

**TITLE 1
ADMINISTRATION**

**CHAPTER 1
OFFICIAL CITY CODE**

1-1-1: TITLE:

Upon the adoption by the city council, this code is hereby declared to be and shall hereafter constitute the official city code of Umatilla. This code of ordinances shall be known and cited as the UMATILLA CITY CODE and is hereby published by authority of the council and shall be supplemented to incorporate the most recent legislation of the city as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal documents. (1993 Code)

1-1-2: ACCEPTANCE:

This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (1993 Code)

1-1-3: AMENDMENTS:

Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code. (1993 Code)

1-1-4: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the city council. The city clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk. Any person having in his/her custody a copy of this code shall make every effort to maintain said code current as to the most recent ordinances passed. He/she shall see to the immediate insertion of new or replacement pages when such are delivered to him/her or made available to him/her through the office of the city clerk. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the city and shall be returned to the office of the city clerk when directed so to do by order of the city council. (1993 Code)

1-1-5: ADOPTION OF STATE LAWS:

Notwithstanding any other sections of this code, any Oregon Revised Statute adopted by reference in this code refers to the respective Oregon Revised Statute as now constituted. (Ord. 726, 1-13-2004)

CHAPTER 2 SAVING CLAUSE

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (1993 Code)

1-2-2: PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as the City Code may contain provisions for such matters, in which case, this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1993 Code)

1-2-3: COURT PROCEEDINGS:

- A. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

- C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1993 Code)

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1993 Code)

**CHAPTER 3
DEFINITIONS**

1-3-1: CONSTRUCTION OF WORDS:

- A. Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
- B. The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances. (1993 Code)

1-3-2: DEFINITIONS, GENERAL:

Whenever the following words or terms are used in this Code, they shall have such meaning herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

CITY: The City of Umatilla, County of Umatilla, State of Oregon.

CODE: The Municipal Code of the City of Umatilla.

EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Umatilla".

FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Umatilla".

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

STREET: Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (1993 Code)

1-3-3: CATCHLINES:

The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such section, including the catchlines, are amended or re-enacted. (1993 Code)

**CHAPTER 4
GENERAL PENALTY**

1-4-1: GENERAL PENALTY:

Any person convicted of a civil violation classified under any section or provision of this code shall be sentenced to pay an amount, fixed by the court, not exceeding:

- A. Five hundred dollars (\$500.00) for a class A civil fine.
- B. Two hundred fifty dollars (\$250.00) for a class B civil fine.
- C. One hundred dollars (\$100.00) for a class C civil fine.
- D. Twenty dollars (\$20.00) for a class D civil fine.

Any person convicted of a violation of any provision of this code, where no other penalty is set forth, and not otherwise classified, shall be subject to a civil fine not to exceed two hundred fifty dollars (\$250.00) for any one offense. (1993 Code)

1-4-2: RESTITUTION:

The municipal judge may order any person convicted of violation of any provision of this code who, while in violation of this code, causes another person monetary or physical injury, to pay restitution to the injured party. Restitution may be ordered in addition to any other penalties or fines set forth in these ordinances. (1993 Code)

1-4-3: CRIMINAL PENALTY:

Any person convicted of a misdemeanor under this code shall be punished by a fine or sentence pursuant to the following schedule:

- A. Two thousand five hundred dollars (\$2,500.00) and/or one year in prison for a class A misdemeanor.

- B. One thousand dollars (\$1,000.00) and/or six (6) months in prison for a class B misdemeanor.
- C. Five hundred dollars (\$500.00) and/or thirty (30) days in prison for a class C misdemeanor. (1993 Code)

1-4-4: POLICE TRAINING ASSESSMENT:

- A. Except as provided in subsection D of this section, whenever the municipal judge imposes a sentence of a fine, term of imprisonment, probation or any combination thereof, including a sentence imposed and thereafter suspended, as a penalty for an offense as defined in Oregon Revised Statutes 161.505, excluding parking violations, an assessment in addition to such sentence shall be collected.
- B. The assessment is not part of the penalty or in lieu of any part thereof. The amount of the assessment shall be established by resolution of the council and may be revised by resolution of the council at any time.
- C. The city shall deposit assessments imposed under subsection A of this section in a reserve fund to defray the cost of police training expenses incurred.
- D. The judge is not required to impose the assessment, or a part of the assessment, if he or she finds that the defendant is indigent or that imposition of the assessment would constitute an undue hardship.
- E. Payment to the court shall not be credited to the assessment described in subsections A to D of this section until all other fines, fees and assessments ordered by the judge have been paid. (Ord. 716, 6-4-2002)

