

CHARTER
OF THE
CITY OF GRESHAM
OREGON



ADOPTED MAY 2, 1978

**NOVEMBER 4, 1980
NOVEMBER 8, 1983
MAY 15, 1984
MAY 20, 1986
NOVEMBER 4, 1986
NOVEMBER 8, 1994
MAY 21, 1996
NOVEMBER 4, 1998
JANUARY 1, 2005
MAY 15, 2012**

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HISTORY OF CHANGES

NOTE: Parenthetical notations at the end of sections indicate the most recent amendments to those sections. All sections without notations are from the original 1978 charter. Several sections have been amended more than once. See the “History of Changes” set forth in a separate document.

CITY OF GRESHAM – CHARTER

To provide for the government of the City of Gresham, Multnomah County, Oregon; and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect.

CHAPTER I

NAMES AND BOUNDARIES

Section 1. **TITLE.** This revision may be referred to as the Gresham Charter of 1978.

Section 2. **NAME OF CITY.** The City of Gresham, Multnomah County, Oregon, shall continue to be a municipal corporation with the name of "City of Gresham."

Section 3. **BOUNDARIES.** The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. 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 descriptions shall be available for public inspection at any time during regular office hours.

CHAPTER II

POWERS

Section 4. **WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 5. **POWERS OF THE CITY.** The city has all powers which the constitution, statutes, and common law of the United States and of this state expressly and impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

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Section 6. **CONSTRUCTION OF CHARTER.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city has all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

FORM OF GOVERNMENT

Section 7. **CITY COUNCIL.** The council shall consist of a mayor and six councilors elected from the city at large. All elections for city offices must be nonpartisan.
(Amended May 20, 1986; effective June 1, 1986; Amended May 15, 2012; effective May 15, 2012)

Section 8. **COUNCILORS.** At each biennial November election, councilors shall be elected from three positions by a plurality of the voters for terms of four years. Councilors for positions 1, 3 and 5 shall be elected at the November presidential election and councilors for positions 2, 4 and 6 shall be elected at the November gubernatorial election.
(Amended November 8, 1994; effective November 9, 1994; Amended May 15, 2012; effective May 15, 2012)

Section 9. **MAYOR.** A mayor shall be elected for a term of four years at the November gubernatorial election. The mayor in office when this charter is amended shall continue in office for the term for which then elected. At each biennial November election, a mayor shall be elected, if necessary, to fill any vacancies pursuant to Section 32 of this charter.
(Amended May 15, 1984; effective June 1, 1984; Amended May 15, 2012; effective May 15, 2012)

Section 9A. **CITIZEN INVOLVEMENT.** The power of the City devolves from its citizens. The City wishes to promote the role of citizens in government. This is not intended to limit the power of the Mayor and Council. To this end, the Mayor shall make an annual report on citizen involvement.
(Added November 4, 1998; effective January 3, 1999)

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Section 10. COMPENSATION.

(a) The compensation for the services of each city appointive officer and employee shall be the amount fixed by council.

(b) The total number of city employee positions measured as full-time equivalents shall not exceed the ratio of 6.5 employees for each 1,000 of the city population. This ratio may be amended by a majority of the electors casting votes for or against a measure.

(Amended November 8, 1994; effective July 1, 1995)

Section 11. QUALIFICATION FOR COUNCIL.

(a) No person may be eligible to serve on the council unless at the time of their election or appointment he or she is a qualified voter under the meaning of the Constitution of Oregon and has resided in the city at least one year immediately preceding the election or appointment. For the purpose of this section, city shall mean any area included in the corporate limits as of the date of the election or appointment.

(b) No person who is an employee of the City may be eligible to serve on the council.

(c) No elected officer of the state, or another city, county or special district, including school districts, may be eligible to serve on the council during his or her term of office.

(d) No person shall hold more than one elective city office at one time.

(Amended November 4, 1998; effective January 3, 2001; Amended May 15, 2012; effective May 15, 2012)

CHAPTER IV

CITY COUNCIL

Section 12. MEETINGS.

