

Council-Manager
CHARTER

BAKER CITY

**BAKER COUNTY
STATE OF OREGON**



**VOTED BY THE PEOPLE
MAY 16, 1952**

Proclaimed by Mayor and Effective Date

MAY 21, 1952

Revised by vote: May 21, 2002

Proclaimed by Mayor Effective: November 4, 2002

Amendments in: May, 2006; May 2020; November 2022

*Proposal was referred to the people by the Council at the election May 16, 1952, and approved by a majority of 833 (1975 Yes and 1142 No). Baker City had a Commission form of government when on May 19, 1950, the people voted approval of the original Council-Manager Charter. The Council-Manager Charter of May 16, 1952, herein, replaced the original Council-Manager Charter, and completely repealed all prior Charter Provisions, which the 1950 document did not do.

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AN ACT

to enact a new charter for Baker City, in Baker County, State of Oregon, and to repeal all charters and charter provisions of the City enacted prior to the time that this charter is enacted.

Be it enacted by the people of Baker City, in Baker County, State of Oregon:

CHAPTER I

NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Section 1. Name and Boundaries.

Baker City, in Baker County, State of Oregon, shall upon taking effect of this charter, continue to be a municipal corporation, under the name and style of Baker City, with its corporate territory and the boundaries thereof as they now exist or as such territory and the boundaries thereof may hereafter be established.

Section 2. Powers of the City.

(a) Subject only to the limitations provided in this charter, the City shall have all rights, powers, privileges, and immunities, now or hereafter granted, either expressly or impliedly to municipalities by the constitution, statutes, and common law of the State of Oregon, as fully as though each of such rights, powers, privileges and immunities was specifically stated in this charter. The charter shall be liberally construed to the end that the City shall have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the State of Oregon.

(b) Baker City shall have an official seal which may be impressed upon the official documents of the City. Said seal may be changed from time to time upon order of the council.

CHAPTER II

FORM OF GOVERNMENT

Section 3. Council and Mayor.

Except as otherwise provided in this charter, all powers of the City shall be vested in a council of seven members nominated and elected from the City at large. The council shall have the power to pass all necessary ordinances, resolutions or orders to carry out the powers of the City.

At each biennial general election occurring after the effective date of the adoption of this charter four councilors shall be elected. Of the four councilors so elected the one receiving the lowest number of votes shall hold office for two years, and the other three shall hold office for four years and until their successors shall be elected and qualified. Tie votes shall be determined by lot.

The term of a councilor in office when this charter is adopted is the term of office to which the councilor has been elected before adoption of the charter.

At the first regular meeting of the council in January of the year following each biennial general election and after the taking of office of councilors elected at such election, the council

shall choose from its members a person who shall be mayor. The mayor's term of office shall be two years. The mayor or any councilor ceasing to possess the qualifications specified in Section 7 shall immediately forfeit his office. The mayor and members of the Council shall receive ten dollars (\$10) for each regular or special meeting attended, and not more than one hundred fifty dollars (\$150) per year to any individual, and their necessary expenses of incurred in the service of the City may be paid when so ordered by the affirmative vote of four members of the Council. Necessary expenses of the mayor and members of the council incurred in the service of the City may be paid when so ordered by the affirmative vote of four members of the council.

Section 4. Manager and Municipal Judge.

The council shall appoint and keep in office a city manager, a municipal judge and such boards or commissions as authorized by ordinance, all of whom shall hold office subject to the discretion of the council and may be removed by the council with or without cause.

Section 5. Other City Officers and Employees.

In the event the city recorder is not required to perform the duties of city treasurer, the city manager shall appoint a city treasurer. The city manager shall appoint a city attorney, a city recorder, a chief of police, a fire chief and such other officers and employees of the City as the council deems necessary and may remove any of them at any time with or without cause; provided, however, that officers and employees that have been placed under civil service may be removed only as provided in the civil service regulations approved by the Civil Service Commission. The council may by resolution require any officer, except the municipal judge, to perform the duties of two or more offices.

Section 6. Compensation.

The council shall fix the compensation of all City officers and employees. No officer or employee shall be allowed any fee, perquisite, emolument or stipend in addition to or except as embraced in the compensation fixed for such position by the council and such compensation may include retirement and insurance benefits and all fees received by any officer, or employee, in connection with the officer's or employee's official duties shall be paid into the city treasury.

Section 7. Qualifications.

- (a) No person shall be eligible for an elective office of the City unless at the time the person is a qualified elector within the meaning of the State Constitution and has resided in the City during the twelve months immediately preceding the election, and
- (b) no person may serve as a councilor for more than two (2) consecutive terms, or any portion thereof, and
- (c) no councilor may serve as mayor for more than two (2) consecutive terms, or any portion thereof.