1-4-5: APPLICATION:

- A. The penalties provided in this chapter shall be applicable to every section of this code the same as though they were a part of each and every separate section. A separate violation shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.
- B. In all cases where the same violation is subject to a fine or penalty or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same violation; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing of any act or omission to do any act constitutes a violation of any section or provision of this code and there shall be no fine or penalties specifically declared for such violation, the general penalty provision of this chapter shall apply. (1993 Code)

1-4-6: LIABILITY OF OFFICERS:

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intent of the council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1993 Code)

1-4-7: CONTEMPT BEFORE MUNICIPAL COURT:

Any person who shall be guilty of contempt of the municipal court, by acting in a contemptuous or disorderly manner before the municipal judge of the city while said municipal judge is holding court or any session thereof, or by disobeying the orders of such court lawfully made, shall be punished by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) and in default of the payment of such fine, such person so guilty of contempt shall be imprisoned until such fine is paid. (1993 Code)

1-4-8: EFFECT OF NONPAYMENT OF FINES, RESTITUTION OR COSTS:

- A. Default Of Payment: When a defendant sentenced to pay a fine or to make restitution, defaults in the payment thereof or of any installment, the court, on motion of the city attorney or upon its own motion, may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.
- B. Contempt: Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or the restitution, or a specified part thereof, is paid.
- C. Corporation Or Unincorporated Association: When a fine or an order of restitution is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or make the restitution from those assets, and his failure to do so may be held to be contempt unless he makes the showing required in subsection B of this section.
- D. Term Of Imprisonment: The term of imprisonment for contempt for nonpayment of fines or failure to make restitution shall be set forth in the commitment order, and shall not exceed one day for each twenty five dollars (\$25.00) of the fine or restitution, thirty (30) days if the fine or order of restitution was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of a fine or failure to make restitution shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.
- E. Additional Time For Payment: If it appears to the satisfaction of the court that the default in the payment of a fine or restitution is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or order of restitution or the unpaid portion thereof in whole or in part.

- F. Collection Of Fine: A default in the payment of a fine or costs or failure to make restitution or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or restitution shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or restitution has actually been collected. (1993 Code)
- G. Lien For Unpaid Fines, Restitution, And Costs: When the municipal judge orders or adjudges a person to pay a fine, restitution, or costs, the amount thereof may be recorded in the lien docket of the city and, if recorded, shall constitute a lien on that person's real property located inside the city for ten (10) years from the date of the order or judgment or until the lien is paid, whichever is shorter. (Ord. 678, 10-6-1998)

1-4-9: CODE ENFORCEMENT OFFICER:

"Code enforcement officer" means a person who is hired or appointed by the city administrator to enforce violations of city ordinances. A code enforcement officer is authorized to issue citations for the commission of city ordinance violation, including civil violations classified under any section or provisions of this code or Oregon Revised Statutes 153.008(1)(c). This authorization does not exclude or limit other law enforcement officers listed in Oregon Revised Statutes 153.005(1) from also issuing citations for the commission of city ordinance violations. (Ord. 718, 11-5-2002)

**CHAPTER 5
MAYOR**

1-5-1: DUTIES:

- A. The Mayor shall be the presiding officer of the Council. He shall not vote except in case of a tie vote of the members of the Council present at a meeting. He shall have the authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.
- B. The Mayor shall appoint or provide for the election of all committees of the Council.
- C. The Mayor shall call special meetings of the Council.
- D. The Mayor shall sign official City documents that require the signature of the office.
- E. The Mayor shall have no veto power, and shall sign all ordinances passed by the City Council within three (3) days after their passage. (Res. 14-87, 11-17-86; 1993 Code)
- F. The Mayor shall be deemed a Councilmember for the purpose of constituting a quorum. (1993 Code)

**CHAPTER 6
CITY COUNCIL**

1-6-1: MEETINGS OF THE COUNCIL:

- A. Regular Meetings³: The Council shall meet regularly at a formal meeting on the first and third Tuesdays of each month, beginning at seven o'clock (7:00) P.M., according to the City Calendar Planner schedule adopted annually by the Council. The presiding officer shall conduct the meeting in accordance with the rules set forth herein, or when not specifically outlined, by Robert's Rules of Order. (Res. 12-92, 1-6-92)

