

**CHARTER  
of the  
CITY OF NORTH BEND, OREGON**

Prepared by the Charter Committee  
and the  
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# 2000 CITY OF NORTH BEND CHARTER

## PREAMBLE

We, the people of the City of North Bend, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure and repeal all previous charter provisions of the city.

## CHAPTER 1

### NAMES AND BOUNDARIES

Section 1. Title of Charter. This charter may be referred to as the 2000 City of North Bend Charter.

Section 2. Name of City. The City of North Bend, Oregon, continues under this charter to be a municipal corporation with the name City of North Bend.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.

## CHAPTER 2

### POWERS

Section 4. Powers of the City. The city has all powers that the constitutions, statutes and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly grant or allow the city as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Powers. In this charter no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

Section 6. Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

## CHAPTER 3

### FORM OF GOVERNMENT

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city at large or, in case of one or more vacancies in the council, the council members whose offices are not vacant.

Section 8. Councilors. The term of office of a councilor in office when this charter is adopted is the term of office for which the councilor has been elected before adoption of the charter (or is elected at the time of adoption.) At each general election after the adoption, three councilors shall be elected, each for a four-year term.

Section 9. Mayor. The term of office of the mayor in office when this charter is adopted is the term of office for which the mayor has been elected before adoption of the charter (or is elected at the time of adoption.) At each general election after the adoption, a mayor shall be elected for a two-year term.

Section 10. Terms of Office. The term of office of an elective officer who is elected at a general election begins at the first council meeting immediately after the election and continues until the successor to the office assumes the office.

Section 11. Appointive Offices. A majority of the council shall:

- (1) Appoint and may remove a city administrator.
- (2) Appoint and may remove a city attorney,
- (3) Create, abolish and combine appointive city offices and,
- (4) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

## CHAPTER 4

### COUNCIL

Section 12. Rules. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 13. Meetings. The council shall meet in the city regularly at least once a month at a time and place designated by council rules, and may meet at other times in accordance with the rules.

Section 14. Quorum. A majority of the council constitutes a quorum for its business, but a smaller number of the council may meet and compel attendance of absent councilors as prescribed in council rules.

Section 15. Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by council rules.

Section 16. Mayor's Functions at Council Meetings.

- (1) When present at council meetings the mayor shall:
  - (a) Preside over deliberations of the council,
  - (b) Preserve order,
  - (c) Enforce council rules, and
  - (d) Determine the order of business under the council rules.
- (2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair the council meeting and delegate the functions described in subsection (1) to another council member.
- (3) The mayor is a voting member of the council.

Section 17. Council President.

- (1) The term of office of the council president in office when this charter is adopted is the term of office for which the president has been elected. At the first meeting after each general election after the adoption, the council shall elect a president from its councilors.
- (2) Except in voting on questions before the council, the president shall function as mayor when the mayor is:
  - (a) Absent from a council meeting or
  - (b) Unable to function as mayor.

Section 18. Vote Required. Except as Sections 11, 20, 22, and 32 of this charter prescribe otherwise, the express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the council.

Section 19. Vacancies: Occurrence. The office of a member of the council becomes vacant:

- (1) Upon the incumbent's:
  - (a) Death,
  - (b) Adjudicated incompetence,
  - (c) Recall from the office; or
- (2) Upon the council's declaration of a vacancy in case of the incumbent's:
  - (a) Failure, following election or appointment to the office, to qualify for the office within 3 days after the time for his or her term of office to begin,
  - (b) Absence from meetings of the council for 30 days without consent of the council,
  - (c) Ceasing to reside in the city,
  - (d) Ceasing to be a qualified elector under state law,
  - (e) Conviction of a public offense punishable by loss of liberty, or
  - (f) Resignation from the office.

Section 20. Vacancies: Filling.

- (1) A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term of office shall run from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant.
- (2) 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.

CHAPTER 5

POWERS AND DUTIES OF OFFICERS

Section 21. Mayor. The mayor shall:

- (1) Sign all approved records of proceedings of the council,
- (2) Have no veto power,
- (3) Sign all ordinances within three days after their passage by the council,
- (4) Sign such other documents as the council may designate,
- (5) Unless otherwise provided by this charter, ordinances of the city or other law or statute, make all appointments following council established polices.

Section 22. City Administrator.

