



**SPECIAL MEETING**  
**ROSEBURG CITY CHARTER REVIEW COMMITTEE AGENDA**  
**WEDNESDAY, OCTOBER 12, 2022**

*ajd*

**4:00 P.M. Special Meeting**  
**Roseburg City Hall, Council Chambers**  
**900 SE Douglas Avenue, Roseburg, OR**

**NOTE: IT IS UP TO EACH OF YOU AS COMMITTEE MEMBERS TO CALL 541-492-6866 AND LET STAFF KNOW BEFORE THE DAY OF THE MEETING IF YOU WILL NOT BE ATTENDING. THANK YOU.**

**I. CALL TO ORDER**

**II. ROLL CALL:**

Committee members:

Andrea Zielinski

Jeffrey Weller

Mike Baker

Bob Cotterell

Sheila Cox

Amy Sowa, Assistant City Manager/Recorder

Jim Forrester, City Attorney

**III. APPROVAL OF MINUTES**

A. August 24, 2022 – Meeting Minutes

**IV. DISCUSSION ITEMS**

B. Charter Review:

➤ Section 6

➤ Section 7

➤ Section 8

**V. NEXT MEETING DATE:** October 26, 2022

**VI. ADJOURNMENT**

Attachments: Comparison Chart (Current Charter/LOC Model Charter) Updated

**Please contact the City Administration Office at least 48 hours prior to the scheduled meeting date if you need accommodations in accordance with the Americans with Disabilities Act.**  
TDD users, please call Oregon Telecommunications Relay Service at 800-735-2900.

**MINUTES OF THE ROSEBURG  
CHARTER REVIEW COMMITTEE MEETING  
August 24, 2022**

A meeting of the Charter Review Committee was called to order by Assistant City Manager/Recorder Amy Sowa at 4:00 p.m. on Wednesday, August 24, 2022, 900 SE Douglas Avenue in the City Hall Council Chambers, Roseburg, Oregon.

**ROLL CALL**

**Present:** Committee Members Mike Baker, Sheila Cox, Jeffrey Weller and Andrea Zielinski.

**Absent:** Committee Members Bob Cotterell and Sheri Moothart.

**Others Present:** Assistant City Manager/Recorder Amy Sowa, City Attorney Jim Forrester, City Manager Nikki Messenger, and Management Assistant Koree Tate.

**APPROVAL OF MEETING MINUTES**

Member Weller moved to approve the minutes of July 27, 2022. The motion was seconded by Member Baker and approved with the following vote: Members Baker, Cox, Weller and Zielinski voted yes. No one voted no.

**CHARTER REVIEW SECTIONS 4 and 5**

Ms. Sowa shared that discussion was held regarding Sections 1, 2 and 3 at the July 27, 2022 meeting. The Committee reviewed and made the following proposed amendments for Sections 4 and 5:

**Section 4 - City Manager**

- **Section 4.1:**
  - Keep indefinite term for City Manager who shall serve at the pleasure of Council
  - Suggested using the LOC model language regarding residency.
  - Two-thirds vote by Council to remove City Manager.
  - Remove language regarding a Councilor or Mayor being appointed as City Manager.
- **Section 4.2:** Keep the current language except for the term “disabled” and change it to “unable to perform duties.”
- **Section 4.3:** Change subsection (e) to say, “Organize, disband or re-organize departments,” to add the “re” in front of the second organize.
  - Recommended adding a new 4.3(e) Delegate duties, but remain responsible for all subordinates, and to use the LOC model language for that section.
- **Section 4.4:** No changes.
- **Section 4.5:** Use the LOC Model Section 8.1.
- **Section 4.6:** After review by Attorney Forrester and Ms. Sowa, it was suggested for removal.

Section 5 – Municipal Court

- Section 5.1: Remove “original and” in the sentence, “The municipal court has original and jurisdiction over all offenses.”

In response to Member Baker, Attorney Forrester confirmed the City adopts State Statutes for offenses.

- Section 5.2(1): Attorney Forrester and Ms. Sowa recommended removing this section.
- Section 5.2(c): Use LOC language to change language from “accused of an offense against the City,” to “Commit to jail or admit to bail anyone accused of a city offense.”
- Section 5.2(g): Suggested adding to this subsection “issue search warrants” rather than adding a new area.
- Section 5.3: Attorney Forrester will review language regarding the appointment of a municipal judge and pro-tem judges.

In regards to pro-tem judges, Member Cox said Council needed to be able to express authority over the Court System and Judge. If the Judge was absent, Council needed to know who presided in their place.

- Section 5.4: Keep the current language except for the term “disabled” and change it to “unable to perform duties.”

NEXT MEETING DATE

Wednesday, September 21, 2022 in the Roseburg Public Library Deer Creek Room.

