

# CHARTER

City of Tualatin, Washington County, Oregon

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

Be it enacted by the people of the City of Tualatin, Washington County, Oregon:

## CHAPTER I

### *Names and Boundaries*

Section 1. Title of Enactment. This enactment may be referred to as the “City of Tualatin Charter of 1967.”

Section 2. Name of City. The municipality of City of Tualatin, Washington County, Oregon, shall continue to be a municipal corporation with the name “City of Tualatin, Oregon.”

Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Council, or by any other agency with legal power to modify them. The Recorder shall keep in the Recorder’s Office at the City Hall at least two copies of this Charter and maintain in each copy an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

## 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 impliedly 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 mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

*Form of Government*

Section 6. Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.

Section 7. Council. The Council shall be composed of a Mayor and six Councilors elected from the City at large. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 8. Councilors. The term of each Councilor in office when this Charter is adopted shall continue until January 1, 1969. At the 1968 biennial general election, six Councilors shall be elected. Of the six, the three receiving the three highest numbers of votes shall each hold office for four years, and the three receiving the next three highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, three Councilors shall be elected, each for a term of four years, and at each biennial general election the number of Councilors to be elected to fill vacancies pursuant to Section 33 of this Charter shall be elected. *[Charter amendment adopted at a general election held November 7, 1978, and a general primary election held May 15, 1990.]*

Section 8a. Assignment of Council Positions. Councilors shall be assigned numbered positions, one through six. A person seeking office on the Council shall specify which Council position they are seeking by number. A person may run for no more than a single Council position during any one election. The person receiving the highest number of votes for each position shall be elected. This amendment shall first apply during the general biennial election in 1990. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 9. Mayor. The present Mayor shall serve the remainder of the term, and at the general election of the year 1990 and every four years thereafter a mayor shall be elected. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 10. Other Officers. Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 11. Salaries. The compensation for the services of each City officer and employee shall be the amount fixed by the Council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the City unless at the time of election that person is a qualified elector within the meaning of the state constitution and has resided in the City during the 12 months immediately preceding the election. Such elected officer shall remain a resident of the City during the term of office. 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. *[Charter amendment adopted at a general primary election held May 23, 1978, and a general primary election held May 15, 1990.]*

#### CHAPTER IV

##### *Council*

Section 13. Meetings. The Council shall hold a regular meeting at least once a month in the City at a time and at a place which is designated. It shall adopt rules for the government of its members and proceedings. The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council in accordance with procedures prescribed by state law and general ordinance. Special meetings of the Council may also be held by the common consent of all the members of the Council in accordance with procedures prescribed by state law and general ordinance. *[Charter amendment adopted at a general election held November 4, 1986, and a general primary election held May 15, 1990.]*

Section 14. Quorum. Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 15. Journal. The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 16. 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 17. Mayor's Functions at Council Meetings. The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all

questions before the Council and authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 18. President of the Council. At its first meeting after this Charter takes effect and thereafter at its first meeting of each odd-numbered year, the Council by ballot shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem. Whenever the Mayor is unable to perform the functions of office, the president shall act as mayor. *[Charter amendment adopted at a general election held November 4, 1986, and a general primary election held May 15, 1990.]*

Section 19. Vote Required. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

## CHAPTER V

### *Powers and Duties of Officers*

Section 20. Mayor. The Mayor shall appoint the committees provided by the rules of the Council and sign all approved records of proceedings of the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passing. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

#### Section 20a. City Manager.

- (a) Qualifications. The City Manager shall be the administrative head of the government of the City. The Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The Manager need not be a resident of the City or of the State at the time of the appointment, but shall promptly thereafter become and remain a resident of the City. *[Charter amendment adopted at a general election held November 4, 1986.]*
- (b) Term. The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council.
- (c) Powers and Duties. The Manager shall:
  - (1) Devote his or her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if

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- requested by the Council, of all the affairs and departments of the City.
- (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed.
  - (3) Appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them but shall have no control over the judicial activities of the Municipal Judge.
  - (4) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as that body requests.
  - (5) Supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property. *[Charter amendment adopted at a general election held on November 6, 1984, and a general primary election held May 15, 1990.]*