Section 8. Disability of Councilors.

No councilor shall be eligible during the term for which the councilor was appointed or elected or within six months thereafter to hold any other office or employment with the City, except as a member of any board, commission or committee thereof, of which the councilor is constituted

such a member by general law, ordinance or by this charter.

Section 9. Financial Interest.

No officer, appointee or employee shall receive any compensation, money or thing of value for or by reason of any dealings with or services for the City by the officer, appointee, or employee or others, except the lawful compensation of such officer, appointee or employee. The violation of any of the provisions of this section shall be a misdemeanor and shall also work the forfeiture of such office or employment on order of the council or court of competent jurisdiction.

CHAPTER III

ELECTIONS

Section 10. Commencement of Terms of Office.

The term of office of each person elected to office at any regular City election shall commence at the first council meeting in January following the election.

Section 11. Oath of Office.

Each officer before entering upon the duties of office shall take an oath that the officer will support the constitution and laws of the United States and of the State of Oregon, and that the officer will faithfully perform the duties of office. Annually at a July council meeting each year in a regular council meeting, council shall review the oath of office, the City Charter, the Oregon Constitution, and the US Constitution. (Amended by Measure 1-111, November 08, 2022)

Section 12. Nonpartisan Nomination and Election of Councilors.

City elections must conform to state law except as this Charter or Ordinance provide otherwise. All elections for city offices must be nonpartisan. (Amended May, 2006)

Section 13. Elections and Regulations Thereof.

Repealed. (Amended May, 2006)

CHAPTER IV

VACANCIES

Section 14. Vacancies in Office Generally.

In the case of councilors or officers or employees appointed by the council, an office shall be deemed vacant upon the incumbent's:

- a. death;
- b. insanity;
- c. conviction of felony;
- d. resignation;
- e. removal from the City;

- f. absence from the City for a period of 60 days without the consent of the council;
- g. ceasing to possess the qualifications necessary for office.

An office shall also be deemed vacant upon the failure of the person elected or appointed to an office to qualify therefore on or before the day the term of office shall commence.

Section 15. Manner in Which Vacancies Shall be Filled.

A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term of office runs from the time of the appointee's qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. Provided, however, that if the vacancy is filled more than ninety days before the next general election, the appointee's term of office runs only until the first council meeting in the year immediately following the election, and at the election a candidate shall be elected to the council for a two-year term.

CHAPTER V

THE COUNCIL

Section 16. Meetings.

The council shall hold a regular meeting at least once each month at a time and at a place in the City which it designates and shall adopt written rules for the government of its members and proceedings. The mayor, may, or at the request of three members of the council shall, by giving notice thereof to all members of the council and to the public as required by law, call a special meeting of the council.

Section 17. Quorum.

Four members of the council shall constitute a quorum to do business, but a lesser number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by the ordinance. The council shall keep a journal of its proceedings and shall cause the ayes and nays to be taken and entered in the journal upon any questions before it excepting a motion to adjourn. The proceedings of the council shall be public as required by law.

Section 18. Mayor's Duties at Council Meetings.

The mayor shall chair the council and shall preside over its deliberations. The mayor shall have authority to preserve order, enforce the rules of the council, and determine the order of business, subject to the rules of council. The mayor may vote as a councilor.

Section 19. Acting Mayor.

At the first regular meeting of the council in January of the year following each biennial general election and after the taking of office of councilors elected at such election, the council shall

choose one of its members to act as mayor whenever the mayor is unable to perform the functions of the office of mayor on account of absence, illness or other cause.

Section 20. Vote Required.

The concurrence of a majority of a quorum shall be required to determine any matter before the council.

CHAPTER VI

POWERS AND DUTIES OF THE CITY OFFICERS

Section 21. Mayor.

The mayor shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. The mayor shall sign all ordinances and written resolutions and orders approved by the council. The mayor shall have no veto power, and shall sign all ordinances passed by the council within three days after their passage. The mayor shall sign all instruments and writings authorized by this charter and by the laws of the state or the council.

Section 22. Manager.

(a) **Qualification.** The manager shall be the administrative head of the City government. The manager shall be chosen by the council without regard to political consideration and on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office of manager as hereinafter set forth. The manager need not be a resident of the state at the time of appointment but during the manager's tenure of office, the manager shall reside within the City.

Before entering upon the duties of office the manager shall file with the city recorder an official bond for the faithful performance of the duties, payable to the City in such sum as may be fixed by the council, the premium of which shall be paid by the City.

