



city of  
**REDMOND**  
oregon

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# **REDMOND CITY CHARTER**

**ADOPTED 1980  
AMENDED 2010**

**ISSUED PURSUANT TO LAW**

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## A CHARTER

To provide for the government of the City of Redmond, Deschutes County, Oregon. Be it enacted by the people of the City of Redmond, Deschutes County, Oregon:

### **CHAPTER I – NAMES AND BOUNDARIES**

- Section 1 Title of Enactment.** This enactment may be referred to as the Redmond City Charter of 2011.
- Section 2 Name of City.** The municipality of Redmond, Deschutes County, Oregon, shall continue to be a municipal corporation with the name “City of Redmond.”
- Section 3 Boundaries.** The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified. The Finance Officer/Recorder shall keep in his or her office at the City Hall at least two copies of this charter in each of which he or she 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 of the Finance Officer/Recorder.

### **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.

### **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 six councilors and a mayor.
- Section 8 Councilors.** The councilors in office at the time this charter is adopted shall continue in office, each until the end of his or her term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each

biennial general election after this charter takes effect, three councilors shall be elected, each for a term of four years.

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

**Section 10 Manager, Judge, and Other Officers.** Additional officers of the City shall be a City Manager and Municipal Judge, each of whom the Council shall appoint, and such other officers as the Council deems necessary. The Council may combine any two or more appointive offices, except the offices of City Manager and Municipal Judge. In no such combination shall the Municipal Judge be subject in his judicial functions to supervision by any other officer.

**Section 11 Compensation.** Compensation for the city officers and employees shall be the amount fixed by the Council.

**Section 12 Qualification of Officers.** No person shall be eligible for an elective office of the City unless at the time of his or her election he or she is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. No person shall hold elective office while he or she is an employee of the City. The Council shall be final judge of the qualifications and election of its own members.

#### **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 governing 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 for a time not earlier than three nor later than forty eight hours after the notice is given. Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.

**Section 14 Quorum.** A majority of members 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 15 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 questions before it shall be taken and entered in the record.

**Section 16 Public Meetings.** Except as provided by state law, proceedings of the City Council shall be open to the public.

**Section 17 Mayor's Functions at Council Meetings.** The Mayor shall be Chairman of the Council and preside over its deliberations. He or she shall have a vote on all questions before it. He or she 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 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 this 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 questions before the Council.

## **CHAPTER V – POWERS AND DUTIES OF OFFICERS**

**Section 20 Mayor.** The Mayor with the approval of the Council shall appoint the committees provided by the rules of the Council. He or she shall sign all records of proceedings approved by the Council. He or she shall sign all ordinances passed by the council. 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.

**Section 21 City Manager.**

1. The City Manager shall be the administrative head of the government of the city. He or she shall be chosen by the Council without regard to political considerations and solely with reference to his or her executive and administrative qualifications. He or she need not be a resident of the city or of the state at the time of his or her appointment. Before taking office, he or she shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City. The City Manager shall have the right to take part in the deliberations of the council but shall have no vote therein.
2. The City Manager shall serve as the City budgeting officer, purchasing and business agent, the administrative head of all City departments and shall have the authority to enforce city ordinances.

3. If the office of City Manager becomes vacant, the Council shall appoint a City Manager Pro Tem. The City Manager Pro Tem shall have all functions of the City Manager, but may appoint or dismiss a department head only with the approval of the Council. Within nine months of the vacancy, the Council shall appoint a City Manager.
4. The City Manager may be removed with or without a cause at any time by the Council.

**Section 22 Municipal Judge.** The Municipal Judge shall be the judicial officer of the City. He or she shall hold within the city a court known as the Municipal Court for the City of Redmond, Deschutes County, 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 of penalties defined or authorized by ordinances of the City. He or she 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 admit him or her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial or any cause before him, 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. Proceedings in the municipal court shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

## **CHAPTER VI – ELECTIONS**

**Section 23 Elections.** City elections shall be held in accordance with applicable state election laws.

**Section 24 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 25 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 26 Oath or Affirmation.** All elective officers, the Municipal Judge, and the City Manager, before entering upon the duties of their offices, shall subscribe and file with the head of the department in charge of city records an oath or affirmation of office. The oath shall read: "I \_\_\_\_\_, do solemnly swear that I will support the constitution of the United State and of the State of

Oregon, and that I will, to the best of my ability, faithfully perform the duties of \_\_\_\_\_ during my continuance therein, so help me God.” If the person affirms, instead of the last clause of the oath, there shall be stated: “And this I do affirm under the pains and penalties of perjury.”

