

CITY OF TANGENT

CHARTER 1982 REVISED 1992

To provide for the government of the City of Tangent, Linn County, Oregon.

This charter is created for the government of the City of Tangent based on citizen involvement, for the people of Tangent. This charter was created keeping in mind the ideals that the citizens wanted in their city when it was created in 1973. These ideals are found in the original Comprehensive Plan of the city. "Tangent was incorporated in 1973 because people wanted to preserve its small town atmosphere. Control of the future of Tangent was desired. Tangent's future growth must be directed along the lines of the expressed desires of the residents of the community." Tangent is a small rural community and every effort must be made to maintain the desirable characteristics and surroundings that the residents want. This charter allows for a large amount of citizen participation by vote. If the citizens want control over the future of Tangent they will now be able to do so according to this charter.

Be it enacted by the people of the City of Tangent, Linn County, Oregon:

CHAPTER 1 NAME AND BOUNDARIES

SECTION 1: TITLE OF ENACTMENT

This enactment may be referred to as the Tangent Charter of 1982.

SECTION 2: NAME OF CITY

The municipality of Tangent, Linn County, Oregon, shall continue to be a municipal corporation with the name of "City of Tangent".

SECTION 3: BOUNDARIES

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

SECTION 4:

Reserved for expansion.

SECTION 5:

Reserved for expansion.

CHAPTER II POWERS

SECTION 6: POWERS OF THE CITY

The city shall have all powers which the constitutions, statues, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

SECTION 7: CONSTRUCTION OF CHARTER

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

SECTION 8

Reserved for expansion.

SECTION 9

Reserved for expansion.

CHAPTER III FORM OF GOVERNMENT

SECTION 10: WHERE POWER VESTED

All powers of the city shall be vested in the council by the people except as this charter provides.

SECTION 11: COUNCIL

The council shall be composed of a mayor and four council members elected from the city at large.

SECTION 12: COUNCIL MEMBERS

The term of office of each council member in office when this charter is adopted shall terminate on June 30, 1982. At the biennial primary election in 1982, four council members shall be elected. Of the four, the two receiving the two highest numbers of votes shall hold office from July 1, 1982, until December 31, 1986, and the two receiving the next two higher numbers of votes shall hold office from July 1, 1982, until December 31, 1984. At each biennial general election, beginning in 1984, two council members shall be elected, each for a term of four years.

SECTION 13: MAYOR

At the biennial primary election in 1982, a mayor shall be elected who shall hold office from July 1, 1982, until December 3, 1984. At each biennial general election, beginning in 1984, a mayor shall be elected for a term of two years.

SECTION 14: OTHER OFFICES

Additional offices of the city shall be a recorder and such other officers as the council deems necessary. Each of those officers shall be appointed and may be removed by the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer.

SECTION 15: SALARIES

The compensation for the services of each city office and employee shall be the amount fixed by the council. No council member or mayor shall receive compensation for services, but may be reimbursed for authorized expenses.

SECTION 16: QUALIFICATIONS OF OFFICERS

No person shall be eligible for an elective office or the city unless at the time of the election the person is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members.

SECTION 17: DISQUALIFICATION OF CERTAIN PERSONS FOR ELECTION OR APPOINTMENT TO THE OFFICES OF MAYOR OR COUNCIL MEMBERS

No person shall be eligible for election or appointment to the office of mayor or council member if that person has one or more of the following relationships with a mayor or council member at the time of appointment or taking office upon election: the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the mayor or council member.

(Amendment approved by voters November 3, 1992)

SECTION 18:

Reserved for expansion.

CHAPTER IV COUNCIL

SECTION 19: MEETINGS

The council shall hold a regular meeting at least once a month in the city at a time and at a place which it designates. The council may adopt rules for the government of its members and proceedings. The mayor or any two council members may call a special meeting of the council. Notice of each council meeting, including a continued meeting, shall comply with applicable state statutes, and shall include the meeting agenda.

SECTION 20: QUORUM

Three members of the council shall constitute a quorum for its business. For purposes of this section, the Mayor shall be considered a member of the council.

(Amendment approved by voters November 3, 1992.)