- B. Special Meetings⁴: The Mayor may call special meetings of the Council. Any three (3) Council members may request the Mayor to call a special meeting. Upon calling a special meeting, all City Council members must be given written notice that specifies the subject matter of the meeting. If there is an agenda for the meeting, it should also be specified in the notice. Twenty four (24) hours' notice must be given for all meetings of the City Council. For emergency special meetings, all notices must be supported by documentation and back up material. For an item to be considered an emergency, five (5) members of the Council must agree to hold an emergency meeting. (Res. 14-87, 11-17-86; 1993 Code)

1-6-2: RULES AND ORDER OF BUSINESS:

- A. Presiding Officers: These procedures shall apply to formal, policy sessions and briefing sessions and any special meetings of the City Council. The Mayor shall be the presiding officer at all meetings of the City Council and shall have a voice in all of its proceedings. Council members shall speak in Council meetings only upon being recognized by the presiding officer whose recognition shall not be unreasonably withheld. In the event of the absence of the Mayor, the Council President shall be the presiding officer. In the event of the absence of the Council President, the Mayor shall designate the presiding officer.

- B. Agenda: The Council shall address itself to the items of business on the printed agenda.
 - 1. Consent Agenda: The consent agenda shall consist of those items placed thereon which are items of business of a recurring, general nature. Any Councilmembers shall have the right to request that a consent item be removed from the agenda for the purpose of discussion.

 - 2. Business Agenda: The business agenda will be composed of old and new business, including committee reports. The Mayor shall have the prime responsibility for bringing policy items to the City Council, including presentation of such items. Any item shall be placed on the business agenda if three (3) members of the City Council request it. The Mayor shall report within fifteen (15) days, delineating the date that the item shall be discussed which shall not exceed sixty (60) days without the consent of the Council.

- C. Quorum: A quorum shall consist of four (4) members of the duly constituted City Council. The Mayor may be deemed a City Councilmember for means of obtaining a quorum.

- D. Decorum and Debate:

1. When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate individual to present the case. When two (2) or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the Council shall interrupt another while speaking.
2. No member shall speak more than the time limits provided herein on any subject or amendment, and such member may use his time in any combination, in separate speech or comments totaling the number of minutes permitted. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment. Council members shall also have the right to yield a portion of time to another member.
3. Any member deciding to speak more than five (5) minutes on any question or more than five (5) minutes on any amendment to the question shall be accorded the privilege without objection or upon motion supported by two-thirds (2/3) of the Council. No member shall be permitted to interrupt while another member is speaking.
4. No Councilmember shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation or use language tending to hold a member of the City Council up to contempt.
5. A member speaking or otherwise transgressing the rules of the Council shall be called to order by the presiding officer and shall immediately be quiet unless permitted to explain.

Parliamentary Questions, Motions and Precedence

	<u>Debat- able</u>	<u>Amend- able</u>	<u>A Majority Vote (of those present)</u>	<u>2/3</u>
To adjourn	No	No	Yes	No
To take a recess	No	Yes	Yes	No
For the previous question	No	No	Yes	No
To continue to a time certain	Yes	Yes	Yes	No
To commit, refer or recommit	Yes	Yes	Yes	No
To amend	Yes	Yes	Yes	No
To amend an amendment	Yes	No	Yes	No
To offer a substitute amendment	Yes	Yes	Yes	No
To amend a substitute amendment	Yes	No	Yes	No
To postpone indefinitely	Yes	No	Yes	No
Take under advisement	Yes	No	Yes	No
For the original question	No	No	Yes	No
To Table	Yes	No	Yes	No

6. When a motion has been made and seconded, any Councilmember may ask for the question. The presiding officer will restate the question and the issue shall immediately be put to a vote. Passage of the motion shall terminate debate on the issue.

No member shall be permitted to vote on any question where his private right to distinct from public interest is immediately concerned. Council members should state their reasons for not voting.

E. Committee Appointments:

1. Standing Committees: The principles of good Council procedure indicate the value of standing committees by the Council and as such, the following standing committees will be appointed by the Mayor at the first regular Council meeting each calendar year:
 - a. Finance.
 - b. Police.
 - c. Streets and Lights.
 - d. Public Works.
 - e. Community Development.
 - f. Personnel, Equal Opportunity and Affirmative Action.
 - g. Policy.

Each committee will consist of two (2) Council members, the Mayor or a designated third Councilmember from another committee when overlapping issues are discussed, with the Administrator and appropriate administrative staff.

