



**ROSEBURG CITY CHARTER REVIEW COMMITTEE AGENDA
WEDNESDAY, OCTOBER 26, 2022**

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**4:00 P.M. Regular 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

Bob Cotterell

Jeffrey Weller

Mike Baker

Sheila Cox

Amy Sowa, Assistant City Manager/Recorder

Jim Forrester, City Attorney

III. APPROVAL OF MINUTES

A. October 12, 2022 – Meeting Minutes

IV. DISCUSSION ITEMS

B. Charter Review – All Sections

V. NEXT MEETING DATE: TBD

VI. ADJOURNMENT

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

**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 SPECIAL MEETING
October 12, 2022**



A special meeting of the Charter Review Committee was called to order by Assistant City Manager/Recorder Amy Sowa at 3:58 p.m. on Wednesday, October 12, 2022, 900 SE Douglas Avenue in the City Hall Council Chambers, Roseburg, Oregon.

ROLL CALL

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

Absent: None

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

Committee member Sheri Moothart, resigned from the City Council so is no longer serving on this committee.

APPROVAL OF MEETING MINUTES

Member Cotterell moved to approve the minutes of August 24, 2022. The motion was seconded by Member Weller and approved with the following vote: Members Baker, Cotterell, Cox, Weller and Zielinski voted yes. No one voted no.

CHARTER REVIEW SECTIONS 6 - 10

Ms. Sowa shared discussion was held regarding Sections 4 and 5 at the August 24, 2022 meeting. The Committee reviewed and made the following proposed amendments for Sections 6 - 10:

Section 6 – Municipal Officers and Employees

- Section 6.1: No changes recommended.
- Section 6.2: Recommended to remove, “and in case of a contest between two or more persons claiming an elective city office shall determine the contest,” from the last sentence. Also recommended adding LOC language from Section 7.4 Qualifications, subsection (c) stating, “Neither the mayor or a councilor may be employed by the city.”
- Section 6.3: Recommended using the LOC language.
- Section 6.4: No changes recommended.
- Section 6.5: Recommended using the LOC language and removal of the word, “misdemeanor” from subsection 5) to make the sentence read, “Conviction of a felony crime.”
- Section 6.6: Recommended removal of this section.
- Section 6.7: Recommended leaving 6.7 (1) and removing subsection (2).
- Section 6.8: Recommended removal of this section.

Section 7 – Elections

- Section 7.1: No changes recommended

- Section 7.2: No changes recommended
- Section 7.3: Recommended pronoun change from he or she to they.
- Section 7.4: Recommended removal of the last sentence, "The notice shall also state the places for the election."
- Section 7.5: No changes recommended.

Section 8 – Ordinances

- Section 8.1: No changes recommended.
- Section 8.2: Recommended removal of a partial sentence, "or published once in a newspaper of general circulation in the city," from subsection (3).
- Section 8.3: Recommended adding to the Charter language, "The City Recorder shall attest to all ordinances."
- Section 8.4: No changes recommended.
- Section 8.5: No changes recommended.
- Section 8.6: Recommended using the LOC language and adding veto language.

Section 9 – Public Improvements

- Section 9.1: Recommended using LOC language.
- Section 9.2: Recommended using LOC language.
- Section 9.3: Recommended removal of this section.

Section 10 – Miscellaneous Provisions

- Section 10.1: Recommended removal of this section.
- Section 10.2: Recommended removal of this section.
- Section 10.3: No changes recommended.
- Section 10.4: Recommended removal of this section.
- Section 10.5: Recommended removal of this section.
- Section 10.6: Recommended using the LOC language and moving it to Section 8.
- Section 10.7: Recommended use the LOC language. Attorney Forrester recommended adding the LOC's Section 11.4 to Charter regarding severability, and members agreed.
- Section 10.8: No recommended changes other than listing the new date as to when the Charter would take effect.

Ms. Sowa said she would bring changes to the next meeting with a justification column for review.

NEXT MEETING DATE

Wednesday, October 26, 2022 in City Hall Council Chambers.

ADJOURNMENT

The meeting adjourned at 4:54 p.m.



Koree Tate
Management Assistant

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

CURRENT CITY	LOC MODEL	APPROVED LANGUAGE	JUSTIFICATION
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 in current Charter. No need to include.
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> 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.	Section. 1.2. Names. The City of Roseburg, Oregon continues as a municipal corporation with the name City of Roseburg.	LOC language	New language is more concise and doesn't change the meaning.
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> 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	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	New language is more concise and doesn't change the meaning.

