

Preamble

We, the people of Sisters, 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.

CITY OF SISTERS CHARTER

To provide for the government of the City of Sisters, Deschutes County, Oregon; and to repeal all charter provisions of the City enacted prior to the time that this Charter takes effect.

Be it enacted by the people of the City of Sisters, Deschutes County, Oregon:

CHAPTER I NAME AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This charter may be referred to as the 2003 Sisters Charter.

Section 2. NAME OF CITY. The city of Sisters, Deschutes County, Oregon, shall continue to be a municipal corporation with the name, "City of Sisters".

Section 3. BOUNDARIES.

(1) 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 during regular city office hours.

(2) The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of voters. Unless mandated by State law, any annexation delayed or otherwise, to the City of Sisters may only be approved by a prior majority vote among the electorate. (Ballot Measure 9-40, 1996).

(3) Unless mandated by State law, any future extension or expansion of city services beyond the city limits, except for emergency services, shall require prior approval by a majority vote among the electorate. (Ballot Measure 9-41, 1997).

CHAPTER II POWERS

Section 4. POWERS OF THE CITY. The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or by implication grant or allow

municipalities as fully as though this charter specifically enumerated each of those powers.

Section 5. CONSTRUCTION OF CHARTER. 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.

CHAPTER III FORM OF GOVERNMENT

Section 6. DISTRIBUTION OF POWERS. Except as this charter provides 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.

Section 7. COUNCIL. The council shall be composed of five councilors elected from the city at large.

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 the adoption.) At each general election after the adoption, three councilors shall be elected. Of the three, the two receiving the two highest numbers of votes shall each hold office for four years, and the one receiving the next highest number of votes shall hold office for two years. At each subsequent biennial general election, three councilors shall be elected. Of the three, the two receiving the two highest numbers of votes shall each hold office for four years, and the one receiving the next highest number of votes shall hold office for two years.

Section 9. MAYOR. The term of office of the mayor in office when this charter is adopted continues until the beginning of the first odd- numbered year after that time. At the first meeting of the Council in each odd-numbered year beginning with the first odd-numbered year after the adoption of this Charter, Council shall elect one of its members to serve as mayor for a term of two years.

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 of the year immediately after the election and continues until the successor to the office assumes the office.

Section 11. APPOINTIVE OFFICES. A majority of the council may:

- (1) Create, abolish, or combine appointive city offices, and
- (2) Fill such offices by appointment and vacate them by removal.

Section 12. QUALIFICATIONS OF OFFICERS. No person shall be eligible for an elective office of the city unless he or she resides in the city limits and 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, subject, however, to review by a court of competent jurisdiction.

CHAPTER IV COUNCIL

Section 13. RULES. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 14. 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 15. QUORUM. A majority of the council constitutes a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 16. RECORD OF PROCEEDINGS. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 17. PROCEEDINGS TO BE PUBLIC. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 18. 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 rules.
- (2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a 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 19. COUNCIL PRESIDENT.

- (1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.
- (2) The president shall function as mayor when the mayor is:
 - (a) Absent from a council meeting, or
 - (b) Unable to function as mayor.

Section 20. VOTE REQUIRED. Except as this charter prescribes 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 21. VACANCIES: OCCURRENCES. 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
 - (d) Conviction of a felony
- (2) Upon declaration by the council of the vacancy in case of the incumbent's:

- (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
- (b) Absence from the city for 30 days without the council's consent or from all meetings of the council within a 60 day period;
- (c) Ceasing to reside in the city,
- (d) Ceasing to be a qualified elector under state law, or
- (e) Resignation from the office.

Section 22. VACANCIES: FILLING. A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term of office begins at 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. During a council member's inability to serve on the council during a member's absence from the city, a majority of the other council members may by appointment fill the vacancy pro tem.

CHAPTER V POWERS AND DUTIES OF OFFICERS

Section 23. MAYOR. The mayor shall appoint, with council approval:

- (1) Members of committees established by council rules, and
- (2) Other persons required by the council to be so appointed.
- (3) The mayor, or in his or her absence or inability to act, the council president, shall sign all ordinances and resolutions; and all other official documents, including but not limited to contracts and deeds, unless the council has specifically authorized other city personnel to sign such official documents.

