

**CITY OF CASCADE LOCKS
CITY CHARTER
2024**

**TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF CASCADE
LOCKS, HOOD RIVER 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 Cascade Locks, Oregon:

PREAMBLE

We, the voters of Cascade Locks, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state and enact this Home Rule Charter.

CHAPTER I

NAME AND BOUNDARIES

Section 1. TITLE OF THE CHARTER. This Charter may be referred to as the **City of Cascade Locks Charter of 2024.**

Section 2. NAME OF THE CITY. The City of Cascade Locks, Oregon, continues under this Charter to be a municipal corporation under the name of City of Cascade Locks.

Section 3. BOUNDARIES. The City shall include all territory encompassed by its boundaries as they now exist and as they are hereafter modified by the electorate of the City or by the Council. An accurate, up-to-date description of the boundaries shall be maintained at City Hall.

CHAPTER II

POWERS

Section 4. POWERS OF THE CITY. The City has all powers that the constitutions, statutes, and the common law of the United States and of this state 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 CHARTER. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. DISTRIBUTION. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has

legislative, administrative and quasi- judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

CHAPTER III

COUNCIL

Section 7. COUNCIL. The Council consists of a mayor and six (6) councilors, elected from the City at large.

Section 8. MAYOR. The mayor shall preside over deliberations of the Council, preserve order, enforce Council rules and determine the order of business under the rules. The mayor shall appoint the committees provided by the rules of the Council. Other officials of the City shall be appointed and removed by the Mayor, with the majority vote of the Council. The mayor shall sign all approved documents and records of proceedings of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council as this Charter prescribes.

Section 9. COUNCIL PRESIDENT. At its first meeting after this charter takes effect and at its first meeting in each odd numbered year, the Council shall elect a president from its membership. If the mayor is unable to function as mayor or is absent from a Council meeting, the president shall function as mayor. The president shall sign all approved documents and ordinances passed by the Council if the mayor fails to do so within a reasonable time. In the absence of both mayor and president, a mayor pro tem shall be elected from the councilors present. The president and mayor pro tem shall have a vote on all questions.

Section 10. MEETINGS. The Council shall prescribe rules to govern its meetings and proceedings. The Council shall hold a regular Council meeting monthly in the City at a time and at a place designated by the Council and may meet at other times as provided for by the Council.

Section 11. QUORUM. A majority of the Council shall constitute 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 12. VOTE REQUIRED. Except as this charter provides otherwise, express concurrence of a majority (four members) of the Council is necessary to decide affirmatively any question before the Council.

Section 13. RECORD OF PROCEEDINGS. A record of Council proceedings shall be kept prescribed by the council rules and the laws of the state of Oregon. The results of all votes and the vote of each member of the Council by name shall be recorded.

Section 14. 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 15. COMPENSATION OF COUNCIL AND OFFICIALS. The compensation for each official shall be set by the Council. Members of the Council shall not receive compensation unless five lay members of the Budget Committee approve, by vote, such compensation.

CHAPTER IV

POWERS AND DUTIES OF CITY OFFICIALS

Section 16. CITY ADMINISTRATOR. There shall be a City Administrator who shall be appointed by and serve at the will of the City Council. The City Administrator shall be responsible to the City Council for the proper administration of all affairs of the City of Cascade Locks and for carrying out the policies established by the City Council.

Section 17. MUNICIPAL JUDGE.

(1) 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 City Recorder directs. The court will be known as the Municipal Court.

(2) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(3) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(4) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(5)The municipal judge may:

(A)Render judgments and impose sanctions on persons and property;

(B)Order the arrest of anyone accused of an offense against the city;

(C)Commit to jail or admit to bail anyone accused of a city offense;

(D)Issue and compel obedience to subpoenas;

(E)Compel witnesses to appear and testify and jurors to serve for trials before the court;

(F)Penalize contempt of court;

(G)Issue processes necessary to enforce judgments and orders of the court;

(H) Issue search warrants; and

(I) Perform other judicial and quasi-judicial functions assigned by ordinance.