<p>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.</p>			
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 Rsbg 2.1(1)</p> <p>Current Charter language for 2.1(2)</p> <p>Current Charter language for 2.1(3)</p>	<p>New language more clearly defines Council authority, adding that it may not delegate authority to adopt ordinances.</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	
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 is elected or appointed takes office. Councilors in Position 1 shall be elected in 1982 2026 and every fourth year thereafter and councilors in Position 2 shall be elected in 1984 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.	New language provides clarity regarding when terms begin and end.
3.3 – Mayor: Election 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. A mayor shall be elected each even-numbered year	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	This is common for most cities and provides consistency with councilor terms and the election cycle. If passed, the term of the Mayor in office at that time would end 12/31/2024. The person elected Mayor in November of 2024 would serve

for two years and hold office until a qualified successor is elected or appointed.			for a four-year term beginning January 2025.
<p>3.4 – Council: Meetings</p> <p>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. 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.</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	New language is more concise and doesn't change the meaning.
<p>3.5 – Council: Quorum</p> <p>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. 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.</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	New language provides more clarity and addresses a quorum when a vacancy exists. It doesn't change the meaning in any other part.
<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.</p> <p>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	The current Charter language provides all the information needed. Provisions of LOC 3.2(a) are outlined in RMC 2.32.020.
<p>3.8. - Council: President.</p> <p>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.</p> <p>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).	When performing the duties of the Mayor for an extended period of time, the Council President would have the same veto and tie breaking power as the Mayor.

of the mayor, <u>including veto power and voting only in the event of a tie.</u>			
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.	Not in LOC	REMOVE	This section is not enforceable or relevant.
	Section 3.4 Rules. The council must by resolution adopt rules to govern its meetings.	No Change	Council rules are part of the Roseburg Municipal Code (RMC).
	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	This is already in the RMC 2.34.060(C). Not needed in our Charter.
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 <u>during at</u> 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. 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 office. No councilor nor mayor may be appointed as city manager until	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 considerations and solely on the basis of education and experience	Current language with removal of residency requirement.	A City Manager shall be chosen solely on the basis of executive and administrative qualifications. During times when there is a housing shortage, potential candidates or appointees may not be able to find a home inside city limits. (Consider UGB, County or School Dist boundary –Rsbg and Glide?)

one year after the expiration of his or her <u>their</u> service in the office of councilor or mayor.	in competencies and practices of local government management. c) The manager need not reside in the city.		
4.2 – City Manager: Vacancy If the office of city manager becomes vacant or if the city manager is absent from the City or disabled <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.	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.	Current language, updating the term ‘disabled’ to ‘unable to perform the duties of city manager’.	Updating language to be more clear and accurate.
4.3 – City Manager: Powers and Duties. 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 his or her <u>their</u> duties. The city manager shall: (a) Supervise and control all administrative and business affairs of the City; (b) Enforce all ordinances; (c) See that the provisions of all franchises, contracts, leases, permits and privileges granted by the City are fully observed and enforced;	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. 8.1(e)(3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;	Current language, updating pronouns and adding LOC language about delegation of duties.	

<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 his or her<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>New language under 4.3(e) adds delegation of some duties when appropriate. This provides the City Manager more flexibility and efficiency in administering the daily work of the City.</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>Section 8.1</p> <p>i) No council member may directly or indirectly attempt to coerce the</p>	LOC language	<p>New language is more concise and does not change the meaning.</p>

<p><u>No Mayor or 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></p> <p>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.</p>	<p>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>(Added Mayor)</p>
<p>4.6 — City Manager: Exclusive Powers</p> <p>The powers herein granted to the city manager are exclusive.</p>	<p>Not in LOC</p>	<p>REMOVE</p>	<p>Current Charter language restricts the City Manager from delegating powers when appropriate. Delegation is being added to Section 4.3</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 remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.</p>		<p>In Roseburg, the City Attorney is a contract employee.</p> <p>RMC references City Attorney throughout.</p>

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 original and 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>	<p>Current language – removing 'original and' which aren't needed.</p>	<p>Scriveners error correction</p>
<p>5.2 – Municipal Court: Powers</p> <p>(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.</p> <p>(21) The municipal judge may:</p> <p>(a) Render judgements and may impose sanctions for the</p>	<p>Section 8.3(e) The municipal judge may:</p> <p>1) Render judgments and impose sanctions on persons and property;</p>	<p>REMOVE 5.2(1)</p> <p>Use Current language for most.</p>	<p>A home rule charter may not grant the authority listed under 5.2(1) to a municipal judge; such authority may only be granted by state statute.</p>

