

Gold Beach Charter 1986

CHAPTER I

Names and Boundaries

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the Gold Beach Charter of 1986.

Section 2. NAME OF CITY. The City of Gold Beach, Curry County, Oregon, shall continue to be a municipal corporation with the name of the "CITY OF GOLD BEACH".

Section 3. BOUNDARIES. The City includes all territory encompassed by its boundaries as they exist when this revision of the Charter is adopted or as they are subsequently modified in accordance with state law. The repository of city records shall include at least two copies of this charter, each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours.

CHAPTER II

Powers

Section 4. POWERS OF THE CITY. The city has all powers that 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 POWERS. In this charter, no mention of a specific power is exclusive or restricts the authority that the city would have if the specific power were not mentioned. The charter shall be liberally construed, so that, within the limits imposed by the charter or the constitution or laws of the United States or the State of Oregon, the city has all powers necessary or convenient for conducting its affairs, including all powers that cities may now or hereafter assume under the home rule provisions of the constitution and laws of Oregon. The powers are continuing powers.



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CHAPTER III

Form of Government

Section 6. WHERE POWERS VESTED. Except as this charter provides otherwise, all powers of the city are vested in the council.

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Section 7. COUNCIL. The council shall be composed of five councilors elected from the city at large and by position. Each of the five councilors shall serve for a term of four years and until his/her successor is elected and qualified.

Section 8. COUNCILORS.

(1) Councilors whose term of office shall commence on November 15, 1986 shall be assigned positions 1, 3 and 5.

(2) Councilors whose term of office shall commence on November 15, 1988 shall be assigned positions 2 and 4.

Section 9. THE MAYOR.

(1) The Mayor whose term of office commences on November 15, 1986 shall serve a term of two years and until his/her successor is elected and qualified.

(2) The Mayor whose term of office commences on November 15, 1988 shall serve a term of four years and until his/her successor is elected and qualified. The term of office of all succeeding mayors shall be for a term of four years.

Section 10. OTHER OFFICERS.

(1) Additional officers of the city shall be appointed by the mayor with approval of the majority vote of all incumbent members of the council.

(2) The council may remove any appointed officer by majority vote of all incumbent members of the council.

Section 11. SALARIES. The council shall fix the amount of compensation for elected and appointed city officers and shall approve a compensation plan for city employees.

Section 12. QUALIFICATION OF OFFICERS.

(1) To be eligible for an elective city office, a person at the time of election must be a qualified elector within the meaning of the state constitution and have resided in the city during the twelve months immediately preceding the election. For purposes of this subsection, city means all area included in the corporate limits as of the date of the election.

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(2) No appointive city officer or employee may serve on the council or office of mayor.

(3) No person may be a candidate for the offices of mayor and councilor at the same election or hold any of the elective offices concurrently.

(4) The council is the final judge of the qualifications and election of its own members.

CHAPTER IV

Council

Section 13. MEETINGS. The council shall hold regular meetings at least once a month in the city at a time and at a place that it designates. Meetings of the council other than regular meetings may be held in accordance with procedures prescribed by state law and general ordinance. The council shall adopt rules for the government of its members and proceedings.

Section 14. QUORUM. A majority of the incumbent 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.

Section 16. MEETINGS TO BE PUBLIC. All deliberations and proceedings of the council shall be public except as otherwise authorized by state law.

Section 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.

The mayor is ex-officio president of the council and presides over its deliberations when in session. The mayor is not entitled to a vote, except in case of any tie vote of the council. The mayor shall preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

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Section 18. MAYOR'S POWERS & DUTIES.

The mayor shall appoint the council committees with the majority approval of a quorum of the council and provided by the rules of the council, sign all records of proceedings approved by the council; shall have no veto power; sign all ordinances passed by the council within three days after their passage; and, after the council approves a bond of a city officer or a bond for a license, contract or proposal, shall endorse the bond.

Section 19. MAYOR PRO-TEM - APPOINTMENT AND DUTIES

(1) The city council shall appoint a mayor pro-tem at the first regular council meeting in January of each calendar year to perform the duties and responsibilities in the mayor's absence from any council meeting or from the city.

(2) If the council, by a majority vote of all incumbent members, determines that the mayor is unable to perform the functions of the office, the mayor pro-tem shall act as mayor.