ADJOURNMENT

The meeting adjourned at 4:59 p.m.



Koree Tate  
Management Assistant

**COMPARISON OF ROSEBURG CHARTER AND LOC CHARTER**  
Roseburg City Charter Review Committee

CURRENT CITY	LOC MODEL	APPROVED LANGUAGE	COMMENT/DIFFERENCE
N/A	Preamble. We, the voters of Roseburg, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.	No preamble	No Preamble
Section 1 – INTRODUCTORY PROVISIONS			
1.1 Title. This revision shall be referred to as the Roseburg City Charter of _____.	Section 1.1. Titles. This charter may be referred to as the 20____ Charter.	Current Charter language	
1.2 Corporate Name and Capacity. <u>The City of Roseburg, Oregon continues as a municipal corporation with the name City of Roseburg.</u> <del>The inhabitants of the City of Roseburg have been and are hereby constituted a municipal corporation by the name of the City of Roseburg and by that name have perpetual succession and may sue and be sued in all courts of justice.</del>	Section. 1.2. Names. The City of Roseburg, Oregon continues as a municipal corporation with the name City of Roseburg.	LOC language	
1.3 - Boundaries. <u>The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.</u> <del>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 repository of City records shall</del>	Section 1.3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.	LOC language	

include 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.			
Section 2 - POWERS	Section II POWERS		
<p>2.1 - Vesting, Grant and Construction of Powers.</p> <p>(1) Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City. <u>The council has legislative, administrative and quasi-judicial authority. The council exercises legislative and quasi-judicial authority by ordinance and administrative authority by resolution. The council may not delegate its authority to adopt ordinances</u></p> <p>(2) The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.</p> <p>(3) In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City has all powers necessary or convenient for the conduct of its affairs, including all powers that cities</p>	<p>Section 2.1. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.</p> <p>Section 2.2 Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under the charter and under United States and Oregon law.</p> <p>Section 2.3. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial</p>	<p>Current Charter language with part of LOC 2.3 added to Rsbj 2.1(1)</p> <p>Current Charter language for 2.1(2)</p> <p>Current Charter language for 2.1(3)</p>	<p><b>City Attorney and City Recorder reviewed and suggest the following:</b></p> <p><b>Expand the language in 2.1(1) to include LOC language from their 2.3. The City Attorney will do further research to see if we need to remove “and quasi-judicial authority by order” as the Council does not normally adopt orders. Quasi-judicial actions include adopting the Findings of Fact and Order (approved by the Planning Commission) and adopting an ordinance.</b></p> <p><b>Keep the current language in 2.1(2) and 2.1(3)</b></p>

may assume under state laws or the provisions of the state constitution regarding municipal home rule.	authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.		
Section 3 – CITY COUNCIL AND MAYOR			
3.1 - Council: Membership. Eight councilors constitute the Council of the City.	Section 3.1. Council. The council consists of a mayor and six councilors nominated and elected from the city at large.	Current Charter language	Roseburg does not include Mayor in "Council".  LOC has all at large positions.
3.2 – Council: Election The councilors shall be elected two from each ward classified into positions: one position designated as Position 1 and the other as Position 2 for each ward. Each councilor shall be elected for four years and shall hold office until a qualified successor <del>is elected or appointed</del> takes office. Councilors in Position 1 shall be elected in <del>1982</del> 2026 and every fourth year thereafter and councilors in Position 2 shall be elected in <del>1984</del> 2024 and every fourth year thereafter, to take office as provided in this Charter.	Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.	Current Charter language, rewording section on taking office.	Roseburg has different terms, and includes wards and positions.  <b>Update years to 2026 and 2024</b>
3.3 – Mayor: Election <u>The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</u> <del>A mayor shall be elected each even-numbered year</del>	Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.	LOC language	Roseburg Mayor elected every two years, rather than four. (Keizer is every two years)  <b>THIS IS A MAJOR CHANGE FROM A 2-YEAR TERM TO A 4-YEAR TERM.</b>



for two years and hold office until a qualified successor is elected or appointed.			
<p>3.4 – Council: Meetings</p> <p><u>The council must 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 and laws of the state of Oregon.</u><del>The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting, it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in a manner prescribed by ordinance.</del></p>	Section 3.5. Meetings. The council must 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 and laws of the state of Oregon.	LOC Language	Roseburg provides specifics. LOC references state rules.
<p>3.5 – Council: Quorum</p> <p><u>A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.</u><del>A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members.</del></p>	Section 3.6. Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.	LOC language	<p><b>City Attorney and City Recorder reviewed and suggest the following:</b></p> <p><b>Add LOC language regarding an example of how a vacancy affects a quorum.</b></p>
<p>3.6 – Council: Journal</p> <p>The Council shall keep a journal of its proceedings. Except where</p>	Section 3.8. Record. A record of council meetings must be kept in a manner prescribed by the council	Current Charter language	

