**CHARTER OF THE CITY OF LOSTINE**

**To provide for the government of the city of Lostine, will allow a county, Oregon; And to repeal all charter provisions of the city and acted prior to the time that this Charter takes effect.**

**Chapter 1.**

**Name and boundary.**

**Section 1. Title of enactment.** This investment may be referred to as the Charter of 1978.

**Section 2.** Name of city. The municipality of Lostine, will allow a county, Oregon, shall continue to be a Municipal Corporation with the name “City of Lostine.”

**Section 3. Boundary.** The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters, by the council, or by any other agency with legal power to modify them. The recorder shall keep in the office at the City Hall at least two copies of this Charter in each of which the recorder shall maintain and accurate, up-to-date description of the boundaries. The copies in the strip descriptions. Shall be available for public inspection during regular office hours of the recorder.

**Chapter 2.**

**Powers.**

**Section 4. Powers of the city**. The city shall have all powers which the Constitution, statutes, and common law of the United States and of this state expressly. Or implied grant or allowed municipalities as full as though this Charter specifically enumerated each of those powers.

**Section 5. Construction of charter.** in this charter no mention of the particular power shall be constructed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The Charter shall be liberally instructed to the end that the city may have all powers necessary or convenient. For the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws, and to the municipal home rule provisions of the state constitution.

**Chapter 3.**

**Form of Government.**

**Section 6. Where power is vested.** Except as this Charter provides otherwise, all powers of the city shall be vested in the mayor and four council members elected from the city at large.

**Section 7. Council.** The Council shall be composed of the mayor and four council members elected from the city at large.

**Section 8. Council members.** The terms of office of each Council member in office at the time this Charter is adopted shall continue until the end of his term of office as fixed by the ordinances of the city in effect at the time of this Charter. At the 1978 biennial General Elections Council, position, one and two shall be filled for a four year term; At the 1980 biennial General Elections Council. Positions three and four shall be filled for a four year term.

At each biennial general election, the number of council members elected to fill vacancies pursuant to section 33 shall be elected.

Section 9. Mayor. At each biennial general election, a mayor shall be elected for a term of two years.

**Section 10. Other officers.** Additional officers of the city may be municipal judge, a recorder, a treasurer, and other officers, as the council deems necessary. Each of these officers may be appointed and may be removed by the mayor with the consent of the Council. The Council may combine any two or more appointive city offices. The Council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

**Section 11. Salaries.** The compensation for the services of each city officer and employee shall be the amount fixed by the Council. The mayor nor any Council member, however, shall receive any compensation for serving in that capacity.

**Section 12. Qualifications of officers.** No person shall be eligible for an elective office of the city unless at the time of this election he is qualified elector within the meaning of the state constitution and has resided in the city during the six month mediately preceding the election. The Council shall be final judge of the qualifications and election of its own members.

**Chapter 4.**

**Council.**

**Section 13. Meetings.** The Council shall hold a regular meeting at least once each month in the city at a time and a place which is designated. It shall adopt rules for the government of its members and proceedings. The mayor of upon his/her own motion may, or at the request of two members of the Council shall, by giving notice thereof to all members of the Council, then in the city call a special meeting of the Council for a time not earlier than three, nor later than 48 hours after the notice is given. Special emergency meetings of the Council may be held at anytime with the consent of all members of the Council. In case of actual emergency, a special meeting may be held upon such notice as is appropriate to the circumstances.

**Section 14. Quorum**. A majority of members of the Common Council shall constitute a quorum for its business., by a smaller number may meet and compel the attendance of absent members in accordance with section 33 of this chapter.

**Section 15. Record of proceedings.** The Council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays. Upon any question before it shall be taken and entered into record.

**Section 16. Proceedings to be public.** No action by the Council. Shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

**Section 17. Mayors function at Council meetings.** The Mayor shall be chairperson of the Council and preside over its deliberations, but Shell have no vote except in the case of a tie win. He or she shall cast the deciding vote, it must vote either in the affirmative or the negative of the question. He or she shall have the authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

**Section 18. Mayor pro-tem**. At its first meeting, after this Charter takes effect and thereafter at its first meeting of each odd numbered year, the Council by ballot shall elect a Mayor pro-tem. Form its membership. In the mayor's absence. From a meeting, the mayor Pro-tem shall preside over it. Whenever the mayor is unable to perform the functions of his or her office, the mayor Pro-tem shall act as mayor.

**Section 19. Vote required.** Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present. Act the Council meeting shall be necessary to provide any question before the Council; For purposes. Hope this section, the mayor or the mayor Pro-tem in casting a vote to break a tie, as provided in section 17, shall be considered a member of the Council present at the time.

