

CHARTER

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF LAKESIDE, COOS 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 LAKESIDE, COOS COUNTY, OREGON:

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Lakeside Charter of 1976.

Section 2. Name of City. The municipality of Lakeside, Coos County, Oregon, shall continue to be a municipal corporation with the name of "City of Lakeside."

Section 3. Boundaries. The city shall include all territory encompassed by its boundaries as hereinafter described or hereafter modified by voters, by the council, or by any other agency with legal power to modify them. The recorder shall keep in his office 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 descriptions shall be available for public inspection at any time during regular office hours of the recorder. The boundary description shall comprise the following: (See Appendix)

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.

Lakeside Charter

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. The council shall be composed of a mayor and six councilmen elected from the city at large.

Section 8. Councilmen. The term of office of each councilman in office when this charter is adopted shall continue for the term for which he was elected except as hereinafter set forth. At the first general election after this charter is adopted, the three councilmen whose terms will first expire, shall stand election for office for a term of four years. At such election a fourth councilman shall be elected for a term of two years. At such election the three candidates receiving the highest number of votes each among all of the other candidates shall be elected to four year terms of office each. The candidate receiving the fourth highest number of votes among all the other candidates shall be elected to a two year term of office. At the second general election after this charter is adopted, the remaining two councilmen and the councilman elected to the two year term at the first election shall stand election for office for a term of four years each. At each subsequent general election, those councilmen whose term will expire in the ensuing year shall each stand election for a four year term of office. At such subsequent elections the candidates receiving the highest number of votes each among all the other candidates shall be elected. Further provided that the terms of the councilmen in office when this charter is adopted shall be extended or shortened respectively to give full effect to this section.

Section 9. Mayor. At each general election, a mayor shall be elected for a term of two years.

Lakeside Charter

Section 10. Other Officers. Additional officers of the city shall be a recorder and such other officers 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 his judicial functions.

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 his election he is a qualified elector within the meaning of the state constitution and the election laws of the state and has resided in the city during the 30 days immediately preceding the election. The council shall be final judge of the qualifications and election of its own members, subject, however, to a review by a court of competent jurisdiction.

CHAPTER IV

COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his 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, any by giving such public notice as is required by the laws of the state of Oregon for public meetings, call a special meeting of the council for a time not earlier than twenty-four hours after the notices are given. Special meetings of the council may also be held at any time by the common consent of all members of the council provided such notices are given.

Section 14. Quorum. A majority of members of the council shall constitute a quorum for its business.

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

Lakeside Charter

Section 16. Proceedings to be Public. No action by the council shall be valid or enforceable unless the same was taken at a meeting called pursuant to Section 13 hereof.

Section 17. Mayor's Functions at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. 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.

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. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

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. He shall sign all records of proceedings approved by the council. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passing.

Section 21. Municipal Judge. In the event a municipal judge is appointed, he shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Lakeside, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all 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, 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 governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 22. Recorder. The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council and keep an accurate record of its proceedings. 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.

CHAPTER VI

ELECTIONS

Section 23. Regular Elections. Regular city elections shall be held at the same times and places as state general elections, in accordance with applicable state election laws.

Section 24. Notice of Regular Elections. Except as may be otherwise provided by the election laws of the state of Oregon, the recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof in three conspicuous public 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 25. Special Elections. The council shall provide the time, manner, and means for holding any special election, in accordance with applicable state election 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. 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. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election the council shall meet and canvass the returns. The results of all

Lakeside Charter

elections shall be entered in the record of the proceedings of the council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he 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 28. 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 29. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence at the first council meeting in the year immediately ensuing the year of his election.

Section 30. Nominations. A qualified person may be nominated for an elective city position. Nomination shall be by petition signed by at least 25 electors of the city and shall be filed with the recorder at least 65 days before the day of the election or such other time as may be required by state law. The council may, by ordinance, provide for the contents of the petition.

CHAPTER VII

VACANCIES IN OFFICE

Section 31. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; 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 therefor within ten days after the time for his term of office to commence; or in the case of a mayor or councilman, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy. In the event a mayor or councilman ceases to be a resident of the city of Lakeside, his office shall be declared vacant.

Lakeside Charter

Section 32. Filling of Vacancies. Vacant elective offices in the city shall be filled by appointment. A majority vote of the council shall be required to validate the appointment. The appointee's term of office shall begin immediately upon his appointment and shall continue until a successor is elected at the next regular general election to fill the remainder of the unexpired term of said office.

CHAPTER VIII

ORDINANCES

Section 33. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The city of Lakeside ordains as follows:"

Section 34. Mode of Enactment.

(1) Except as the second and third paragraphs of this section provide 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 the third paragraph of 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 if no council member present at the meetings requests to have the ordinance read in full and if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted in three conspicuous public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone shall 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.

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

(5) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date of his signature, his name and the title of his office.

Lakeside Charter

Section 35. When Ordinances 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 36. Acquisition and Disposition of Property. The city shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of protecting/ preserving, or facilitating any improvements, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The city shall also have power to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent 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 is to be devoted.