exempted by state law, the Council's deliberations and proceedings shall be public and its records available for inspection during business hours.	rules and the laws of the state of Oregon.		
<p>3.7 - Mayor: Functions. The mayor shall preside at Council meetings but may not vote on matters before the Council, except in case of a tie, when he or shall cast the deciding vote. The mayor shall, at least once each year, state to the Council the condition of the City and recommend such measures as he or she may deem expedient and proper.</p>	<p>Section 3.2. 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.</p> <p>a) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.</p> <p>b) The mayor must sign all records of council decisions.</p> <p>c) The mayor serves as the political head of the city government.</p>	Current Charter language	<p>Roseburg – Mayor is not a voting member unless tie. LOC – Mayor is voting member.</p> <p>Roseburg – Mayor has veto authority. LOC - Mayor does <u>not</u> have veto authority.</p> <p>Provisions of LOC 3.2(a) are outlined in RMC 2.32.020.</p> <p>Roseburg does not have the language in LOC 3.2(b) and (c), although Roseburg 8.3 states, "If the mayor approves the ordinance, the mayor shall date and sign the ordinance.</p>
<p>3.8. - Council: President. At the first meeting of the Council each year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City for thirty days or physically unable to function as mayor for thirty days, the president of the Council has the legal powers, and is subject to the legal limitations</p>	<p>Section 3.3. Council President. At its first meeting each year, the council must 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.</p>	Current Charter language with addition regarding veto power and voting in the event of a tie (when Mayor out more than 30 days).	<p>Roseburg has additional language regarding the Council President having legal powers if the Mayor is absent for 30 days.</p> <p><b>City Attorney and City Recorder reviewed and suggest the following:</b></p> <p><b>Adding language that the powers include veto power and voting only in the event of a tie.</b></p>



of the mayor, including veto power and voting only in the event of a tie.			
<del>3.10 – Council and Mayor: Immunity No councilor or mayor may be held liable or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.</del>	Not in LOC	REMOVE	LOC does not have any language about immunity.  <b>City Attorney and City Recorder reviewed and suggest removing this section as it is not enforceable or relevant.</b>
	Section 3.4 Rules. The council must by resolution adopt rules to govern its meetings.	No Change	Roseburg does not address in Charter, although rules are referenced. The rules are adopted by ordinance and part of the code.
	Section 3.7 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.	No Change	Roseburg does not have this language in the Charter, but has it in the code under RMC 2.34.060(C).  <b>Not needed in our Charter.</b>
Section 4 – CITY MANAGER			
4.1 – City Manager: Appointment and Qualifications The Council shall appoint a city manager for an indefinite term who shall hold office <del>during at</del> the pleasure of the Council and may be removed at any time with or without cause by two-thirds vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. <del>The city manager need not be a resident of the city or state at the time of appointment, but promptly thereafter shall become and remain a resident of the city while in</del>	Section 8.1. City Manager. a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.  b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political	Current language with removal of residency requirement.	Roseburg 4.1 states removal of CM may be without cause by two-thirds vote of the entire council. LOC states can be removed by a majority of the council.  Roseburg states appointment will be for an indefinite term. LOC provides option of definite or indefinite. <b>(Recommend keep indefinite)</b>  Roseburg requires residency promptly after being appointed. LOC does not have residency requirements. <b>(Consider UGB,</b>

<p><del>office.</del> No councilor nor mayor may be appointed as city manager until one year after the expiration of his or her service in the office of councilor or mayor.</p>	<p>considerations and solely on the basis of education and experience in competencies and practices of local government management.</p> <p>c) The manager need not reside in the city.</p>		<p><b>County or School Dist boundary –Rsbg and Glide?)</b></p> <p>Roseburg has language about requirements related to a councilor or mayor being appointed as city manager. LOC does not.</p>
<p><b>4.2 – City Manager: Vacancy</b> If the office of city manager becomes vacant or if the city manager is absent from the City or <del>disabled</del><u>unable to perform the duties of city manager</u>, the Council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with the approval of the Council. The term of office of the city manager pro tem ends when the city manager returns to the City or takes office.</p>	<p>Section 8.1 (h) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.</p>	<p>Current language, updating the term ‘disabled’ to ‘unable to perform the duties of city manager’.</p>	<p>Roseburg states “may appoint” LOC states “must appoint”</p> <p>LOC does not have language about when pro-tem terms ends.</p> <p><b>After review by City Attorney and City Recorder, recommend using pro-tem for both judge and city manager for consistency.</b></p>
<p><b>4.3 – City Manager: Powers and Duties.</b> The city manager shall be the chief executive officer and head of the administrative branch of the City government and shall be responsible to the Council for the proper performance of <del>his or her</del><u>their</u> duties. The city manager shall:</p> <p>(a) Supervise and control all administrative and business affairs of the City;</p> <p>(b) Enforce all ordinances;</p> <p>(c) See that the provisions of all franchises, contracts, leases, permits and privileges granted</p>	<p>Section 8.1. City Manager. a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.</p> <p>8.1(e)(3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;</p>	<p>Current language, updating pronouns and adding LOC language about delegation of duties.</p>	<p>LOC 8.1(a) states CM is administrative head of the city government and has language about assisting mayor and council in developing and carrying out policies.</p> <p>Roseburg 4.3(a) is similar to LOC 8.1(e)(4).</p> <p>Roseburg does not include the following: 8.1(e)(1) Attend all council meetings unless excused by the mayor and council. (RMC 2.34.030(B))</p>

