

NEWPORT CHARTER

This Charter is adopted by the voters of the City of Newport, Oregon, in the exercise of their power to the fullest extent possible under the Oregon Constitution and laws of the state.

Chapter I NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the Newport Charter.

Section 2. Name. The City of Newport, Oregon, continues as a municipal corporation with the name City of Newport.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Chapter II POWERS

Section 4. 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 5. 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 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to municipal legislation to city voters. This charter vests all other powers in the city council except as the charter otherwise provides. The council has legislative, administrative and quasi judicial authority. The council generally exercises legislative authority by ordinance, administrative authority by resolution or motion, and quasi-judicial authority by order if not required to do so by ordinance or resolution. The council may not delegate its authority to adopt ordinances, but may delegate any other authority.

Chapter III COUNCIL

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city at large.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto

authority. The mayor shall appoint committees and boards as provided by code, ordinance or council rules. The mayor shall sign all records of council decisions. The mayor acts as the representative of the city at all ceremonial events, but may delegate this responsibility. In the event that there is a vacancy in the office of mayor or the mayor is unable to or refuses to take any act required by this charter, the president of the council shall take the required action.

Section 9. Council President. At its first meeting each year, the council shall 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 10. Rules. The council may by resolution adopt rules to govern its meetings and those of other city entities.

Section 11. Meetings. The council shall meet at least once a month at a time and place designated by the council, and may meet at other times.

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required. Except when this charter requires approval of a majority of the entire council, a majority of the council members voting is necessary for any council decision. In the event of a major emergency such as a natural disaster that limits the ability of council members to meet, the council may act by a majority of those who are able to participate in a meeting in person or by electronic or other means. Any such emergency action shall be reviewed at the first opportunity to have a quorum consider the action.

Section 14. Record. A record of council meetings shall be kept by the city recorder.

Chapter IV LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Newport ordains as follows:".

Section 16. Ordinance Adoption. Drafts of ordinances shall be available at any council meeting when the ordinance is to be considered. Ordinances shall be adopted only after an initial vote of the council, followed by a reading of the ordinance by title only, and a final roll call vote. At the request of any council member, the roll call vote shall be at a separate council meeting. Any amendments from the printed version circulated at the council meeting shall be read in full at the time of the reading of the ordinance by title, unless the council by unanimous vote waives reading of the amendments.

Section 17. 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 may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

Chapter V ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by resolution or motion. The approving clause for resolutions may state "The City of Newport resolves as follows:".

Section 19. Approval of Resolutions and Motions.

(a) Approval of a resolution or motion shall be by a majority of those voting when a quorum is present.

(b) The vote of each member on any resolution or motion shall be entered into the council minutes.

(c) Resolutions shall be signed by the mayor and witnessed and dated by the city recorder.

Section 20. Effective Date of Administrative Decisions. Administrative decisions take effect on the date of approval, or on a later date provided in the decision.

Chapter VI QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders when an ordinance or resolution is not required. The approving clause for orders may state "The City of Newport orders as follows:".

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision shall be by a majority of those voting when a quorum is present.

(b) The vote of each member on any order or other quasi-judicial decision shall be entered in the council minutes.

(d) Orders and other written quasi-judicial decisions shall be signed by the mayor and witnessed and dated by the city recorder.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later date provided in the order.

Chapter VII ELECTIONS

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.

Section 25. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every general election after the adoption, a mayor will be elected for a two-year term.

Section 26. Procedure. City elections shall be conducted in accordance with state law, but the city may adopt election ordinances as allowed by state law.

Section 27. Nonpartisan Elections. All elections for city offices shall be nonpartisan.

Section 28. Qualifications.

(a) The mayor and each councilor 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 qualifications of its members, subject to judicial review.

Section 29. Nominations and Elections. The council may adopt an ordinance prescribing the manner for a person to be nominated to or file a declaration of candidacy to run for mayor or a city councilor position. In the absence of an ordinance, a person may become a candidate by filing a declaration of candidacy by the deadline established by state law for the general election. The person receiving the greatest number of votes in the mayoral election at the general election shall be elected mayor. For councilor positions, the ballot shall include a single list of candidates, and electors may vote for up to three candidates. The three persons receiving the greatest number of votes shall be elected as councilors.

Section 30. Terms. The term of the mayor and each councilor 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 31. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon and the charter and ordinances of the city.

Section 32. Vacancies. The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

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

(b) Upon a determination by the council after a hearing, of 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 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) Inability to function as a council member for the remainder of the member's term.

(c) Upon a discretionary decision by the council after a hearing to declare a vacancy based on:

- (1) Conviction of a public offense punishable by loss of liberty, or
- (2) Violation of Section 34(i).

Section 33. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a council member is unable to participate in council meetings or a member is absent from the city, a majority of the entire council may appoint a council member pro tem.

Chapter VIII APPOINTIVE OFFICERS

Section 34. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the council for the proper administration of all city business. The city manager will assist the council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the entire council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the entire council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(d) The manager shall

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Administer city property and utilities;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community
- (10) Perform other duties as directed by the council.

(e) The manager may delegate any of the manager's duties or responsibilities other than the duty to attend a council meeting.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge. The manager shall cooperate with the auditor appointed by the council and shall respect the independent status of the auditor.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager, or designee if the manager has been excused, may take part in all council discussions.

(h) When the manager is temporarily unable to act as manager or when the office of manager becomes vacant, the council shall appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove management employees only with council approval.

(i) No council member may directly or indirectly as an individual attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the entire council shall appoint and may remove the attorney.

Section 36. Municipal Court and Judge.

(a) A majority of the entire council shall appoint and remove a municipal judge while the city maintains a municipal court. A municipal judge will hold court in the city at such place as the council directs.

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

(c) The municipal court has jurisdiction over every violation of a city ordinance. The court may impose penalties for violations of city ordinances. The court also has jurisdiction over violations of state statutes to the extent allowed under state law unless limited by the city council, but the municipal judge may decline to exercise jurisdiction over categories of cases.

(d) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Issue and compel obedience to subpoenas;
- (3) Compel witnesses to appear and testify before the court;
- (4) Penalize contempt of court;
- (5) Issue processes necessary to enforce judgments and orders of the court;
- (6) Issue search warrants and other warrants;
- (7) Perform other judicial and quasi-judicial functions assigned by ordinance; and
- (8) Appoint pro tem municipal judges if the municipal judge will be unavailable.

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

(f) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

**Chapter IX
PUBLIC IMPROVEMENTS**

Section 37. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement to be financed by a local improvement district 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 38. 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.

Chapter X
MISCELLANEOUS PROVISIONS

Section 39. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 40. Ordinance Continuation. All ordinances and other enactments consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 41. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 42. 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 43. Time of Effect. This charter takes effect January 1, 2008.