and all matters submitted to the electors at that time shall be voted upon.

Section 28. SPECIAL CITY ELECTIONS:

By resolution, the Council may call and provide for special elections.

Section 29. NOMINATIONS:

A qualified elector who has resided in the City during the twelve months immediately preceding an election may be nominated for an elective City office to be filled at the election. The City Council shall prescribe by ordinance the form of the nominating petitions and their use in collecting signatures. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the City Council. The petition shall be signed by not fewer than the number of electors specified by state law. No elector shall sign more than one petition for each office to be filled at the election. If an elector does so, the signature shall be valid only on the first sufficient petition filed for office. A candidate for an elective City office may elect to pay a filing fee as specified by resolution instead of nomination by petition. All nominating papers comprising a petition

shall be assembled and filed with the City Administrator as one instrument not less than 10 days prior to the date set by state law.

Section 30. NOTICE OF ELECTIONS:

The City administrator, under the direction of the City Council, shall give at least ten (10) days notice of each City election by posting the notice in three (3) public places within the City or by publishing the notice twice in a newspaper of general circulation in the City, or by publishing once in the newsletter of the City. The notice shall state the officers to be elected at that election, the measures to be voted on at the election, and the time and place of the election.

Section 31. QUALIFICATIONS OF ELECTORS:

Every legal voter of the state who has been a resident of the City for the number of days as required by state law immediately preceding the election shall be entitled to vote at a City election.

Section 32. CANVAS OF RETURNS:

In all elections held in conjunction with state and county elections, the state laws governing filing of returns by the county clerk shall apply. On or before noon of the second day following each special City election, the returns there from shall be filed with the City administrator; and not later than five days after the election, the City administrator shall report to the City Council the results of a detailed review of the returns.

Section 33. CERTIFICATION OF ELECTION:

The City administrator shall make and sign a certificate of election of each person elected and deliver the certificate to the elected person within one day after preparation of the certificate. The City Council shall be the final judge of the qualifications and election of its own members.

Section 34. COMMENCEMENT OF TERMS:

The terms of each elective officer shall commence on the first day of the calendar year immediately following the election.

Section 35. OATH OF OFFICE:

Every officer, upon entering office, shall take or file with the City administrator an oath or affirmation that they will support the Constitution and laws of the United States and of this state and the Charter and ordinances of the City of Dundee, and that they will perform the duties of their office to the best of their ability.

CHAPTER VII.

VACANCIES IN OFFICE

Section 36. WHEN OFFICE IS VACANT:

An elective office shall be deemed vacant when the incumbent dies, or is adjudicated as incompetent, upon conviction of a felony, resignation or recall upon the incumbent's ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify within three (3) days after the time for the term of office to commence; and in the case of the mayor or Councilor, upon their absence from meetings of the City Council for 60 days or are absent from the City for 30 days without consent of the Council; or in the case of an appointive officer upon removal from office.

Section 37. FILLING OF VACANCIES:

Vacancies in elective offices of the City shall be filled through appointment by a majority of the remaining membership of the Council. In the case of a tie vote, the selection shall be by coin toss. The appointee's term of office shall begin immediately upon appointment and swearing or affirming to the oath of office, and shall continue throughout the unexpired term. During the temporary disability of any officer or during the absence temporarily from the City for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII.

ORDINANCES AND MUNICIPAL CODE

Section 38. ENACTING CLAUSE:

The enacting clause of all ordinances shall be, "The City of Dundee does ordain as follows:"

Legislative Authority

Section 39. Ordinance Adoption.

- a. Except as authorized by subsection (b), adoption of an ordinance requires the reading by title in full and approval by a majority of the Council present 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 with a public explanation or summary of the ordinance read in full.
- 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.

- 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 recorder must endorse it with the date of adoption and the recorder's name and title.

Section 40. WHEN ORDINANCE TAKES EFFECT:

An ordinance enacted by the City Council shall take effect on the thirtieth day after its enactment. When the Council deems it necessary, however, an ordinance enacted may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately upon an affirmative vote of four members of the City Council.

Section 41. AMENDMENT TO MUNICIPAL CODE BY ORDINANCE:

Amendments to specific sections of the Dundee Municipal Code shall be by ordinance. The specific sections so amended shall indicate the ordinance number and effective date immediately following the amended wording.