<p>by the City are fully observed and enforced;</p> <p>(d) Except for municipal court judges, generally supervise and control all employees of the City including, but not limited to, employing, disciplining and discharging employees at pleasure, assigning duties and accounting for performances;</p> <p><u>(e) Delegate duties, but remain responsible for all subordinates.</u></p> <p>(ef) Organize, disband or reorganize departments;</p> <p>(fg) Prepare the annual budget;</p> <p>(gh) Make all purchases;</p> <p>(hi) Execute all contracts;</p> <p>(ij) At <del>his or her</del><u>their</u> discretion, appoint advisory boards to assist the city manager;</p> <p>(jk) Prepare and furnish reports requested by the Council;</p> <p>(kl) Devote full time to the office of city manager; and</p> <p>(jm) Perform other duties as the Council directs</p>	<p>8.1(e)(4) Appoint, supervise and remove city employees;</p> <p>8.1(e)(5) Organize city departments and administrative structure</p> <p>8.1(e)(6) Prepare and administer the annual city budget;</p> <p>(see 8.1(e)(3) above)</p> <p>Not in LOC</p> <p>8.1(e)(2) Make reports and recommendations to the mayor and council about the needs of the city.</p> <p>Not in LOC</p> <p>8.1(e)(10) Perform other duties as directed by the council</p>		<p>8.1(e)(7) Administer city utilities and property (see Appendix A in LOC Model)</p> <p>8.1(e)(8) Encourage and support regional and intergovernmental cooperation.</p> <p>8.1(e)(9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community.</p> <p>8.1(e)(11) Delegate duties, but remain responsible for all subordinates.</p> <p><b>(Recommend adding as new 4.3(e))</b></p> <p>8.1(f) The manager has no authority over the council or over the judicial functions of the municipal judge. <b>(Rsbg has language re: judicial in 4.3(d), but not Council.)</b></p> <p>Roseburg has more detail in 4.3(d) re</p> <p>LOC doesn't have anything regarding advisory boards.</p> <p>LOC doesn't have anything about devoting full time to office.</p>
<p>4.4 – City Manager: Council Meetings</p> <p>The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions.</p>	<p>Section 8.1</p> <p>g) 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.</p>	Current language	

<p>4.5 – City Manager: Interference in Administration</p> <p><u>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 city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.</u><del>No councilor or mayor may influence or attempt to influence the city manager in personnel decisions or in the purchase of supplies, nor may any councilor or mayor exact any promise relative to any personnel decision by the city manager. Violation of this section forfeits the office of the violator. The mayor and any councilor may, however, in open Council meeting discuss with or suggest to the city manager anything pertaining to City affairs.</del></p>	<p>Section 8.1</p> <p>i) 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 city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.</p>	<p>LOC language</p>	
<p>4.6 – City Manager: Exclusive Powers</p> <p><u>The powers herein granted to the city manager are exclusive.</u></p>	<p>Not in LOC</p>	<p>REMOVE</p>	<p>LOC has nothing about exclusive powers.</p> <p><b>City Attorney and City Recorder reviewed and suggest removing 4.6</b></p>
	<p>Section 8.2 – City Attorney</p> <p>The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may</p>		<p>Roseburg does not have anything on the City Attorney in the Charter. In Roseburg, this is a contract employee.</p>



	remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.		RMC references City Attorney throughout.
Section 5 – MUNICIPAL COURT AND JUDGE			
<p>5.1 – Municipal Court: Creation and Jurisdiction</p> <p>The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has <del>original and</del> jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.</p>	<p>Section 8.3. Municipal Court and Judge.</p> <p>b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.</p> <p>c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.</p> <p>d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.</p>	Current language – removing 'original and' which aren't needed.	
<p>5.2 – Municipal Court: Powers</p> <p><del>(1) The municipal court has the jurisdiction and authority of a justice of the peace in and for Douglas County, in both civil and criminal matters, and when exercising that jurisdiction and authority is subject to the general laws of the state prescribing the duties of a justice of the peace and the mode of performing them.</del></p>		REMOVE 5.2(1)	Roseburg 5.2(1) states, "The municipal court has the jurisdiction and authority of a justice of the peace in and for Douglas County, in both civil and criminal matters, and when exercising that jurisdiction and authority is subject to the general laws of the state prescribing the duties of a justice of the peace and the mode of performing them."

