

## PREAMBLE

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

## CHAPTER I

### Names, Boundaries and General Provisions

Section 1. Title. This charter may be referred to as the 2020 City of Union Charter.

Section 2. Name. The City of Union, Union County, Oregon, shall continue to be a municipal corporation under the name "City of Union."

Section 3. Boundaries. The boundaries of the City shall be as follows:

Commencing at the northwest quarter corner of the northwest quarter of Section 18, Township 4 south, Range 40 east of the Willamette Meridian, and running east one-half mile; thence south one fourth mile; thence east one fourth mile; thence south one fourth of a mile; thence east one fourth of a mile; thence south one half mile; thence west one fourth of a mile; thence south one mile; thence west three fourth of a mile; thence north one fourth of a mile; thence west three fourths of a mile to the northwest corner of the southeast quarter of the southwest quarter of Section 24, Township 4 south, Range 39 east of the Willamette Meridian; thence north about seven eighths of a mile to Catherine Creek; thence east one fourth of a mile, Catherine Creek being the line; thence north about three eighths of a mile to the center of Section 13, Township 4 south, Range 39 east of the Willamette Meridian; thence east one fourth of a mile; thence north one fourth of a mile; thence east one fourth of a mile; thence north one fourth of a mile to place of beginning.

Section 4. Existing Ordinances Continued. All ordinances and regulations of the City consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 5. Existing Rights and Liabilities Continued. Except as this charter provides otherwise, its adoption shall impair or destroy no right, power, privilege, immunity or liability of the City existing at the time of the adoption.

## CHAPTER II

### Powers

Section 6. Powers of the City. The City shall have all rights, powers, privileges and immunities 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 expressly stated each of those rights, powers, privileges and immunities.

Section 7. Enumeration of Powers Not Exclusive. In this charter no enumeration of or reference to particular rights, powers, privileges or immunities shall be construed to be exclusive.

Section 8. Exercise of Power. The City's exercise of a right, power, privilege or immunity, where not prescribed by constitution or law, shall be in the manner prescribed in this charter; or, where

not prescribed by constitution, law or this charter, than in the manner prescribed by ordinance or resolution of the Council.

### CHAPTER III

#### Form of Government

Section 9. Form of Government. The government of the City shall be vested in a Council and a mayor.

Section 10. Council. The Council shall be composed of six ~~Councilmen~~ **Councilors** elected at large. Each ~~Councilman~~ **Councilor** shall serve a term of four years and until their successor is elected and qualified. ~~The two Councilmen in office at the time of adoption of this charter whose terms of office expire at the end of 1941 shall continue in the office until 1942. At the regular City election in 1940, four Councilmen shall be elected. The one receiving the lowest number of votes shall serve until the end of 1942. The other three shall serve until the end of 1944. At each subsequent regular City election, three Councilmen shall be elected to serve a term of four years.~~ Council will consist of six numbered seats with the three odd numbered seats and the three even numbered seats rotating election every two years.

Section 11. Mayor. At each regular City election, the mayor shall be elected. ~~He shall~~ **The elected mayor shall** serve a term of two years and until a successor is elected and qualified.

Section 12. Other Officers and Employees. Additional officers of the City shall be a municipal judge, a recorder, a treasurer and any other officer whom the Council deems necessary. These officers shall be appointed by the mayor with the approval of the City Council. By resolution the Council may combine any of these offices and may provide that any person whom it designates supervise any appointive officer except the municipal judge in the exercise of the officer's functions.

Section 13. Qualification of Officers. No person shall be eligible to an elective office in the City who at the time of ~~his~~ **their** election is not a ~~qualified~~ **registered** voter of the State or has not resided within the City for one year immediately preceding ~~his~~ **the** election. **Neither the mayor nor a Councilor may be an employee of the City. The Council shall be the final judge on the eligibility of its members.**

### CHAPTER IV

#### The Council

Section 14. Council Meetings. The Council shall provide a time and place for its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall meet regularly at least once each month. The mayor, either upon their own motions or upon the request of three or more members of the Council, may call a special meeting of the Council for any time by giving notice of the meeting to all members of the Council then in the City. Special meetings of the Council may also be held by common consent of all the members of the Council.

Section 15. Quorum. A majority of the members of the Council **in office** shall constitute a quorum to do business, but a ~~less~~ **lesser** number may meet and compel attendance of the absent members in a manner provided by ordinance. The mayor shall be deemed a ~~Councilman~~ **Councilor** for the purpose of constituting a quorum.

