

Chapter I – Names and Boundaries

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 4. Annexations	Annexations over one acre not required by state law must be approved by city voters before the annexations take effect.	Appendix B – Provisions Not Included in the Model Charter – Annexation Procedure. An Oregon city may not assume extramural power under its home rule charter unless authorized by state statute. City power under the home rule amendments is only intramural in character. A city may only exercise the extramural power delegated by the legislature. A home rule charter may provide a procedure for the intramural aspects of annexation, such as the manner of acceptance of the annexation by the city. The model charter contains no provision relating to annexation of territory to a city because state statutes control annexation procedures in both its extramural and intramural aspects.	<p>Passed as part of a larger package of bills crafted to increase affordable housing, Senate Bill 1573 effectively nullifies provisions in 34 cities that require public votes on annexations.</p> <p>For now, the issue is tied up in court. The result of the Corvallis lawsuit will determine if the new state law is constitutional.</p> <p>Benton County Circuit Court Judge Matthew Donohue ruled in favor of the state in a summary judgment issued Friday (February 2017) on SB 1573, the state law signed by Gov. Kate Brown in March 2016.</p>	Annexations over one three acres not required by state law must be approved by city voters before the annexations take effect.

Chapter III – Elected Officials

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 8. Council	The Council consists of five councilors nominated and elected from the city at large or from wards with boundaries set by ordinance.	The council consists of a mayor and six councilors nominated and elected from the city at large.	<p>Although some charters provide that the mayor is not a member of the council, this model recommends that the council include the mayor as a member. This means that the mayor participates in and votes on matters before the council as do other council members. If the mayor is not to have a council vote, then this section should state that the council consists of a specified number of councilors selected by the city at large.</p> <p>Most Oregon cities nominate and elect</p>	The Council consists of five councilors nominated and elected from the city at large. or from wards with boundaries set by ordinance.

			<p>councilors at large. Some nominate and elect councilors by district or ward. A third option is to nominate by district and elect at large. If there are districts, then the district boundaries must be specified. The most efficient way of doing this is by ordinance. For that purpose, this section could read: "The council consists of a mayor nominated and elected at large, and six councilors nominated and elected by district with the boundaries fixed by ordinance." District boundaries must be periodically adjusted to meet equal protection requirements. Most charters that provide for election of councilors by district also require as a qualification that each councilor reside in the district the councilor represents and continue to so reside for the term of office.</p>	
Section 9. Mayor	<p>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 not a member of the council and has no vote unless there is a tie vote. The mayor has authority to require the council to reconsider ordinances. The mayor appoints members of commissions and committees established by ordinance or resolution with the approval of a majority vote of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.</p>	<p>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. With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.</p>	<p>Some charters permit the mayor to vote only to break a tie. If the mayor's vote is to be so limited, this section needs to be changed accordingly.</p> <p>The section that the mayor must sign all records of council decisions could be eliminated. Ordinance and resolutions have dates they become effective (with revised language) that do not require the signature of the mayor. Are there other decisions of the Council which would require the signature of the mayor?</p>	<p>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 not a member of the council and has no vote unless there is a tie vote. The mayor appoints members of commissions and committees established by ordinance or resolution with the approval of a majority vote of the council. The mayor must sign all records of council decisions and as authorized by rule, unless otherwise provided in this Charter. The mayor serves as the political head of the city government.</p>
Section 10. Council President	<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</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</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</p>

	mayor when the mayor is unable to perform duties. When acting as mayor, the president retains a vote, but does not have a tie vote or authority to require reconsideration of ordinances.	mayor when the mayor is unable to perform duties.		perform duties, including signing records of council decisions and as authorized by rule. When acting as mayor, the president retains a vote, but does not have a tie vote or authority to require reconsideration of ordinances.
--	---	---	--	---