(a) **REGULAR.** The council shall hold a regular meeting at least twice each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings.

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(b) SPECIAL. The mayor, upon his or her own motion, may, or at the request of three councilors shall, by giving at least 24 hour notice thereof, call a special meeting of the council. Emergency meetings of the council may be held at any time by the common consent of a majority of the members of the council.

(Amended November 8, 1983; effective January 1, 1984)

Section 13. QUORUM. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members as provided by ordinance.

Section 14. RECORD OF PROCEEDINGS. The council shall cause a record of its proceedings to be kept.

Section 15. PROCEEDINGS TO BE PUBLIC. Except as state law provides otherwise, the deliberations and proceedings of the council and other deliberative bodies of the city shall be public.

Section 16. MAYOR'S FUNCTIONS AT CITY COUNCIL MEETINGS. The mayor shall be chairperson of the council and preside over its deliberations. The mayor shall have a vote on all questions before the council. The mayor shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 17. PRESIDENT OF THE CITY COUNCIL. At its first meeting each year, the council 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 to perform the functions of his or her office, the president shall act as mayor.

Section 18. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

Section 18A. CODE OF ETHICS. The council shall adopt and be governed by a Code of Ethics.

(Added November 4, 1998; effective January 3, 1999)

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CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 19. MAYOR. The mayor shall with the consent of the council, appoint the committees and commissions provided by the rules of the council and ordinances of the city. The mayor shall sign all records of proceedings approved by the council. The mayor has no veto power and shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

Section 20. CITY MANAGER.

(a) **OFFICE.** The manager shall be the administrative head of the government of the city. He or she shall be chosen by the council without regard to political considerations or residency, and solely with reference to his or her executive and administrative qualifications. Before taking office, he or she shall give a bond in such amount and with surety as may be approved by the council. The premiums on the bond shall be paid by the city.

(b) **TERM.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. Upon any vacancy occurring in the office of the manager, the council shall appoint another manager as expeditiously as possible.

(c) **POWERS AND DUTIES.** The powers and duties of the manager shall be as follows:

(1) Devote entire time to the discharge of official duties, attend all meetings of the council unless excused therefrom by the council or mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city and citizen involvement.

(2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) Appoint and may remove appointive city officers and employees and have general supervision and control over them and their work.

(4) Supervise the departments to the end of obtaining the utmost effectiveness.

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- (5) Prepare the annual budget.
- (6) Make all purchases.
- (7) Act as business agent for the council for the sale of real estate and other matters relating to franchises, leases and other business and property transactions.
- (8) Prepare and furnish all reports requested by the council.
- (9) Perform such other duties as the council directs.
- (10) Direct, organize and, as he or she deems necessary, disband or reorganize the various city departments. The manager shall have no control over the council or the judicial activities of the municipal judge.

(Amended November 4, 1998; effective January 3, 1999)

(d) SEATS AT CITY COUNCIL MEETINGS. The manager and such other officers as the council designates shall be entitled to sit with the council but shall not vote on questions before it. The manager may take part in all council discussions.

(e) MANAGER PRO TEM. Whenever the manager is temporarily disabled from acting as manager, or whenever his or her office becomes vacant, the council shall appoint a manager pro tem who shall possess the power and duties of the manager. A manager pro tem shall not serve for a term in excess of six months and shall not be reappointed as the manager pro tem.

(f) INTERFERENCE IN ADMINISTRATION.

(1) No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or the removal of any officer or employee, or in the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for manager.

(2) A violation of the foregoing provisions of the section forfeits the office of the offending member of the council or mayor after a public hearing by the council is held and a determination of guilt is established.

(3) Nothing in this section prohibits, however, the council, in open session, from fully and freely discussing with or suggesting to the manager anything pertaining to city affairs or the interests of the city.