Section 16. Journal Record. ~~The Council shall keep a journal of its proceedings; and, upon request of the mayor or two of its members, the ayes and nays upon a question before it shall be taken, and a record of the vote entered in the journal.~~ **A record of the Council meeting, including the ayes and nays of a vote, must be kept in a manner prescribed by the Council rules and Oregon Revised Statutes.**

Section 17. Meetings to be Public. The deliberations and proceedings of the Council shall be public, **except those designated by Oregon Revised Statutes which may be exempt from the public.**

Section 18. Mayor's Duties at Council Meetings. The mayor shall be the presiding officer of the Council. ~~He~~ **The mayor** shall not vote except in the case of a tie vote of the members of the Council present at the time of the meeting. ~~He~~ **The mayor** shall have authority to preserve order, enforce the rules of the Council and determine the order of business under the rules of the Council.

Section 19. President of the Council. ~~At its first meeting after the adoption of this charter, and thereafter at~~ **At it's** the first meeting of each succeeding 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. Whenever the mayor is unable, on account of absence, illness or other cause to perform the functions of their office, the president of the Council shall act as mayor.

Section 20. Vote Required. The concurrence of a majority of the members of the Council present at any meeting shall be necessary to determine any question before the Council, except in case of a tie vote, and in the event of a tie vote the mayor shall cast the deciding vote.

## CHAPTER V

### Powers and Duties of City Officers

Section 21. Mayor. The mayor shall be the executive officer of the City and shall exercise a careful supervision over its general affairs. ~~He~~ **The mayor** shall appoint the committees provided for under the rules of the Council, or otherwise, and by appointment shall fill all vacancies in committees of the Council from that body. ~~He~~ **The mayor** shall sign all approved proceedings of the Council and countersign all orders on the City treasury. ~~He~~ **The mayor** shall have no veto power and shall sign all ordinances passed by the City Council within three days after their passage. ~~He~~ **The mayor** shall sign all writings authorized by the charter, the laws of the State or the Council. ~~He~~ **The mayor** shall approve with the consent of the Council, all official bonds and bonds for licenses, contracts and proposals. With the consent of the Council, ~~he~~ **the mayor** shall have power to remove or suspend any appointive officer or public employee of the City for any cause which ~~he~~ the mayor deems sufficient and shall state the cause in the order of removal or suspension.

Section 22. Municipal Judge. The municipal judge shall be the judicial officer of the City. ~~He~~ **The municipal judge** shall hold within the City a court known as the municipal court for the City of Union, Union County, Oregon. ~~Except on non-judicial days, the court shall be open for the transaction of judicial business as prescribed by the laws of the State.~~ The jurisdiction of the court shall be ~~the City~~ **limits**. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by any ordinance of the City, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by any ordinance of the City. The municipal judge shall have authority to issue process for the arrest of persons accused of an offences against the ordinances of the City, to commit such persons to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify before ~~him~~ **the judge** on the trial of any cause

before ~~him~~ **the court**, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgements of the municipal court, and to punish witnesses and others for contempt of the court. When not governed by ordinance 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 justices of the peace and justice courts. Trials in the municipal court or cases of violation of City ordinances shall be had without a jury.

Section 23. Recorder. The recorder shall be ~~ex-officio~~ **the** clerk of the Council, attend all the meetings of the Council, and keep an accurate record of its proceedings in ~~a book provided for that purpose.~~ **the manner proscribed by the Council and Oregon State Statutes.** In ~~his~~ **the** absence of the clerk from a Council meeting, the Council shall appoint a temporary clerk of the Council ~~pro-tempore~~, who, while acting in that capacity, shall have all the authority of the recorder. The recorder shall countersign all writings authorized by this charter, the Council or the law of the State.

## CHAPTER VI

### Elections

Section 24. Regular City Elections. ~~Regular~~ City elections shall be held at the same time and place 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. The election officers and precincts within the City for such State and County elections shall be the election officers and precincts for regular City elections. **Each candidate for election to the Council shall specify the number of the seat for which they are filing.**

Section 25. Special Elections. By resolution the Council may call and provide for special elections.

Section 26. Notice of Elections. The recorder, under the direction of the Council, shall give at ~~least 10 days'~~ notice, **per ORS election rules and laws**, of each City election by posting the notice in three public places ~~at each precinct~~ in the City or by publishing the notice twice in the newspaper of general circulation in the City. The notice shall State the officers to be elected ~~at the election~~, the measures to be voted ~~on at the election~~ and the time and place of the election.