2. Temporary Committees: Special committees (ad hoc) may be created by the Council for special assignments. When so created, such committees shall be appointed by the Mayor and shall terminate upon completion of their assignment, or they may be terminated by a majority vote of the Council attending at any regularly scheduled meeting. (Res. 14-87, 11-17-86; 1993 Code)

1-6-3: AUTHORITY AND DUTIES OF THE COUNCIL:

- A. Authority of Individual Council Members: Members of the Council shall have authority only when acting as a Council legally in session. Members have no authority over City affairs as individuals. They have complete authority, within State law and City law and policy, over City affairs when they serve as a legal body. The Council shall not be bound in any way by any statement or action on the part of an individual member except when such statement or action is a pursuance of specific instructions of the Council.
- B. General Duties Of The Council:
 1. The City Council shall act as a general purpose governing body of a local political subdivision of the State of Oregon created by, and carrying out the will of the people of the City. It shall be responsible for carrying out certain mandatory laws, and shall consider and accept or reject the provisions of permissive laws. In all cases, where the State laws do not provide or prohibit, the Council shall act as the duly established legislative body in establishing the required and appropriate laws for the City.

2. The duties of the Council shall include, but not be limited to, the following:
 - a. Interpretation of the needs and desires of the local community.
 - b. Appointment of the Administrator.
 - c. Approval of preliminary and final plans and specifications, as well as, acquisition and disposal of City property.
 - d. Determination of the compensation and salary schedules of all employees of the City in accordance with procedures established by law and City policy.
 - e. Provide for keeping the public informed of the purposes, needs and conditions of the City Government.
 - f. Evaluation of the programs of the City and appraisal of the efficiency of executive personnel.
 - g. Formulation and approval of ordinances, resolutions and policies for the City.
 - h. Implementation of all actions required by law.
 - i. Consideration of specific actions recommended by the Administrator.
- C. Duties Regarding The City Administrator: The City Council should:
1. Recognize the Administrator should have full administrative authority for properly discharging the required professional duties within limits of established Council policy and City law.
 2. Act only after hearing the recommendations of the Administrator in matters of employment or dismissal of City personnel at an official meeting.
 3. Recognize that the Administrator is the management advisor to the Council and should be present at all meetings of the Council except when the Administrator's compensation and contract are under Council consideration.
 4. Refer all complaints or problems to the Administrator who will channel the complaint to the proper administrative office for solution. Discuss the complaint at a regular meeting only after failure of administrative remedies or solutions.
 5. Present personal criticisms of any City operation directly to the Administrator rather than to City personnel.
- D. Duties Of The Individual Council members: The duties and obligations of an individual Councilmember may be enumerated as follows:
1. Have a general knowledge of State laws, regulations of the State Departments that specifically apply to cities, Umatilla City Charter, ordinances, resolutions, policies, rules and regulations.
 2. Have a general knowledge of aims and objectives of the City.
 3. Work harmoniously with other Council members without trying either to dominate the board or neglect a member's share of the work.
 4. Vote and act in the Council meetings impartially for the good of the City.

5. Represent the City to the public in such a way as to promote both interest and support and encourage participation.
 6. Attend all regularly scheduled City Council meetings unless excused. (Res. 14-87, 11-17-1986)
 7. All receipts for travel expenses must be submitted to the Finance Officer within thirty (30) days of being incurred in order to be considered for reimbursement. Advancement of travel expenses must be approved by the Finance Officer and is subject to further approval of the City Administrator or designated representative. Any elected official who does not submit receipts documenting his/her travel expenses within thirty (30) days of an advancement shall not be entitled to further advance payment of travel expenses. All unsubstantiated advance travel payments will be reported as income on elected official's 1099. (Ord. 635, 11-21-1995)
- E. Council President: After the first meeting after the adoption of the City Charter and thereafter at its first meeting of each succeeding 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. Whenever the Mayor is unable, on account of absence, illness, or other cause, to perform the functions of his office, the President of the Council shall act as Mayor. (Res. 14-87, 11-17-1986)

1-6-4: CODE OF CONDUCT:

In addition to the duties and obligations of an individual Councilmember as stated in the City Charter, the following code of conduct is established by the City Council as a whole for the individual members comprising the Council. A City Councilmember should:

- A. Understand that a Councilmember's function is policy making and not administrative.
- B. Discourage subcommittees of the Council which tend to nullify the Council's policy making responsibility.
- C. Refuse to "play politics" in either the traditional partisan sense or in any other sense.
- D. Respect the right of residents of the community to be heard in official meetings.
- E. Recognize that the authority rests only with the Council in official meetings.
- F. Refuse to participate in irregular meetings which are not official and which all members do not have the opportunity to attend.
- G. Refuse to make commitments on any matter which should properly come before the Council as a whole.