(b) **Term.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of a majority of the council. Upon any vacancy occurring in the office of city manager, the council shall within six months thereafter appoint a successor. This provision shall not affect the appointment of a manager pro tem as herein provided.

(c) **Powers and Duties.** The manager shall:

(1) See that all ordinances are enforced.

(2) Except as otherwise provided by this charter, and except as provided by state law or City ordinance with reference to employment under civil service, appoint all heads of departments and other City officers and employees, and remove them at pleasure, and have general supervision and control over them. All such appointments shall be made upon the basis of merit and fitness alone.

(3) See that the provisions of all franchises, leases, contracts, permits and privileges granted

by the City are fully observed and report to the council any violation thereof.

(4) Attend all meetings of the council unless excused therefrom by three councilors or by the mayor.

(5) Act as purchasing agent for all departments of the City.

All purchases shall be made by requisition signed by the manager.

(6) Examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the City government, except of the council and of the municipal judge.

(7) Keep the council advised as to the needs of the City.

(8) Prepare and submit to the budget committee the annual budget estimate and such reports as may be required by that body.

(9) Submit to the council an annual report of all departments of the City and such other reports as the council may require.

(10) Prepare or cause to be prepared plans and specifications for work coming under the manager's supervision which the council orders, and provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

(11) Have control, subject to such ordinance as may from time to time be adopted, of all public utilities owned or operated by the City.

(12) Have general supervision over all City property and its use by the public or City employees.

(13) Accept no outside employment without the prior approval of the council.

(14) Perform such other duties as may be required by this charter or as the council may require of the manager.

(15) From time to time, in order to facilitate the prompt, economical, and efficient dispatch of any City business, organize the work of the departments under the manager's control, assign assistants, deputies, and employees from any office or department of the City government to perform work or service in connection with any other office or department thereof, or to work in more than one of said offices or departments; provided that no such change shall affect the powers or duties of any elective officer of the City or of the municipal judge.

(d) **Seats at Council Meetings.** The manager and such other officers of the City as may be designated by vote of the council shall be entitled to seats with the council, but shall have no vote therein. The manager shall have the right to take part in the discussion of all matters coming before the council.

(e) **Manager Pro Tem.** In case of absence of the manager from the City, or temporary disability to act as manager, or a temporary vacancy in the office of city manager, the council shall appoint a manager pro tem who shall possess the powers and discharge the duties of the manager during such absence, vacancy or disability only; provided, however, that a manager pro tem shall have no authority to appoint or remove any City officer or employee except with the approval of five members of the council.

(f) **Interference in Administration and Elections.** The manager shall be free from coercion or undue influence by any member of the council. If the council finds that any of its members has attempted to coerce or exert undue influence upon the manager in the making of an

appointment or removal or the purchase of supplies, or has attempted to exact any promises relative to any appointment from any candidate for manager, or has made any suggestion to any such candidate relative to any specific appointment to any City office or employment, it shall have the power to publicly reprimand or remove from office such member and declare a forfeiture of any unearned salary, provided, such action shall be the sole and exclusive punishment, and this section shall not be construed as the basis for any civil or criminal liability of any member of the council and provided further that nothing herein contained shall be construed as prohibiting the council, while in open session, from discussing with or suggesting to the manager, fully and freely, anything pertaining to City affairs, and for the best interest of the City, and in good faith discussing at any time in the normal course of community and City affairs, either with constituents or the manager, matters pertaining to the City. Neither the manager nor any person in the employ of the City shall take any part in securing, or shall contribute any money towards, the nomination or election of any candidate for a municipal office.

(g) **Ineligible Persons.** No person related to the manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the City.

Section 23. Municipal Judge and Court.

There is hereby established within Baker City a municipal court in which the judicial authority of Baker City shall be vested. The officer thereof shall be the municipal judge who shall be the judicial officer of Baker City, who shall be assisted by the city attorney whenever necessary. Said municipal court shall have original and exclusive jurisdiction to hear, try and determine all charges of misdemeanors as declared by this charter and by the ordinances passed hereunder and all causes arising under any of the ordinances of the City or a violation thereof and any action, civil or criminal, over which a police judge may at any time have jurisdiction by virtue of the general laws of the State of Oregon. The municipal judge shall have authority to issue process for the arrest of any person accused of any offense against the ordinances and the charter of Baker City, to commit any such person to jail or admit the accused to bail pending trial, to issue 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 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 of Oregon governing justices of the peace and justice courts. Any person convicted in said court shall have the right of appeal to the Circuit Court of the State of Oregon for Baker County in accordance with the provisions of the laws of the State of Oregon. Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state or county court. (Amended by Measure 1-114 November 08, 2022)

CHAPTER VII

INITIATIVE AND REFERENDUM

Section 24. Manner of Exercising Initiative and Referendum:

The council may by ordinance provide for the manner and method of exercising the initiative and referendum powers reserved to the people of Baker City by the constitution of the State of Oregon, provided that the chief petitioners and circulators of either initiative or referendum petitions shall be registered electors of Baker City, Oregon.

