

A CHARTER

To provide for the government of the City of Klamath Falls, 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 Klamath Falls:

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as The Revised Charter of 1972.

Section 2. NAME OF CITY. The municipal corporation now existing and known as the City of Klamath Falls shall continue with the name "The City of Klamath Falls."

Section 3. BOUNDARIES. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are legally modified. The Recorder shall keep at the City Hall at least two copies of this Charter in each of which he shall maintain an accurate, up-to-date- description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours.

Section 4. POWERS OF THE CITY. The City shall have all powers which the constitutions, statutes and common law of the United States and The State of Oregon expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.

Section 5. CONSTRUCTION OF CHARTS. 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.

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 five Councilmen and elect ed from a different ward of the City.

Section 8. WARDS. For purpose of representation, the City shall be divided into five wards which shall be substantially equal in population. The Council by four affirmative votes of its members may, by ordinance, establish or change the boundaries of any ward. (Amended May 20, 1980.)

Section 9. TERM OF OFFICE. At the biennial election held in 1972 and every fourth year thereafter two Councilmen shall be elected for a term of four years. At the biennial election held in 1974 and every fourth year thereafter three Councilmen shall be elected for a term of four years.

Section 10. MAYOR. At the biennial election held in 1972 and every fourth year thereafter a Mayor shall be elected for a term of four years.

Section 11. MANAGER, JUDGE AND ATTORNEY. Additional officers of the City shall be a City Manager, Municipal Judge and City Attorney, each of whom the Council shall appoint.

Section 12. SALARIES. The Mayor shall receive \$200.00 per month for his services and each Councilman shall receive \$50.00 per month for his services. The Mayor shall be reimbursed for out-of-pocket expenses duly itemized and presented for payment. Each Councilman shall be provided \$50.00 per month to cover expenses incurred within the City. Councilmen shall be reimbursed for out-of-pocket expenses incurred outside the City only upon presentation of an itemized accounting. (Amended May 20, 1980.)

Section 13. QUALIFICATIONS OF OFFICERS. No person shall be eligible for an elective office of the City unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the City or an area annexed to the City during the four years immediately preceding the election. A Councilman shall be a resident of the ward from which he is elected or appointed to represent. The Council shall be final judge of qualifications and election of its own members.

Section 14. MEETINGS. The Council shall hold as many regular meetings at intervals, times and places which it designated by ordinances. However, the Council shall hold at least two meetings per month with at least seven days interval between the first and last meeting of each month. It shall adopt rules for the government of its members and proceedings by ordinance. Special meetings shall be called in a manner designated by ordinance.

Section 15. QUORUM. Three members of the Council shall constitute a quorum for its business.

Section 16. RECORD OF PROCEEDINGS. The Council shall cause a record of its proceedings to be kept. Upon the request of any of its members the ayes and nays upon any question before it shall be taken and entered into the record.

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 FUNCTION AT COUNCIL MEETINGS. The Mayor shall be chairman of the Council and preside over its deliberations. He shall have authority

to preserve order, enforce the rules of the Council and determine the order of business under the rules of the Council. The Mayor may set aside and veto any ordinance not passed by at least four affirmative votes of the Council. The mayor may cast a tie-breaking vote upon any motion, resolution or ordinance. (Amended May 20, 1980.)

Section 19. RESIDENT OF THE COUNCIL. At the first meeting of each calendar year the Council shall elect a president from its membership. The Council President shall preside over all meetings and perform the functions of the Mayor in his absence, except the Council President shall not have the power to veto any ordinance.

Section 20. 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.

Section 21. DUTIES OF MAYOR. The Mayor shall appoint such committees as provided by the Council. He shall sign all records of proceedings approved by the Council and shall take action on all ordinances passed by the Council as provided in Section 34 of this Charter. (Amended May 20, 1980.)

Section 22. CITY MANAGER.

(a) QUALIFICATIONS. The City Manager shall be the administrative head of the government of the City. He shall be chosen by the Council without regard to political considerations and solely with reference to his executive and administrative qualifications. He need not be a resident of the City of the state at the time of his appointment. Before taking office he shall give a bond in such amount and with such surety as may be approved by the Council.

(b) TERM. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. The appointment or dismissal of a manager shall be made by resolution at a regular Council meeting passed by the affirmative vote of three Councilmen. Any Councilman who has served for a period of less than ninety (90) days shall not be allowed to vote on the resolution dismissing the City Manager.