Section 21. Municipal Judge. The Municipal Judge shall be the judicial officer of the City and hold within the City a court known as the “municipal court of the City of Tualatin, Washington County, Oregon.” The court shall be open for the transaction of judicial business at times specified by the Council. All area within the City shall be within the territorial jurisdiction of the court. The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City. The Municipal Judge shall have authority to 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 to release on bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the court, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this Charter, all proceedings in the municipal court for the violation of a City ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council. *[Charter amendment adopted at a general election held November 4, 1986, and a general primary election May 15, 1990.]*

Section 22. Recorder. The Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep an accurate record of its proceedings in a book provided for that purpose, 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 the authority and duties of the Recorder.

## CHAPTER VI

### *Elections*

Section 23. Elections. Except as this Charter provides otherwise, and the Council provides otherwise by ordinance, the general laws of the state of Oregon shall apply to the conduct of City elections. *[Sections 23 through 28 repealed and replaced by Charter amendment adopted at a general election held November 4, 1986.]*

Section 29. Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence the first of the year immediately following the election.

Section 30. Oath of Office. Before entering upon the duties of office, each officer shall take an oath or shall affirm support for the constitutions and laws of the United States and of Oregon and promise to faithfully perform the duties of office. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 31. 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 state law. Such petition shall be signed by not fewer than 10 electors. No elector shall sign more than one petition for each vacant position. If the elector does so, the signature shall be valid only on the first sufficient petition filed for the position. 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 of the paper and stating that each signature appended thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the Recorder as one instrument not earlier than 120 nor later than 70 days before the election. 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 the nomination, and such person shall file with the Recorder the written acceptance of nomination 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. *[Charter amendment adopted at a general primary election held May 23, 1978 and Charter amendment adopted at a general election held November 4, 1986 and at a general primary election held May 15, 1990.]*

## CHAPTER VII

### *Vacancies in Office*

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to official duties or unlawful destruction of public records; resignation; recall from office; or ceasing to possess qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within 10 days after the term of office is to commence; or in the case of a mayor or councilor, upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 33. Filling of Vacancies. Vacancies in elective offices in the City shall be filled by appointment by a majority of the incumbent members of the Council. The appointee's term shall begin immediately upon appointment and shall continue until the beginning of the year following the next general biennial election, and the successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During the temporary disability of any officer or during the absence temporarily from the City for any cause, the office may be filled pro tem in any manner provided for filling vacancies in office permanently. *[Charter amendment adopted at a general election held November 7, 1978, and at a general primary election held May 15, 1990.]*

CHAPTER VIII

*Ordinances*

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Tualatin ordains as follows:"

Section 35. Mode of Enactment.

- (1) Except as this section provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.
- (2) Except as this section provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present, upon being read first in full and then by title.
- (3) Any of the readings may be by title only,
  - (a) if no Council member present at the meeting requests to have the ordinance read in full; or
  - (b) if a copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by
    - (i) written notice posted at the City Center; or
    - (ii) advertisement in a newspaper of general circulation in the City.

An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council. *[Charter amendment adopted at a general election held November 4, 1986.]*

- (4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.
- (5) Upon the enactment of any ordinance, the Recorder shall sign it with the date of its passage and his or her name and title of office, and within three days thereafter the Mayor shall sign it with the date of his or her signature, name, and the title of office. *[Charter amendment adopted at a general primary election held May 15, 1990.]*

Section 36. When Ordinances Shall Take Effect. An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems

it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

## 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. 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 general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the property to be specifically assessed therefore. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the City Recorder, the said purchaser shall be deemed the "owner".

Section 39. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. Public Contracts. Public contracts for materials, equipment and services shall be in accordance with requirements of applicable general laws of the state and to the extent not so governed in accordance with regulations adopted by the Council. *[Charter amendment adopted at a general election held November 4, 1986.]*

## CHAPTER X

### *Miscellaneous Provisions*

Section 41. Debt Limit. Except as authorized by state law, the City shall not issue and sell general obligation bonds unless authorized by consent of a majority of the voters at an election. All City officials and employees who create or officially approve any indebtedness contrary to this provision shall be jointly and severally liable for the excess. *[Charter amendment adopted at a general election held November 4, 1986.]*

Section 41a. Amendments.