Section 38. Assessments. The city shall have power to provide for the payment of any part or all of the cost of land or other properties acquired for public use, of the cost of constructing, reconstructing, repairing, operating or maintaining any structure or work in the nature of a public facility or improvement, including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specially benefitted thereby. If it is proposed to pay, by assessment upon the property benefitted, all or part of any public improvement, such improvement shall be commenced on the motion or resolution of the council or on petition of the owners of one-half of the property to benefit specially from the improvements. After a hearing upon such resolution or motion, and any remonstrance thereto, the council may deny or undertake such improvement or any part thereof. Provided that a remonstrance of the owners of two-thirds of the area within the boundaries of any special assessment district whether the property within the boundaries of said proposed assessment district abuts upon any such proposed public improvement or not, shall defeat such a motion or

resolution, in which event no further action to effect the improvement shall be taken for six months. For the purposes of this chapter, "owner" shall mean the record holder of legal title; provided that if the affected property is being sold under a land sale contract, recorded in the office of the County Clerk of Coos County, Oregon, such purchaser shall be deemed the "owner"; and provided that where legal title holders or contract purchasers are in fact tenants by the entirety, tenants in common, joint tenants or any other similar combined ownership, the signature of any one of such persons shall be deemed that of the entire ownership (unless another co-owner in such ownership files with the council in writing a disclaimer of such signature, in which case the signatures of co-owners owning more than one-half of such ownership shall be required). Except as may be otherwise provided for in this charter, the procedure for levying and collecting special assessments for public improvement shall be governed by ordinance or by state law for the collection of special assessments.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 39. Torts. Every person who claims damage from the city for or on account of any loss or injury, shall cause to be presented to the city, within 180 days after the alleged loss or injury, a written notice stating the time, place and circumstances thereof, and the amount of compensation or relief demanded. The notice of claim shall be presented to the city recorder. No action shall be maintained unless such notice has been given and unless the action is commenced within two years after the date of the accident or occurrence.

Section 40. Bid Requirements. Before any public improvement or the purchase of any personal property, the estimated total cost of which is \$5,000.00 or more, the city council shall call for bids and shall follow the procedures as set forth in laws of the State of Oregon pertaining to public purchasing for public improvements of such value or cost as require bidding procedures. In the event no such laws exist, the council shall provide for the method of bidding.

Section 41. Disposal of Property. The council shall make such rules and regulations as necessary to dispose of abandoned, confiscated or lost property within the city.

APPENDIX

CITY BOUNDARY DESCRIPTION

LAKESIDE CHARTER 1976

Beginning at the Southeast corner of Section 18, T. 23 S., R. 12 W. W. M.; thence Westerly 1 mile to the Southwest corner of said Section 18; thence continuing Westerly along the South line of Section 13, T. 23 S., R. 13 W. W. M. to the Southwest corner of the Cecil M. Bradley property; thence North along the West line of the Cecil M. Bradley property to the Northwest corner of said property; thence East along the 1/16 line to the Southeast corner of the P. J. Memegat property; thence North to the Northeast corner of the P. J. Memegat property; thence West to the Center East 1/16 corner of Section 13, T. 23 S., R. 13 W.W.M.; thence North along the 1/16 section line to the centerline of the Southern Pacific Railroad right of way; thence Westerly along the centerline of said railroad right of way to the East right of way line of U. S. Highway 101; thence Northerly along the East right of way of U. S. Highway 101 through Sections 13 and 12 of T. 23 S., R. 13 W. W. M. to the West line of Section 7, T. 23 S., R. 12 W. W. M.; thence Northerly along the West line of said Section 7 to the Northwest corner of said section; thence North along the West line of Section 6, T. 23 S., R. 12 W.W.M. to the Southwesterly right of way of Old U. S. Highway 101; thence Southeasterly along said Southwesterly right of way to the Westerly right of way of the present U. S. Highway 101; thence Southerly along the Westerly right of way of the present U. S. Highway 101 to the North line of the SW 1/4 of the SW 1/4 of Section 6, T. 23 S., R. 12 W.W.M.; thence Easterly along the North line of the SW 1/4 of the SW 1/4 of said Section 6 to the SW 1/16 corner of Section 6; thence South 1/4 of a mile to the West 1/16 corner between Sections 6 and 7, T. 23 S., R. 12 W.W.M.; thence South through the West half of Section 7, T. 23 S., R. 12. W.M. 1/2 mile to the CW 1/16 corner of said Section 7; thence East 1/4 mile to the center of said Section 7; thence South 1/4 mile to the Center South 1/16 corner on the North-South centerline; thence East 1/2 mile to the South 1/16 corner on the Section line between Sections 7 and 8, T. 23 S., R. 12 W.W.M.; thence South 1/4 mile to the section corner common to Sections 7-8-17 and 18, T. 23 S., R. 12 W.W.M.; thence East on the section line between sections 8 and 17 to a point in the center of North Tenmile Lake; thence Southerly along the centerline of said North Tenmile Lake to the Northwest corner of the David G. Hanson property; thence South along the West line and the West line extended of the said Hanson property to the centerline of the North Lake County Road; thence East along the centerline of the North Lake County Road to the East boundary of Playa Resort; thence South along the East boundary of Playa Resort to the center of Tenmile Lake; thence Southwesterly along the center of Tenmile Lake to a point on the Section line between Sections 17 and 20 T. 23 S., R. 12 W.; thence West to the point of beginning.