



# **CHARTER OF THE CITY OF ASTORIA, OREGON**

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**Adopted at General Election  
on November 4, 1997**

# **CITY OF ASTORIA, OREGON**

## **CHARTER**

**Submitted to and ratified by the qualified votes of the  
City at a Special Election held therefore on  
November 5, 1946**

### **Amended by the Qualified Voters of the City as Follows:**

May 18, 1962	Special Election
November 8, 1966	General Election
November 5, 1968	General Election
May 26, 1970	Primary Election
November 4, 1980	General Election
May 15, 1984	Primary Election
November 8, 1988	General Election

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## THE CHARTER OF THE CITY OF ASTORIA

### PREAMBLE

We, the people of Astoria, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, through this Charter confer upon the City the following powers, subject it to the following restrictions and prescribe for it the following procedures and governmental structure.

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## CHAPTER I INTRODUCTORY PROVISIONS

**Section 1.1** **Title.** This enactment shall be referred to as the Astoria City Charter of 1997.

**Section 1.2** **Corporate Name.** The municipality of Astoria, Clatsop County, Oregon, continues under this charter to be a municipal corporation with the name "City of Astoria".

**Section 1.3** **Boundaries.** The City includes all territory encompassed by its boundaries as they exist when this revision of the Charter is adopted or as they are subsequently modified in accordance with State law. The City shall maintain at least two copies of this Charter, each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours.

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## CHAPTER II POWERS

- Section 2.1** **Powers of the City.** The City has all powers that the constitutions, statutes, and common law of the United States and of this State now or hereafter expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.
- Section 2.2** **Bonding Authority.** Notwithstanding Section 2.1, all bonds save and except for refunding bonds, issued and sold on the security of the faith and credit of the City, or on the security, in whole or in part, of any property or public utility owned by the City, or the revenues thereof, or both, shall first be approved by a vote of the people.
- Section 2.3** **Construction of Powers.** In this Charter, no specification of a power is exclusive or restricts authority that the City would have if the power were not specified. The Charter shall be liberally construed, so that the City may exercise fully all its powers possible under this Charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.
- Section 2.4** **Distribution of Powers.** Except as this Charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the City, all powers of the City are vested in the Council.

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## CHAPTER III FORM OF GOVERNMENT

- Section 3.1**     **Council.** The Council consists of a Mayor nominated and elected at large and four Councilors nominated and elected by wards with boundaries fixed by ordinance. In the case of one or more vacancies in the Council, the Council shall consist of those Council members whose offices are not vacant.
- Section 3.2**     **Councilors.** The term of office of a Councilor in office when this Charter is adopted is the term of office for which the Councilor has been elected before adoption of the Charter (or is elected at the time of the adoption) or, in the case of an appointed Councilor, the term of that appointment as prescribed by the former Charter provisions prior to the adoption of this Charter. At each general election after the adoption, two Councilors shall be elected, each for a four year term. To qualify for Council office, the candidate must reside in the ward which the Council position represents. If an elected or appointed Councilor moves out of his/her ward, he/she shall be deemed to have forfeited his/her Council position and that position declared to be vacant by the Council.
- Section 3.3**     **Change of Ward Boundaries.** In order to provide more equal representation, the City Council may, by ordinance, from time to time, change the ward boundaries. However, any change in ward boundaries shall be made at least four months prior to a general election. If any change in a ward boundary causes an incumbent councilor's residence to be shifted from one ward to another, the councilor shall be retained until the expiration of councilor's present term.
- Section 3.4**     **Mayor.** The term of office of the Mayor in office when this Charter is adopted is the term of office for which the Mayor had been elected before adoption of the Charter. The Mayor shall be elected for a four year term at a general election.
- Section 3.5**     **Terms of Office.** The term of office of an elective officer who is elected at a general election begins at the first Council meeting of the year immediately after the election and continues until the successor to the office assumes the office.
- Section 3.6**     **Appointive Officers.** Additional officers of the City are a City Manager, a City Attorney and a Municipal Judge, each of whom the Council shall appoint and may remove by majority vote of all incumbent members of the Council. The Municipal Judge shall not be subject to supervision in judicial functions by any other officer.



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## CHAPTER IV COUNCIL

**Section 4.1** **Meetings.** The Council shall meet in the City regularly at least once a month. Special meetings of the Council may be called by the Mayor, or upon the request of at least two members of the Council, and held at any time upon verbal or written notice to all of the members of the Council then in the City.

**Section 4.2** **Quorum.** A majority of the Council constitutes a quorum for its business, but a smaller number of the Council may meet and compel attendance of absent Councilors.

**Section 4.3** **Record of Proceedings.** A record of Council proceedings shall be kept and authenticated in a manner prescribed by the Council.

**Section 4.4** **Mayor's Functions at Council Meetings.**

(1) When present at Council meetings, the Mayor shall:

- (a) Preside over deliberations of the Council;
- (b) Preserve order;
- (c) Enforce Council rules; and
- (d) Determine the order of business.