(3) A councilor appointed mayor pro-tem shall retain his/her voting rights as a councilor except when exercising the powers and duties of the office of mayor.

(4) In the absence of the mayor and mayor pro-tem, the majority of the council may appoint a temporary mayor pro-tem to perform the duties of mayor until the return of either the mayor or mayor pro-tem.

Section 20. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority of members of the council voting when a quorum of the council is present shall decide any question before it. No council member present at a council meeting shall abstain from voting without first stating reasons in detail at the meeting.

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CHAPTER V
Municipal Court

Section 21. JUDGES, POWERS, PROCEDURE.

(1) The city council may appoint a municipal judge, for a term and at a salary it specifies. The municipal judge shall hold within the city a court known as municipal court for the City of Gold Beach. The court shall be open for transaction of judicial business at times specified by the court. All area within the city and, as provided by law, territory outside the city, is within the territorial jurisdiction of the court.

2) The municipal judge shall exercise jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to 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 imprisonment or admit the person to bail pending trial, to issue subpoenas to compel witnesses to appear and testify on the trial of any cause before the court, to enforce obedience to the subpoenas, to issue process necessary to carry into effect the judgment of the court, and to punish witnesses and others for contempt of court.

(3) 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.

(4) Notwithstanding this section, the council may provide for the transfer of powers and duties of the municipal court to the appropriate court of the State of Oregon.

CHAPTER VI
City Administrator

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Section 22. CITY ADMINISTRATOR.

(1) (a) The City Administrator shall be appointed by the mayor with approval of the majority vote of all incumbent members of the council. The City Council may fix his or her compensation and conditions of employment.

(b) If the office of city administrator becomes vacant, the mayor may appoint a city administrator pro tem. The pro tem administrator shall have all functions of the city administrator. The term of office of a pro tem administrator ends when a city administrator takes office.

(c) The city administrator shall be the administrative head of the city and shall be chosen without political consideration and solely on the basis of executive and administrative qualifications.

(d) The city administrator and such other officers as the council designates may sit with the council but have no vote therein. The city administrator may take part in the discussion of all matters coming before the council.

(e) The city administrator may be removed, with or without cause at any time, by majority vote of all incumbent members of the council.

Section 23. DUTIES OF CITY ADMINISTRATOR. The City Council shall define the duties of the city administrator by ordinance.

CHAPTER VII
Elections

Section 24. REGULATION OF ELECTIONS. Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general laws of the state shall apply to notice of city elections, the conduct of city elections, recounts of the returns therefrom and contests therefore.

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Section 25. NOMINATIONS.

(1) A person possessing the qualifications required by this charter may be nominated for an elective city office. The council, by general ordinance, shall prescribe the method and form of nomination.

(2) The person seeking election to an office shall identify on his/her nominating petition the position number being sought.

Section 26. VOTES. The person receiving the greatest number of votes cast for any of the candidates at the election at which the office is filled is elected to that office. In the event of a tie vote, the successful candidate shall be determined by a public drawing of lots in a manner described by the council.

Section 27. CERTIFICATES OF ELECTION. After the votes at any municipal election have been canvassed, the city officer in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated.

Section 28. OATH OF AFFIRMATION OF OFFICE. Before entering upon the duties of their offices, all elected officers, the city administrator, municipal judge and all department heads shall take an oath or shall affirm as follows:

"I, _____, do solemnly swear that I will support the constitution and laws of the United States and of Oregon, that I will, to the best of my

ability, faithfully perform the duties of _____ during my continuance therein, so help me God." If the persons 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."

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Section 29. COMMENCEMENT OF TERMS. The term of office of a person elected at a regular city election commences on November 15. If the 15th falls on a Saturday, then the term of office shall commence on November 14. If the 15th falls on a Sunday, then the term of office shall commence on November 16.

CHAPTER VIII
Vacancies in Office

Section 30. WHAT CREATES VACANCY.

(1) An office becomes vacant upon the incumbent's:

- (a) Death.
- (b) Adjudicated incompetence.
- (c) Conviction of a felony or a crime pertaining to the office.
- (d) Unlawful destruction of public records.
- (e) Resignation.
- (f) Recall from office.
- (g) Ceasing to possess the qualifications for office.
- (h) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office to commence.