SECTION 21: RECORD OF PROCEEDINGS

The council shall cause a record of its proceedings to be kept. The ayes and nays upon any question before it shall be taken and entered in the record.

SECTION 22: PROCEEDING TO BE PUBLIC

All meetings of the city council are subject to the State Open Meetings Law.

SECTION 23: MAYOR'S FUNCTION AT COUNCIL MEETINGS

The mayor shall preside over council meetings. The mayor shall have a vote on all questions before it. The mayor shall have authority to preserve order, enforce the rules of the council and determine the order of business under the rules of the council.

SECTION 24: PRESIDENT OF THE COUNCIL

At its first meeting after this charter takes effect and thereafter at its first meeting after newly elected members take office, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of the office, the president shall act as mayor.

SECTION 25: VOTE REQUIRED

Except as this charter otherwise provides, the concurrence of three members of the council present at a meeting shall be necessary to decide any question before the council. For purpose of this section, the Mayor shall be considered a member of the Council.

(Amendment approved by voters November 3, 1992.)

SECTION 26:

Reserved for expansion.

SECTION 27:

Reserved for expansion.

CHAPTER V
POWERS AND DUTIES OF OFFICERS

SECTION 28: MAYOR

The mayor shall sign all records of proceedings approved by the council. The mayor shall have no veto power. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

SECTION 29: RECORDER

The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of all its proceedings, and sign all orders on the treasury. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder.

SECTION 30:

Reserved for expansion.

SECTION 31:

Reserved for expansion.

CHAPTER VI ELECTIONS

SECTION 32: REGULAR ELECTIONS

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

SECTION 33: SPECIAL ELECTIONS

The council shall approve the time, manner, and means for holding any special election.

SECTION 34: REGULATION OF ELECTIONS

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

SECTION 35: TIE VOTES

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

SECTION 36: COMMENCEMENT OF TERMS OF OFFICE

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

SECTION 37: OATH OF OFFICE

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

(Amendment approved by voters May 27, 1986)

SECTION 38: NONPARTISAN BALLOT: NOMINATIONS

All elective officers shall be elected on a nonpartisan ballot.

Nomination shall be by petition or by declaration of candidacy. A nominating petition shall be in a form approved by council, shall specify the office sought and shall be signed by not fewer than 25 electors. There is no limit to the number of nominees for whom an elector may sign a nominating petition. The signatures to a nomination petition need not all be appended to one page, but each separate petition page shall include an affidavit of the circulator indicating the number of signors on that page and stating that each signature on the page was made in the presence of the circulator and is the genuine signature of the signor. If a nominating petition is not sufficient in any particular, the recorder shall return it to the person who filed it, stating in writing the manner in which the petition is sufficient. Such an insufficient petition may be amended or supplemented and refilled before the applicable deadline. There is no filing fee for nominating petition. A declaration of candidacy shall be in a form approved by council, shall specify the office sought and shall be signed by the candidate. A filing fee specified by ordinance shall be paid when the declaration of candidacy is filed, but if no ordinance specifying the fee has been passed, the fee shall be \$10.00.

One person may run for the offices of both mayor and council at the same election. If a person running for both offices receives enough votes to be elected to both offices, that person is

elected mayor and the votes cast for that person for the council shall be treated as though they were not cast. A council member in office may run for mayor. A mayor in office may run for a council position.

SECTION 39:

Reserved for expansion.

SECTION 40:

Reserved for expansion.

CHAPTER VII VACANCIES IN OFFICE

SECTION 41: WHAT CREATES VACANCY

An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, other offense pertaining to the office, resignation, recall from office, failure to continue to reside within the city, or failure of the person elected or appointed to the office to qualify within 10 days after the term commences of the date of appointment. If the mayor or a council member is absent from the city for 30 consecutive days without notice to the council or is absent from all meetings of the council for 60 consecutive days without the consent of the council, the council may declare the office vacant.

When a person has been elected to two offices with overlapping terms, the person shall serve in the office to which that person was later elected. The office to which that person was earlier elected shall be deemed vacant, effective on the first day of the overlapping terms.

(Amendment approved by voters November 3, 1992)

SECTION 42: FILING OF VACANCIES

A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment until expiration of the term of the predecessor who left the office vacant. During a council member's disability to serve on the council or during a member's absence from the city, a majority of the other council members may by appointment fill the vacancy pro tem.