<p>(21) The municipal judge may:</p> <p>(a) Render judgments and may impose sanctions for the enforcement thereof on persons and property within its jurisdiction;</p> <p>(b) Cause the arrest of any person accused of an offense against the City;</p> <p>(c) <u>Commit to jail or admit to bail anyone accused of a city offense; Commit to jail pending trial any person accused of an offense against the City;</u></p> <p>(d) Issue and compel obedience to subpoenas;</p> <p>(e) Compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court;</p> <p>(f) Punish witnesses and others for contempt of court;</p> <p>(g) Issue any process necessary to carry into effect the judgment of the municipal court, <u>and issue search warrants;</u> and</p> <p>(h) Perform other judicial or quasi-judicial functions as the Council prescribes by general ordinance.</p>	<p>Section 8.3(e) The municipal judge may:</p> <p>1) Render judgments and impose sanctions on persons and property;</p> <p>2) Order the arrest of anyone accused of an offense against the city;</p> <p>3) Commit to jail or admit to bail anyone accused of a city offense;</p> <p>4) Issue and compel obedience to subpoenas;</p> <p>5) Compel witnesses to appear and testify and jurors to serve for trials before the court;</p> <p>6) Penalize contempt of court;</p> <p>7) Issue processes necessary to enforce judgments and orders of the court;</p> <p>9) Perform other judicial and quasi-judicial functions assigned by ordinance.</p>	<p>Use Current language for most.</p> <p>Use LOC language for (c)</p> <p>Add 'issue search warrants' from LOC to (g)</p>	<p><b>NOTE: A home rule charter may not grant such authority to a municipal judge; such authority may only be granted by state statute.</b></p> <p><b>City Attorney and City Recorder recommend removing 5.2(1)</b></p> <p><b>City Attorney and City Recorder recommend adding LOC 8.3(e)(8) to our Charter: "Issue search warrants"</b></p>
<p>5.3 – Municipal Judge: Appointment The Council may appoint a municipal judge and such pro tem judges as it deems necessary to serve for indefinite terms to hold office at the pleasure of the Council and may</p>	<p>Section 8.3. Municipal Court and Judge.</p> <p>a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold</p>		<p>Roseburg gives specifics in how they may be removed (2/3 votes of entire council).</p> <p><b>After review by City Attorney and City Recorder, recommend</b></p>



remove any of them any time, with or without cause, by two-thirds vote of the entire Council.	court in the city at such place as the council directs. The court will be known as the Municipal Court.  f) The council may appoint and may remove municipal judges pro tem.		<b>using pro-tem for both judge and city manager for consistency.</b>
5.4 – Municipal Judge: Vacancy If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or <u>disabledunable to perform the duties of municipal judge</u> , the City Council may appoint an acting municipal judge. The acting municipal judge shall perform the duties of municipal judge. The term of acting municipal judge shall end when the municipal judge returns to the City or takes office.	Not in LOC		LOC does not address judge vacancy.  <b>After review by City Attorney and City Recorder, recommend using pro-tem for both judge and city manager for consistency.</b>
Section 6 – MUNICIPAL OFFICERS AND EMPLOYEES			
6.1 – Qualifications No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City or ward he or she seeks to represent when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filed.	Section 7.4. Qualifications. a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.		Roseburg includes requirement to live in ward, and is elected by receiving highest number of votes.  <b>Keep wards</b>
6.2 – Certificate of Election Immediately after the votes at a municipal election for filling an			Roseburg includes required Certificate of Election. This is a requirement under ORS 254.568.

elective office have been canvassed, the City officer in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated, but the Council shall be the judge of the election and qualifications of the mayor and councilors, and in case of a contest between two or more persons claiming an elective city office shall determine the contest.	7.4(d) The council is the final judge of the election and qualifications of its members.		<p>The following are not included in Roseburg Charter:  LOC 7.4 Qualifications  (b) No person may be a candidate at a single election for more than one city office; and (this is in RMC 2.02.050)  (c) Neither the mayor or a councilor may be employed by the city</p> <p><b>City Attorney and City Recorder recommend considering adding (c) to our Charter.</b></p>
<b>6.3 – Terms</b> The term of city elective offices shall commence on the first day in January following the officer's election.	Section 7.6. Terms. The term of an officer 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.		<p>Roseburg term starts January 1. LOC is first council meeting.</p> <p>In Section 3.2 of current Charter.</p>
<b>6.4 – Oath of Office</b> Each elective officer, the city manager and municipal judge before entering upon the duties of office shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of his or her office.	Section 7.7. 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.		Roseburg also includes City Manager and Municipal Judge
<b>6.5 – Offices: Vacancies</b> (1) An office becomes vacant upon its incumbent's death, adjudication of incompetence, conviction of a felony, removal from the City, resignation or ceasing to be a qualified elector of the City. An elective City office	Section 7.8. Vacancies. The mayor or a council office becomes vacant: a) Upon the incumbent's: 1) Death; 2) Adjudicated incompetence; or 3) Recall from the office.		<p>Roseburg doesn't include "Recall from office"</p> <p><b>Consider using LOC language regarding adjudicated incompetence.</b></p>

