



A place where families and businesses thrive.

CITY CHARTER

2009

PREAMBLE

We, the voters of Forest Grove, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the State, and enact this Home Rule Charter.

TABLE OF CONTENTS

CHAPTER 1 NAME AND BOUNDARIES

SECTION	DESCRIPTION	PAGE
1.	Title.....	1
2.	Name.....	1
3.	Boundaries	1

CHAPTER II POWERS

SECTION	DESCRIPTION	PAGE
4	Powers	2
5.	Construction	2
6.	Distribution	2

CHAPTER III COUNCIL

SECTION	DESCRIPTION	PAGE
7.	Council	3
8.	Mayor	3
9.	Council President	3
10.	Council Rules	3
11.	Meetings.. ..	3
12.	Quorum	3
13.	Vote Required	3
14.	Record.....	3

CHAPTER IV LEGISLATIVE AUTHORITY

SECTION	DESCRIPTION	PAGE
15.	Ordinances	4
16.	Ordinance Enactment.....	4
17.	Effective Date	4

CHAPTER V ADMINISTRATIVE AUTHORITY

SECTION	DESCRIPTION	PAGE
18.	Resolutions.....	5
19.	Resolution Adoption	5
20.	Effective Date	5

CHAPTER VI QUASI-JUDICIAL AUTHORITY

SECTION	DESCRIPTION	PAGE
21.	Orders	6
22.	Order Adoption	6
23.	Effective Date	6

CHAPTER VII ELECTIONS

SECTION	DESCRIPTION	PAGE
24.	Councilors	7
25.	Mayor	7
26.	State Law	7
27.	Qualifications.....	7
28.	Nominations	7
29.	Terms	8
30.	Oath.....	8
31.	Vacancies.....	8
32.	Filling Vacancies.....	8

CHAPTER VII APPOINTIVE OFFICERS

SECTION	DESCRIPTION	PAGE
33.	City Manager	9
34.	City Attorney.....	10
35.	Municipal Court and Judge.....	10

CHAPTER XI PERSONNEL

SECTION	DESCRIPTION	PAGE
36.	Personnel Rules	12

CHAPTER X MISCELLANEOUS PROVISIONS

SECTION	DESCRIPTION	PAGE
37.	City Audit	13
38.	Debt.....	13
39.	Ordinance Continuation.....	13
40.	Repeal	13
41.	Severability.....	13
42.	Time of Effect	13

CHAPTER I
NAME AND BOUNDARIES

SECTION 1. TITLE This Charter may be referred to as the 2009 City of Forest Grove Charter.

SECTION 2. NAME The City of Forest Grove, Washington County, Oregon continues as a municipal corporation with the name City of Forest Grove.

SECTION 3. BOUNDARIES The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record an accurate and current description of its boundaries.

CHAPTER II

POWERS

SECTION 4. POWERS The City has all powers that the constitutions, statutes and common law of the United States and State of Oregon expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.

SECTION 5. CONSTRUCTION This Charter will be liberally construed so that the City may exercise fully all powers possible under this Charter and under United States and Oregon law.

SECTION 6. DISTRIBUTION The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to City voters. This Charter vests all other City powers in the Council, except as the Charter otherwise provides. The Council has legislative, administrative, and quasi-judicial authority. The Council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The Council may not delegate its authority to adopt ordinances.

CHAPTER III

COUNCIL

SECTION 7. COUNCIL The Council consists of a Mayor and six Councilors nominated and elected from the City at large.

SECTION 8. MAYOR

- (a) The Mayor presides over and facilitates Council meetings, preserves order, enforces Council rules, and determines the order of business under Council rules.
- (b) The Mayor is a voting member of the Council and has no veto authority.
- (c) The Mayor, with the consent of Council, appoints members of boards, commissions and committees established by ordinance or resolution.
- (d) The Mayor must sign all records of Council decisions.
- (e) The Mayor serves as the political head of the City government.

SECTION 9. COUNCIL PRESIDENT At its first meeting each year, the Council must elect a President from its membership. The President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties.

SECTION 10. COUNCIL RULES The Council must adopt by resolution rules to govern its meetings and proceedings.

SECTION 11. MEETINGS The Council must meet at least once a month at a time and place designated by Council rules, and may meet at other times in accordance with the Council rules.

SECTION 12. QUORUM A majority of the Council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by Council rules.

