

REC'D NOV 18 2008

CHARTER OF THE  
CITY OF GOLD HILL  
JACKSON COUNTY, OREGON

To provide for the government of the city of Gold Hill, Jackson County, Oregon; and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect, except as provided in Section 43.

Be it enacted by the people of the city of Gold Hill, Jackson County, Oregon:

CHAPTER I

Name and Boundaries

Section 1. Title of Enactment. This enactment may be referred to as the Gold Hill City Charter of 1968.

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

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 office at the city hall at least two copies of this charter in each of which he shall maintain an 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. The boundaries and this charter shall also be filed with the Supreme Court Librarian and the Secretary of State of the state of Oregon.

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, including all powers that cities may assume pursuant to the state 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 the council.

Section 7. Council. The council shall be composed of a mayor and six councilmen elected from the city at large.

Section 8. Elected Officials. Each elected official in office at the time this charter is adopted shall continue until the end of his term in office as fixed by the charter of the city at the time this charter is adopted. At each biennial general election after this charter takes effect, three councilmen shall be elected, each for a term of four years.

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 shall be a municipal judge, a recorder, and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by 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. (Amended by election Sept. 17, 1985).

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 the office of municipal judge unless at the time of his election he is a qualified elector in Jackson County within the meaning of the state constitution. No person shall be eligible for an elective office of the city, other than that of municipal judge, unless at the time of his election he is a qualified elector within the meaning of the

state constitution and has resided in the city during the 12 months immediately preceding the election. The council shall be the final judge of the qualifications and election of its own members. (Amended by election Nov. 8, 1988).

## 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 shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, 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, 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 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. 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 in the 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. Mayor's Functions at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. He shall vote on all questions before the council only when necessary to break a tie vote. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council. (Amended by election Sept. 17, 1985).

Section 18. President of the Council. 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 president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the votes cast at a council meeting shall be necessary to decide any question before the council.

## CHAPTER V

### Powers and Duties of Officers

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council. He shall have no veto power and shall sign all ordinances passed by the 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. Municipal Judge. The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Gold Hill, Jackson 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 offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeiture or penalties defined or authorized by ordinances of the city. He 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, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issued 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 of 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.

Section 22. Recorder. The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings, and sign 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. The recorder shall also perform the function of city treasurer and be custodian of the moneys and funds of the city. He shall receive and receipt for all moneys and funds belonging to the city and shall safely keep the same, paying out the same on order of the mayor, or president of the council when acting as mayor; all such

orders shall be countersigned by the recorder and attested with the city's seal of which the recorder is custodian.

## CHAPTER VI

### Elections

Section 23. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws. 2965

Section 24. Notice of Regular Elections. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the office to be filled by election, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 25. 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.

Section 26. 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 therefrom, and contests thereof.

Section 27. 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 five days after the election the council shall meet and canvass 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 has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28. Tie Votes. In the event of a tie vote between candidates for an elective office, the successful candidate shall be determined in a manner prescribed by the council.

Section 29. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the first day of the year immediately following the election.

Section 30. Oath of Office. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of this office.

Section 31. 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 to be filled at the election. The nomination shall be by a petition that specified the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than 20 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his 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 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 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 60 nor later than 30 days before the election. 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 five 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 nomination,

and that person shall file with the recorder his 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.

## CHAPTER VII

### Vacancies in Office

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence, conviction of a felony, other offense pertaining to his 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 10 days after the commencement of his term of office; or in the case of a mayor or councilman, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

Section 33. Filling of Vacancies. Vacant elective offices in the city shall be filled by appointment by a majority vote of the city council. Appointees to such office shall serve only until the next state, county or city election where at such time the city recorder shall accept nominations for the elective position as shown in Chapter VI, Section 31--Nominations. (Amended by election September 17, 1985).

## CHAPTER VIII

### Ordinances

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The city of Gold Hill ordains as follows:"



Section 35. 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 readings may be by title only if no council member present at the meeting requests 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 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 a newspaper of general circulation in the city. An ordinance enacted after being read by title alone shall have no legal effect if it differs substantially from its terms as it was filed prior to such reading, unless each section incorporating a difference is read fully and distinctly in open council meeting prior to being approved by the council.

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

(5) Within three days after the enactment of an ordinance the recorder and the mayor shall sign it with the dates of their signatures and title of their offices, and the recorder shall certify the date of enactment of the ordinance.

Section 36. When Ordinances Take Effect. An ordinance enacted by the council shall take effect on the 30th day after its enactment; however in case of an emergency, so declared by the council, the council may provide that it shall take effect immediately.

## CHAPTER IX

### Public Improvements

Section 37. Condemnation. A necessity of taking property for the city by condemnation shall be determined by the council and so declared in a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 38. 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 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 filed within 30 days after notice by the council by the owners of two-thirds of the land to be specially assessed therefor. In this section "owner" shall mean the record owner of legal title unless the land is being purchased under a land sale contract and a signed copy of said land sale contract has been furnished to the city recorder, or the record holder of legal title has verified to the city recorder in writing that a land sale contract purchaser of the property exists, in either of which cases said land sale contract purchaser shall be deemed the owner in the stead of the record holder of legal title as to such property being purchased.

Section 39. 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 ordinance.

Section 40. Bids. A contract in excess of \$2,000 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.