(2) Notwithstanding subsection (1) of this section, the Mayor may temporarily cease to chair a Council meeting and delegate the functions described in subsection (1) to another Council member.

(3) The Mayor is a voting member of the Council.

**Section 4.5** **Council President.**

(1) At the first meeting of each year, the Council shall appoint a president from its Councilors.

(2) The president shall function as Mayor when the Mayor is:

- (a) Absent from a Council meeting; or
- (b) Unable to function as Mayor.

**Section 4.6** **Vote Required.** Except as sections 3.6, 4.9, 5.2(2), and 8.2(2) of this Charter prescribe otherwise, the express concurrence of a majority of the

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Council members present and constituting a quorum is necessary to decide affirmatively a question before the Council.

**Section 4.7** **Signature Authority.** Contracts and instruments must be approved as authorized by the City Council and signed by the Mayor (or President of the City Council) and attested to by the City Manager. The Council, by ordinance, may authorize the City Manager (or the City Manager's designee) to bind the City in certain classes of contracts as defined in the ordinance.

**Section 4.8** **Vacancies: Occurrence.** The office of a member of the Council becomes vacant:

- (1) Upon the incumbent's:
  - (a) Death,
  - (b) Adjudicated incompetence, or
  - (c) Recall from the office; or
- (2) Upon declaration by the Council of the vacancy in case of the incumbent's:
  - (a) Failure, following election or appointment to the office, to qualify for the office within 10 days after the time for his or her term of office to begin;
  - (b) Failure to attend any Council meeting during a 30 consecutive day period without Council consent;
  - (c) Ceasing to reside in the City, or in the case of a Councilor, ceasing to reside in the ward from which he/she was elected or appointed;
  - (d) Ceasing to be a qualified elector under State law;
  - (e) Resignation from the office.

**Section 4.9** **Vacancies: Filling.** A vacancy in the Council shall be filled:

- (1) Within 60 days by appointment by a majority of the Council; or
- (2) In the alternative, a majority of the Council, by Resolution, may declare that the vacancy will be filled at the next available election or at a special election.

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Whether a vacancy is filled by appointment or election, the term of office runs from the time of taking the oath of office until the expiration of the term of the predecessor who has left the office vacant. During a Council member's temporary disability to serve on the Council or during a member's temporary absence from the City, a majority of the other Council members may, by appointment, fill the vacancy pro tem. In this provision, temporary means over 30 days.

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**CHAPTER V  
POWERS AND DUTIES OF OFFICERS**

**Section 5.1**    **Mayor.** The Mayor shall appoint:

- (1) Members of committees established by the Council, and
- (2) Other persons required by the Council to be so appointed.
- (3) The Mayor may remove appointees from committees and other appointments, at the Mayor's discretion.

**Section 5.2**    **City Manager.**

- (1) The City Manager is the administrative head of the City government.
- (2) A majority of the Council shall appoint and may remove the Manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The Manager need not reside in the State when appointed, but promptly thereafter shall become, and during his/her tenure of office remain, a resident of the State. The City Council may set the terms of his or her contract, including any additional residency requirements the Council wishes to include.
- (4) Upon accepting the appointment, the Manager shall furnish the City a bond in an amount and with a surety approved by the Council. The City shall pay the bond premium.
- (5) The Manager shall be appointed for a definite or an indefinite term and may be removed by the Council at its pleasure.
- (6) The Manager shall:
  - (a) Attend all Council meetings unless excused by the Council or Mayor;
  - (b) Keep the Council advised of the affairs and needs of the City;
  - (c) See that the provisions of all ordinances are administered to the satisfaction of the Council;
  - (d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled;

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- (e) Appoint, supervise, assign, discipline and remove appointive personnel, except appointees of the Mayor or Council;
  - (f) Prepare and transmit to the Council an annual City budget;
  - (g) Supervise City contracts;
  - (h) Supervise operation of all City-owned public utilities and property; and
  - (i) Perform other duties as the Council prescribes consistent with this Charter.
- (7) The Manager may not control:
- (a) The Council;
  - (b) The Municipal Judge;
  - (c) The City Attorney; or,
  - (d) Except as the Council authorizes, appointive personnel of the City whom the Manager does not appoint.
- (8) The Manager shall sit with the Council but may not vote on questions before it. The Manager may take part in all Council discussions.
- (9) When the Manager is temporarily absent from the City or temporarily disabled from acting as Manager, or when the office of Manager becomes vacant, the Council shall appoint a Manager Pro Tem, who has the powers and duties of Manager, except that the Manager Pro Tem may appoint or remove personnel only with approval of the Council.
- (10) Except in Council meetings, no Council member may directly or indirectly, by suggestion or otherwise, attempt to influence the Manager or a candidate for the office of Manager in the appointment, supervision, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In Council meetings, members of the Council may discuss with, or suggest to, the Manager anything pertinent to City affairs.

**Section 5.3 Municipal Court and Judge.**

- (1) If the Council creates the office of Municipal Judge and fills it by appointment, the appointee shall hold within the City at a place and

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times that the Council specifies, a court known as the Municipal Court for the City of Astoria, Clatsop County, Oregon.