<p>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>including search warrants</u>; and</p> <p>(h) Perform other judicial or quasi-judicial functions as the Council prescribes by general ordinance.</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 LOC language for (c)</p> <p>Add 'search warrants' from LOC to (g)</p>	<p>Additional language clarifies and identifies judge's powers that were not previously included.</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 remove any of them any time, with or without cause, by two-thirds vote of the entire Council.</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 court in the city at such place as the council directs. The court will be known as the Municipal Court.</p> <p>f) The council may appoint and may remove municipal judges pro tem.</p>		

<p>5.4 – Municipal Judge: Vacancy If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or disabled<u>unable to perform the duties of municipal judge</u>, the City Council may appoint an acting<u>a pro tem</u> municipal judge. The acting<u>pro tem</u> municipal judge shall perform the duties of municipal judge. The term of acting<u>pro tem</u> municipal judge shall end when the municipal judge returns to the City or takes office.</p>	Not in LOC	<p>Current language, updating the term 'disabled' to 'unable to perform the duties of municipal judge'.</p> <p>Changing 'acting' to 'pro tem'.</p>	Recommend using pro tem for both judge and city manager for consistency throughout.
Section 6 – MUNICIPAL OFFICERS AND EMPLOYEES			
<p>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.</p>	<p>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.</p>	Current language	
<p>6.2 – Certificate of Election Immediately after the votes at a municipal election for filling an 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</p>		Current language, plus LOC language regarding Mayor and Councilors not being employees of city.	The last sentence of this section does not follow election laws, and is therefore irrelevant.

<p>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. <u>Neither the mayor or a councilor may be employed by the city, and in case of a contest between two or more persons claiming an elective city office shall determine the contest.</u></p>	<p>7.4(d) The council is the final judge of the election and qualifications of its members.</p>		
<p>6.3 – Terms <u>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.</u>The term of city elective offices shall commence on the first day in January following the officer's election.</p>	<p>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>	<p>LOC language</p>	<p>New language matches recommended change under Section 3.2 and provides more clarity regarding when terms begin and end.</p>
<p>6.4 – Oath of Office 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<u>their</u> office.</p>	<p>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.</p>	<p>Current Charter language</p>	
<p>6.5 – Offices: Vacancies <u>The mayor or a council office becomes vacant:</u> <u>a) Upon the incumbent's:</u> <u>1) Death;</u> <u>2) Adjudicated incompetence; or</u> <u>3) Recall from the office.</u></p>	<p>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. b) Upon declaration by the council after the incumbent's:</p>		<p>New language adds “Adjudicated incompetence” and “Recall from the office”. The rest of the information listed remains the same.</p>

b) Upon declaration by the council after the incumbent's:

1) Failure to qualify for the office within 10 days of the time the term of office is to begin;

2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;

3) Ceasing to reside in the city;

4) Ceasing to be a qualified elector under state law;

5) Conviction of a felony crime;

6) Resignation from the office; or

7) Removal under Section 4.5.

6.6 - 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.

~~(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 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.~~

- 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- 2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;
- 3) Ceasing to reside in the city;
- 4) Ceasing to be a qualified elector under state law;
- 5) Conviction of a misdemeanor or felony crime;
- 6) Resignation from the office; or
- 7) Removal under Section 8.1(i).

Section 7.9. 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.

Adding 6.6 allows the person filling the vacancy to serve the remainder of the term of the person last elected to that office, rather than having to run mid-way through the term, and again when the term expires. Keeps election of the council positions in original term end dates, causing less confusion.

(2) The Council shall judge when an office becomes vacant.			
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.	Not in LOC	REMOVE	Not needed in Charter. Better to address in the Code if compensation ever becomes an option.
<p>6.7 – Liability for Unauthorized Expenditures.</p> <p>(1) A city officer who participates in, advises, consents to, or allows City money to be diverted to any purpose 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>	Not in LOC	REMOVE (2)	<p>Section 6.7(2) is being removed as a citizen may not bring a civil action suit in the name of the City.</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	REMOVE	This is covered by State law.