- H. Make decisions only after all available facts bearing on a question have been presented and discussed.
- I. Respect the opinion of others and graciously accept the principle of "majority rule" in council decisions.
- J. Insist that all City business transactions be on an ethical and above-board basis.
- K. Refuse to use a member's position on a City Council in any way whatsoever for personal gain or for personal reasons or prestige.
- L. Refuse to bring personal problems into Council considerations.
- M. Advocate honest and accurate evaluation of all present and/or past employees.
- N. Uphold the confidentiality of executive sessions of Council. (Res. 14-87, 11-17-1986)

CHAPTER 7 CITY ADMINISTRATOR

1-7-1: OFFICE OF CITY ADMINISTRATOR:

- A. Appointment: The office of City Administrator is hereby continued. The office shall be filled by appointment of the Mayor, subject to the approval of the Council. The City Administrator ("Administrator") shall be chosen without regard to political consideration and solely with reference to his/her executive and administrative qualifications.
- B. Term Of Office; Removal; Vacancies: The Administrator shall be appointed for an indefinite term and shall be subject to removal at the pleasure of the majority of the Council as provided in Section 1-7-2 of this Chapter. All vacancies in the office of the City Administrator shall be filled by temporary appointment, which appointment shall not be made permanent for a period of not less than one month or more than four (4) months after the date of the temporary appointment.
- C. Residency Requirement: The Administrator shall be a resident of the City or reside within the urban growth boundary of the City within two (2) months after appointment to the position.
- D. Bond: Before taking office, the Administrator shall give a corporate surety bond in the minimum amount available conditioned upon faithful performance of his/her duties. The premium for the bond shall be paid by the City. (Ord. 524, 5-4-1986)

1-7-2: REMOVAL; HEARING; RESIGNATION:

In addition to any other contract terms of a written employment agreement, the Administrator may be removed from office by the Mayor with the consent of the Council upon thirty (30) days' written notice setting forth the reasons for removal. If removal from office is considered by the

Administrator to be unfair, he or she may request in writing, within ten (10) days of the Administrator's receipt of the notice, a hearing before the Council. At the hearing the Administrator may present information showing why the removal is unfair. After hearing the information, the Council may uphold the removal or vote to reinstate. If the hearing process before the Council extends beyond thirty (30) days from the time of original notice of removal, the Administrator will receive all compensation normally due until the end of deliberations. The Administrator shall give the Council thirty (30) days' written notice of resignation from the office. (Ord. 674, 7-7-1998)

1-7-3: INTERFERENCE IN ADMINISTRATION:

No individual member or committee of the City Council may in any manner, directly or indirectly, by suggestion or otherwise, attempt to require the Administrator to undertake projects requiring the expenditure of City funds or materials, to influence or coerce the Administrator in the hiring or firing of any City employee or in the making of any appointment or removal, or in the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for the office of City Administrator, or discuss, directly or indirectly with any such candidate, the matter of appointment to any City office or employment. Any violation of this Section will work a forfeiture of the office of the offending member of the City Council; provided, however, that nothing herein contained shall be construed as prohibiting the City Council while in open session, from discussing with or suggesting to the Administrator, fully and freely, anything pertaining to City affairs and for the best interests of the City⁵. (Ord. 522, 4-7-1986)

1-7-4: SALARY:

The salary and benefits of the Administrator shall be reviewed annually and shall be set by the Council. (Ord. 522, 4-7-1986)

1-7-5: POWERS AND DUTIES:

The powers and duties of the Administrator shall be as follows:

- A. Devote his/her entire time to the discharge of the Administrator's official duties; attend all meetings of the Council, unless excused therefrom by the Council or Mayor; attend meetings of the Council committees, if requested by the chairman; keep the Council advised at all times of the affairs and needs of the City, and make reports, upon request of the Council, of all the affairs and departments of the City. The Administrator shall only be directly responsible to the Council as an entity. (Ord. 522, 4-7-1986)
- B. With the exception of the Council, City Attorney, City Auditor or over the judicial activities of the Municipal Judge, general supervision and control over appointive City officers and employees and their work with power to transfer an employee from one department to another, to the end of obtaining the utmost efficiency in each of them and shall designate the duties employees shall perform and all matters pertaining to their work for the City. Provided, however, the Administrator may not appoint or employ with the City his/her spouse nor any person related to the Administrator by consanguinity or affinity within the third degree. (Ord. 524, 5-5-1986)