- (1) The city administrator is the administrative head of the city government.
- (2) A majority of the council shall appoint and may remove the administrator at its pleasure.
- (3) The administrator need not reside in the city or the state when appointed.
- (4) The administrator shall:
  - (a) Attend all council meetings unless excused by the council or mayor;
  - (b) Keep the council advised of the affairs and needs of the city;
  - (c) See that the provisions of all ordinances are administered to the satisfaction of the council;
  - (d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the city are fulfilled;
  - (e) Employ, discipline and remove city employees;
  - (f) Supervise and control city employees in their service to the city;
  - (g) Name a city employee to the position of city recorder to:
    1. Be the city elections officer,
    2. Be responsible for the recording and maintaining of city records, including the minutes of council meetings,
    3. Perform other duties as assigned;
  - (h) Organize and reorganize the departmental structure of the city government;
  - (i) Prepare and transmit to the council an annual city budget;
  - (j) Supervise city contracts;
  - (k) Supervise operation of all city-owned public utilities and property; and

- (1) Perform other such duties as the council prescribes consistent with this charter.
- (5) The administrator may not control:
  - (a) The council;
  - (b) The municipal judge in the judge's judicial functions; or
  - (c) Council appointed officers except as the council authorizes.
- (6) The administrator and other personnel whom the council designates may sit with the council and may take part in council discussions but may not vote on questions before it.
- (7) The administrator may attend all committee meetings.
- (8) When the administrator is absent from the city or disabled from acting as administrator, or when the office of administrator becomes vacant, the council shall appoint an administrator pro tem who has the powers and duties of administrator, except that the administrator pro tem may employ or remove city employees only with approval of the council.
- (9) Except in council meetings, no council member may directly or indirectly, by suggestion or otherwise, attempt to coerce the administrator or a candidate for the office of administrator in the employment, discipline or removal of city employees or in decisions regarding city property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In council meetings, members of the council may discuss with, or suggest to, the administrator anything pertinent to city affairs.

Section 23. Municipal Court and Judge.

- (1) If the council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the city at a place and times that the council specifies, a court known as the Municipal Court for the City of North Bend, Coos County, Oregon.
- (2) Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of the State of Oregon governing justices of the peace and justice courts.
- (3) All areas within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.
- (4) The municipal court has original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.
- (5) The municipal judge may:
  - (a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
  - (b) Order the arrest of anyone accused of an offense against the city;
  - (c) Commit to jail or admit to bail anyone accused of such an offense;
  - (d) Issue and compel obedience to subpoenas;
  - (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
  - (f) Penalize contempt of court;
  - (g) Issue process necessary to effectuate judgments and orders of the court;

- (h) Issue search warrants; and
- (i) Perform other judicial quasi-judicial functions prescribed by ordinance.
- (6) The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.
- (7) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

## CHAPTER 6

### PERSONNEL

#### Section 24. Qualifications.

- (1) An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before being elected or appointed to the office. In this subsection “city” means area inside the city limits at the time of election or appointment.
- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) An elective officer may be employed in a city position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court or in some other manner, whichever the council prescribes.
- (4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

Section 25. Compensation. The council shall prescribe the compensation of city officers. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

Section 26. Political Rights. By ordinance the council may affirm the rights of the city personnel to participate in political activities and may limit those activities to the extent necessary for orderly and effective operation of the city government.

Section 27. Oath or Affirmation. Before entering upon the duties of the office, each officer shall take an oath or affirm to support the constitutions and laws of the United States and the State of Oregon and the charter and ordinances of the City of North Bend, and to faithfully perform the duties of the office.

## CHAPTER 7

### ELECTIONS

Section 28. State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 29. Nominations.

- (1) Any person who meets the qualifications set forth in Chapter 6, Section 24 of this charter may be nominated to be a candidate for election to the city council.
- (2) The name of a candidate shall be printed upon the ballot whenever a petition and written acceptance of nomination have been filed with the city recorder. The council may prescribe the form of petition and acceptance of nomination and by ordinance may provide the procedure for nomination of candidates, but in lieu of such ordinance the procedure provided in this section shall apply.
- (3) The petition shall be signed by no fewer than 50 electors. No elector shall sign more than one such petition for the same office, but if more than one such petition is signed the signature shall be valid only on the first petition filed.
- (4) The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers on the page and stating that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, identified by its street and number or other description sufficient to identify it.
- (5) All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument according to the time line established by the Secretary of State.
- (6) The recorder shall make a record of the exact time each petition is filed and shall take and preserve the name and address of the person by whom it is filed.
- (7) Within five days after the filing, the recorder shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors. If it is found insufficient, the recorder shall return it immediately to the person who filed it, with a statement certifying wherein the petition is insufficient. Within the regular time allowed for the filing of nomination petitions, such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate.
- (8) Any eligible person placed in nomination as hereinbefore provided shall have his/her name printed on the ballots for election if, within five days after notification to him/her by the recorder of the nomination, an acceptance of nomination is filed with the recorder on his/her behalf.
- (9) The nominating petition for a successful candidate for election to the council shall be preserved in the office of the recorder until the expiration of the term of office for which the candidate is elected.