**Chapter 5.**

**Powers and duties of officers.**

**Section 20. Mayor**. The mayor shall appoint the committees provided by the rules of the Council. He or she shall sign all records of proceedings approved by the Council. He or she shall sign all ordinances passed by the council within 30 days after their passage. If the mayor does not approve of an ordinance so submitted, he or she must within 30 days from the receipt thereof., return the same to the recorder with his or her reasons for not approving it, and if not so returned within 30 days, such ordinance shall become a law as if he had approved it at the first meeting of the Common Council after the return of any ordinance by the mayor with his or her reasons. For not approving the same, or at any special meeting, thereafter called for the purpose of considering the mayor's veto of set ordinances, three quarter shall present the same to the Common Council together with the mayor's reasons for not approving the same, all of which must be read to the Council, and such ordinances shall then be placed on its final passage again, and if 3/4 of the Council shall vote in favor of said ordinance, it shall become a law without the approval of the mayor, but not otherwise. After the Council approves the bonds of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

**Section 21. The municipal judge.** The municipal judge, whether another city officer, a state court, or another appropriate person, shall be the judicial officer of the city; and the functions of the municipal judge and the Municipal Court may be fulfilled by a state court when so appointed and designated by the Council. He or she shall hold, within Wallowa county, Oregon, A court known as the Municipal Court for the city of Lostine Wallowa County, Oregon. The Court shall be open for the transaction of judicial business at times and at such places specified by the Council. All area within the city shall be within the territorial jurisdiction of the court. The Municipal Court 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 or penalties defined or authorized by ordinances of the city. The Court 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 admit him to bail pending trial of any cause before him, 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 or this charter, all proceedings in the Municipal Court for the violation of the city ordinances shall be governed by the applicable general laws of the state Governing justices of the peace and justice courts, or by the general laws of the state governing the state court designated or appointed by the Council.

**Section 22. Recorder**. The recorder shell serve ex officio as Clerk of the council, attend all its meetings, unless excused, there-from by the Council, keep an accurate record of its proceedings, and sign all orders on the Treasury. In the recorder’s absence from accounting meeting, the mayor shall appoint a clerk of the Council Pro-tem, who shall have all the authority and duties of the recorder while acting in that capacity. The recorder shall receive such compensation as the Council shall direct, and before entering upon the duties shall, execute a bond in favor of said city with two or more sufficient sureties. In a sum of not less than $500 or such other sum above that amount, as the Council shall order.

**Section 23.** **Treasurer.** The Treasurer shall receive and disburse all monies coming into his or her hands. The Treasurer shall be the receiver of taxes from the county treasurer of Wallowa County, Oregon, and all fines and other sources of revenue, and shall pay all warrants drawn upon him or her by the recorder and signed by the mayor. The Treasurer shall make a quarterly report to the Council at the first meeting of the Council in January, April, July, and October of each year, and at such other times as the mayor may direct, showing in detail the recipients and expenditures for the quarter of all funds of the city and filed the same with the recorder. The Treasurer shall keep an account of the general fund, and a separate account of each separate fund of the city, and when a warrant is drawn upon any special fund, it shall be paid out of that fund, and not otherwise. The Treasurer shall perform such other duties as pertaining to his or her office and shall, from time to time be ordered by the City Council. The Treasurer shall receive such compensations as the Council shall direct, and before entering upon the duties, shall execute a bond in favor of said city with two or more sufficient sureties. In a sum of not less than $500 or such other sum above that amount, as the Council may order.

**Chapter 6.**

**Elections.**

**Section 24.** **Regular elections.** Regular city elections shall be held at the same time as biennial general state elections in accordance with applicable state election laws.

**Section 25.** **Notice of regular elections.** Three quarter, pursuant to directions from the Council, shall give at least 10 days notice of each regular city election by posting notice thereof. Addict conspicuous place in the City Hall and in two public places in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

**Section. 26 special elections.** The Council shall provide the time, manner, and means for holding any special election. The recorder shall give at least 10 days. Notice of each special election in the manner provided by the action of the Council ordering the election of other notice required for compliance with Oregon laws.

**Section 27. Regulation of elections.** Except as this Charter provides otherwise, and as the council provides otherwise by ordinances related to the elections, the general law of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

**Section 28. Canvass of returns.** In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than 10 days after the election the Council shall meet and canvas the returns. The results of all elections shall be entered in the record of the proceedings of the Council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, The name of each person elected to office, the office to which he or she has been elected, and a reference to each measure enacted or approved. Immediately after the canvas is completed, the recorder shall make & sign a certificate of election of each person elected and deliver the certificate to. him or her within 10 days after the canvas. The certificate so made and delivered shall be prima facie evidence of the truth of the statement contained in it.

**Section 29. The Votes.** In the event of a tie vote for candidates for an elective office, So successful candidate shall be determined by a public drawing of loss in a manner prescribed by the Council.

**Section 30. Commencement of terms of office.** The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

**Section 31. Oath of office.** Before entering upon the duties of the office, each officer shall take an oath, or shall affirm that he or she will support the Constitution and laws of the United States and of Oregon, and that he or she will faithfully perform the duties of his or her office.