## CHAPTER X

### Miscellaneous Provisions

Section 41. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$18,000; nor its bonded indebtedness, \$15,000 at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. 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 42. Existing Ordinances Continued. All ordinances of the city not in conflict with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 43. Repeal of Previously Enacted Provisions. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed, except insofar as the same are necessary for the continuance of the city's existence from its inception and creation and its distinct identity as a lawfully created municipality, and provided further that all contracts and agreements lawfully entered into pursuant to previous charters are hereby expressly notified and confirmed.

Section 44. [Public Land.] That the following described property of and within the city of Gold Hill, Jackson County, Oregon, to wit:

Lot 1, Block 19 in the city of Gold Hill;

Lots 1, 2, 3, and 4, Block 21 in the city of Gold Hill;

All lots in Block 22 in the city of Gold Hill;

Lots 13 through 18 inclusive in Block 23 in the city of Gold Hill; be and the same hereby are set aside for the use by the general public for and as public park purposes, and no part thereof shall be sold or disposed of by the council unless first authorized by the majority of legal voters of the city of Gold Hill at an election called for such purposes.

Section 45. Time of Effect to Charter. This charter shall take effect August 1, 1968.

#### CHAPTER XI

Section 1. The City Council is hereby authorized and empowered to expand and improve the sanitary sewer system of the City, as the City Council deems expedient and necessary, either within or without the corporate limits of the City, and all of which shall hereinafter be included in the general term "expansion and improvement of sanitary sewer system." (Ord. 415 §1(part), 1977).

Section 2. In order to provide sufficient funds to effectuate the purposes of this chapter, the City Council is hereby authorized and empowered from time to time to issue and sell general obligation bonds of the City of Gold Hill in the amount of \$250,000, or so much thereof as shall be deemed necessary. (Ord. 415 §1(part), 1977).

Section 3. The bonds hereby authorized shall be general obligation bonds of said City and shall bear interest at a rate accepted by the Council, be in such form and of such denomination, have such due date, have interest payable date, place of payment and contain such callable features and provisions as the City Council may deem most likely to

enhance their value and insure their salability, and may be sold at no less than par value or for less than par value, as the Council may in its discretion determine. (Ord. 415 §1(part), 1977).

Section 4. The City Council shall have and is hereby granted power and authority to establish just and reasonable rates or charges to be paid for the use of said sanitary sewer system as expanded and improved, and such tax levies as may be needed to pay the interest on any principal amount, as they shall mature, of any bonds issued hereunder and to create a reasonable reserve therefor, after providing therefrom the operating expenses of said system, and the Council is authorized to levy taxes, from time to time, upon all of the taxable property in the City of Gold Hill, as may be required in addition to such other revenues as are available to the City, to pay the interest upon said bonds and the principal upon said bonds as the same shall mature. As additional security for the payment of said bonds, the City may pledge the net revenues from operation of said sanitary sewer system to pay the principal and interest on said bonds. The Council shall have the power and is hereby authorized to provide by ordinance for the enforcement of collection of such charges and rates in such manner as may now or hereafter be permitted by the laws of the State of Oregon and the charter of the City of Gold Hill including this section hereof. (Ord. 415 §1(part), 1977).

Section 5. The indebtedness authorized by this amendment to the charter of said City is in addition to all other indebtedness authorized by the charter of said City. (Ord. 415 §1(part), 1977).

## CHAPTER XII

Section 1. The City Council is hereby authorized and empowered to expand and improve the water supply system of the City, as the City Council deems expedient and necessary, either within or without the corporate limits of the City, and all of which shall hereinafter be included in the general term "expansion and improvement of water supply system". (Ord. 433(part), 1979).

Section 2. In order to provide sufficient funds to effectuate the purposes of this chapter, the City Council is hereby authorized and empowered from time to time to issue and sell general obligation bonds of the City of Gold Hill in the amount of \$375,000.00, or so much thereof as shall be deemed necessary. (Ord. 433(part), 1979).

Section 3. The bonds hereby authorized shall be general obligation bonds of said City and shall bear interest at a rate accepted by the Council, be in such form and of such denomination, have such due date, have interest payable date, place of payment and contain such callable features and provisions as the City Council may deem most likely to enhance their value and insure their salability, and may be sold at no less than par value or for less than par value, as the Council may in its discretion determine. (Ord. 433 (part), 1979).

Section 4. The City Council shall have and is hereby granted power and authority to establish just and reasonable rates or charges to be paid for the use of said water supply system as expanded and improved, and such tax levies as may be needed to pay the interest on any principal amount, as they shall mature, of any bonds issued hereunder and to create a reasonable reserve therefor, after providing therefrom the operating expenses of said system, and the Council is authorized to levy taxes, from time to time, upon all of the taxable property in the City of Gold Hill, as may be required in addition to such other revenues as are available to the City, to pay the interest upon said bonds and the principal upon said bonds as the same shall mature. As additional security for the payment of said bonds, the City may pledge the net revenues from operation of said water supply system to pay the principal and interest on said bonds. The Council shall have the power and is hereby authorized to provide by ordinance for the enforcement of collection of such charges and rates in such manner as may now or hereafter be permitted by the laws of the State of Oregon and the Charter of the City of Gold Hill including this section hereof. (Ord. 433(part), 1979).

Section 5. The indebtedness authorized by this amendment to the Charter of said City is in addition to all other indebtedness authorized by the Charter of said City. (Ord. 433(part), 1979).

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