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(g) **INELIGIBLE PERSONS.** Neither the manager's spouse nor any person related to the manager or his or her spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.
(Amended November 8, 1983; effective January 1, 1984)

Section 21. JUDGES, POWERS, PROCEDURE.

(a) The council may appoint one or more municipal judges, for terms and at salaries as it specifies. A municipal judge shall hold court in the city at such a place as the council directs. The court shall be known as the Municipal Court.

(b) The court may impose sanctions on any person who violates a city ordinance within the court's jurisdiction, issue process for the arrest of any person accused of any such violation, commit such a person to imprisonment or admit the person to bail pending trial, issue subpoenas to compel witnesses to appear and testify on the trial of any cause before the court, enforce obedience to the subpoenas, and issue process necessary to carry into effect the judgment of the court.

(c) All proceedings in the municipal court shall be governed by the general laws of the state governing justices of the peace and justice's courts, except as city ordinance prescribes to the contrary. A municipal judge has the jurisdiction and authority of a justice of the peace in and for Multnomah County, in both civil and criminal matters, and when exercising that jurisdiction and authority is subject to the general laws of the state prescribing the duties of a justice of the peace and the mode of performing them. The city may have the duties of a municipal judge performed by the regular and pro tempore judges of a state court.

Section 21A. CITY ATTORNEY. The city shall have a city attorney and such assistant city attorneys and other staff members as the council deems necessary. The city attorney and the city attorney's staff shall be appointed and removed by a majority vote of the entire council.
(Added May 15, 1984; effective June 1, 1984)

Section 22. RECORDER. The manager shall appoint a recorder of council meetings. The recorder shall keep a journal of the council proceedings, including any vote taken.

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CHAPTER VI

ELECTIONS

Section 23. REGULAR ELECTIONS. The manager, pursuant to directions from the council, shall give notice of each regular city election in such manner as may be provided by ordinance and state law.

(Amended November 8, 1983; effective January 1, 1984)

Section 24. SPECIAL ELECTIONS. The council shall provide for holding any special election as may be provided by ordinance and state law. The manager shall give notice of each special election in the manner provided by ordinance and state law.

(Amended November 8, 1983; effective January 1, 1984)

Section 25. REGULATION OF ELECTIONS. Except as this charter or city ordinance provides otherwise, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 26. ELECTION RESULTS. The state laws governing the filing of election results by the county clerk shall apply. The results of all elections shall be entered in the record of the proceedings of the council. The entry shall state the total number of votes cast for each person and for and against each measure, the name and office of each person elected, and each measure enacted or approved. The manager shall make and sign a certificate of election of each person elected and deliver the certificate to him or her within one day after the results are entered in the council record. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

(Amended November 8, 1983; effective January 1, 1984)

Section 27. TIE VOTES. In the event of a tie vote when there are only two candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 28. COMMENCEMENT OF TERMS OF OFFICE. The term of office of each elective officer chosen at a regular city election shall commence at the first regular meeting in January immediately following the election.

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Section 29. OATH OF OFFICE. Before entering upon the duties of their office, each officer shall take an oath or shall affirm that they will support the constitution and laws of the United States and of Oregon and the charter and ordinances of the City of Gresham and that they will faithfully perform the duties of their office.

Section 30. NOMINATIONS FOR ELECTIVE OFFICES. The council shall provide by ordinance the mode for nominating elective officers.

CHAPTER VII

VACANCIES IN OFFICE

Section 31. OFFICE VACANCIES.

(a) An elective office of the city shall be deemed vacant before the expiration of the term upon the incumbent's:

(1) Death,

(2) Adjudication, as a person mentally incapable of performing the duties of the office, by a competent tribunal,

(3) Judicial conviction of a felony or judicial conviction or state-level administrative determination of corruption, malfeasance or delinquency in office, or unlawful destruction of public records,

(4) Resignation from the office

(5) Recall from the office,

(6) Ceasing to reside within the Gresham City limits, or

(7) Taking the oath of office of another elective governmental office.

(b) Failure of a person elected or appointed to an office to qualify for the office within ten days after the time for his or her term of office to commence shall result in the office being deemed vacant.