SECTION 13. VOTE REQUIRED The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this Charter requires approval by a majority of the Council.

SECTION 14. RECORD A record of Council meetings must be kept in a manner prescribed by the Council rules.

CHAPTER IV
LEGISLATIVE AUTHORITY

SECTION 15. ORDINANCES The Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Forest Grove ordains as follows:”

SECTION 16. ORDINANCE ENACTMENT

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the Council at two meetings.
- (b) The Council may enact an ordinance at a single meeting by unanimous approval by at least five members, provided the proposed ordinance is available to the public at least seven days before the meeting as prescribed by Council rules.
- (c) Any substantive amendment to a proposed ordinance must be read aloud before the Council enacts the ordinance.
- (d) After the enactment of an ordinance, the vote of each member must be entered into the Council minutes.
- (e) After enactment of an ordinance and signature by the Mayor, the City Recorder must attest to the ordinance by name, title, and date of enactment.

SECTION 17. EFFECTIVE DATE Ordinances take effect on the 30th day after enactment, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

CHAPTER V

ADMINISTRATIVE AUTHORITY

SECTION 18. RESOLUTIONS The Council will normally exercise its administrative authority by adopting resolutions. The adopting clause for all resolutions must state “The City of Forest Grove resolves as follows:”

SECTION 19. RESOLUTION ADOPTION

- (a) Adoption of a resolution or any other Council administrative decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud before the Council adopts the resolution.
- (c) After adoption of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
- (d) After adoption of a resolution and signature by the Mayor, the City Recorder must attest to the resolution by name, title, and date of adoption.

SECTION 20. EFFECTIVE DATE Resolutions and other administrative decisions take effect on the date of adoption, or on a later day provided in the resolution.

CHAPTER VI

QUASI-JUDICIAL AUTHORITY

SECTION 21. ORDERS The Council will normally exercise its quasi-judicial authority by adopting orders. The adopting clause for all orders must state "The City of Forest Grove orders as follows:"

SECTION 22. ORDER ADOPTION

- (a) Adoption of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to an order must be read aloud before the Council adopts the order.
- (c) After adoption of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
- (d) After adoption of an order and signature by the Mayor, the City Recorder must attest to the order by name, title, and date of adoption

SECTION 23. EFFECTIVE DATE Orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

CHAPTER VII

ELECTIONS

SECTION 24. COUNCILORS At each general election after adoption of this Charter, three Councilors will be elected for four-year terms. The term of a Councilor in office when this Charter is adopted is the term for which the Councilor was elected.

SECTION 25. MAYOR At the 2010 general election and every other general election thereafter, a Mayor will be elected for a four-year term. The term of the Mayor in office when this Charter is adopted is the term for which the Mayor was elected.

SECTION 26. STATE LAW City elections must conform to State law, except as this Charter or ordinances provide otherwise. All elections for City offices must be nonpartisan.

SECTION 27. QUALIFICATIONS

- (a) The Mayor and each Councilor must be a qualified elector under State law, and reside within the City for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one City office.
- (c) Neither the Mayor nor a Councilor may be employed by the City.
- (d) The Council is the final judge of the election and qualifications of its members.

SECTION 28. NOMINATIONS The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for Mayor or a Councilor position.

SECTION 29. TERMS The term of an officer elected at a general election begins at the first Council meeting immediately after the election is certified by county elections officials, and continues until the successor qualifies and assumes the office.

SECTION 30. OATH The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and State of Oregon, and the Charter, ordinances and resolutions of the City.

SECTION 31. VACANCIES The Mayor or a Councilor office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Death,
 - (2) Adjudicated incompetence, or
 - (3) Recall from the office.
- (b) Upon declaration by the Council after the incumbent's:
 - (1) Failure to qualify for the office within 10 days prior to the time the term of office is to begin,
 - (2) Absence from the City for 30 days or from all Council meetings within a 45-day period, without Council consent,
 - (3) Ceasing to reside in the City,
 - (4) Ceasing to be a qualified elector under State law,
 - (5) Conviction of a public offense punishable by loss of liberty,
 - (6) Resignation from the office, or
 - (7) Violation of Section 33(i).

SECTION 32. FILLING VACANCIES A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a Council member from attending Council meetings or a member is absent from the City, a majority of the Council may appoint a Councilor pro tem.