(2) In the case of a mayor or councilor, an office also becomes vacant upon the incumbent's removal of residency from the city, absence from the city for 60 consecutive days without consent of the council and upon a declaration by the council of the vacancy.

Section 31. FILLING VACANCIES. Vacant elective city offices shall be filled by appointment by the mayor with approval of the majority vote of the remaining members of the council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of his or her predecessor.

RESOLUTION NO. R0708-9

A RESOLUTION TO REFER TO THE VOTERS A CHARTER AMENDMENT CHANGING THE COMMENCEMENT OF TERMS OF ELECTED OFFICIALS.

WHEREAS, Section 29 of the Gold Beach Charter provides that the terms of elected officials shall commence on November 15, and

WHEREAS, election results are not always certified by November 15,

NOW THEREFORE BE IT RESOLVED, that the Gold Beach City Council refers to the voters a charter amendment to change the commencement of terms of elected city officials as follows:

1. **Proposed Charter Amendment.** The text of the proposed charter amendment shall be:

~~Section 29 of the Gold Beach Charter of 1986 is amended to read as follows:~~

Section 29. COMMENCEMENT OF TERMS.

The term of office of a person elected at a regular city election commences on December 15. If the 15th falls on a Saturday, then the term of office shall commence on December 14. If the 15th falls on a Sunday, then the term of office shall commence on December 16.

2. **Time of Submission to Voters.** The proposed charter amendment contained in section 1 of this resolution shall be submitted to the voters at the regularly scheduled election in May, 2008.

3. **Ballot Title.** The proposed ballot title for the proposed charter amendment shall be as follows:

- a. The ballot title caption shall be "Measure Revising the Charter of the City of Gold Beach."

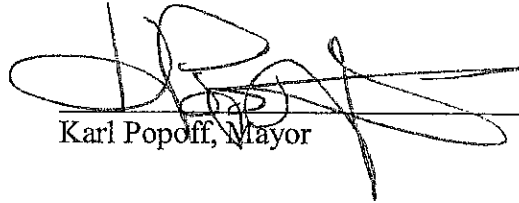
- b. The question shall be "Shall the commencement of terms of elected city officials be changed from November 15 to December 15?"

- c. The summary shall be "The Gold Beach Charter currently provides in Section 23 that terms of newly elected city officials commence on November 15. Because election results are sometimes not certified by that date, the City Council proposes delaying the commencement of terms of newly elected city officials until December 15."

4. **Publication of Notice of Ballot Title.** The city election official is directed to publish notice of the proposed ballot title in the Curry County Reporter in its next available

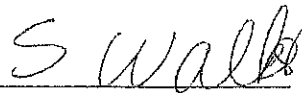
edition as provided in ORS 250.275 (5)

**PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF
CURRY, STATE OF OREGON, THIS 14TH DAY OF JANUARY, 2008.**



Karl Popoff, Mayor

ATTEST:



Shirley Walker, Recorder

CHAPTER IX
Ordinances

Section 32. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Gold Beach ordains as follows:"

COPY

Section 33. ADOPTION.

(1) Except as subsections (2) and (3) provide to the contrary, an ordinance shall, before enactment, be read fully and distinctly in open council meeting on two different days.

(2) Except as subsection (3) allows both readings by title only, an ordinance may be enacted at a single council meeting by unanimous vote of all councilors present after being read first in full and then by title.

(3) Any of the readings may be by title only if:

a) no councilor present at the meeting requests that the ordinance be read in full, or

b) a copy of the ordinance is provided for each councilor, three (3) 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 notice of the availability of copies is given by written posting at city hall or by publication in a newspaper of general circulation in the city not later than one week before the reading.

(4) An ordinance:

a) enacted after being read by title only, under the provisions of subsection (3), shall have no legal effect if it differs from its terms as filed prior to the 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.

b) may be amended at the time of enactment if the ordinance as amended deals with the same general subject.

(5) On the final vote on an ordinance, the ayes and naves of the members of the council shall be taken and entered in the record of proceedings.

(6) On the enactment of an ordinance, the city administrator shall endorse it with the date of enactment. Within three days thereafter, the mayor shall sign the ordinance.

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.