Chapter IV – Legislative Authority

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 17. Ordinance Enactment (b)	The council may enact an ordinance at a single meeting by the unanimous approval of at least three councilors, provided the proposed ordinance is available in writing to the public at least seven days before the meeting.			The council may enact an ordinance at a single meeting by the unanimous approval of at least three the councilors in attendance , provided the proposed ordinance is available in writing to the public at least seven days before the meeting.
Section 17. Ordinance Enactment (c)	Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council enacts the ordinance at that meeting.			Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council enacts the ordinance at that meeting.
Section 17. Ordinance Enactment (e)	After ordinance enactment, the city recorder must attest to the ordinance by name, title and date of enactment. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.	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.		After ordinance enactment, the city recorder must attest to the ordinance by name, title and date of enactment. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it. When an ordinance is passed, the city recorder shall endorse it with the date of its passage, his/her name and title of office; and within three days thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
Section 17. Ordinance Enactment (f)	If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the ordinance is not returned, it takes effect			If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the ordinance is not returned mayor does not so return it, such ordinance is

	as enacted.			takes effect shall become law as enacted.
Section 17. Ordinance Enactment (g)	At the first council meeting after demand for reconsideration by the mayor, the council must consider the reasons of the mayor and again vote on the ordinance. If at least three councilors vote to enact the ordinance, it takes effect.			At Upon the first regular meeting of the council meeting after the demand for reconsideration by the mayor, the council must consider the reasons of provided by the mayor and again vote on the ordinance. If at least three councilors vote to enact the ordinance, it takes effect shall become law . If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become a law.
Section 18. Effective Date of Ordinances	Ordinances normally take effect on the 30 th day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later date provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause and is unanimously approved.	Ordinances normally take effect on the 30 th 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.		Ordinances normally take effect on the 30 th day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later date provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause. and is unanimously approved.

Chapter VII – Elections

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 25. Councilors	At each general election after the effective date of this charter, three councilors will be elected. The two councilors receiving the highest number of votes are elected for four-year terms. The councilor receiving the third highest number of votes is elected to a two-year term.	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.	General elections are held on the first Tuesday after the first Monday in November of even numbered years. The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms.	At each general election after the effective date of this charter, three councilors will be elected. The two councilors receiving the highest number of votes are elected for four-year terms. The councilor receiving the third highest number of votes is elected to a two-year term. The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms. This cycle of electing councilors will continue at following general elections.

Section 26. Mayor	At every other general election after the effective date of this charter, a mayor will be elected for a two-year term. A mayor may serve no more than three consecutive elected two-year terms. The term of the mayor in office when this charter takes effect continues until the beginning of the first odd-numbered year after charter adoption.	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.	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.	At every other general election after the effective date of this charter, a mayor will be elected for a two-year term. A mayor may serve no more than three consecutive elected two-year terms. The term of the mayor in office when this charter takes effect continues until the beginning of the first odd-numbered year after charter adoption. 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 may serve no more than two consecutive elected four-year terms.
Section 29. Nominations	The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position. A petition for elective office must be signed by the nominee and at least 10 city electors.	The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.	This model charter does not prescribe a nominating procedure. It allows flexibility by requiring that an ordinance govern the nominating process.	The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position. A petition for elective office must be signed by the nominee and at least 10 city electors. <i>(Any petition requirements should be included in the ordinance adopted by the Council)</i>
Section 31. 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, and the charter, ordinances and resolutions of the city.	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.		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; ; and support the charter, ordinances, and resolutions and municipal code of the city.
Section 32. Vacancies (b) (2)	Absence from the city for 30 days, or from all council meetings within a 60-day period without consent from the council.	Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period.		No changes recommended
Section 33. Filling Vacancies	A vacancy in the office of mayor will be filled by a majority of the council. A councilor vacancy will be filled by	A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The		No changes recommended

	<p>appointment by the mayor with the consent of the council. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, the mayor with the consent of the council may appoint a councilor pro tem.</p>	<p>appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.</p>		
--	---	---	--	--