- (2) The Council may remove the Municipal Judge at any time, with or without cause.
- (3) Except as this Charter or City ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this State governing justices of the peace and justice courts.
- (4) All area within the City and, to the extent provided by State law, area outside the City is within the territorial jurisdiction of the court.
- (5) The Municipal Court has original jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeiture and other penalties that such ordinances prescribe.
- (6) The Municipal Judge may:
  - (a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
  - (b) Order the arrest of anyone accused of an offense against the City;
  - (c) Commit to jail or admit to bail anyone accused of such an offense;
  - (d) Issue and compel obedience to subpoenas;
  - (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
  - (f) Penalize contempt of court;
  - (g) Issue process necessary to effectuate judgments and orders of the court;
  - (h) Issue search warrants; and
  - (i) Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (7) The Council may authorize the Municipal Judge to appoint Municipal Judges Pro Tem for terms of office set by the Judge or the Council.
- (8) Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate State court.

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**CHAPTER VI  
MUNICIPAL OFFICERS AND EMPLOYEES**

**Section 6.1**    **Qualifications.**

- (1) An elective City officer shall be a qualified elector under the State constitution and shall have resided in the City during the six months immediately before being elected or appointed to the office. In this subsection, "City" means area inside the City limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective City office.
- (3) An elective officer may not be employed by the City unless such employment is substantially volunteer in nature. Whether the position is substantially volunteer in nature may be decided by the Municipal Court or in some other manner, whichever the Council prescribes.
- (4) Except as subsection (3) of this section provides to the contrary, the Council is the final judge of the election and qualifications of its members.

**Section 6.2**    **Compensation.** The Mayor shall receive compensation of \$100.00 per month and each Councilor \$60.00 per month. The Council shall set the amount of compensation for the City Manager, City Attorney, and Municipal Judge; and shall annually approve a compensation plan for City employees.

**Section 6.3**    **Oath of Office.** Before assuming City office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.

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## CHAPTER VII ELECTIONS

- Section 7.1**    **State Law.** Except as this Charter or a City ordinance prescribes to the contrary, any City election shall conform to State law applicable to the election.
- Section 7.2**    **Nonpartisan.** No nomination petition, election notice, ballot, or other election document shall indicate the party affiliation or preference of any City officer or candidate for City office.
- Section 7.3**    **Nominations.** A person may be nominated in a manner prescribed by ordinance to run for an elective office of the City.



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## CHAPTER VIII ORDINANCES

**Section 8.1**    **Ordaining Clause.** The ordaining clause of an ordinance shall be "The City of Astoria does ordain as follows:"

**Section 8.2**    **Adoption by Council.**

- (1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in regular meetings of the Council on two different days at least 12 days apart before being adopted by the Council.
- (2) Except as subsection (3) of this section allows reading by title only, the Council may adopt an ordinance at a single meeting by the express unanimous votes of all Council members present, provided the ordinance is read first in full and then by title.
- (3) A reading of an ordinance may be by title only if:
  - (a) No Council member present at the reading requests that the ordinance be read in full, and
  - (b) If, after the ordinance is introduced and before it is enacted, a copy of it is available for public inspection in City Hall and notice of its availability is posted at City Hall or published in a newspaper of general circulation in the City.
- (4) An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open Council at least 12 days prior to the adoption of the ordinance.
- (5) Upon the adoption of an ordinance, the ayes and nays of the Council members shall be entered in the record of Council proceedings.
- (6) After adoption of an ordinance, the Finance Director shall endorse it with its date of adoption and the endorser's name and title of office. The Mayor shall also sign the ordinance.

**Section 8.3**    **Effective Date.** A nonemergency ordinance takes effect on the 30th day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

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**CHAPTER IX  
PUBLIC IMPROVEMENTS**

**Section 9.1**     **Procedure.** The time, method and manner of making all street, sidewalk, sewer and other public improvements; the method of financing the same; procedure for vacation, alteration, or abandonment of streets and other public improvements, shall be governed by ordinance of the City, or in the absence of such an ordinance, by the general laws of Oregon.

**Section 9.2**     **Special Assessments.** The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by ordinance.

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**CHAPTER X  
MISCELLANEOUS PROVISIONS**

- Section 10.1** **Debt.** The City's indebtedness may not exceed debt limits imposed by State law. A Charter amendment is not required to authorize City indebtedness.
- Section 10.2** **Continuation of Ordinances.** Insofar as consistent with this Charter, and until amended or repealed, all ordinances in force when the Charter takes effect retain the effect they have at that time.
- Section 10.3** **Repeal.** All Charter provisions adopted before this Charter takes effect are hereby repealed.
- Section 10.4** **Severability.** The terms of this Charter are severable. If a part of the Charter is held invalid, that invalidity does not affect another part of the Charter, except as the logical relation between the two parts requires.
- Section 10.5** **Time of Effect.** This Charter takes effect December 1, 1997.