Section 24. CITY MANAGER.

- (1) The city manager is the administrative head of the city government.
- (2) A majority of the council shall appoint and may remove the manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The manager need not reside in the city or the state when appointed, but promptly thereafter shall reside within the Sisters School District boundaries during tenure of office.
- (4) Upon accepting the appointment, the manager shall furnish the city a bond in an amount and with a surety approved by the council. The city shall pay the bond premium.
- (5) The manager shall be appointed for a definite or indefinite term and may be removed by the council at its pleasure. Within six consecutive months after a vacancy occurs in the office, the council shall fill the vacancy by appointment.
- (6) The manager 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) Appoint, supervise, control, discipline and remove city personnel, except appointees of the mayor or council,
 - (f) Organize and reorganize the departmental structure of city government,

- (g) Prepare and transmit to the council an annual city budget,
 - (h) Supervise operation of all city-owned public utilities and property, and
 - (i) Perform other duties as the council prescribes consistent with this charter.
 - (j) Shall serve as the City Recorder. The recorder shall serve ex officio as clerk of the council unless excused by the council, keep an accurate record of its proceedings, function as the custodian of public records, 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.
- (7) The manager may not control:
- (a) The council
 - (b) The municipal judge in the judge's judicial functions; or,
 - (c) Except as the council authorizes, appointive personnel of the city whom the manager does not appoint.
- (8) The manager and other personnel whom the council designates may sit with the council but may not vote on questions before it. The manager may take part in all council discussions.
- (9) When the manager is absent from the city or disabled from acting as manager, or when the office of manager becomes vacant, the council shall appoint a manager pro tem who has the powers and duties of manager, except that the manager pro tem may appoint or remove personnel only with approval of the council. No person may be manager pro tem more than six consecutive months.
- (10) No council member may directly or indirectly, by suggestion or otherwise, threaten or coerce the manager or a candidate for the office of manager in the appointment, discipline, or removal of personnel 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 meeting, members of the council may discuss with, or suggest to, the manager anything pertinent to city affairs.

Section 25. MUNICIPAL COURT AND JUDGE.

- (1) The council may create the office of municipal judge and fill it by appointment. The judge shall hold court within the city at a place and time specified by the judge.
- (2) Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.
- (3) All area 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 or as otherwise punishable under state law.
- (5) The municipal judge may render and enforce judgments, impose sanctions on persons and property with the court's jurisdiction, issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit that person to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any matter before the court, to compel obedience to such subpoenas, to issue and process documents necessary to carry into effect the judgments of the court, to punish witnesses and others for contempt of court, to perform all other judicial functions prescribed by ordinance. The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.
- (6) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state, county, or justice court.
- (7) The council shall establish, and may adjust, the compensation of the municipal judge.

CHAPTER VI ELECTIONS

Section 26. 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 27. NOTICE OF REGULAR ELECTIONS. The recorder shall post the notice of election filed with the county in three conspicuous places in the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 28. SPECIAL ELECTIONS. The council shall provide the time, manner, and means for holding any special election provided that special elections shall be conducted in accordance with the general election laws of the state. The recorder shall provide notice of each special election in the same manner as regular elections.

Section 29. 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 30. CANVASS OF RETURNS. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. Not later than ten days after the election, the council shall meet and canvass the returns at the first regular meeting after receipt of the election results. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. The journal shall contain a statement of the total number of votes cast at each election, the votes cast for each person elected to office, the office to which he or she has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 31. 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 32. OATH OF OFFICE. Before entering into the duties of his or her office, each officer shall take an oath or shall affirm that he or she will support the constitutions and laws of the United States and of the state of Oregon and that he or she will faithfully perform the duties of his or her office.

Section 33. NOMINATIONS. A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the council. Such petition shall be signed by not fewer than 10 electors. No elector shall sign more than one petition for each vacant position. If he does so, his signature shall be valid only on the first sufficient petition filed for the position. The nomination petition shall be assembled, circulated and filed with the recorder in accordance with county election procedures. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is

not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, and such person shall file with the recorder his written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of such acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

CHAPTER VIII ORDINANCES

Section 34. ORDAINING CLAUSE. The ordaining clause of an ordinance shall be, "The City of Sisters ordains as follows:".