Section 27. Qualifications of Electors. Every legal registered voter of the State who has been a resident of the City for 90 days immediately preceding the election shall be entitled to vote at the City election. **City elections must conform to State law except as this charter provides otherwise. All elections for City offices must be non-partisan.**

Section 28. Canvass of Election Returns. ~~By noon of the day following a City election, the returns of the election shall be filed with the recorder; and within 10 days after the election, the recorder and at least one member of the Council shall meet and canvass the returns. In all elections held in conjunction with state and county elections, the state law governing the filling and canvassing of returns shall apply. The results of each election shall be entered in the journal of the Council. The record shall state the number of votes cast for and against each measure, the names of the officers elected, and the measures enacted or approved. Tie votes shall be resolved by lot.~~ **The canvass of the City election is handled by the Union County Clerk's Office. The canvass results will be supplied by the Union County Clerk to be recorded.**

Section 29. Certificate of Election. ~~Immediately after completion of the canvass,~~ **Upon receipt of the canvass from the Union County Clerk's Office,** the recorder shall issue a certificate of election to each person elected. The certificate shall be prima facie evidence of the facts which it states, and the Council shall be the final judge of the ~~qualifications~~ **eligibility** and election of its own members, subject, however, to review by a court of competent jurisdiction. Contested elections shall be determined according to the state law regulating proceedings in contested elections of county officers.

Section 30. Commencement of Terms of Office. The term of each elected officer chosen at a regular City election shall commence at the time of the first regular meeting in January immediately following the election. In case of an election or appointment to fill a vacancy in an office, the person elected or appointed shall enter upon their office immediately.

Section 31. Oath of Office. Each officer, upon entering office, shall take or file with the recorder an oath or affirmation that ~~he they~~ will support the constitution and laws of the United States and of this State and the charter and ordinances of the City of Union, and that ~~he they~~ will perform the duties of ~~his~~ **their** office to the best of ~~his~~ **their** ability.

Section 32. Nominations. The Council shall provide by ordinance the mode for nominating elective officers.

## CHAPTER VII

### Vacancies in Office

Section 33. When Office is Vacant. An office shall be deemed vacant upon the incumbent's death, ~~insanity~~ adjudicated incompetency, conviction of a felony, resignation, ~~removal from~~ ceasing to reside in the City, **recall from office**, ~~absence from the City for a period of 30 days without the consent of the Council or~~ ceasing to possess the ~~qualifications~~ **eligibility requirements** necessary for the office, or upon the failure of the person elected or appointed to an office to ~~qualify~~ **be eligible** therefor on or before the day their term of office commences; and in the case of the mayor or a member of the Council ~~elected.~~ in addition to the above causes, upon his ~~their absence from more than 25% of the meetings of Council over a rolling 12 month period will be subject to review for termination from~~ for a period of 60 days without the consent of ~~the Council.~~

Section 34. Removal from Office. **If the mayor or Councilor is absent from more than 25% of the meetings of Council over a rolling 12 month period, that individual shall be subject to review for removal from office by majority vote of the City Council, after written notice and the opportunity to be heard on the matter.**

Section 35. Filling of Vacancies. Vacancies in office shall be filled by appointment of the Council, and the appointee shall serve the unexpired term of their predecessor. Within 24 hours after their appointment, an officer appointed to fill a vacancy must ~~qualify~~ **demonstrate eligibility** for the office as in case of an officer elected and, in case they fail to so qualify, be deemed to have declined the office and the office shall be deemed vacant.

## CHAPTER VIII

### Ordinances

Section 36. Enacting Clause. The enacting clause of all ordinances shall be, "The City of Union does ordain as follows:"

Section 37. Introduction, Reading and Passage. Every ordinance shall be fully and distinctly read in open Council meeting on two different days previous to being put upon its final passage; but any ordinance may be introduced, read twice, once in full and once by title, and put on its final passage at a single meeting by a unanimous vote of all members of the Council present at the meeting. Upon the final vote, the ayes and nays of the members of the Council shall be taken and recorded in the ~~journal~~ **minutes**. If the ordinance passes, the recorder shall so endorse it, with the date and ~~his~~ **their** name and title of office; and the mayor shall, within three days, sign the ordinance with the date, ~~his~~ **their** name and ~~the~~ title of office.