CHAPTER VIII

ORDINANCES

Section 25. Enacting Clause.

The enacting clause of all ordinances hereafter passed shall be “BE IT ORDAINED BY BAKER CITY”.

Section 26. Introduction, Reading and Passage.

Every ordinance shall be fully and distinctly read on three different days in open council meeting and the question of the final passage of the ordinance may be put to the council on the day and at the meeting at which the third reading of the ordinance occurs; provided, however, that any ordinance may be introduced and read the first time at any meeting, and may upon unanimous vote of all the members of the council present be read a second time at the same meeting, and the council may then adjourn such meeting to be continued on a subsequent and separate day, at which time such ordinance may be read a third time and be placed upon its final passage or such ordinance may be read for the third time and be placed upon its final passage at a following regular or special meeting. No ordinance may be placed upon its final passage earlier than on the third day after the day at which the first reading thereof occurred. The second and third readings of every ordinance, or either, may be done by title only upon the unanimous vote of all the members of the council present provided the text of the ordinance is offered to the members of the council and for the use during the meeting of the press and public attending. Upon the final vote the ayes and nays of the members shall be taken and recorded in the journal. If the ordinance passes, the city recorder shall so endorse it by setting forth thereon the date of its passage, and the name and title of the city recorder, and the mayor shall within three (3) days of the passage of the ordinance sign the ordinance with the date and his name and title of office.

Section 27. When Ordinances Take Effect.

Each ordinance passed by the council shall take effect on the thirtieth day after its passage; provided, that when the council deems it necessary for the immediate preservation of the peace, health or safety of the community, an ordinance may provide a different time when it shall take

effect, or that it shall take effect immediately upon the date of its passage.

CHAPTER IX

PUBLIC IMPROVEMENTS.

Section 28. Improvements.

If the council shall provide for payment of street, sewer, sidewalk, curb, lighting, or other public improvement by special assessment, the remonstrance of two-thirds of the front footage of property owners concerned shall operate to defeat such assessments and the same may not again be considered by the council for a period of six months.

Section 29. Special Assessment.

The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district, or area to be assessed; for the making and approval of the plans and specifications; for the notices to property owners and other interested parties; for the hearings; for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, resolutions, ordinances and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state, or (b) the provisions of a general ordinance setting forth such method and procedure, which general ordinance may be enacted by the council and shall be subject to amendment or repeal.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 30. Existing Ordinances Continued.

All ordinances, resolutions, by-laws, orders, rules or regulations whether enacted by the authority of the City or by any other authority in force in Baker City at the time this charter takes effect and not inconsistent with the provisions of this charter, shall continue in full force and effect until the council otherwise by ordinance provides notwithstanding any change of organization affected by this charter.

Section 31. Continuing Bonds, Etc.

All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the City before this charter takes effect, and all taxes, assessments, debts, obligations, fines, penalties and forfeitures due or owing to the City, and all writs, prosecutions, actions and causes of actions, except as herein otherwise provided, shall continue and remain unaffected by this charter.

Section 32. Time of Effect of Charter.

This charter shall be in full force and effect from and after the date of the proclamation by the mayor of the City that this charter has been approved by a majority of those voters voting on the proposition of the adoption of this charter at the special election on November 08, 2022.

Section 33. Title of Law.

Should this bill be enacted the title of the bill shall stand as the title of the law. the title of the law. the title of the law.be enacted the title of the bill shall stand as the title of the law.

Section 34. Repeal of Previously Enacted Provisions.

All charters and charter provisions of Baker City enacted prior to the time that this charter takes effect are hereby repealed.

Section 35. Separability Clause.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that the entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 36. Reserved for Future Use.

(Amended by Measure 1-112 November 08, 2022)

Section 37. Leases and Sales.

The Council shall have no power to sell, abandon, grant, or otherwise dispose of any real property of the city the fair market value of which exceeds the sum of \$5,000.00 without referring same to a vote of the people at a special or general election. Surplus equipment may be disposed of by a majority vote of the City Council with all proceeds going to the appropriate City fund to be used for future equipment replacement. The foregoing prohibition regarding disposition of real property shall not apply in the case of real property zoned Industrial and disposed of as part of a city recognized industrial park (Amended May, 1974. Amended Nov., 1986. Amended May, 2020).