(Amendment approved by voters on September 20, 2011)

SECTION 43:

Reserved for expansion.

SECTION 44:

Reserved for expansion.

CHAPTER VIII ORDINANCES

SECTION 45: ENACTING CLAUSE

The enacting clause of all ordinances shall be, "The City of Tangent ordains as follows:".

SECTION 46: PASSAGE

The city council shall determine by ordinance the procedure for passing ordinances. When an ordinance is passed, the recorder shall endorse the ordinance with the date of its passage and shall sign the ordinance.

SECTION 47: WHEN ORDINANCES TAKE EFFECT.

An ordinance passed by the council takes effect on the 30th day after its passage unless the council specifies in the ordinance a later date for the ordinance to take effect or unless the ordinance specifies that it takes effect sooner.

SECTION 48:

Reserved for expansion.

SECTION 49

Reserved for expansion.

CHAPTER IX PUBLIC IMPROVEMENTS

SECTION 50: CONDEMNATION

Any necessity of taking property for the city by condemnation shall be determined under applicable state law.

SECTION 51: IMPROVEMENTS

The procedure for making public improvements, for levying, collecting and enforcing payment of special assessments for public improvements and for vacating, altering, opening and abandoning streets, or other public improvements shall be governed by ordinance or the applicable laws of the state in the absence of ordinance. A remonstrance by the owners of sixty percent of the property specially benefited by the improvement measured by either area or assessed valuation shall defeat a motion to adopt an ordinance for any improvement. When a motion to adopt an improvement ordinance is defeated by remonstrance, the council shall not consider the same or substantially the same improvement for six months.

SECTION 52: CONTRACTS

All contracts of the City of Tangent shall be made in accordance with the procedures and limits of Oregon Contract Law.

SECTION 53:

Reserved for expansion.

Section 54:

Reserved for expansion.

CHAPTER X MISCELLANEOUS PROVISIONS

SECTION 55: DEBT LIMIT

Bonded indebtedness of the city exceeding one half of one percent of the true cash value of all taxable property in the city shall be approved by the voters of the City of Tangent and any bonded indebtedness of the city exceeding \$100,000 for any single public improvement project shall be approved by the voters of the city.

(Amended approved by voters on May 27, 1986)

SECTION 56: EXISTING ORDINANCES CONTINUED

All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

SECTION 57: INITIATIVE, REFERENDUM AND RECALL

The voters of the City of Tangent reserve to themselves all powers of initiative, referendum and recall available to them under law.

Every ordinance passed by the council is subject to referendum, regardless of the effective date of the ordinance, unless referral of the ordinance is contrary to law. Referendum procedures shall be governed by general laws of the State of Oregon; provided however, that the necessary number of signatures for a valid referendum petition shall be submitted not later than the thirtieth day following adoption of the ordinance sought to be referred.

(Amendment approved by voters November 3, 1992)

SECTION 58: ANNEXATIONS

Every annexation must be passed by the voters of the City of Tangent unless the annexation is mandated by state law.

SECTION 59: CHARTER AMENDMENTS

Any change to the charter must be passed by the voters of the City of Tangent.

SECTION 60: AVAILABILITY OF STATE LAWS

The city recorder shall make available to the people current copies of state statutes and regulations relating to nominations, initiative, referendum, recall and public contracts.

SECTION 61: COMPREHENSIVE PLAN AND ZONING ORDINANCE

Every comprehensive plan, including its map, and every legislative amendment of a comprehensive plan, including its map, must be passed by the voters of the City of Tangent. Every zoning ordinance, including its map, and every legislative amendment of a zoning ordinance, including its map, must be passed by the voters of the City of Tangent. However, when state or federal government requires such a change, the City shall change their ordinance to adhere to the federal or state requirements without the requirement of an election.

(Amendment approved by voters November 8, 2011)

SECTION 62: CONFLICTS OF INTEREST

Each council member, including the mayor, with a potential conflict of interest on a subject shall declare that potential conflict of interest in open meeting and shall resolve the potential conflict before voting on the subject on which that member has a conflict of interest.

(Amended approved by voters November 3, 1992)