Section 38. When Ordinances Take Effect. Each ordinance passed by the Council shall take effect ~~on~~ the thirtieth day after it has been signed by the mayor; but when the Council desires, or in case of an emergency, an ordinance may provide a different time when it is to take effect, or that it is to take effect immediately.

## CHAPTER IX

### Public Improvements

Section 39. Condemnation. The necessity for taking property by condemnation shall be determined by the Council and declared by a resolution describing the property and stating the use to which it is to be devoted.

Section 40. Special Assessment. The procedure for levying, **collecting, and enforcing special assessments** for public improvements ~~charged against real property~~ will be governed by ordinance.

Section 41. Bids for Public Improvements. All contracts for public improvements shall be let to the lowest **responsible and qualified bidder according to state law**, to be done according to the plans and specifications to be furnished by the proper office or department of the City and approved by the Council.

## CHAPTER X

### Miscellaneous

Section 42. Limitations on General and Bonded Indebtedness. ~~Unless otherwise authorized by the legal voters of the City, the Council shall not contract a voluntary floating indebtedness of the City in excess of the sum of \$30,000 for general City purposes; provided, that the legally authorized debt of the City of Union existent November 1, 1940, shall not be included in such indebtedness for purposes of calculation on the limitation.~~ **Any new City indebtedness to exceed 2.5% of assessed taxed value shall be authorized only by the legal voters of the City.** This does not include any indebtedness already approved that can be refinanced, if the refinance does not add time or additional indebtedness to the City.

~~City officials or employees who create or officially approve any indebtedness in excess of the above limitations without voter approval shall be jointly and severally liable for the amount of the excess.~~

Section 42. Damage Suits. ~~The City shall in no event be liable in damages 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 prior to the injury the City has written notice of the defect or dangerous place, and reasonable time after the notice in which to remove or repair the~~

~~defect or dangerous place. In no case shall more than \$100.00 be recovered as damages from the City for such an accident or injury.~~

~~No action shall be maintained against the City for damages growing out of such an accident or injury unless the claimant, within 30 days after sustaining the injury or damages, gives to the Council written notice stating:~~

- ~~(1) When, where and the circumstances under which the accident or injury occurred;~~
- ~~(2) Their claim for compensation for the injury or damage; and,~~
- ~~(3) The amount of compensation or relief demanded.~~

~~The City shall not be liable for the injury or damage until 30 days have elapsed after the presentation of the notice to the Council. \_\_\_\_\_~~

~~Section 43. — Repealing Clause and Date Charter Becomes Effective. — All former charters of the City, together with their amendments, are repealed. But this provision shall in no way impair the effect of Section 4 5of this charter. This charter shall become effective immediately upon its approval by the voters of the City of Union.~~

## CHAPTER XI

### Wastewater Sewage Disposal System

~~Section 43. — Authorization of **Wastewater Sewage Disposal System**. The City Council of the City of Union, Oregon, is hereby authorized and directed to improve ~~construct~~, operate and maintain a wastewater disposal system, together with all related facilities usable or convenient thereto or in connection therewith, and to acquire property to be used in connection therewith.~~

~~Section 45. — General Obligation Bonds. — In connection with and for the purpose of carrying forward the foregoing project, the City Council is authorized and directed to issue general obligation installment-type bonds of the City in a sum not exceeding \$995,000.00 and to use the proceeds of said bonds for the completion of said project.~~

~~Section 46. — Maturity and Tenure. — The City Council shall determine the maturity and tenure of such bonds, provided that they shall be serial in character and shall be payable over a period not to exceed 40 years for the date of issue.~~

~~Section 47. — Sale of Bonds. — The Council is authorized and directed to issue and to sell such bonds from time to time as the same may be needed for the purposes hereinabove specified.~~

~~Section 44. — Sinking Fund. The City Council shall establish a sinking fund for the prompt payment of such any indebtedness on the wastewater system. ~~bonds as they mature~~ and capital improvements towards the system ~~for the payment of interest thereon.~~~~

~~Section 45. — Sewer User Fees and Rates. The Council is hereby authorized and directed to establish such wastewater user fees and rates, sewer connection charges and assessments as said Council shall deem necessary to provide interest and principle payments for associated indebtedness. ~~installment-type bonds. Said bonds shall be used for no other purpose as long as nay of the bonds hereby authorized shall be outstanding.~~~~

Section 46. Tax Levy. The City Council shall include in the general municipal tax levy of the City of Union, Oregon, in each year, a special levy sufficient to raise an amount which, together with other available funds, shall be sufficient to pay principle and interest payments on said associated indebtedness bonds when due.

