

CITY OF SUBLIMITY CHARTER

SUBLIMITY CHARTER  
CHARTER OF THE CITY OF SUBLIMITY  
MARION COUNTY, OREGON  
1990

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF SUBLIMITY, MARION COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SUBLIMITY, MARION COUNTY, OREGON:

CHAPTER I

Name and Boundaries

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the City of Sublimity Charter of 1990.

Section 2. NAME OF CITY. The City of Sublimity, Marion County, Oregon, shall continue to be a municipal corporation with the name "City of Sublimity."

Section 3. BOUNDARIES. 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 at city hall at least two copies of this charter in each of which shall be maintained an accurate, up-to-date description of the city boundaries. The copies and description shall be available for public inspection at any time during regular city hall office hours.

CHAPTER II

Powers

Section 4. POWERS OF THE CITY. The city shall have all powers 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 specifically enumerated each of those powers.

Section 5. CONSTRUCTION OF CHARTER. In this charter no mention of a particular power shall be construed 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

construed to the end that the city may have 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 III

#### Form of Government

Section 6. WHERE POWER VESTED. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. COUNCIL. The council shall be composed of the Mayor and four councilors elected from the city at large. All councilors in office when this Charter Amendment is adopted shall continue to hold office until the expiration of their terms.

Section 8. COUNCILORS. At each regular general biennial election two Councilmen shall be elected. All councilors hereafter elected, shall hold office for a term of four years or until their successors have been elected and have qualified.

Section 9. MAYOR. At each regular general biennial election, a Mayor shall be elected to hold for a term of two years beginning on January 1 of the year next following election, or until a successor has been elected and qualified.

Section 10. OTHER OFFICERS. Additional officers of the city shall be a municipal judge or judges, a recorder, and such other officers as the council deems necessary. Each of these officers shall 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 judicial functions.

Section 11. SALARIES. The compensation for the services of each city officer and employee shall be the amount fixed by the council.

Section 12. QUALIFICATIONS OF OFFICERS. No person shall be eligible for an elective office of the city unless at the time of election said 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. The council shall be the final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction.

## CHAPTER IV

### Council

Section 13. MEETINGS. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It may adopt rules for the government of its members and proceedings. Upon the motion of the Mayor, or at the request of three members of the council shall, by giving notice thereof to all members of the council then in the city, the mayor may call a special meeting of the council for a time not earlier than three nor later than forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 14. QUORUM. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. JOURNAL. The council shall cause a journal 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 a record of the vote entered.

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 proceeding open to the public.

Section 17. MAYOR'S FUNCTIONS AT COUNCIL MEETING. The mayor shall be the chairperson of the council and preside over its deliberations. The mayor shall vote on all questions before it. 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. With the approval of the council the mayor may appoint one council member each to serve as (1) Street Commissioner, (2) Water Commissioner, (3) Sewer Commissioner, and (4) such other officer as the council deems necessary. It shall be the responsibility of the Mayor to see that the duties of the several positions referred to in this section are performed in accordance with the directions of the council. Whenever the mayor is unable to perform the functions of the office, the council shall appoint an acting mayor from its body.

Section 18. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council, a quorum being present.

## CHAPTER V

### Powers and Duties of Officers

Section 19. MAYOR. The mayor shall appoint the committees designated by the council. The mayor shall sign all approved records of proceedings of the council. The mayor shall have no veto power and shall sign all ordinances passed by the council within three days from the date of their enactment. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

Section 20. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. The municipal judge shall hold within the city a court known as the municipal court for the city of Sublimity, Marion County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court.

The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses 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 by the city.

The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit said person to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the 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 governing justices of the peace and justice courts. Trials in the municipal court of cases for violation of city ordinances shall be had without juries, unless the defendant, on demanding a jury, shall deposit in court a sum sufficient to pay the per diem of such jury for one day.

Section 21. Recorder. The Recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, and keep an accurate record of its proceedings in a book provided for that purpose. The Recorder shall sign and the Mayor countersign all orders on the treasury. In the Recorder's absence from a council meeting, the Mayor shall appoint a clerk of the council pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder.

## CHAPTER VI

### Elections

Section 22. State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 23. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the city.