<p>becomes vacant whenever its incumbent is absent from the City for thirty consecutive days without the consent of the Council or whenever the elected City officer has been absent from meetings of the Council for sixty days without the Council's consent or whenever a councilor removes his or her residence from the ward from which he or she is elected or appointed.</p> <p>(2) The Council shall judge when an office becomes vacant.</p>	<p>b) Upon declaration by the council after the incumbent's:</p> <ol style="list-style-type: none"> <li>1) Failure to qualify for the office within 10 days of the time the term of office is to begin;</li> <li>2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;</li> <li>3) Ceasing to reside in the city;</li> <li>4) Ceasing to be a qualified elector under state law;</li> <li>5) Conviction of a misdemeanor or felony crime;</li> <li>6) Resignation from the office; or</li> <li>7) Removal under Section 8.1(i).</li> </ol> <p>Section 7.9. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members.<sup>49</sup> The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office.</p>		<p>Roseburg doesn't include "Removal under Section 8.1(i)" which is when a councilors interfere with administrative decisions.</p> <p>LOC includes conviction of misdemeanor or felony. Roseburg only has felony.</p> <p>Roseburg adds "The Council shall judge when an office becomes vacant." RMC 2.10.010 addresses process to fill Council (and Planning Commission) vacancies. Because it is silent on how long the appointee remains in office, it follows ORS 236.325(6) which is until the next general election. <b>Consider adding language in the Charter or Code that appointees serve for the remainder of the term.</b></p>
<p>6.6 – Compensation Councilors and the mayor shall receive no pay for their services but may be reimbursed for actual expenses they incur when performing their duties. The compensation of other officers shall be prescribed by the Council.</p>	<p>Not in LOC</p>		<p>LOC doesn't address compensation.</p>
<p>6.7 – Liability for Unauthorized Expenditures. (1) A city officer who participates in, advises, consents to, or allows City money to be diverted to any purpose</p>	<p>Not in LOC</p>		<p>LOC doesn't have this language.</p>

<p>other than the one for which it is raised is guilty of malfeasance and removable from office as provided by law.</p> <p>(2) If any City money is diverted from the purpose for which it is raised, if any money is unlawfully used or if any void evidence of debt is paid, any qualified elector or taxpayer of the City may bring a civil action in the name of the City against any officer voting for, approving of, or in any way directing the diversion, unlawful use, or void payment, to recover that amount, with interest, for the benefit of the City.</p>			<p><b>City Attorney and City Recorder recommend keeping 6.7(1), but removing 6.7(2)</b></p>
<p>6.8 – State Ethics Law State of Oregon ethics laws shall govern the conduct of all city officers, employees, appointees and agents. (Res. 94-6, approved 4/11/94)</p>	Not in LOC		In LOC Appendix B under Subjects covered by State law.
Section 7 – ELECTIONS			
<p>7.1 – Elections City elections, insofar as not governed by this Charter or City ordinance shall be conducted as prescribed by state law governing popular elections</p>	Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.		Roseburg doesn't reference nonpartisan in Charter. RMC 2.02.010 references nonpartisan.
<p>7.2 – Wards The Council shall divide the City into wards and redefine the boundaries thereof as necessary to accord persons in the City the equal protection of the laws.</p>	Not in LOC		LOC model has all at large, with footnote that many cities do have wards or districts.
<p>7.3 – Voter's Qualifications No person may vote at a city election who is not a qualified voter of the</p>	Not in LOC		

state. No person may vote in a ward other than that in which he or she resides.			
<b>7.4 – Notice</b> The officer in charge of city elections shall give ten days' public notice of each city election. The notice shall state the officers to be elected and the measures to be submitted at the election. The notice shall also state the places for the election.	Not in LOC		
<b>7.5 – Nomination</b> The Council shall provide by ordinance the mode for nominating elective officers.	Section 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.		
<b>Section 8 - ORDINANCES</b>			
<b>8.1 - Ordaining Clause.</b> The ordaining clause of an ordinance shall read: "The City of Roseburg ordains as follows:".	Section 4.1. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of _____ ordains as follows:".		
<b>8.2 - Adoption.</b> (1) Except as subsection (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.  (2) Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by three-fourths vote of the	Section 4.2. Ordinance Adoption. a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.  b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the		