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(c) An elective office becomes vacant whenever its incumbent is absent from the city for a period of 45 days except that the council may grant the incumbent a leave of absence of not more than 90 days.

(d) An elective office shall be declared vacant whenever its incumbent fails to attend three consecutive meetings of the council, unless absent upon leave of the council is first obtained. (Amended November 4, 1998; effective January 3, 1999)

Section 32. FILLING OF VACANCIES.

(a) Vacant elective offices in the city shall be filled by appointment by a majority vote of the council within thirty days of the date the vacancy occurred. The appointee's term shall begin immediately upon his or her appointment until the beginning of the year following the next biennial November election or until his or her successor is elected and qualifies therefor. An elected successor for the unexpired term shall be chosen at the next biennial November election. The date the vacancy occurred must be more than thirty days before the filing deadline for that election date.

(b) During the temporary disability of any officer or during his or her absence temporarily for any cause, when an officer is not able to attend meetings by an alternative form such as telephone, his or her office may be filled pro tem, for the term of the disability of absence, by a majority vote of the council. (Amended November 4, 1998; effective January 3, 1999; Amended May 15, 2012; effective May 15, 2012)

CHAPTER VIII

ORDINANCES

Section 33. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be "THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:"

Section 34. MODE OF ENACTMENT.

(a) Except as paragraph (b) of this section provides to the contrary, every ordinance of the council shall, before final passage, have a first and second reading on two different days.

(b) An ordinance may be enacted at a single meeting of the council by majority vote of all council members present only if:

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(1) a copy is provided for each council member and copies provided for the public in the office of the manager not later than one week before the reading of the title of the ordinance; and

(2) notice of availability of the ordinance is posted at the city hall; and

(3) the title of the ordinance is published in a newspaper of general circulation in the city; and

(4) a copy is available for public use in the council chambers at the meeting of the council.

(c) Any section of an ordinance changing substantially the legal effect of the ordinance as previously circulated shall be read in full in open council meeting prior to being adopted by the council.

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

(e) Upon the enactment of an ordinance, the manager shall sign it with the date of its passage and his or her name and title of office, and immediately thereafter the mayor shall sign it with the date of his or her signature and the title of the office. All ordinances enacted by the council shall take effect thirty days after their passage unless a later date is fixed therein, in which event they shall take effect at such later date, subject to referendum if legislative. Provided, however, an ordinance, (1) making appropriations and the annual tax levy, (2) relative to local improvements and assessments thereof, or (3) emergency ordinances, shall take effect immediately upon their passage, or any special date less than thirty days after passage, specifically fixed in such ordinance. (Amended November 8, 1983; effective January 1, 1984)

Section 35. EMERGENCY. The council may in an emergency provide a different effective date for an ordinance or that it take effect immediately upon its final passage. The emergency shall be clearly stated within the ordinance itself and the reason for the emergency.

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CHAPTER IX

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 36A. URBAN RENEWAL

(a) As used in this Section:

(1) "Urban renewal plan" and "plan" have the meaning given those terms in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

(2) "Substantial change" means any change proposed to be made to an existing urban renewal plan which deals with any matter other than (A) correction of typographical errors, (B) clarification of language or procedures or (C) minor modifications in details which will not change the basic planning, engineering or financing principles of the plan.

(b)

(1) The council shall refer to the electors any ordinance adopted after November 1, 1986, approving an urban renewal plan or a substantial change in such a plan.

(2) A non-substantial change in an existing plan shall be approved by the council by an ordinance which shall be subject to a referendum ordered by the people.

(Added November 4, 1986; effective immediately)

Section 36B. MAJOR ROADS AND HIGHWAYS.

(a) No freeways or expressways may be constructed within the city limits without prior approval of the location and the general design of the project by a majority of the electors of the city voting in a regular May or November election.

(Amended November 2, 2004; effective January 1, 2005)

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(b) Approval by the electors of the location of the project and the general design of the project may be sought in separate elections.