## CHAPTER VII

### Vacancies in Office

Section 24. WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offenses pertaining to that 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 therefor within ten days after the time for the term of office to commence; or in the case of a mayor or councilors, upon the mayor's or councilor's absence from the city for 30 days without the consent of the council or upon the mayor's or councilor's absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

Section 25. FILLING OF VACANCIES. Vacancies in elective offices in the city shall be filled by a majority of the incumbent members of the council. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of appointee's predecessor. During the temporary disability of any officer or during absence temporarily from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently.

## CHAPTER VIII

### Ordinances

Section 26. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Sublimity ordains as follows:"

Section 27. MODE OF ENACTMENT.

(1) Except as this section provides 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 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 readings may be by title only. (a) if no council member present at the meeting requests to have the ordinance read in full or (b) if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing, by (i) written notice posted at the city hall and at two other public places in the city or (ii) by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, 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 the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.

(5) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and the name and title of office, and within three days thereafter the mayor shall sign it with the date of signing, the mayor's name and title of office.

Section 28. WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the council shall take effect on the thirtieth 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 an emergency, it may take effect immediately.

## CHAPTER IX

### Public Improvements

Section 29. CONDEMNATION. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 29. IMPROVEMENTS. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance, or to the extent not so governed, by the applicable general laws of the state.

Action on any proposed public improvement, except a sidewalk or an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the property to be specially assessed therefor. For the purpose of this section "owner"

shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the city recorder, the said purchaser shall be deemed the "owner".

Section 31. SPECIAL ASSESSMENTS. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against the real property shall be governed by general ordinances.

Section 32. BIDS. All city contracts shall be subject to state law applicable to public municipal contracts.

## CHAPTER X

### Miscellaneous Provisions

Section 33. DEBT LIMIT. The city's indebtedness may not exceed debt limits imposed by state law. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 34. TORTS. In no event shall the city be liable in damages for an injury to person, a damage to property, or a death, caused by a defect or a dangerous condition in a public thoroughfare, site, or facility, unless the city has had actual notice prior to the injury, damage, or death that the defect or condition existed and has had a reasonable time thereafter in which to repair or remove it.

No action shall be maintained against the city for damages growing out of such injury, damage, or death unless the claimant first gives written notice to the council within 30 days after the injury, damage, or death is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that said person will claim damages therefor of the city in an amount which said person specifies, but in no event shall the action be started until 30 days have elapsed after the presentation of such notice to the council.

Section 35. EXISTING ORDINANCES CONTINUED. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 36. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All previous charter provisions of the city including charter amendments are hereby repealed.

Section 37. TIME OF EFFECT OF CHARTER. This charter shall take effect July 1, 1990, but officers holding office when this charter is

enacted shall have all of the powers and authority of officers hereafter elected pursuant to this charter.

ADOPTED THIS 9th DAY OF July, 1990.

Samuel A. Benlone  
MAYOR

ATTEST:

Janet Klosterman  
City Recorder



CERTIFICATION

STATE OF OREGON           )  
COUNTY OF MARION       )     ss.  
CITY OF SUBLIMITY       )

I, JANET KLOSTERMAN, hereby certify that I am the Recorder of the City of Sublimity, in Marion County, Oregon, and that the attached copy of the Charter of such city, consisting of eight (8) pages, is a true copy of the whole of the original thereof.

Dated and signed at Sublimity, Oregon, this 9<sup>th</sup> day of August, 1990.

*Janet Klosterman*  
Janet Klosterman  
City Recorder

SEP 12 1990

JDT

(Attorney)

☐ Circuit Ct.    ☐ Supreme Ct.    Case No. \_\_\_\_\_  
☐ District Ct.   ☐ U.S. Dist. Ct.   Our File No. \_\_\_\_\_  
☐ Appeals Ct.   ☐ Bankruptcy Ct.  
Please indicate when the document listed below was processed. Thank you.  
Re: City of Sublimity Charter-1990

Certification and Title of Case or Proceeding  
Copy of Charter for City of Sublimity  
(Title of Document)

☐ Was signed \_\_\_\_\_, 19\_\_\_\_, by Judge \_\_\_\_\_  
☐ Was entered \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_  
☐ Termination Date \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_  
☒ Was filed August 21, 19 90, by \_\_\_\_\_ Supreme Court Law Library  
☐ Was served \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_  
☐ Attorney fees awarded \$ \_\_\_\_\_  
☐ Costs awarded at \$ \_\_\_\_\_  
Remarks \_\_\_\_\_  
\_\_\_\_\_  
(Judge) (Deputy) (Clerk)