6) The council may appoint and may remove municipal judges pro tem.

7) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Section 18. CITY RECORDER. The recorder shall serve as the City election official, shall maintain the records of the City and a record of Council proceedings.

CHAPTER V ELECTIONS

Section 19. CONDUCT OF ELECTIONS. The election laws of the State of Oregon shall apply to elections held under this Charter except as this charter or an ordinance of the City prescribes otherwise. All elections for city offices must be nonpartisan.

Section 20. TIE VOTES. Per ORS 254.575, in the event of a tie vote for candidates for the Council, the successful member of the Council shall be determined by a public drawing of lots in a manner prescribed by the Council prior to the first day of the calendar year immediately following the election at which the tie vote occurred.

Section 21. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular City election shall commence the first day of the year immediately following the election.

Section 22. OATH OF OFFICE. Before beginning duties for a term of office, each member of the Council shall take an oath or affirm support of this charter, the ordinances of the City of Cascade Locks, the constitution and laws of the United States and State of Oregon, and faithful performance of the duties of a member of the Council.

Section 23. NOMINATIONS. A person qualified to serve on the Council may submit a petition to the City Recorder for nomination specifying the position sought. Each petition of nomination shall include the signature and residence address of the prospective nominee. The petition for nomination shall be signed by at least 20 electors who reside within the City or, in the alternative, a petition may be filed without signatures of electors by the payment of a \$20.00 filing fee. The signatures to a nomination petition shall have an affidavit of the circulator of the petition attached indicating the number of signers to the petition and stating that each signature on the petition was made in the presence of the circulator of the petition. Each petition for nomination shall include each signer's residence by street address. If a nomination petition is deficient, the recorder shall return it to the prospective nominee and shall advise in writing of the deficiency within three working days of the date the nomination

petition is filed. The deficient petition may be amended and refiled or a new petition for the same candidate may be filed. Nomination petitions shall be filed with the City Recorder as provided by ordinance or if not so provided, as required by state law. The City Recorder shall furnish the County Clerk with a certified statement of the City offices and candidates for City offices in a timely manner as required by state law.

Section 24. COUNCILORS. The councilors in office or elected at the time this charter becomes effective shall continue in office until the end of their term. At each biennial general election thereafter, three shall be elected, each for a four year term.

Section 25. MAYOR. The mayor in office or elected at the time this charter becomes effective shall continue in office until the end of the mayor's term. At each biennial general election thereafter, a mayor shall be elected for a term of two years.

Section 26. OFFICIALS. Other officials of the City shall be appointed and removed by the Mayor, with the majority vote of the Council. The Council may designate any official to supervise any other appointed official, except a municipal judge in the exercise of judicial functions.

Section 27. QUALIFICATIONS OF THE COUNCIL.

- (1) To be eligible to serve on the Council, a person must:
 - (A) Have residency within the City for a continuous period of 12 months immediately preceding election or appointment; and
 - (B) Be registered to vote within the City for 12 continuous months immediately preceding election or appointment; and
 - (C) Continue residency within the City during any term of office; and
 - (D) Not be an employee of the City unless the employee's position is substantially volunteer in nature.
- (2) No person shall be a candidate in a single election for more than one elective City office.
- (3) No councilor shall serve in more than one public elective office located in the City of Cascade Locks.

CHAPTER VI

VACANCIES IN OFFICE

Section 28. OCCURRENCE OF VACANCIES. The office of a member of the Council becomes vacant:

- (1) Upon the member's:
 - (A) Death;
 - (B) Adjudicated incompetence;

- (C) Recall from office;
 - (D) Resignation from the Council.
- (2) Upon declaration by the Council of the vacancy in the case of:
- (A) Failure, following election or appointment to the Council, to qualify for the Council within ten (10) days from the date the term is to begin.
 - (B) Absence from all regular Council meetings within a 60 day period, without the consent of the Council; or
 - (C) Conviction of any felony or a crime relating to performance of Council duties.
 - (D) Ceasing residency in the City;

Section 29. FILLING OF VACANCIES. A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members. Notwithstanding the quorum requirement set forth in Section 11, if at any time council membership is reduced to less than four (4), the remaining members may, by majority action, appoint additional members to raise the membership to four (4). As little as a single council member may constitute a majority for purposes of filling vacant council seat(s), if all other council seats are vacant. The 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.