(c) MANAGER PRO TEM AND ACTING MANAGER. Upon any vacancy occurring in the office of City Manager the Mayor shall appoint a manager pro tem for a term not to exceed four months. Not later than four months after the vacancy occurs the Council shall appoint a manager to fill the vacancy. During periods in which the manager is absent from the city he may appoint an acting manager; however, if the absence exceeds thirty (30) days he shall appoint an acting manager.

(d) POWERS AND DUTIES.

1. To devote his entire time to the discharge of his official duties except as may otherwise be approved by the Council.

2. To prepare the annual budget and present it to the Budget Committee.

3. To act as purchasing agent for all departments. But, all purchases shall be held within the budget of the department for which it is made, except where approval

thereof is given by the Council and a record of such approval entered in the minutes of the Council.

4. To appoint, supervise and remove with or without cause all appointive officers of the City of Klamath Falls and all department heads and employees except, however, the Municipal Judge and City Attorney who shall be appointed and removed by the Council at its pleasure. All such appointment shall be made upon the basis of merit and fitness alone. The salaries of all appointed officers, department heads and employees shall be fixed by the manager, but the Council shall set salary ranges within the individual classifications.

5. To act as business agent of the Council for the sale or purchase of real estate and for matters relating to franchises, leases, contracts, permits and the use of City property and to see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed and to report to the Council any violations.

6. To attend all meetings of the Council unless excused therefrom by three members of the Council.

7. To keep the Council advised as to the needs of the City.

8. To submit to the Council an annual report of all departments of the City and such other reports as the Council may require.

9. To prepare a written agenda which shall be available to the Mayor and Council at least three days prior to each regular meeting of the Council.

10. To have general supervision over all City property and its use by the public or City employees.

11. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned or operated by the City.

12. In order to facilitate the prompt, economical and efficient dispatch of City business, to organize the work of the departments under his control, assign assistants, deputies and employees from an office or department of the City Government to perform work or services in connection with any other office or department therefore to work in more than one of said offices or departments, provided that no such change shall affect the powers or duties of any elective officer of the City, Municipal Judge or City Attorney.

13. The duties of all officers appointed by the manager and all department heads and employees shall be assigned to them by the manager or by such officer or department head as he may designate.

14. To control the purchase, storage and distribution of all supplies, materials, equipment and contractual services required by the City or any department or agency thereof in the manner as may be provided by ordinance and to establish and enforce standard specifications with respect to such supplies, materials or equipment.

15. To carry out and enforce all properly enacted ordinances, resolutions and rules of the City. (Added May 20, 1980.)

16. To perform such other and further duties as shall be directed by the Council (Renumbered May 20, 1980.)

(e) SEATS AT COUNCIL MEETINGS. The manager and such other officers as the Council designates shall be entitled to sit with the Council, but shall have no vote on questions before it. The manager may take part in all Council discussions.

(f) INTERFERENCE IN ADMINISTRATION AND ELECTIONS. No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to

influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. A violation of the foregoing provisions of this section shall forfeit the office of the offending member of the Council. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to City affairs or the interest of the City. Neither the manager nor any person in the employ of the City shall take part in securing, or contributing any money toward the nomination or election of any candidate for a municipal office.

(g) INELIGIBLE PERSON. Neither the manager's spouse nor any person related to the manager or his spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the City.

Section 23. MUNICIPAL JUDGE. The Municipal Judge shall be the judicial officer of the City. He shall hold within the City a court known as "The Municipal Court of the City of Klamath Falls." 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 actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City, or offenses defined and made punishable by ordinances of the City, and shall exercise concurrent jurisdiction of all offenses defined and made punishable by the statutes of the State of Oregon, which statutes are adopted by the Council of the City of Klamath Falls. He shall have authority to issue process for the arrest of any person accused of any offense against the ordinances of the City, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, 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 court. When not governed by ordinances or this Charter, all proceedings in the municipal court for the violation of a City ordinance shall be covered by the applicable general laws of the state governing justices of the peace and justice courts.

Section 24. 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 25. SPECIAL ELECTIONS. The Council shall provide the time, manner and means for holding any special election in accordance with applicable state laws.

Section 26. 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 27. NON PARTISAN. All elective offices shall be non partisan.

Section 28. 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 29. OATH OF OFFICE. Before entering upon the duties of his office, each officer shall take an oath of shall affirm that the will support the constitution and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 30. NOMINATIONS AND OTHER ELECTION PROCEDURES. A candidate for Councilman may be nominated by filing an affidavit of nomination and paying a filing fee of \$25.00 or upon petition of 25 registered voters in his ward. A candidate for Mayor may be nominated by filing an affidavit of nomination and paying a filing fee of \$50.00 or upon petition of 50 registered voters in the City. The Council shall provide by ordinance passed by four affirmative votes of the Council the mode for other election procedures.