Chapter VIII – Appointive Officers

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 34. Administrator	Administrator	City Manager		Section 34. Administrator City Manager
Section 34. City Administrator (a)	The office of administrator is established as the administrative head of the city government. The administrator is responsible to the mayor and council for the proper administration of city business. The administrator will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.	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.	Need to change administrator to city manager.	The office of administrator city manager is established as the administrative head of the city government. The administrator city manager is responsible to the mayor and council for the proper administration of city business. The administrator city manager will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.
Section 34. Administrator (b)	The mayor must appoint and must remove the administrator with the consent of the council. The appointment must be made without regard to political considerations and solely on the basis of education and experience relating to local government management.	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 in competencies and practices of local government management.		The mayor must appoint and must may remove the administrator manager only with the consent of the majority of the existing council members council . The appointment must be made without regard to political considerations and solely on the basis of education and experience relating to local government management. in the competencies and practices of local government management.
Section 34. Administrator (c)	The duties of the administrator must be set by ordinance.	The manager must: 1. Attend all council meetings unless excused by the mayor or council:	The LOC Model Charter has the following additional provisions regarding the City Manager position:	The duties of the administrator city manager must be set by ordinance.

		<ol style="list-style-type: none"> 2. Make reports and recommendations to the mayor and council about the needs of the city; 3. Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions. 4. Appoint, supervise and remove city employees; 5. Organize city departments and administrative structure; 6. Prepare and administer the annual city budget; 7. Administer city utilities and property; 8. Encourage and support regional and intergovernmental cooperation; 9. Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community; 10. Perform other duties as directed by the council; 11. Delegate duties but remain responsible for acts of all subordinates. 	<ul style="list-style-type: none"> • (d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs. • (f) The manager has no authority over the council or over the judicial functions of the municipal judge. • (g) The manager and other employees designated by the council may set at council meetings but have no vote. The manager may take part in all council discussions. • (h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval. 	
<p>Section 34. Administrator (d)</p>	<p>The mayor and councilors may not directly or indirectly attempt to coerce the administrator or a candidate for the office of administrator 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 administrator relating to city business.</p>	<p>No council member may directly or indirectly attempt to coerce the manager or a candidate for the officer 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>The mayor and councilors may not directly or indirectly attempt to coerce the administrator manager or a candidate for the office of administrator 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 administrator manager relating to city business.</p>	<p>The mayor and councilors may not directly or indirectly attempt to coerce the administrator manager or a candidate for the office of administrator 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 administrator manager relating to city business.</p>

Section 35. City Attorney	The office of city attorney is established as the chief legal officer of the city government. The mayor must appoint and may remove the city attorney with the consent of the council. The city attorney may designate other lawyers to serve as assistant city attorneys or special counsel.	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 must appoint and supervise, and may remove any office employees.		No changes recommended.
Section 36. Municipal Court and Judge (a)	The mayor may appoint and remove a municipal judge with the consent of the council. 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.	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.		No changes recommended.
Section 36. Municipal Court and Judge (f)	The mayor may appoint and may remove municipal judges pro tem with the consent of the council.	The council may appoint and remove municipal judges pro tem.		No changes recommended.

Chapter IX – Personnel

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 37. Personnel Rules	The council by resolution will adopt rules governing compensation, recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.	Compensation – The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.	ORS 294.352(5) requires that the budget list the salary for each officer and employee. If councilors are to receive no compensation for their services to the city, the following may be added to this section: “However, no councilor may receive compensation for serving in that capacity.” This prohibition does not prevent reimbursement for expenses.	No changes recommended.

Chapter X – Miscellaneous Provisions

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 39. Ordinance Continuation	All ordinances, resolutions, orders and rules in force and consistent with this charter when it takes effect remain in			All ordinances, Stayton Municipal Code , resolutions, orders and rules in force and consistent with this charter when it takes effect

	effect until amended or repealed.			remain in effect until amended or repealed.
--	-----------------------------------	--	--	---

Public Improvements

	City of Stayton	LOC Model Charter	Notes	
		<p><u>Section 38 Procedure.</u> The council may be ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.</p>		No changes recommended.
		<p><u>Section 39. Special Assessments.</u> 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>		No changes recommended.