

# THE CHARTER FOR THE TOWN OF LAKEVIEW, LAKE COUNTY, OREGON

## PREAMBLE.

WE THE PEOPLE of Lakeview, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter reserved, granted or allowed by the constitutions and laws of the United States of America and the State of Oregon, through this Charter confer upon our Town the following powers, subject to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions of the Town.

## Chapter I NAME AND BOUNDARIES

Section 1 Title. This Charter may be referred to as the 2011 Town of Lakeview Charter.

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

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

## Chapter II POWERS

Section 4. Powers. The Town has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant to or allow the Town, as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction. This Charter will be liberally construed so that the Town may exercise fully all powers possible under this Charter and under United States and Oregon law.

Section 6. Authorities. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to Town voters. This Charter vests all other Town powers in the Town Council except as this Charter otherwise provides, The Town Council has legislative, administrative and quasi-judicial authority, The Town Council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The Town Council may not delegate its authority to adopt ordinances.

## Chapter III COUNCIL

Section 7. Council. The Town Council consists of a mayor and four councilors elected from the Town 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 serves as the political head of Town government. The Town Council may create, abolish and combine Town offices, boards and committees. The mayor shall appoint the members of all Town committees, boards and commissions and the Town Council shall appoint all liaisons between the Council and all committees, boards, commissions and Town departments.

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 shall by ordinance or resolution adopt rules to govern its meetings.

Section 11. Meetings. The Council may meet twice a month and shall meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules,

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. The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this Charter requires approval by a majority of the Council or unanimous approval.

Section 14. Record. A record of Council meetings must be kept in a manner prescribed by the Council rules.

Chapter IV  
LEGISLATIVE AUTHORITY

Section 15. Ordinances. The Town Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances shall state "The Town of Lakeview ordains as follows:"

Section 16. Ordinance Adoption.

An ordinance may be adopted by the Council by either of two methods as follows:

- (A) by being fully and distinctly read in open Council meeting at two consecutive Council meetings; or
- (B) at a single meeting being read by title only upon the unanimous vote of all Council members present,
- (C) Any substantive amendment to a proposed ordinance shall be read aloud and made available in writing to the public before the Council adopts the ordinance at that meeting.
- (D) After the adoption of an ordinance, the vote of each member shall be entered into the Council minutes.
- (E) After adoption of an ordinance, the same shall be executed by the mayor, or in the mayor's absence by the council president, Additionally, the Town custodian of records shall endorse the ordinance with the date of adoption and the custodian's name and title.

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 approving resolutions. The approving clause for resolutions may state "The Town of Lakeview resolves as follows:".

Section 19. Resolution Approval.

- (A) Approval of a resolution or any other Council administrative decision requires approval by the Council at one meeting, any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting,
- (B) After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.

(C) After adoption of a resolution, the same shall be executed by the mayor, or in the mayor's absence by the council president. Additionally, the Town custodian of records shall endorse the resolution with the date of adoption and the custodian's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

## Chapter VI

### QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The Town Council of Lakeview orders as follows:".

#### Section 22. Order Approval.

- (a) Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.
  - After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
  - After adoption of an order, the same shall be executed by the mayor, or in the mayor's absence by the council president. Additionally, the Town custodian of records shall endorse the order with the date of adoption and the custodian's name and title.

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

## Chapter VII ELECTIONS

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

Section 25. Mayor. The term of the mayor in office when this Charter is adopted is the term for which the mayor was elected. At every other general election, a mayor will be elected for a four-year term.

Section 26. State Law. All Town elections will conform to state law except as this Charter or ordinances provide otherwise. All elections for Town offices shall be nonpartisan.

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the Town 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 Town office,

(c) Neither the mayor nor a councilor may be otherwise employed by the Town.

(d) The Council is the final judge of the qualifications of its members.

Section 28. Terms. The term of a mayor or 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 29. 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.

Vacancies. The mayor or a Council office becomes immediately vacant:

- Upon the incumbent's:
  - Death,
  - Adjudicated incompetence,
  - Recall from the office, or
  - Ceasing to reside in the Town.
- Upon declaration by the Council after the incumbent's:
  - Failure to qualify for the office within 10 days of the time the term of office is to begin,
  - Absence from the Town for 30 days without Council consent, or from all Council meetings within a 60-day period,
  - Ceasing to be a qualified elector under state law,
  - Conviction of a public offense punishable by loss of liberty,
  - Resignation from the office, or
  - A violation of Section 32(h) of Chapter VIII of this Charter.