(Amended November 2, 2004; effective January 1, 2005)

Section 37. IMPROVEMENTS. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable laws of the state. Street, sewer, sidewalk, water, storm drainage and such other public improvements as the council deems necessary may be undertaken on the motion of a majority of the council or on petition of a majority of the owners of the property to benefit specially from the improvement. A remonstrance of a majority of the owners of the property to benefit specially by such improvement shall defeat such a motion or petition, in which event no further action to effect the improvement shall be taken for six months.

(Amended May 15, 1984; effective June 1, 1984)

Section 38. SPECIAL ASSESSMENTS. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 39. CONTRACTS. Contracts shall be governed by ordinance and resolution, and by applicable state law.

(Amended November 8, 1983; effective January 1, 1984)

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 40. DEBT LIMIT.

(a) Indebtedness of the city may not exceed the limits on city indebtedness under state laws.

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

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Section 41. 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 42. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 42B. BUDGET COMMITTEE. The Budget Committee shall consist of the mayor and council members and the seven Finance Committee members appointed by the mayor with the approval of the council.

(Added November 4, 1998; effective January 3, 1999; Amended November 2, 2004; effective January 1, 2005)

CHAPTER XI

ORDINANCE POWER, INITIATIVE, REFERENDUM AND RECALL

Section 43. ORDINANCE POWER. The ordinance power of the city, except for the initiative and referendum powers reserved to the people, is vested in the council.

Section 44. INITIATIVE. The people reserve to themselves the initiative power, which is to propose ordinances and amendments to the charter and enact or reject them at an election as provided by ordinance, the Oregon Constitution and state law.

(Amended May 15, 1984; effective June 1, 1984)

Section 45. REFERENDUM. The people reserve to themselves the referendum power, which is to approve or reject ordinances and amendments to the charter at an election as provided by ordinance, the Oregon Constitution and state law.

(Amended May 15, 1984; effective June 1, 1984)

Section 45A. CHARTER AMENDMENTS. Any measure which proposes to amend, repeal or replace this Charter shall take effect only if it is approved by at least 60 percent of the electors casting votes for or against such measure.

(Added November 4, 1986; effective November 5, 1986)

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Section 45B. CHARTER REVIEW. The council shall appoint a committee to review the charter every eight years, beginning with appointment of a charter review committee in the year 2003.

(Added November 8, 1994; effective November 9, 1994)

Section 46. RECALL. The citizens of the City of Gresham shall have the power and authority to recall an elected officer of the city. The manner and effect shall be that prescribed by state law except for the number of signatures necessary to order a recall. A petition signed by 10 percent of the number of persons registered to vote in the city at the last general election is necessary to order the recall of the mayor. A petition signed by 10 percent of the persons registered to vote in the district from which the councilor was elected at the last general election is necessary to order the recall of a councilor. The petition shall set forth the reason for the recall. If the official affected by the petition for recall offers his or her resignation to the council, it shall be accepted and take effect on the day it is ordered and be effective for the remainder of the term.

(Amended November 4, 1980; effective December 15, 1980)

Section 47. CONFLICT OF INTEREST. No councilor may be pecuniarily interested in any contract, the expenses of which are to be paid by the city. No councilor or member of the planning commission shall participate in the discussion or vote on any subject in which he or she is pecuniarily interested.

(Amended November 8, 1983; effective January 1, 1984)

Section 48. PRESUMPTION OF VALIDITY OF CITY ACTION. In any proceeding in any court which concerns the exercise or enforcement by the city, its officers, employees or agencies, of any power granted by this charter, there shall be a presumption that such exercise or enforcement is valid, and, no error or omission in any such act shall invalidate 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 omission which does not affect a substantial right of the person. Any action by this charter committed to the discretion of the council, when taken, shall be final and shall not be reviewed or called into question elsewhere.

Section 49. TIME OF EFFECT OF CHARTER. This charter shall take effect on the 1st day of June, 1978.