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CHAPTER X

Public Improvements

Section 36. 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 37. IMPROVEMENTS. The procedure for making, altering, vacating or abandoning a public improvement is governed by general ordinance or to the extent not so governed by the applicable general laws of the state.

Section 38. SPECIAL ASSESSMENT. 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 39. PROCUREMENT. The procurement procedures shall be governed by general ordinance and to the extent not so governed by the applicable general laws of the state.

CHAPTER XI

Indebtedness

Section 40. DEBT LIMIT.

(1) Indebtedness of the City may not exceed the limits on the city indebtedness under state law.

(2) Approval by the voters of city indebtedness need not be in the form of a charter amendment.

CHAPTER XII

Miscellaneous Provisions

Section 41. ADVISORY BOARDS. No member of any city standing committee, commission, board or similar body shall serve more than eight consecutive years on any such body or serve on more than two such bodies simultaneously unless the council first states on the record detailed reasons why such service is in the vital interest of the city.

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Section 42. 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 43. REPEAL PREVIOUSLY ENACTED PROVISION. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except that no unexhausted grant of power to issue bonds is repealed and no repeal of these previous charter provisions affects the validity of an outstanding bond issue by the city or impairs the obligations of the city under the bond or the rights of the holders of that bond.

Section 44. INITIATIVE AND REFERENDUM. A proposed amendment to this charter or a proposed ordinance, whether proposed by the council and referred to the electors or proposed by the electors in the exercise of the initiative power, shall embrace but one subject and matters properly connected therewith.

Section 45. PRESUMPTION OF VALIDITY OF CITY ACTION. In every proceeding in any court concerning the exercise or enforcement by the city or any of its officers or agencies of any power by this act given to the city or any of its officers or agencies, all acts by the city or any of its officers or agencies shall be presumed to be valid, and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage; and the court shall disregard every error or ad-

mission which does not affect a substantial right of the person. Any action committed by this charter to the discretion of the council is final, when taken and may not be reviewed or called into question elsewhere.

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Section 46. SEVERABILITY. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Section 47. TIME OF EFFECT OF CHARTER.

This revised Charter has legal effect on and after November 5, 1986 upon official notice of the Curry County Clerk of its passage by the legal voters of the City of Gold Beach.

I, ROBERT A. GRAY, City Administrator and Clerk of the City Council of the City of Gold Beach, do hereby certify that the pages attached hereto, and recorded in the Curry County BR126, pages 465 through 483, are a full, true and correct copy of the Mayor's Proclamation, Ord. #407, City Charter of Gold Beach of 1986 and boundary description as certified by Donald F. Commack professional land surveyor.

Robert A. Gray

Robert A. Gray
City Administrator

MAILING ADDRESS

CITY OF GOLD BEACH
510 SO. ELLENSBURG AVE.
GOLD BEACH, OREGON 97444
County of Curry

CITY OF GOLD BEACH BOUNDARY DESCRIPTION

AUGUST 1986

Beginning at the Southeast corner of Government Lot 5, Section 1, Township 37 South, Range 15 West, Willamette Meridian, Curry County, Oregon;