<p>entire Council upon being read first in full and then by title.</p> <p>(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 public inspection in the office of the mayor or city manager no later than one week before the first reading of the ordinance and if notice of their availability is posted at City Hall or published once in a newspaper of general circulation in the city.</p> <p>(4) An ordinance adopted after being read by title only has no legal effect if it differs substantially from its terms as they stand when so read, unless each section incorporating such a difference, as finally amended prior to being adopted by the Council, is fully and distinctly read in open Council meeting.</p>	<p>proposed ordinance is available in writing to the public at least one week before the meeting</p> <p>c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.</p> <p>d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.</p> <p>e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.</p>		<p>Roseburg does not include d) or e)</p> <p>Roseburg 8.3 states Mayor will sign ordinances (see LOC e)</p>
<p>8.3 – Attestation and Approval Upon the adoption of an ordinance a true duplicate original thereof shall be submitted to the mayor. If the mayor approves the ordinance, the mayor shall date and sign the ordinance.</p>	<p>Section 4.2(e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.</p>		<p>Per RMC 2.34.050(B)(9), the City Recorder attests the Mayor's signature on all ordinances.</p> <p><b>Consider adding the RMC language to Roseburg Charter, "The City Recorder shall attest to all ordinances"</b></p>
<p>8.4 – Veto. If not approving an ordinance so submitted, the mayor shall, within ten days after receiving it, return it to the city manager, with the reasons for not approving it. If not so returned, the ordinance shall have legal effect as if so approved.</p>	<p>Not in LOC</p>		<p>In looking at other charters, 2 of the four reviewed give Mayor veto power, 2 do not.</p>



<p>8.5 – Overriding of Veto. At the first meeting of the Council after the mayor returns an ordinance not so approved, the city manager shall present the ordinance to the Council with the objections of the mayor, the ordinance shall then be put upon adoption again, and if three-fourths of the entire Council vote in favor of the ordinance, it takes effect in accordance with Section 8.6 of this Charter.</p>	Not in LOC		
<p>8.6 - Times of Effect. An ordinance takes effect thirty days after its adoption by the Council and approval by the mayor or passage over the mayor's veto, unless it is necessary to have immediate effect for the preservation of the peace, health and safety of the city, states in a separate section the reasons why it is so necessary, and is approved by the affirmative vote of three-fourths of the entire Council. In that event it takes effect immediately upon its adoption by the Council and approval by the mayor or passage over his or her veto or at whatever subsequent time the ordinance specifies.</p>	<p>Section 4.3. 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.</p>		<p>Roseburg includes mayor's veto, and additional language related to emergency clauses.</p> <p><b>City Attorney and City Recorder recommend using LOC language, plus veto language.</b></p>
	Section V – Administrative Authority		
	<p>Section 5.1 - Resolutions. The council will normally exercise its administrative authority by approving resolutions.<sup>32</sup> The approving clause for resolutions may state "The City of _____ resolves as follows."</p>		<p>Roseburg does not have section on Resolutions.</p>

	<p>Section 5.2 – Resolution Approval.</p> <p>a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.</p> <p>b) 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.</p> <p>c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.</p> <p>d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.</p>		<p>Roseburg does not have section in Charter on Resolutions.</p> <p>RMC 2.34.050 (B)(8) Resolutions. When required by law, or when the Council's action needs formal presentation to others, the Council shall act by written resolution. Proposed resolutions may be presented to Council on such matters as, but not limited to, temporary or special regulations of the City, administrative actions, policies and orders or directives. Upon Council adoption, all resolutions shall be assigned a number and signed by the City Recorder.</p>
	<p>Section 5.3 – Effective Date of Resolutions.</p> <p>Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.</p>		<p>Roseburg does not have section on Resolutions.</p>
	<p>Section V – Quasi-Judicial Authority</p> <p>Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of _____ orders as follows:"</p> <p>Section 6.2. Order Approval.</p> <p>a) Approval of an order or any other council quasi-judicial decision</p>		<p><b>City Attorney will research quasi-judicial and Orders.</b></p> <p>Roseburg does not have a section in the Charter regarding Quasi-Judicial Authority and our council does not do Orders.</p> <p>City Manager has authority in the code (RMC 3.04.040(E)) to set administrative orders or rules.</p>