Section 31. 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 disability prevents a Council member from attending Council meetings or a member is absent from the Town, a majority of the Council may appoint a councilor pro term.

## Chapter VIII TOWN MANAGER

### Section 32. Town Manager.

- The office of Town manager is established as the administrative head of the Town government. The Town manager is responsible to the mayor and Council for the proper administration of all Town business. The Town manager will assist the mayor and Council in the development of Town policies, and carry out policies established by ordinances and resolutions,
- A majority of the 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. The manager need not reside in the Town.
- The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The Council must fill the office by appointment as soon as practicable after the vacancy occurs.

The manager must:

- Attend all Council meetings unless excused by the mayor or Council;
- Make reports and recommendations to the mayor and Council about the needs of the Town;
- Administer and enforce all Town ordinances, resolutions, franchises, leases, contracts, permits, and other Town decisions;
- Appoint, supervise and remove Town employees;
- Organize Town departments and administrative structure;
- Prepare and administer the annual Town budget;
- Administer Town utilities and property;
- Encourage and support regional and intergovernmental cooperation;
- Promote cooperation among the Council, staff and citizens in developing Town policies, and building a sense of community;
- Perform other duties as directed by the Council and as may be prescribed by Council Rules; and
- Delegate duties, but remain responsible for acts of all subordinates.

- The manager and other employees designated by the Council may sit at council meetings but have no vote. The manager may take part in all Council discussions,
- When the manager is temporarily disabled from acting as manager or •when the office of manager becomes vacant, the Council must appoint a manager pro-term, The manager pro-term has the authority and duties of manager, except that a pro-term manager may not appoint or remove employees without Council approval.
- NO Council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any Town employee, or in administrative decisions regarding Town property or contracts. A violation of this prohibition is grounds for removal from office by a majority vote of the Council after a public hearing. In Council meetings, councilors may discuss or suggest anything with the manager relating to Town business.

## Chapter IX PERSONNEL

Section 33 . Compensation. The Council shall authorize the compensation of Town employees as part of its approval of the annual Town budget,

Section 34. Employee Rules. The Council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of Town employees.

## Chapter X PUBLIC IMPROVEMENTS

Section 35. Procedure. The Council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement 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 36. 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 XI MISCELLANEOUS PROVISIONS

Section 37. Debt. Town indebtedness may not exceed debt limits imposed by state law. A Charter amendment is not required to authorize Town indebtedness.

Section 38. Ordinance Continuation. All ordinances consistent 'With this Charter in force when it takes effect remain in effect until amended or repealed.

Section 39. Repeal. All Charter provisions adopted before this Charter takes effect are repealed.

Section 40. 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 41. Time of Effect. This Charter takes effect January 1st, 2011.

This Charter was approved by the electorate of the Town of Lakeview at the General Election held on the 2<sup>nd</sup> day of November, 2010 and acknowledged by the Council at their meeting held on November 9, 2010.



BEFORE THE TOWN COUNCIL OF LAKEVIEW, OREGON

RESOLUTION NO. 804 In the Matter of Adopting the 2011 Town of )  
Lakeview Charter

WHEREAS, pursuant to Town Resolution No, 802 adopted by the Town Council on August 10, 2010, the Town Council submitted to the voters of the Town of Lakeview the question of whether the Town should adopt a new proposed Town Charter; and

WHEREAS, on November 2, 2010, a vote was held within the Town of Lakeview with the voters approving the new Town Charter; and

WHEREAS, as a result of the voter approval the Town Council llceds to formally adopt the new chaffer, now, therefore,

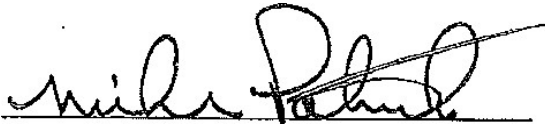
BE IT RESOLVED by the Town Council as follows:


- The Mayor of the Town of Lakeview is authorized to sign the new Town Charter;
- Said charter shall be referred to and known as "the 2011 Town of Lakeview Charter"; and
- Such charter, in accordance with Section 41 thereof, shall take effect on January 1, 2011 and shall continue as the Town's charter until subsequently amended, modified or repealed,

PASSED AND ADOPTED by the Lakeview Town Council on this 9th day of November, 2010, and signed by the Mayor of the Town of Lakeview.

Passed by the Town Council by unanimous vote.

TOWN OF LAKEVIEW, OREGON

By:   
Mike Patrick, Mayor

ATTEST:  
  
Christy Sarina, Town Recorder