Section 35. 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 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 unanimous vote of all council members present, provided the ordinance is read first 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 meeting requests to have the ordinance read in full,
or

(b) At least one week before the reading:

(i) A copy of the ordinance is provided for each council member.

(ii) A copy of the ordinance is available for public inspection in the office of the custodian of city records.

(iii) Written notice is posted that the ordinance is available for public inspection.

(iv) 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.

(v) Upon the adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.

(vi) After adoption of an ordinance, the custodian of city records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 36. EFFECTIVE DATE. An ordinance takes effect 30 days after adoption by the council or on a later day as the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

CHAPTER IX
PUBLIC IMPROVEMENTS

Section 37. CONDEMNATION. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 38. IMPROVEMENTS. (1) The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the council present to be needed at once because of an emergency shall be suspended for six months upon a remonstrance by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the council. (2) In this section "owner" means the record holder of legal title or, as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Section 39. SPECIAL ASSESSMENT. The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

Section 40. BIDS. Contracting procedures for public improvements shall comply with the general laws of the state for public improvement contracts.

CHAPTER X
MISCELLANEOUS PROVISIONS

Section 41. TORTS. In no event shall the city be liable for damages for an injury to person, a damage to property, or a death, caused by a defect or a dangerous condition in a public thoroughfare, site, or facility, unless the city has had actual notice prior to the injury, damage, or death that the defect or condition existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500 be recovered as damages for an injury, damage, or death resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such injury, damage, or death unless the claimant first gives written notice to the council within 30 days after the injury, damage or death is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefor of the city in an amount which is specified. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

Section 42. SYSTEM DEVELOPMENT CHARGES.

(1) The purpose of this charter provision is to insure that new development bear the full cost of existing and future capital improvements affected by the development.

(2) The City of Sisters shall impose system development charges upon new development associated with public capital improvements, including connections to such improvements, to the extent allowed by State law and subject to any limitations provided by federal and state constitutions and the laws of the State of Oregon. System development charges shall include reimbursement fees to the City of

Sisters for the costs of increased usage of existing capital improvements by new developments. System development charges shall also include improvement fees for an equitable share of projected capital improvements required to increase the capacity of improvements associated with new developments. Applicants for new development permits shall pay system development charges determined in accordance with a methodology designed to allocate to new development the full cost of existing and proposed capital improvements to the extent associated with the new development. Payment of system development charges may be deferred at the discretion of the city to no later than issuance of a certificate of occupancy. The system development charges and the methodology for their determination shall be periodically updated to reflect amendments to the City of Sisters capital improvement plan and other relevant factors.

(3) The City of Sisters may waive system development charges for affordable housing provided by non-profit organizations. In exchange for a waiver, the housing shall be affordable for a period of fifty (50) years. Violation of this agreement shall require full payment of system development charges.

(4) As used in this provision, all definitions of terms shall be as defined by the laws of the State of Oregon, and, in addition, "development" means: The first establishment of a use involving the construction or the placing of structure upon a parcel of land that was not occupied by any structure prior to that event; or any construction, alteration or change of occupancy which increases the usage of any capital improvement or which creates additional demand upon existing capital improvements.

(5) If any part of this charter provision violates the Constitution of the United States, or the Constitution of Oregon, or the laws of either, it alone will be invalidate, and the remainder of this charter provision shall remain in force.

(6) The City of Sisters shall implement this charter provision within 180 days of its passage. (Ballot Measure 9-62, 1998).

Section 43. DEBTS. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.

Section 44. CONTINUATION OF ORDINANCES. Insofar as consistent with this charter, and until amended or repealed; all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 45. REPEAL. All charter provisions adopted before this charter takes effect are hereby repealed

Section 46. SEVERABILITY. The terms of this charter are severable. If a part of the charter is held invalid; that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 47. TIME OF EFFECT. This charter takes effect November 5, 2003.