Section 7 – ELECTIONS			
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	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.	Current Charter language.	
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.	Not in LOC	Current Charter language.	
7.3 – Voter's Qualifications No person may vote at a city election who is not a qualified voter of the state. No person may vote in a ward other than that in which he or she <u>they</u> resides.	Not in LOC	Current Charter language.	
7.4 – Notice 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	Current Charter language, removing last sentence.	Elections in Oregon are all by mail so there are no locations.
7.5 – Nomination 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.	Current Charter language.	
Section 8 - ORDINANCES			
8.1 - Ordaining Clause. 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	Current Charter language.	

	ordinances must state "The City of _____ ordains as follows:".		
<p>8.2 - Adoption.</p> <p>(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.</p> <p>(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 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>Section 4.2. Ordinance Adoption.</p> <p>a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.</p> <p>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 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>Current Charter language, removing sentence about publishing all ordinances in newspaper.</p>	<p>City is not required and does not publish all ordinances in the newspaper, only those that are required by ordinance or state law.</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. <u>The City Recorder shall attest to all ordinances.</u></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>Current Charter language with addition of attestation language.</p>	<p>Per RMC 2.34.050(B)(9), the City Recorder attests the Mayor's signature on all ordinances.</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>Current Charter language.</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>	<p>Not in LOC</p>	<p>Current Charter language.</p>	
<p>8.6 - <u>Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, passage over the mayor's veto, 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 or passage over the mayor's veto, if it contains an emergency clause.</u> <u>Times of Effect.</u></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>New language is more concise and doesn't change the meaning.</p>

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.			
<u>8.7 - Ordinance Continuation.</u> <u>All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.</u>		LOC language from their section 11.2.	Moved from 10.6 – reworded for clarity.
	Section V – Administrative Authority		
	Section 5.1 - Resolutions. The council will normally exercise its administrative authority by approving resolutions. ³² The approving clause for resolutions may state “The City of _____ resolves as follows.”		
	Section 5.2 – Resolution Approval. a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting. b) Any substantive amendment to a resolution must be read aloud or made available in writing to the		

	<p>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>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>		
	Section V – Quasi-Judicial Authority		
	<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 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</p>		

	<p>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>		
	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 council⁶⁴ by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.</p>		
Section 9 – PUBLIC IMPROVEMENTS			
<p>9.1 – Procedure.</p> <p><u>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</u></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</p>	LOC Language	New language is more concise and doesn't change the meaning.

<p>the improvement. The number of owners necessary to suspend the action will be determined by ordinance.(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>pecially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.</p>		
<p>9.2 – <u>Special</u> Assessments. 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 <u>will</u> 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>	LOC Language	New language is more concise and doesn't change the meaning.
<p>9.3 – Liens 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</p>	<p>Not in LOC</p>	REMOVE	<p>Liens are covered by State law.</p> <p>(May want to consider keeping this in the Charter.)</p>

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.			
Section 10 – MISCELLANEOUS PROVISIONS			
10.1 – Revenue Bonds. The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility.	Not in LOC	REMOVE	The City is covered under state provisions regarding revenue bonds. Not needed in the Charter.
10.2 – City Manager Tax Levy. 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.	Not in LOC	REMOVE	This language is outdated. In practice, the city does not implement a City Manager Tax Levy. To issue a special operating levy would require voter approval.
10.3.1 – Indebtedness: Limits. (1) Indebtedness of the City may not exceed the limits on city indebtedness under state law. (2) Approval by the voters of City indebtedness need not be in the form of a Charter amendment.	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.	Current Charter language.	
10.4 – Terms, Proceeds and Retirement of Bonds. 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,	Not in LOC	REMOVE	These bonds are all part of bond covenants under state law.

<p>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>			
<p>10.5 — Presumption of Validity of City Action. 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	REMOVE	Covered by state law.
<p>10.6 — Existing Ordinances Continued. All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.</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.		Moved this section to the Ordinance section of the Charter (Section 8).
<p>10.7-2 – Repeal. All charter provisions adopted before this charter takes effect are repealed.(1) All Charter provisions of</p>	Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.	LOC Language	New language is more concise and accurate. The old Charter language is outdated and no longer relevant.

<p>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><u>Section 10.3 - Severability.</u> <u>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.</u></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>LOC language</p>	<p>Severability is important in the event someone challenges one part of the Charter, it won't invalidate the rest of the Charter.</p>
<p>10.8 – Effective Date of Revision This revised Charter takes effect on January 1, 1983<u>July 1, 2023.</u></p>	<p>Section 11.5. Time of Effect. This charter takes effect _____, 20__.</p>	<p>Current Charter language</p>	<p>After official results are received from County and declared by the Mayor.</p>