CHAPTER 8

ORDINANCES

Section 30. Ordaining Clause. The ordaining clause of an ordinance shall be: “The City of North Bend ordains as follows:”

Section 31. Adoption by Council.

- (1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open council meeting on two different days before being adopted by the council.
- (2) Except as subsection (3) of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all council members present, provided the ordinance is read in full and then by title.
- (3) A reading of an ordinance may be by title only if:
  - (a) No council member present at the reading requests that the ordinance be read in full or
  - (b) At least one week before the reading:
    1. A copy of the ordinance is provided for each council member,
    2. Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and
    3. Notice of their availability is given by written notice posted at the city hall and two other public places in the city.
- (4) An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.
- (5) Upon adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.
- (6) After adoption of an ordinance, the custodian of the city records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 32. Effective Date. A nonemergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

## CHAPTER 9

### PUBLIC IMPROVEMENTS

Section 33. Public Improvements.

- (1) Street, sewer, sidewalk, and such other public improvements as the council deems necessary may be initiated by motion of the council.
- (2) A written remonstrance of the owners of property upon which sixty-seven percent of the estimated cost of the improvement is proposed to be levied shall defeat the motion initiating the improvement, and no further action upon the improvement shall be taken for six months.
- (3) For the purpose of this chapter "owner" shall mean the record holder of legal title; provided, that if the affected property is being sold under a land sale contract, the holder of equitable title under such contract shall be deemed the "owner".

Section 34. Improvement Procedure. The procedure for initiating public improvements, for providing for notice to property owners, for a hearing upon the proposed improvements, for the filing of written remonstrances, for the carrying out and construction of public improvements, for determining the amount of the special assessments, their apportionment to various parcels of property, and the property upon which they are to be levied, for the levy of assessments, for the creating and enforcing of assessment liens, and for taking any action relating to the improvements and assessments shall be governed by general ordinances of the city or, if no such ordinances have been enacted, then by the applicable laws of the State of Oregon relating to special assessments.

Section 35. Special Charges. If special charges, fees, costs, or damages are made a lien or special assessment upon real property by charter or ordinance, then the collection of such charge, fee, cost or damage shall be made in the manner provided by general ordinance or law for the collection of special assessments.

## CHAPTER 10

### WATER WORKS

Section 36. Ownership and Operation.

- (1) The operation, maintenance, improvement and extension of the system of water works owned jointly with the City of Coos Bay, Oregon, at the time this charter takes effect shall continue to be entirely under the control of a board known as the COOS BAY-NORTH BEND WATER BOARD.
- (2) Said water board shall have entire control of all water funds and the disbursements thereof, and shall make annual reports to the council of each city showing the true condition of the water system and its financial condition, together with a statement of its yearly operation.
- (3) Said board shall have authority to make all contracts for repairs, improvements and extensions to such water system but only to the extent of the water funds available for said purposes.
- (4) Said board shall have authority to employ all help necessary in its judgment in the operation of such water system and to fix the salary and wages of all employees.

Section 37. Water Board.

- (1) The water board shall consist of four members who shall serve without pay, two of whom shall be residents of the City of Coos Bay and two of whom shall be residents from the City of North Bend.
- (2) The two members from the City of North Bend shall be appointed by the mayor and confirmed by a majority of the council each for a term of four years.

Section 38. Disposition of Income. The income derived from the operation of a water system owned and operated as herein provided shall be disposed of in the following manner:

- (1) The payment of costs and expenses of operation, maintenance and repairs to said water system.
- (2) The payment to each city of the amounts necessary to pay the principal of and interest on any bonds issued to pay for the acquisition of such water system, and for improvements and extensions thereof.
- (3) In making of improvements and extensions to said system of water works.

## CHAPTER 11

### MISCELLANEOUS PROVISIONS

#### Section 39. Debt.

- (1) The city's indebtedness may not exceed debt limits imposed by state law.
- (2) A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess.
- (3) A charter amendment is not required to authorize city indebtedness.

Section 40. Continuation of Ordinances. Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when this charter takes effect retain the effect they have at this time.

Section 41. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 42. Severability. The terms of this charter are severable. If a part of this charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two requires.

Section 43. Time of Effect. This charter takes effect November 14, 2000, at the first council meeting following the 2000 general election.