**Section 32. Nomination.** A qualified elector who has resided in the city during the six month immediately preceding election may be nominated for an elective city office to filled at the election. The nomination shall be by mass meeting held not earlier than 45, nor later than 28 days before the election. Notice that the mass meeting for nomination shall be posted at least 10 days before the meeting. The recorder shall notify the nominees who shall accept or reject the nomination within five days. Nomination may also be by petition which specifies the office sought and shall be in a form prescribed by the Council. The petition shall be signed by not fewer than 10 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his or her signature shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper for the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper, and stating that each signature appended thereto was made in his or her presence, and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the Signer's place of residence identified by its street and number or other sufficient designation. All nomination papers comprise a petition shall be assembled and filed with the recorder as one instrument not earlier than 45 nor later than 28 days before the election. The recorder shall make a record of the exact time of at which each petition is filed and shall take and preserve the name and the address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after filing. if the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing, wherein the petition is insufficient. the deficient petition may be amended and filed again as a new petition or substitute petition for the same candidate may be filed within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his or her nomination. And that person shall file with the recorder his/her written acceptance of nomination in such form as the council may require within five days of the notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominees name to be printed on the ballot. The petition of nomination for successful candidate at an election shall be preserved in the office of the Recorder until the term of office for which the candidate is elected expired.

**Chapter 7.**

**Vacancies in office.**

**Section 33. What creates a vacancy**. And office shall be deemed vacant upon the incumbents death; adjudicated incompetence; conviction of a felony, Other offense pertaining to his or her office, or unlawful destruction of public records; resignation; recall from office; Or ceasing to possess the qualifications for the office; Upon the failure of the person elected or appointed to the office to qualify therefore within 10 days after the time for his or her term of office to commence.; or in the case of a mayor or council member, upon his or her absence from the city for 30 days without the consent of the Council or upon his or her absence from meetings of the Council for 60 days without like consent, and upon declaration by the Council of the vacancy.

**Section 34. Filling of vacancies.** Vacant elective offices in the city shall be filled by appointment. A majority vote of the Council shall be required to validate the appointment. The appointees term of office shall begin immediately upon his or her appointment, and shall continue throughout the unexpired term of his or her predecessor. During the temporary disability of any officer or during his or her absence temporarily from the city for any cause, his or her office may be filled pro-tem in the manner provided for filing vacancies in office permanently.

**Chapter 8.**

**Ordinances.**

**Section 35. Enacting clause.** The enacting Clause of all ordinances hereafter enacted shall be “The city of Lostine ordains as follows.”

**Section 36. Mode of enactment.** (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the Council shall, before being put upon its final passage be read fully. And distinctly in Open Council meeting on two different days.

(2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote. Of all Council members present, upon being read first in full and then by title.

(3) Any of the reading may be by title only if no Council member present at the meeting request to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection of the Office of the City Recorder not later than one week before the first reading of the ordinance and, if notice of their availability is given forthwith upon the filing by written notice posted at the City Hall and at two other public places in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially for its terms as it was thus filed prior to such readings, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(4) upon final vote of an ordinance, the ayes and nays of the Members shall be taken and entered in the record of proceedings.

(5) upon the enactment of an ordinance, the recorder shall sign it with the date of its passage and his or her name and title of office, and within three days of thereafter the mayor shall sign it with the date of his or her signature, His or her name, and the title of his or her office.

(6) All ordinances and resolutions passed shall within 10 days after approval by the mayor or passage over his or her veto, shall be posted by the recorder, in three public places within the city.

**Section 37.** When the ordinance takes effect. An ordinance enacted by the Council shall take effect on the 13th day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of emergency, it may take effect immediately.

**Chapter 9.**

**Public improvements**

**section 38. Condemnation**. Any necessity of taking of property for the city of condemnation shall be determined by the Council and declared by a resolution of the City Council describing the property and stating the uses to which it shall be devoted.

**Section 39. Improvements.** The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general laws of the state. Actually not on any public improvement, except a sidewalk, or accept an improvement in Animus, Lee declared by the Council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance there are two by the owners of 2/3 of the land to be specifically assessed, therefore. In this section “owner” shall mean the holder of legal title or, where land is being purchased under a land sale contract, recorded or verified to the recorder in writing by the record holder of legal title to the land the purchaser shall be deemed the “owner”.

**section 40.** Special assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinances.

**Section 41. Bids.** A contract in excess of. $10,000 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the Council. Any purchase of equipment or of supplies, with the exception of repair parts in excess of $5000 shall be made by bid.

**Chapter 10.**

**Miscellaneous provisions.**

Section 42. Debt limit. Except by consent of the voters, the city's voluntary floating indebtness shall not exceed 1% of the total assessed value of the city of Lostine. All bonded indebtness shall be with the consent of the voters. All voluntary floating indebtness and bonded indebtness, incurred by the city of Lostine prior to the effective date of this Charter are hereby ratified and confirmed, regardless of whether said Indebtness has within the debt limitation contained in the city charter in effect at the time each respective indebtness was incurred. All city officials and employees. Who create or officially approve any indebtedness in excess of this limitation shall be jointly and severely liable for the excess.

Section 44. Repeal of previously enacted provisions. All charter provisions of the city enacted prior to the time that this Charter takes effect are hereby repealed.

Section 45. Time of effect of charter. This Charter shall take effect July 1st, 1978.