Section 31. WHAT CREATES A VACANCY. An elective office shall be deemed vacant upon the incumbent's death; moving out of the City; adjudicated incompetence, conviction of a felony, other offense pertaining to his office or unlawful destruction of public records; resignation; recall from office or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for his term of office to commence; or upon his absence from the City for thirty (30) days without the consent of the Council or upon his absence from meetings of the Council for sixty (60) days without like consent, and upon a declaration by the Council of the vacancy. (Amended May 20, 1980.)

Section 32. FILLING OF VACANCIES. Vacant elective offices in the City shall be filled by appointment. The affirmative vote of three members of the Council shall be required to validate the appointment. The appointee's term shall begin immediately upon his appointment and shall continue until the beginning of the year following the next general biennial election and until his successor is qualified, and his 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 his absence temporarily from the City for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

Section 33. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be "The City of Klamath Falls ordains as follows:"

Section 34. MODE OF ENACTMENT.

(a) Every ordinance of the Council shall, before being put upon its final passage, be read in open Council meeting on two different days.

(b) Any of the readings may be by title only if no Council member present at the meeting requests to have the ordinance read in full, provided that a written copy of the

ordinance is provided for each Council member and three written copies are provided for public inspection in the Council Chambers at the time of their consideration. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was written, 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.

(c) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(d) Except as this Charter provides in Section 8, 18 and 30 the affirmative vote of three members of the Council present at a Council meeting shall be necessary to pass an ordinance.

(e) Upon enactment of an ordinance, the Recorder shall sign it with the date of its passage and within three days the Mayor shall sign it with the date of his signature or set it aside for thirty (30) days. If the ordinance is set aside by the Mayor, at the time of the set aside time, the ordinance shall be reconsidered by the Council. If the ordinance is repassed by the Council, the Recorder shall sign it with the date of its repassage and within three days the Mayor shall sign it or veto it with the date of his signature. If the ordinance is vetoed by the Mayor, it shall be resubmitted at the next regular meeting of the Council. The Council may, by four affirmative votes, override the veto of the Mayor. (Amended May 20, 1980.)

Section 35. WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the Council shall take effect on the thirtieth (30th) 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.

Section 36. GENERAL ORDINANCES. Ordinances which are general in nature and have an obligatory force on the community and upon the administration of the Municipal Government or which are penal shall be designated as general ordinances. General ordinances of the City shall be published in "the Code of The City of Klamath Falls," which code shall be an original document maintained by the Recorder in the City Hall and shall be available for public inspection at the City Hall at any time during regular office hours.

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 ordinances or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement shall be suspended for six (6) months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefore. In this section "owner" shall mean the record holder of legal title, or, where the land is being purchased under a land sale contract recorded or verified to the Recorder in writing by the record holder of legal title to the Recorder, and the purchase 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. BIDS. A contract in excess of \$5,000.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the Council. The Council shall have the right to reject any and all bids.

Section 41. BONDED INDEBTEDNESS. The Council shall not issue general obligation bonds without the consent of the majority of voters.

Section 42. PUBLIC PROPERTY. (Deleted May 20, 1980.)

Section 43. EXISTING ORDINANCES & LEVIES CONTINUED. All ordinances of the City consistent with this Charter and existing levies in force when it takes effect 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 Charter takes effect are hereby repealed.

Section 45. TIME OF EFFECT OF CHARTER. This Charter shall take effect January 1, 1972.

Section 46. WATER UTILITY.

(a) ACQUISITION. The City may acquire the water utility facilities of Oregon Water Corporation consisting generally of its intangible plant, source of supply, power and pumping plant, purification plant, storage, distribution system, land, easements and general plant including structures and improvements, office furniture, transportation, stores, shops, laboratories, tools, communications and miscellaneous equipment, accounts receivable, and unbilled revenues.

(b) FEES. The City may establish a schedule of fees and charges for the operation, maintenance and improvement of the water utility system.