CHAPTER VIII

APPOINTIVE OFFICERS

SECTION 33. CITY MANAGER

- (a) The office of City Manager is established as the administrative head of the City government. The Manager is responsible to the Mayor and Council for the proper administration of all City business. The Manager will assist the Mayor and Council in the development of City policies and carry out policies established by ordinances and resolutions.
- (b) A majority of the Council may appoint and may remove the Manager. The appointment must be made without regard to political considerations and be solely on the basis of education and experience in competencies and practices of local government management.
- (c) The Manager need not reside in the City at the time of employment, but must within six months become and remain a resident of the City while appointed as Manager. A majority of the Council may modify the contract to extend the time to comply.
- (d) The Manager is appointed for a definite or an indefinite term, and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after a vacancy occurs.
- (e) The Manager must:
 - (1) Attend all Council meetings unless excused by the Mayor or Council;
 - (2) Make reports and recommendations to the Mayor and Council about the needs of the City;
 - (3) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other City decisions;
 - (4) Appoint, supervise, and remove City employees;
 - (5) Organize City departments and administrative structure;
 - (6) Prepare and administer the annual City budget;
 - (7) Administer City utilities and property;
 - (8) Encourage and support regional and intergovernmental cooperation;
 - (9) Promote cooperation among the Council, staff and residents in developing City policies, and building a sense of community;

- (10) Perform other duties as directed by the Council; and
- (11) Delegate duties, but remain responsible for acts of all subordinates.
- (f) The Manager has no authority over the Council or over the judicial functions of the Municipal Judge.
- (g) The Manager and others designated by the Council may sit at Council meetings but have no vote. The Manager may take part in all Council discussions.
- (h) When the Manager is temporarily disabled from acting as Manager or when the office becomes vacant, the Council must appoint a Manager pro tem as prescribed by Council rules. The Manager pro tem has the authority and duties of Manager, except that a Manager pro tem may not appoint or remove employees without Council approval
- (i) No Council member may directly or indirectly attempt to coerce the Manager or a candidate for that office in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Council members may discuss or suggest anything with the Manager relating to City business.

SECTION 34. CITY ATTORNEY The City Attorney is appointed by the Council as the chief legal officer of the City. A majority of the Council will appoint and may remove the Attorney.

SECTION 35. MUNICIPAL COURT AND JUDGE

- (a) A majority of the Council may appoint and may remove a Municipal Judge. A Municipal Judge will hold court in the City at such place as the Council directs. The court will be known as the “Municipal Court of the City of Forest Grove”.
- (b) All proceedings of this Court will conform to State laws governing justices of the peace and justice courts.
- (c) All areas within the City and areas outside the City as permitted by State law are within the territorial jurisdiction of the Court.
- (d) The Court has jurisdiction over every offense created by City ordinance. The Court may enforce forfeitures and other penalties created by

ordinances. The Court also has jurisdiction under State law unless limited by City ordinance.

- (e) The Municipal Judge may:
 - (1) Render judgments and impose sanctions on persons and property;
 - (2) Order the arrest of anyone accused of an offense against the City;
 - (3) Commit to jail or admit to bail anyone accused of a City offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve for trials before the Court;
 - (6) Penalize contempt of Court;
 - (7) Issue processes necessary to enforce judgments and orders of the Court;
 - (8) Issue search warrants; and
 - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

- (f) The Council may appoint and may remove Municipal Judge pro tems.

- (g) The Council may transfer some or all of the functions of the Municipal Court to a State court.

CHAPTER IX
PERSONNEL

SECTION 36. PERSONNEL RULES. The Council by resolution will adopt the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees based on merit and fitness.

CHAPTER X

MISCELLANEOUS PROVISIONS

SECTION 37. CITY AUDIT The Council by resolution will approve contracts for annual audits of City accounts and fiscal affairs as required by State law.

SECTION 38. DEBT City indebtedness may not exceed debt limits imposed by State law. A Charter amendment is not required to authorize City indebtedness.

SECTION 39. ORDINANCE CONTINUATION All ordinances consistent with this Charter in force when it takes effect remain in effect until amended or repealed.

SECTION 40. REPEAL All Charter provisions adopted before this Charter takes effect are repealed.

SECTION 41. SEVERABILITY The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other term of the Charter.

SECTION 42. TIME OF EFFECT This Charter takes effect July 1, 2009.

This page is intentionally blank.