- (1) Thence Northerly along the East boundary of Government Lot 5 to the Northeast corner thereof;
- (2) Thence Easterly along the South boundary of the Northeast 1/4, Southeast 1/4 to the Southeast corner thereof;
- (3) Thence Northerly along the Range Line between Range 15 West and Range 14 West 687.2 feet, more or less, to a point that is 632.8 feet South of the 1/4 corner of Sections 1 and 6;
- (4) Thence Easterly 320.3 feet;
- (5) Thence North 45 degrees 28 minutes West 220.4 feet;
- (6) Thence Easterly 208 feet;
- (7) Thence North 10 degrees 30 minutes West 208 feet;
- (8) Thence Easterly 247.4 feet;
- (9) Thence Northerly 273.7 feet, more or less;
- (10) Thence Westerly 218.5 feet;
- (11) Thence Northerly 400 feet;
- (12) Thence Westerly 364.5 feet to the Range Line between Range 14 West and Range 15 West;
- (13) Thence along said Range line North 00 degrees 15 minutes West, 1965.2 feet to the Southerly boundary of that road described in Book of Records 24 page 824;
- (14) Thence along the arc of a 92.28 foot radius curve to the right, the long chord bears South 51 degrees 45 minutes East, 31.25 feet;
- (15) Thence South 42 degrees East, 60.2 feet;
- (16) Thence along the arc of a 206.64 foot radius curve to the left, the long chord bears South 57 degrees East, 106.97 feet;
- (17) Thence South 72 degrees East, 15.0 feet;
- (18) Thence along the arc of a 180.58 foot radius curve to the right, the long chord bears South 58 degrees East, 87.37 feet;
- (19) Thence South 44 degrees East, 8.0 feet;
- (20) Thence along the arc of a 283.45 foot radius curve to the left, the long chord bears South 49 degrees 03 minutes East, 31.7 feet;
- (21) Thence South 58 degrees 59 minutes East, 86.3 feet;
- (22) Thence South 68 degrees 39 minutes East, 179.2 feet;
- (23) Thence South 64 degrees 51 minutes East, 352.7 feet;
- (24) Thence South 61 degrees 53 minutes East, 267.2 feet;
- (25) Thence South 63 degrees 04 minutes East, 113.8 feet;
- (26) Thence South 65 degrees 09 minutes East, 100.0 feet;
- (27) Thence South 55 degrees 39 minutes East, 100.0 feet;
- (28) Thence South 42 degrees 02 minutes East, 100.0 feet;
- (29) Thence South 28 degrees 24 minutes East, 186.5 feet;
- (30) Thence leaving said road boundary North 27 degrees 52 minutes East, 727.1 feet;
- (31) Thence South 62 degrees 08 minutes East, 135.0 feet;
- (32) Thence North 27 degrees 52 minutes East, 146.64 feet;
- (33) Thence South 74 degrees 40 minutes East, 311.7 feet;
- (34) Thence North 15 degrees 20 minutes East, 200.0 feet;
- (35) Thence North 27 degrees 58 minutes West, 126.2 feet;
- (36) Thence North 20 degrees 41 minutes West, 363.7 feet, more or less, to the North line of Section 6;

COPY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
AUGUST 22, 1975
DONALD F. CORMACK
1027

COPY

- (37) Thence along the Section line South 89 degrees 19 minutes West, 181.5 feet;
- (38) Thence North 13 degrees 15 minutes West, 1150 feet;
- (39) Thence South 88 degrees 36 minutes West, 726 feet, more or less, to the Westerly boundary of the Bonneville Power Line;
- (40) Thence along said Westerly boundary North 22 degrees 02 minutes East, 76.6 feet, more or less, to the North line of Government Lot 5;
- (41) Thence along said boundary Easterly, 288 feet, more or less, to the Northeast corner thereof;
- (42) Thence Northerly along the East line of Government Lot 4 401.8 feet;
- (43) Thence West, 299.6 feet;
- (44) Thence North, 248.7 feet;
- (45) Thence West, 557.7 feet, more or less, to a point that is 452.3 feet East of the Westerly boundary of Section 31;
- (46) Thence Northerly, parallel with the Westerly boundary of Section 31, 1963.8 feet to the North line of Government Lot 3;
- (47) Thence along the North boundary of Government Lot 3 South 88 degrees 59 minutes 30 seconds East, 863.3 feet to the Southeast corner of Government Lot 1;
- (48) Thence along the East line of Government Lot 1 North 00 degrees 15 minutes 30 seconds East, 1303.5 feet to the Northeast corner of Government Lot 1;
- (49) Thence continuing Northerly to the center of the Rogue River;
- (50) Thence Westerly along the center of the Rogue River to the confluence of the Rogue River and the Pacific Ocean;
- (51) Thence along the ordinary high water line of the Pacific Ocean, Southerly to the Southerly line of Government Lot 5, Section 1, Township 37 South, Range 15 West;
- (52) Thence along said Southerly line Easterly to the POINT OF BEGINNING.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON AUGUST 29, 1975 DONALD F. CORMACK 1027



Indexed In DEEDS
 State of Oregon } ss.
 County of Curry }
 I hereby certify that the within instrument was filed for record November 13, 1986 at 11:05 o'clock A. M. and recorded in Book of Records Vol. 1216 Page 465-48
 EUGENE F. BAUMANN, County Clerk
Carrie K. Proeger Deputy
 Fee Rec'd. \$79.75