(c) FUNDING AUTHORIZATION. The City shall issue and sell General Obligation Bonds of the City in an amount not to exceed \$7,000,000.00 to provide funds for the purpose of acquiring the water utility facilities of Oregon Water Corporation, to improve the system and to pay all costs incident to the sale of such bonds, all in accordance with such terms and conditions of sale as the City Council may prescribe. (Added January 28, 1978)

Section 47. REVENUE BONDS. The common Council may, by ordinance, authorize the issuance and sale of revenue bonds to provide funds with which to acquire, construct, equip or improve revenue producing public purpose facilities. Such bonds shall be secured solely from the unobligated revenues produced by the facility, or similar facilities, and by, in the discretion of the common Council, mortgage or similar encumbrance upon the

facility and shall not be payable in any manner from taxes. The ordinance authorizing such issuances and sale shall be subject to referendum. (Added May 20, 1980)

Section 48 NONESSENTIAL SERVICES FUNDING. All services not deemed to be essential by this section shall only be supplied by the City upon providing some combination of self-supporting funding or funding from federal, state or private grants or serial levies. When a request is made for a levy for such a nonessential service, the matter may be referred by the City Council to the City voters at a statutorily timed City-wide election. For purposes of this section essential services are limited to: police, fire, finance, City Manager, City Council, Mayor, Municipal Court, City Attorney, engineering, planning, building, streets, sewer and water. (Added May 20, 1980)

Section 49 BOARD AND COMMISSION RESIDENCY REQUIRED. All persons appointed to City board or commission positions shall be residents of the City. In addition to such other grounds as may be established by ordinance or Charter provisions, any person so appointed who moves out of the City shall be automatically removed. (Added May 20, 1980)

Section 50 FINES AND PARKING METER RECEIPTS FUND ESTABLISHED. The City Council shall, by ordinance, establish a Fines and Parking Meter Receipts Fund which shall be restricted to acquisition and maintenance of off-street parking facilities, parking meter purchase and repair and enforcement of ordinances and statutes dealing with parking violations. The ordinance shall contain a provision directing all fees or money received on account of collections from City parking meters and receipts from parking violations and fines be deposited to the credit of such fund. (Added May 20, 1980)

Section 51 COLLECTIVE BARGAINING To guarantee that the citizens of the City shall have the right of referendum on collective bargaining matters and that the functioning and political form of the City shall not be disrupted by non-harmonious relations between City management and employees, the Council shall enact a collective bargaining ordinance consistent with the following public policies:

(a) The City of Klamath Falls is a home rule municipality as granted pursuant to the Oregon Constitution, State Statutes and the City's duly adopted Charter, and as such has established jurisdiction over all matters of local concern.

(b) The purpose and amount of local property tax levies are matters of local concern and the City wishes to provide a procedure guaranteeing City voters their constitutional right of referendum on such matters.

(c) The people of the City have a fundamental interest in the development and continuation of a procedure to insure harmonious and cooperative relationship between the governing body and its employees.

(d) The establishment and administration of the process, procedures and guidelines of collective bargaining are matters of local concern which directly impact the form and structure of City government.

(e) Recognition by the City of the rights of employees to organize and full acceptance of the principle and procedure of collective negotiation between the City and public employee organizations can alleviate various forms of local strife and unrest.

(f) Experience in private and public employment has proved that protection by law of the right of employees to organize and bargain collectively is fundamental to the peaceful adjustment of local disputes rising out of differences as to wages, hours and other working conditions.

This ordinance shall, therefore, contain, among others, provisions:

(a) Recognizing and defining the rights of employees to join organizations of their own choosing for the purpose of representation on matters affecting employee relations or to represent themselves individually in dealing with the City.

(b) Recognizing and defining the City's right to determine the overall mission of the City as a unit of government and to exercise the regular and customary functions of management.

(c) Establish formal rules and procedures to provide for the orderly and systematic presentation, consideration and resolution of employee relations matters.

(d) Establishing an Employment Relations Commission to insure that all City employees and their representatives are fairly treated, that their requests are fairly heard, considered and resolved by local citizens and that all impasses be submitted to mediation.

(e) And guaranteeing to the people of the City their constitutional right of referendum to decide any issues resulting from mediation. (Added May 20, 1980)

Section 52. KLAMATH MEMORIAL PARK. The City Council may authorize the direct sale of Klamath Memorial Park cemetery by resolution. Such sale shall be subject to the rights of existing lot owners, restrict the use of the property to cemetery purposes and provide for transfer and continuation of the perpetual care trust fund for the benefit of the cemetery. (Added May 20, 1980.)

Section 53. GENDER. As used in this Charter the masculine shall include the feminine and the neuter. (Added May 20, 1980.)

Section 54. SEVERABILITY OF PARTS OF CHARTER. It is hereby declared to be the intention of the City of Klamath Falls that the sections, subsections, paragraphs, provisions, clauses, phrases and words of this Charter are severable and if any section, subsection, paragraph, provision, clause, phrase or word of this Charter is adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Charter, and it hereby expressly declared that every other section, subsection, paragraph, provision, clauses, phrase or word of this Charter adopted, irrespective of the adoption or validity of the portion thereof declared to be unconstitutional or invalid, is valid. (Added May 20, 1980.)