

CITY OF LOWELL  
LANE COUNTY, OREGON

NOVEMBER 6, 1984

CHARTER

To provide for the government of the City of Lowell, Lane County, Oregon.

Be it enacted by the people of the City of Lowell, Lane County, Oregon:

CHAPTER I

NAMES AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the City of Lowell Charter of 1984.

Section 2. Name of City. The municipality of the City of Lowell, Lane County, Oregon, shall continue to be a municipal corporation with the name "City of Lowell."

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

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 all powers necessary or convenient for the conduct of its municipal affairs, laws and to the municipal home rule provisions of the state constitution.

## CHAPTER III

### FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this charter provides otherwise, all powers of the City shall be vested in council.

Section 7. Council. The council shall be composed of five (5) council members elected in the City at large and by position number. Each position shall bear a number running from one (No. 1) through five (No. 5) and any candidate for council shall, starting with his/her nominating petition, designate the number of council seat to which he/she seeks election; further, one candidate may run for only one position at an election. They shall serve without pay.

The council members whose terms of office expire with the end of 1984 shall be assigned seat numbers 2, 3, and 5; the council members whose terms of office expire the end of 1986 shall be assigned seat numbers 1 and 4. Within the scope of the preceding provision, the council shall forthwith determine by lot the numbers to be assigned to the incumbent council members. Each council position shall be for a term of four years.

Section 8. Council Members. The term of office of each council member in office when this charter is adopted shall continue for the term for which each was elected. At each subsequent biennial general election, three council members shall be elected in 1984 and every four years thereafter.

Section 9. Mayor. At the first meeting of each odd numbered year the council shall choose from its membership a Mayor. The Mayor's term of office will be two years.

Section 10. Other Officers. Additional officers of the City shall be 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 a majority of the incumbent vote. The council may combine any two or more appointive offices, except the municipal judge nor shall the municipal judge's judicial function be subject to supervision by any city official.

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 this 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.

## CHAPTER IV

### COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once in the City at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings.

Section 14. Quorum. A majority of the incumbent members of the council shall constitute a quorum for its business.

Section 15. Record of Proceedings. The council shall cause a written record of its proceedings to be kept.

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. Mayor's Functions at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. He/she shall have all voting rights of the council. He/she shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. Council President. At its first meeting after the charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a council president from its membership by approval of a majority of its incumbent members. In the mayor's absence from a council meeting, the council president shall preside over it. Whenever the mayor is unable to perform the functions of his/her office, the president shall act as mayor, and shall sign proceedings, ordinances, bonds, licenses, contracts, or proposals under Section 20 in the mayor's absence.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of members of the council voting when a quorum of the council is present shall decide any question before it.

## CHAPTER V

### POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. He/she shall sign all records of proceeding approved by the council. He/she shall have no veto power and shall sign all ordinances passed by council within three days after their passage. 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 21. Recorder. The recorder will serve ex officio as secretary to the council, attend all its meetings unless excused there from by the mayor, keep an accurate record of its proceedings, and sign all orders on the treasury along with the city administrator, mayor or council president. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem. The recorder shall supervise all city elections as the elections officer.

## CHAPTER VI

### ELECTIONS

Section 22. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns there from, and contests thereof.

Section 23. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 24. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the first council meeting of the year immediately following the election.

Section 25. Oath of Office. Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the constitutions and laws of the United States and of Oregon and that he/she will faithfully perform the duties of his/her office. The city recorder or other notary public shall administer the oath of office.

Section 26. Nominations. A qualified elector who has resided in the City during the 12 months immediately preceding an election may be nominated for an elective city office. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than 20 electors. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of 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/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 comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 120 nor later than 90 days before the election or as required by state and county laws or regulations. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and 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 ten days after the 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 a 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/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 notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a 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 expires.

An alternative elector may pay a filing fee as designated by city ordinance.

## CHAPTER VII

### VACANCIES IN OFFICE

Section 27. What Creates Vacancy. An office becomes vacant upon the incumbent's death, removal from office, conviction of a crime pertaining to the office for which a sentence of imprisonment is authorized, resignation, or ceasing to possess the qualifications necessary for the office. An elective office becomes vacant upon declaration by the council of the vacancy when either of the following acts occurs without prior notice to the council; the incumbent is absent from the City for a period of 60 days or fails to attend three regular consecutive meetings of the council.

Section 28. Filling of Vacancy. Vacancies in elective offices of the City shall be filled by appointment by a majority of the entire incumbent membership of the council. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of his predecessor.

During the temporary disability of any officer or during the officer's 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 29. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be: “The City of Lowell ordains as follows:”

Section 30. Mode of Enactment.

- (1) Except as the second paragraph 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) Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full and if a copy of the ordinance is provide 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 if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the City or by advertisement in the 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.
- (3) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.
- (4) Upon enactment of an ordinance, the recorder shall number and sign with it the date of its passage and his/her name and title of office, and within three days thereafter the mayor shall sign it with the date of his/her signature, his/her name, and the title of his/her office.

Section 31. When Ordinances Take Effect. An ordinance 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 emergency, it may take effect immediately.

## CHAPTER IX

### PUBLIC IMPROVEMENTS

Section 32. 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 public uses to which it shall be devoted. Fair market value compensation and all procedures described by Federal and State Statutes shall be followed in any condemnation proceeding.

Section 33. 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 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 to two-thirds of the land to be specially assessed therefore. In this section “owner” shall mean the record 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 purchase shall be deemed the “owner.”

Section 34. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged real property shall be governed by general ordinance.

Section 35. Bancroft Bonding. Bancroft bonding shall be instituted by the City only with a majority vote of approval of the people in a subsequent election and in accordance with the State law.

Section 36. Debt Limit. The City’s indebtedness may not exceed the limits imposed by State law. All city officials and employees who create or officially approved of indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 37. Contracts. All contracts shall be in accord with State laws and rules or as established by the city council.

## MISCELLANEOUS PROVISIONS

Section 38. 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 39. Severability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Section 40. Time of Effect of Charter. This charter shall take effect, if approved by the voters, five days following the official canvass of votes cast at the November 6, 1984 election.

Section 41. Procedure for Amendment. Amendments to this charter may be proposed by the city council by resolution duly adopted at any regular meeting of the council, and when so adopted, the same shall be submitted to a vote of the legal voters of the City upon the date of any regular election in the State of Oregon which may be held after giving notice as provided in this charter. This charter may also be amended by proposal therefore under the initiative power by petition duly signed by the appropriate number of qualified electors.