[Chapter XI added by special election held November 5, 1974.]

## CHAPTER XII

### Miscellaneous Amendments

~~Section 51. Debt Limitations.~~ Unless authorized by the legal voters of the City, the City Council shall not contract a voluntary lease agreement in excess of the sum of \$30,000 including interest, for the duration of the contract. The power to indebted the City beyond this limit by any legal instrument rests entirely with the voting public.

Section 47. Public Meeting Notification. The City Council must notify the citizenry of Union within 30 days prior to voting on a motion, resolution, or ordinance that affects water or wastewater user fees, creates an order on the City treasury in excess **if** of the budgeted amount, modifies zoning requirements, or affects City law. Such notification shall be satisfied **only by posting agendas and information in at least three public places in the City and digitally by website or by** a directly mass mailing to the residents of Union. ~~The notice shall include an invitation for residents to attend a public meeting that will be held prior to a vote.~~

Section 48. Conflict of Interest. No elective officer or employee, outside of employment, of the City of Union shall provide or contract for goods or services in excess of \$1,500.00 per fiscal year to the City of Union.

~~Section 49. Election of Numbered Seats.~~ Each candidate for election to the City Council shall specify the number of the seat for which he or she is filing. For each seat, the candidate receiving the greatest number of votes shall be elected. Moved to 10

At the regular meeting of the City Council in July, 1988, the Mayor shall assign numbers to the seats on the Council; as Position Number One, Position Number Two, and so on. Those positions due for election in 1988 shall receive odd numbers.

[Chapter XII added by election held May 17, 1988.]

## CHAPTER XIII

### Water System Improvements

Section 49. The City Council of the City of Union, Oregon, is hereby authorized and directed to improve, operate, expand and repair the existing water distribution system, and to acquire the necessary facilities and property to be used in connection therewith.

~~Section 56.~~ In connection with, and for the purpose of carrying forward, the foregoing project, the City Council is authorized and directed to issue general obligation bonds of the City in a sum not exceeding \$600,000 and to use the proceeds of said bonds for the completion of said project.



~~Section 57. — The City Council shall determine the maturity and tenure of such bonds, provided that they shall be serial in character and shall be payable over a period not to exceed forty (40) years from the date of issue.~~

~~Section 58. — The Council is authorized and directed to issue and sell such bonds from time to time as the same may be needed for the purpose hereinabove specified.~~

~~Section 50. Sinking Fund. The City Council shall establish a sinking fund for the prompt payment of any associated indebtedness and such bonds as they mature and for capital improvements to the system. the payment of interest thereon.~~

~~Section 51. Water User Fees and Rates Council is hereby authorized and directed to establish such water user fees and rates, water connection charges and assessments as said Council shall deem necessary to provide interest and principle payments for associated indebtedness or capital improvements. the bonds. Said fund shall be used for no other purpose as long as any of the bonds hereby authorized shall be outstanding.~~

~~Section 52. Tax Levy The City Council shall include in the general municipal tax levy of the City of Union, Oregon, in each year, a special levy sufficient to raise an amount which, together with other available funds, shall be sufficient to pay principal and interest payments on any associated indebtedness bonds when due.~~

~~[Chapter XIII added by special election held June 18, 1988.]~~

## **CHAPTER XIV**

### Utility Rates

Section 53. Limitations of Salary and Benefits. In the operation of the City of Union's water and wastewater system, the expense of salary and benefits of City employees as they perform services for said system shall not exceed 45 percent of the combined total of the Utility Fund, the General Fund, and the Street Fund.

Section 54. Exclusive Usage of Utility Funds. Funds collected through the imposition of water and wastewater rates shall be used, respectively, for water and wastewater system purposes. The City of Union shall not, use, borrow, or draw upon such funds for other purposes including, but not limited to, general fund purposes.

If revenues received for the imposition of water and wastewater rates exceed expenses of current operations, capital improvement costs, and debt service for such said water and wastewater systems, the excess water and wastewater revenues shall be held, respectively, in the water improvement reserve fund and the wastewater improvement reserve fund, and the use of those funds shall be limited to the future maintenance, capital improvement, and debt payments of the water and wastewater systems, respectively.