**Section 27 Nomination.** Nomination of a candidate for an elective city office shall be by petition in a manner prescribed by ordinance.

## **CHAPTER VII – VACANCIES IN OFFICE**

**Section 28 What Creates a Vacancy.** An elective 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; discontinuance of residency within the city limits; ceasing to possess the qualifications for the office; or upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for his or her term of office to commence; or in the case of a Mayor or Councilor, upon his or her absence from the city for 30 days without the consent of the Council or upon his or her absence from the meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy.

**Section 29 Filling of Vacancies.** Vacant elective offices in the City shall be filled by appointment by the Mayor. A majority vote of the Council shall be required to approve the appointment. The appointee’s term of the office shall begin immediately upon his or her appointment and shall continue throughout the unexpired term of his or her predecessor.

## **CHAPTER VIII – ORDINANCES**

**Section 30 Enacting Clause.** The enacting clause of all ordinances hereafter enacted shall be, “The City of Redmond ordains as follows:”

**Section 31 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 then by title.

3. Any of the readings may be by title only If no Council member present at the meeting request to have the ordinance read in full or 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 at the City Hall and two other 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 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.
4. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.
5. Upon the enactment of an ordinance, the Finance Officer/Recorder shall sign it with the date of its passage and his or her name and title of office, and thereafter the Mayor shall sign it with the date of his signature, his name and the title of his office. The failure of either the Finance Officer/Recorder or the Mayor to sign an ordinance shall not affect the validity of said ordinance.

**Section 32 When Ordinances Take Effect.** An ordinance enacted by the Council shall take effect on the thirtieth (30) 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 33 Condemnation.** Any necessity of taking property for the city by the condemnation shall be determined by a resolution of the Council describing the property and stating the uses to which it shall be devoted.

**Section 34 Improvements.** The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by the applicable general ordinance.

**Section 35 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 the applicable general ordinance.

## CHAPTER X – MISCELLANEOUS PROVISIONS

**Section 36 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 37 Repeal of Previously Enacted Provisions.** All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed except the provisions of Articles 78 and 79 of the previous charter as added by amendment adopted at an election held on December 16, 1941 as follows:

“Section 78. The common Council shall each year levy a tax of not to exceed three mills on each dollar of the assessed value of the taxable property in the City of Redmond for the purpose of grading, surfacing, paving, and maintaining the streets and alleys in the city, and for the purchase of equipment therefore. Said tax shall be levied and collected, and the City Treasurer shall keep the same in separate fund to be designated the “street fund.” The funds derived from said tax shall be disbursed by the common Council as in the case of other funds, provided that no part of said fund shall be expended for any other purpose then herein provided. The said tax shall be in addition to the amount that may be levied by the common Council under the six percent constitutional limitation.” *Approved by voters November 4, 1980; Amended by voters November 2, 2010.*

“Section 79. The common Council shall each year levy a tax not to exceed one and one half mills on each dollar of the assessed value of the taxable property in the City of Redmond for the purpose of equipping, maintaining, and operating a municipal swimming pool and acquiring, equipping and maintaining municipal parks or park. Said tax shall be levied and collected at the same time, and in the same manner as other taxes are levied and collected, and the City Treasurer shall keep the same in a separate fund to be designated as the “park fund.” The funds derived from said tax shall be disbursed by the common Council as in the case of other funds, provided that no part of said funds shall be expended for any other purpose than herein provided. The said tax shall be in addition to the amount that may be levied by the common Council under the six percent constitutional limitation.” *Approved by voters November 4, 1980; Amended by voters November 2, 2010.*

**Section 38 Time of Effect of Charter.** This Charter shall take effect January 1, 1981.

**Section 39 Taxing Limitations.** The City shall certify to the County Assessor an ad valorem property operating taxes rate subject to section 11(3), Article XI of

the Oregon Constitution that does not exceed the City's permanent rate limit on operating taxes imposed by section 11(3), Article XI of the Oregon Constitution, less the permanent rate limit on operating taxes for the Deschutes County Rural Fire Protection District #1 imposed by section 11(3), Article XI of the Oregon Constitution. This limitation shall begin during the fiscal year 2011-12 annual budgeting process and shall continue so long as the City is within the boundaries of the Deschutes County Rural Fire Protection District #1. *Approved by voters November, 2, 2010*