Section 42. ENACTMENT OF MUNICIPAL CODE:

The City Council shall establish by ordinance a municipal code. The municipal code shall include all subject matter contained in existing ordinances. The date of adoption of a municipal code shall not prevent any ordinance or ordinance provision from not being in full effect.

Administrative Authority

Section 42A. Resolutions. The Council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state, "The City of Dundee resolves as follows:"

Section 42B. Resolution Approval.

- (a) Approval of a resolution or any other Council administrative decision requires reading the title in full and 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.
- (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 recorder must endorse it with the date of approval and the recorder's name and title.

Section 42C. 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.

Quasi-Judicial Authority

Section 42D. Orders. The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state, "The City of Dundee orders as follows:"

Section 42E. Order Approval.

- (a) Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- (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.
- (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 recorder must endorse it with the date of approval and the name and title.

Section 42F. 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.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 43. CONDEMNATION:

Any necessity of taking property for the City by condemnation shall be determined by the City Council and declared by ordinance or resolution of the Council describing the property and stating the proposed use(s).

Section 44. SPECIAL ASSESSMENTS:

The procedure for determining the amount of special assessments, apportionment of same to various parcels of property and the property upon which they may be levied; for giving notices to property owners and other interested parties; for hearings on and levy of assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments shall be governed by the applicable laws of the state relating to special assessments or by general ordinances enacted by the City Council.

Section 45. BIDS FOR PUBLIC IMPROVEMENTS:

The bidding process on public improvements shall be in accordance with Oregon Revised Statutes.

Section 46. LOCAL IMPROVEMENT DISTRICTS:

The City Council is authorized to form and implement local improvement districts for the purpose of making public improvements. Assessments procedures for said improvements shall be prescribed by ordinance. The City Council is authorized to enter into Deferred Improvement Agreements with property owners who may be subject to inclusion in a local improvement district.

Section 47. PROCEDURES:

The procedures for making public improvements shall be described in the Public Works Standards adopted by the City Council.

Section 48. UTILITY SYSTEMS:

The City Council is authorized to create such public utility systems it deems necessary to the service and convenience of the citizens and property in Dundee.

CHAPTER X.

LAND USE PLANNING

Section 49. AUTHORIZATION:

The City is authorized to enact such regulations as necessary to regulate land uses. The City shall employ case law, state statutes, and in the development of such ordinances to regulate land division and uses. The basis for such planning documents shall be the adopted Comprehensive Plan Map and Text for the City. Implementing ordinances shall be a zoning ordinance, subdivision ordinance, public works standards, building codes, and such other regulations as deemed necessary by the City Council. The Planning Commission, City Administrator, or hearings officer are authorized to make such land use decisions as empowered by the City Council.

Section 50. AMENDMENTS:

Amendments to implementing land use ordinances shall be by ordinance as either a quasi-judicial or legislative act. Public notices prior to making any such amendment will be as prescribed by state law.

Section 51. INTERGOVERNMENTAL AGREEMENTS:

The City Council is authorized to enter into intergovernmental agreements with other levels of government to implement state, county, City and regional land use, housing, utility, environmental, transportation, economic development laws and regulations. The proprietary interests of the City shall be represented in each such agreement.

Section 52. PLANNING COMMISSION MEMBERSHIP:

There is appointed a seven member Planning Commission to conduct such planning functions of the City as prescribed by state law. The City Council may also assign duties to the Planning Commission other wise reserved to the City Council. Members shall be appointed and approved by the City Council, and serve a term of four years. Members shall possess such qualifications as deemed necessary by the City Council. A Planning Commission position shall be deemed vacant for those reasons listed in Section 36 when determining a vacancy on the City Council.

CHAPTER IX.

URBAN RENEWAL

Section 53. AUTHORIZATION:

The City Council is authorized to refer to the voters of Dundee the determination for the need for and activation of an Urban Renewal District and Agency. The ordinance referring such determination shall be without an emergency clause. The word "need" means that the voters at a general election must declare that a blighted area(s) exist(s) which impairs the economic values and tax revenues, and that the approved solution to a "need" is through an Urban Renewal District and Agency.