	<p>requires approval by the council at one meeting.</p> <p>b) 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.</p> <p>c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.</p> <p>d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.</p> <p>Section 6.3. 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.</p>		<p>From LOC Model Charter footnotes:</p> <p>Quasi-judicial authority is normally exercised in the form of orders. Under this authority, the council holds hearings and is required to make decisions. The most common examples are land use matters and nuisance proceedings. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative) and include no provisions for adoption of orders (quasi-judicial). This model suggests that charters specifically recognize council orders as the proper form for the exercise of quasi-judicial authority. Use of this form for non-legislative decisions helps make clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over "municipal legislation," but not municipal quasi-judicial decisions.</p>
	Section IX – PERSONNEL		
	<p>Section 9.1. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.</p> <p>Section 9.2. Merit Systems. The council<sup>64</sup> by resolution will</p>		<p>Roseburg does not have this section.</p> <p>LOC Model footnote states: "ORS 294.388(5) requires that the budget list the salary for each officer and employee. If councilors are to receive no compensation for their services</p>

	determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.		to the city, the following may be added to this section: "However, no councilor may receive compensation for serving in that capacity." This prohibition does not prevent reimbursement for expenses." Roseburg Charter 6.6 speaks to Council compensation.
Section 9 – PUBLIC IMPROVEMENTS			
<p>9.1 – Procedure.</p> <p>(1) Except as provided in this section, the procedure for making, altering, vacating or abandoning a public improvement shall be governed by the applicable general laws of the state.</p> <p>(2) If a remonstrance against a street or alley improvement or repair is filed by the owners of two-thirds or more of the front footage of the property abutting the street or alley, the proposed improvement or repair may not be made and may not be initiated again for six months, except on the petition of the owners of one-half or more of the front footage of the real property abutting the proposed street or alley.</p>	<p>Section 10.1. 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.</p>		Roseburg cites state law in 9.1(1)
<p>9.2 – Assessments.</p> <p>The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.</p>	<p>Section 10.2. 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.</p>		

<p>9.3 – Liens</p> <p>The docket of city liens is a public writing, and the original or a certified copy of any matter authorized to be entered in the docket shall have the force and effect of a judgment. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other items and encumbrances upon the property and may be enforced in the manner authorized by the Council.</p>	Not in LOC		In LOC Appendix B under Subjects covered by State law.
Section 10 – MISCELLANEOUS PROVISIONS			
<p>10.1 – Revenue Bonds.</p> <p>The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility.</p>	Not in LOC		<p><b>Reviewed by Finance Director and bond counsel.</b></p> <p><b>Recommend removing this section as we are currently covered under state provisions.</b></p>
<p>10.2 – City Manager Tax Levy</p> <p>The Council shall in each year levy a tax not to exceed two and one-half mills upon the assessed valuation of all taxable property in the City. The tax shall be in addition to and in excess of constitutional limitations on taxation by the City and shall be used to assist in defraying the cost of the office of city manager.</p>	Not in LOC		<p><b>Reviewed by Finance Director who recommend removing this section. It is outdated (likely pre measures 5 &amp; 50). In practice, the city doesn't not implement a City Manager Tax Levy. To issue a special operating levy would require voter approval.</b></p>
<p>10.3 – Indebtedness: Limits.</p> <p>(1) Indebtedness of the City may not exceed the limits on city indebtedness under state law.</p>	<p>Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.</p>		<p><b>Reviewed by Finance Director who recommends leaving as is – matches LOC language.</b></p>

(2) Approval by the voters of City indebtedness need not be in the form of a Charter amendment.			
<p>10.4 – Terms, Proceeds and Retirement of Bonds.</p> <p>Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed and accounted for and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.</p>	Not in LOC		<b>Reviewed by Finance Director who recommends removing this section as they are all part of bond covenants.</b>
<p>10.5 – Presumption of Validity of City Action.</p> <p>In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.</p>	Not in LOC		



<p>10.6 – Existing Ordinances Continued.</p> <p>All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.</p>	<p>Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.</p>		<p><b>City Attorney and City Recorder recommend moving this section to the Ordinance section of the Charter (Section 8)</b></p>
<p>10.7 – Repeal.</p> <p>(1) All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed except the sanitary sewer rates and charges established in subsection 67 of Section 33 of the 1907 Charter as amended, and except bond issuing power that have not been exhausted.</p> <p>(2) No repeal of a feature of the 1907 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.</p> <p>(3) No repeal of a feature of the 1907 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.</p>	<p>Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.</p>		<p><b>City Attorney to review 1907 Charter references.</b></p> <p>Roseburg includes exceptions.</p>
	<p>Section 11.4 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.</p>		<p>Roseburg does not have this language.</p> <p><b>City Attorney recommends adding the LOC language to our Charter.</b></p>
<p>10.8 – Effective Date of Revision</p> <p>This revised Charter takes effect on January 1, 1983.</p>	<p>Section 11.5. Time of Effect. This charter takes effect _____, 20__.</p>		