- C. Act as purchasing agent for all departments of the City.
- D. Oversee the financial preparation of all budgetary documents and records of the City and keep the City Council advised of the City's financial condition at all times.
- E. Ensure that all laws and ordinances are enforced, except the provisions of any laws or ordinances which involve criminal offenses; the responsibility of criminal offenses shall be the duty of the Chief of Police. Administer and enforce the policies, rules, procedures and resolutions duly adopted by the Mayor and Council, and make such recommendations concerning the affairs of the City as the Administrator deems desirable.
- F. Meet with private citizens and interested groups seeking information or bringing complaints and attempt to resolve problems and complaints fairly or report same to the Council.
- G. Supervise the operation of all public utilities owned and operated by the City and have general supervision over all City property.
- H. Sit with the Council at all meetings and have the right to take part in all discussions of the Council, but shall have no vote.
- I. Be the administrative head of the City and may, when necessary to achieve a more efficient operation of the City government, organize, reorganize or change the various departments of the City government. (Ord. 522, 4-7-1986)

CHAPTER 8 NOMINATION OF CITY OFFICES

1-8-1: NOMINATION OF CANDIDATES FOR ELECTION TO THE OFFICES OF MAYOR AND CITY COUNCIL:

- A. Candidates for the offices of Mayor and City Council shall be nominated by filing with the City Recorder:
 - 1. A petition for nomination signed by at least twenty five (25) electors residing in the City; or
 - 2. A declaration of candidacy accompanied by a filing fee of ten dollars (\$10.00).
- B. A petition for nomination or a declaration of candidacy shall be filed with the City Recorder not sooner than the one hundred tenth day before and not later than the seventieth day before the date of the general biennial elections for State and County officers. A nominating petition or declaration of candidacy shall contain the information specified in ORS 249.031. (1993 Code)

1-8-2: VERIFICATION OF SIGNATURES:

Before a nominating petition is finally accepted for filing, the County Clerk shall verify the signatures of electors on the petition as required by ORS 249.008. (1993 code)

1-8-3: WITHDRAWAL OF CANDIDATES:

A nominee for election to the City offices of Mayor or City Council may withdraw the nomination not later than five o'clock (5:00) P.M. of the last day specified for filing a petition or declaration in Section 1-8-1 of this Chapter, by filing with the City Recorder a written withdrawal of candidacy. The withdrawal shall be signed by the nominee and state the reasons for withdrawal. (1993 Code)

**CHAPTER 9
REFERENDUM**

1-9-1: DEFINITIONS:

When used in this Chapter, the following words and terms shall have the meanings herein ascribed to them:

ELECTORS: An individual qualified to vote under section 2, article II, Oregon Constitution and Section 27, Chapter VI, Umatilla City Charter.

MEASURES: Includes any of the following submitted to the people for their approval or rejection at an election:

- A. A proposed ordinance or resolution.
- B. A revision of or amendment to the Umatilla City Charter.
- C. A proposition or a question of an advisory nature.
- D. ORS 250.005(3).

REFERENDUM: Includes the action by the City Council of submitting a measure to the electors of the City to approve or reject at an election.

UMATILLA CITY COUNCIL: The City governing body referred to in ORS 250.255 et seq. (Ord. 548, 5-23-88)

1-9-2: REFERENDUM OF MEASURES:

The City Council may order a referendum, by resolution, to be held at any regularly scheduled election or at any emergency election ordered by the Council. The election shall be conducted according to State law⁷ and all referendums shall conform to the format and procedure prescribed by State law⁸. (Ord. 548, 5-23-88)

1-9-3: BALLOT TITLES:

When the City Council orders a referendum, a ballot title for the measure shall be prepared by the Council. The ballot title shall be filed with the City Recorder. (Ord. 548, 5-23-88; 1993 Code)

1-9-4: EFFECTIVE DATE:

A referendum measure becomes effective thirty (30) days after the day on which it is enacted or approved by a majority of the votes cast thereon. (Ord. 548, 5-23-88)