Section 54. URBAN RENEWAL AGENCY:

The City Council shall by ordinance establish an Urban Renewal Agency after approval at a general election. The agency shall consist of such officers as deemed necessary by the Urban Renewal District Board of Directors. The Agency is authorized to develop an Urban Renewal District Plan describing the adopted district boundaries, activities within, financing plan, general operations, resources, annual reports, and proposed results.

Section 55. URBAN RENEWAL DISTRICT BOUNDARIES:

The Urban renewal District Boundaries shall be those lines drawn on a map and submitted to the voters as part of the District and Agency formation. The Urban Renewal District Board of Directors may add no more than ten (10%) additional area to the District than initially approved by the voters.

Section 56. URBAN RENEWAL BOARD OF DIRECTORS:

Upon creation of an Urban Renewal Agency, there is established an Urban Renewal District Board of Directors consisting of the City Council. The City Council may choose to appoint five (5) additional directors whose terms shall be no more than two years.

Section 57. CONDEMNATION:

An Urban Renewal District may exercise the power of condemnation to acquire private property within the District in accordance with state laws.

Section 58. TAX INCREMENT FINANCING:

The base assessed value and tax increment to each existing taxing district within the District shall be determined immediately upon voter approval of the District. No portion of this tax increment shall be available to the District. Property value added as a result of actions by the Urban Renewal District or through property value appreciation shall be used as the basis for calculating the tax increment available to the District. If the Urban Renewal District Plan includes tax incremental financing of District indebtedness, the Board of Directors shall refer to the voters, at a regular election, the question of authorizing such debt.

Section 59. TERMINATION OF AGENCY:

If the Urban Renewal District Board of Directors determines that there is no longer a need for an Urban Renewal District and Agency, then the District by ordinance may terminate the District and Agency. A District shall terminate ten (10) years from the date of voter approval, or when all voter approved debt has been repaid through tax increment financing or other means.

CHAPTER XII.

AMENDING CHARTER

Section 60. CHARTER AMENDMENTS:

Amendments to this Charter may be proposed and submitted to the qualified electors of the City by the City Council. A referendum to refer a decision of the Council made under this Charter shall be in a petition manner as allowed by state law. The same shall be filed with the City administrator at least ten (10) days prior to the date set by state law for placing a referendum on the ballot. No amendment of a City Charter so made shall be effective until it is approved by a majority of the votes cast by voters living within the City.

CHAPTER XIII.

PERSONNEL

Section 61. POLITICAL RIGHTS:

The City Council may affirm by ordinance the rights of City personnel to participate in political activities and may limit those activities to the extent necessary for orderly and effective operation of the City government.

CHAPTER XIV.

OTHER PROVISIONS

Section 62. DEBT LIMIT:

The City's bonded indebtedness shall be limited to 1.5% of the total assessed value of property within the City limits as determined by the Yamhill County Assessor's Office, except such bonded indebtedness may be exceeded where allowed by state laws. All elected and appointed officials may be held jointly and severally liable for debt in excess of the above limits.

Section 63. CONDEMNATION AND FORFEITURE FOR CRIMINAL USE:

The City Council may by ordinance enact provisions, which allow for the confiscation or seizure, condemnation and forfeiture of all private property used to support or that is directly involved in a criminal activity. Criminal activity is defined as any conduct, which violates state law and is punishable by incarceration. This ordinance shall comply with state law.

Section 64. REPEAL OF PREVIOUSLY ENACTED CHARTER PROVISIONS:

All previously enacted Charters or Charter amendments are repealed at 12:01 a.m. on the effective date of this Charter.

Section 65. EFFECTIVE DATE:

This Charter shall take effect on January 1, 1999 at 12:01 a.m.

Section III. 1998 GENERAL ELECTION:

The Elections Officer for Yamhill County, Oregon, certified the election results of Ballot Measure 36-78 City of Dundee Adopt-New City Charter on November 20th 1998.

The certified ballots were:

Yes 639 77.45%

No 186 22.55%

Section IV. 2006 GENERAL ELECTION: The Elections Officer for Yamhill County, Oregon, certified the election results of Ballot Measure 36-107 City of Dundee to Amend City Charter on November 7, 2006.

The certified ballots were: Yes, 676 votes (64.20%) No, 377 votes (35.80%).