CHAPTER VII ORDINANCES

Section 30. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, “The City of Cascade Locks ordains as follows:”

Section 31. METHODS OF ADOPTION.

- (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 meetings before being adopted by the Council;
- (2) An ordinance may be adopted at a single meeting by unanimous vote of the present Council, if:
- (A) Two readings, by title only or in full, shall occur, and
 - (B) Any section of a proposed ordinance containing substantive change shall be read in full prior to consideration.
- (3) A reading of an ordinance may be by title only if:

- (A) No member of the Council present at the meeting requests that that ordinance be read in full, and
- (B) At least one week before the reading:
 - (1) A copy of the ordinance is provided to each member of the Council, and
 - (2) Copies of the ordinance are available for public inspection in the office of the City Recorder, and
 - (3) Notice of the availability and the title page of the ordinance is posted at the City Hall.

Section 32. Emergency Ordinance

(1) To meet a public emergency affecting life, health, or property the Board may adopt an emergency ordinance provided that:

- (A) The ordinance does not levy taxes or authorize the borrowing of money.
- (B) The ordinance, including any amendments made after its adoption, shall be automatically repealed on the one hundred eighty-first day following the date of its adoption.

CHAPTER VIII

PUBLIC IMPROVEMENTS

Section 33. 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. Except as provided in this section, any private real property condemned by the City may not be conveyed to another private party without offering the original owner, or the heirs of the original owner the right to repurchase the property for no more than the original condemnation value, adjusted for inflation of no more than 3% per year, or the real market value, whichever is less.

(1) When private real property is condemned by the City because:

- (A) It constitutes a danger to the health or safety of the community; or
- (B) Because of dilapidated structures or insufficient water or sanitary facilities; or
- (C) Any combination of these factors apply, then the repurchase price established in this section shall also include the actual cost of correcting the deficiencies listed in this section.

Section 34. IMPROVEMENTS. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by ordinance or to the extent not so governed, by state law. Action on any proposed public improvement, except a sidewalk or an improvement unanimously declared by the Council to be needed immediately due to an emergency, shall be suspended for six months upon filing of

remonstrances by owners of two-thirds of the property to be specially assessed for the improvements. "Owner" in this section refers to the record holder of legal title. However, as to land being purchased under a recorded land sale contract, the purchaser shall be considered the owner.

Section 35. SPECIAL ASSESSMENTS. The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by ordinance.

CHAPTER IX MISCELLANEOUS PROVISIONS

Section 36. VOTER APPROVAL ON TAXES AND MANDATORY FEES
Any creation or increase in taxes or fees, whether by ordinance or resolution, shall not be effective unless approved by a majority vote of the City's qualified electors unless otherwise authorized by City Ordinance, the Constitution of the State of Oregon, or other law of the State of Oregon.

The above is option 1, option 2 is to remove any restriction on the creation of fees, charges or taxes not already controlled by City Ordinance, the Constitution of the State of Oregon, or other law of the State of Oregon.

Section 37. DEBT LIMIT. The City's indebtedness may not exceed the limit imposed by state law. Any City official or employee who creates or officially approves indebtedness in excess of the limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

Section 38. CONTINUATION OF ORDINANCES. All ordinances in force when this charter becomes effective shall remain in effect until modified or repealed.

Section 39. REPEAL. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 40. TIME OF EFFECT OF CHARTER. This charter shall take effect on the **6th** day of **November, 2024**.