**CHAPTER 10
MUNICIPAL JUDGE PRO TEMPORE****1-10-1: APPOINTMENT:**

- A. Appointment: The City Administrator may appoint any eligible person to serve as Municipal Judge Pro Tempore of the Umatilla Municipal Court, whenever the City Administrator determines that the appointment is reasonably necessary and will promote the more efficient administration of justice. A person is eligible for appointment if the person is a resident of this State, a citizen of the United States and of the age of twenty one (21) years or older.
- B. Challenge: The eligibility, appointment or qualification of an appointee under subsection A of this Section, is subject to challenge only in a direct proceeding before the City Council.
- C. Disqualification: A Municipal Judge Pro Tempore appointed as provided in subsection A of this Section, is subject to disqualification to sit in any case for any of the causes specified in ORS 14.210, 14.250 or 221.348. (Ord. 580, 5-6-91)

1-10-2: OATH OF OFFICE; CONDUCT:

- A. Oath of Office: An appointment under Section 1-10-1 shall not become effective until the appointee subscribes an oath or affirmation substantially as follows:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Oregon, and the Charter of the City of Umatilla, and that I will faithfully discharge the duties of the office of Municipal Judge of the City of Umatilla of the State of Oregon to the best of my ability.” The oath or affirmation shall be filed in the office of the City Recorder.

- B. Conduct: Municipal Judge Pro Tempore will conduct themselves in the manner prescribed by the Code of Judicial Conduct. (Ord. 580, 5-6-91)

1-10-3: SUPERVISION; APPOINTMENT EXTENSION AND TERMINATION:

- A. Supervision: A Municipal Judge Pro Tempore appointed as provided in Section 1-10-1 of this Chapter, shall be subject to the direction of the City Administrator in respect to the assignment of cases and the general administration of the business of the court, except the exercise of the powers of Municipal Judge.
- B. Appointment Extension and Termination: The City Administrator at any time may:

1. Extend the term of appointment of a Municipal Judge Pro Tempore as provided in Section 1-10-1 of this Chapter;
 2. Terminate the term of appointment of a Municipal Judge Pro Tempore appointed as provided in Section 1-10-1 of this Chapter; but
 3. Termination does not affect the validity of any judgment, decree, order or other action of the Municipal Judge Pro Tempore before the effective date of the termination.
- C. Limitation: A Municipal Judge Pro Tempore appointed as provided in Section 1-10-1 of this Chapter, is not eligible to appear as attorney in the Municipal Court in any case tried by a jury of the same jury panel during which the Municipal Judge Pro Tempore served as Municipal Judge Pro Tempore. (Ord. 580, 5-6-91)

1-10-4: POWERS AND DUTIES:

- A. Powers: Each judge pro tempore appointed and qualified as provided in Section 1-10-1 of this Chapter, above has all the judicial powers, duties, jurisdiction and authority, while serving the appointment, of a regularly appointed Municipal Judge as the City Administrator prescribes.
- B. Duties: It is the duty of a Municipal Judge Pro Tempore appointed as provided in Section 1-10-1 of this Chapter, to hear, decide and dispose of all cases and matters submitted to the Municipal Judge Pro Tempore as promptly as the nature of the questions involved will permit. The powers, jurisdiction and judicial authority of the Municipal Judge Pro Tempore in respect to any case or matter tried or heard by the Municipal Judge Pro Tempore while serving under the appointment shall continue beyond the expiration of the appointment so far as may be necessary to:
1. Decide or dispose of case or matter on trial or held under advisement.
 2. Hear and decide any motion for a new trial or a judgment notwithstanding a verdict or objections to any cost bill, that may be filed in the case.
 3. Settle a transcript for appeal and grant extension of time therefor. (Ord. 580, 5-6-91)

1-10-5: COMPENSATION:

- A. Compensation: A Municipal Judge Pro Tempore appointed as provided in Section 1-10-1 of this Chapter, shall be entitled to receive such compensation as the Council approves.
- B. Based on Fines or Bail Prohibited: The amount of compensation for a Municipal Judge Pro Tempore shall not be based upon the amount of revenues collected from fines or bail forfeitures or any set percentage thereof. (Ord. 580, 5-6-91)

CHAPTER 11 JURY SELECTION

(Rep. by Ord. 726, 1-13-2004)

**CHAPTER 12
CITY FINANCES**

1-12-1: FINANCE OFFICER DUTIES:

The duties of the Finance Officer shall be:

- A. To report directly to and be responsible to the City Administrator for all matters relating directly or indirectly to the financial condition and recordkeeping of the City.
- B. To prepare payment of all debts and obligations of the City and obtain approval for payment from the City Council.
- C. To be responsible for the preparation and submission of the City budget to the City Budget Committee under the direction of the City Administrator.
- D. To establish and publish schedules of meetings and publication dates necessary to implement budgets and meet levy or tax base election dates.
- E. Attend all meetings of the Budget Committee and serve as the Budget Officer of the City.
- F. To fulfill the obligations of Budget Officer as outlined in the Oregon Revised Statutes 11.
- G. Further duties shall be to insure that the fiscal policies and the implementation of fiscal policy conforms to current budget and fiscal laws of the State of Oregon; to prepare the fiscal records and budgetary accounting reports as required by the City auditor, State law and City Council.
- H. The Finance Officer shall advise the City Administrator of any changes in the financial condition of the City; recommend to the City Administrator changes in financial policy, revenue resources or potential cost savings and carry out any other tasks as directed by the City Administrator. (Res. 9-86, 2-3-86)

1-12-2: CITY DEPOSITORY:

- A. The City Recorder and the City Treasurer shall be directed and empowered to deposit the funds of the City in the Inland Empire Bank of Umatilla, Oregon.
- B. The Recorder and Mayor are authorized and empowered to sign necessary documents requested by the bank in connection with this Section within their authority as defined by the City Charter.
- C. The bank is authorized and directed to honor appropriate signatures as directed by filed signature cards. (Res. 1-63, 1-23-63)

1-12-3: CHECK SIGNING PROCEDURES:

- A. Authorized Officers: The following officers of the City are hereby authorized to sign City checks:
 - 1. Mayor.
 - 2. President of City Council.
 - 3. City Administrator.
 - 4. City Recorder.
- B. Signature Combination: Checks may be signed by a combination of the following:
 - 1. Mayor with any of the above officers.
 - 2. Council President and any of the above officers.
- C. Absence of Mayor or President: Should the Mayor or President of the Council not be available and a check must be written that requires immediate payment, the City Administrator and City Recorder may sign said checks under the following circumstances:

A copy of the signed check signed by the City Administrator and City Recorder shall be made and said copy signed by the Mayor upon his/her availability, and said copy shall be kept in a file for this purpose. (Res. 9-83, 10-4-82)

1-12-4: FEE SCHEDULE:

- A. Charges Set by Resolution: Notwithstanding any other ordinance, City licenses, permits and services and the amounts charged for them shall be set by resolution of the City Council, except the franchise fees authorized in Ordinances 298 (Pacific Northwest Bell), 443 (Sewage Disposal), 468 (Pacific Power and Light), and 489 (Cascade Natural Gas).
- B. One Resolution: City licenses, permits and services and the amounts charged for them shall be combined into one resolution to be known as the General Fee Resolution of 19__.
- C. Omitted Fee Procedure: Failure to include a City service or charge in this resolution will not be an excuse for nonpayment of the service or charge omitted from the resolution. Whenever changes are made in the services or amounts listed in the resolution, a complete new resolution will be enacted repealing the previous resolution.
- D. Annual Review: All licenses, permits and charges for services of the City will be reviewed by January 31, 1986, and thereafter at least once by January 31 of each following year. (Ord. 518, 10-21-85)
- E. Access to Schedule: The fee schedule is available in the office of the City Recorder for inspection by the public. (1993 Code)

1-12-5: FUNDS:

- A. Deposit Trust Fund: The City does hereby establish, beginning in fiscal year 1991-92, the Deposit Trust Fund. Deposits placed by applicants for water and sewer service, shall be deposited into the Deposit Trust Fund. Any of the applicants deposit that remains after paying closing water, sewer and refuse bills will be paid with approved interest, as established in Ordinance 559, to the applicant from the Deposit Trust Fund. (Res. 19-92, 4-7-92)
- B. Asset Forfeiture Trust Fund: The City does hereby establish, beginning in fiscal year 1991-92, the Asset Forfeiture Trust Fund. All asset forfeiture cash proceeds shall be placed in the Asset Forfeiture Trust Fund and dispersed in accordance with ORS chapter 166, section 5(1)(a). (Res. 23-92, 5-5-92)
- C. Library Fund: The City does hereby establish, beginning in fiscal year 1992-93, the Library Fund. (Res. 32-92, 6-2-92)
- D. Refuse Agency: Revenues from refuse billings are held until the end of the month. The funds are then disbursed to Sanitary Disposal and General Fund.
- E. Municipal Court Trust: Revenues from the Court are held until the end of the month. The funds are then disbursed to the State and County and refunds are dispersed to defendants. Any revenue remaining after said disbursements are made shall be allocated to the General Fund. This Fund also holds bail until it is disbursed. (1993 Code)