- (a) The City Council of the City of Tualatin, Washington County, Oregon, is hereby authorized, empowered and directed to issue and sell general obligation bonds in the sum or sums not to exceed \$200,000. Said bonds are to be issued for the purpose of providing funds with which to acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain the City water distribution and the City sewage collection system. Said bonds shall bear interest at the rate not to exceed six percent per annum and shall be issued in amounts and on such dates as the City Council may determine; provided, that no bonds issued hereunder shall bear a maturity date exceeding 25 years from the date of issuance. *[Charter amendment adopted at a special election held August 16, 1968.]*
- (b) The debt limitations as contained in the Charter of the City of Tualatin shall not apply to the bonds hereby authorized, nor shall any other provisions and limitations in said Charter apply. *[Charter amendment adopted at a special election held August 16, 1968.]*
- (c) The City Council of the City of Tualatin, Oregon, is hereby authorized, empowered and directed to issue and sell general obligation bonds in the sum or sums not to exceed \$300,000 and to levy an ad valorem property tax to retire said bonded indebtedness. Said bonds are to be issued for the purpose of providing funds to acquire and construct a City water reservoir system. Said bonds shall bear interest not to exceed a net effective rate of seven percent per annum and shall be issued in amounts and on such dates as the City Council may determine; provided, that no bonds issued hereunder shall bear a maturity date exceeding 25 years from the date of issuance. *[Charter amendment adopted at a special election held March 23, 1971.]*
- (d) The debt limitations as contained in the Charter of the City of Tualatin shall not apply to the bonds hereby authorized, nor shall any other provisions and limitations in said Charter apply. *[Charter amendment adopted at a special election held March 23, 1971.]*
- (e) The authority of the City Council to issue and sell general obligation bonds under Subsection (c) above is subject to the City entering into a grant agreement with the United States Department of Housing and Urban Development for the receipt of a sum not less than \$300,000 from said Department of Housing and Urban Development. *[Charter amendment adopted at a special election held March 23, 1971.]*
- (f) The City Council is hereby authorized, empowered and directed to purchase real estate by land sale contract to be used for park purposes and in connection with the City Community Center and incur indebtedness therefore in an amount not to exceed \$47,500 in addition to interest thereon. The real property shall be paid for out of government and private

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matching funds and shall not be paid for by local property taxation. *[Charter amendment adopted at a special election held September 11, 1973.]*

- (g) The City Council is hereby authorized and empowered by ordinance to impose and levy a tax not exceeding five percent on gross amounts of money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes or public institutions, or permanent occupancy as defined by ordinance. The tax imposed shall be collected by the owner or operator of the rental space, in addition to the rental charge at the time of payment of rent. City revenues from such taxes shall be credited to the general fund of the City and used for general City purposes, as the Council may find appropriate. *[City amendment adopted at a special election held September 11, 1973.]*

Section 42. Torts. In no event shall the City be liable in damages for any injury to person, a damage to property, or a death for an amount greater than that authorized by applicable state law. The claimant shall provide the City with notice as required by state law. *[Charter amendment adopted at a general election held November 4, 1986.]*

Section 43. Existing Ordinances Continued. All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 44. Repeal of Previously Enacted Provision. All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed.

Section 45. Time of Effect of Charter. This Charter shall take effect July 1, 1967.

Section 46. Willamette Water – Vote Required. The City of Tualatin shall not use Willamette River water as a drinking water source for its citizens unless the following question is submitted to the voters and is approved by the affirmative majority (greater than 50%) of the total number of legal votes cast on such measure and entitled to be counted thereon. The question shall read: “Shall treated Willamette River water be used as drinking water by the citizens of Tualatin?” The vote shall take place after the effective date of this amendment. *[Charter amendment adopted at a general primary election held May 21, 2002.]*