

# Council Communication

## August 31, 2015, Study Session

---

### Discussion of City Recorder charter amendment

---

**FROM:**

Dave Kanner, city administrator, dave.kanner@ashland.or.us

**SUMMARY**

This is a continuation of a discussion begun at the May 4, 2015, study session of whether to refer a charter amendment to the voters to make the City Recorder an appointed position.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Council at its May 4, 2015, study session began a discussion of referring a charter amendment for the purpose of making the recorder an appointed position. The Council requested several pieces of information at that time:

1. Pros and cons of an elected, rather than appointed city recorder. There are two lists of pros and cons attached to this Council communication; one prepared by City Recorder Barbara Christensen and the other prepared by me, based on a review of the minutes of the 2005 Charter Review Commission, and input from department heads, Administration staff and peers in the city management profession.
2. A draft of a position description for an appointed City Recorder. (Attached.)
3. A draft of a charter revision that could be referred to the voters. (Attached.) The following portions of the charter are proposed for revision:

- Article 1, §1 and §3
- Article 3, §1 and §3
- Article 6, §1 and §2
- Article 7, §2
- Article 15, §5
- Article 19, §3
- Article 21, §1

There are also numerous Municipal Code sections that would have to be revised in order for the Code to be consistent with the position description. Those Code sections are not listed here.

4. A recommendation on where an appointed City Recorder would fit in the City's classification plan. An appointed recorder would be a non-exempt management/confidential position in classification 526, which includes the customer service manager and senior planner positions and which currently has a top step of about \$78,000/yr.

**Historical background and context**

When Ashland's current City Charter was adopted in 1908, the "Police Judge" and City Recorder were combined as a single position. Adhering to what remains a common practice for judges, this was an elected position. In 1912, women were granted the right to vote and two years later a push began to



elect a woman to this position. However, there were many at the time who felt the police judge was not a suitable position for a woman, because the judge would have to hear the details of too many embarrassing cases and, in the words of the Daily Tidings, “Modesty will not permit it.” However, in 1918, the City Council appointed Gertrude Biede as recorder pro-tem and held a special election to split this single position into two separate positions (also creating the Municipal Court in the process). The measure carried by a vote of 82 to one. Staff was unable to determine from our research why the Council in 1918 kept the recorder an elected position.

An elected recorder is very unusual, since elective offices are generally reserved for policy-making positions and the recorder is not a policy-making position. Rather, it is an administrative/professional position, and such positions are typically appointed. The League of Oregon Cities says it knows of only two other cities in Oregon where the recorder is elected (although there may be more). Those cities are Prescott and Elgin, population 55 and 1,725, respectively.

Changing the recorder to an appointed position would require voter approval of a charter amendment. Although it has been common practice for Ashland to refer charter amendments in primary and general elections, this is probably done for reasons of cost. A charter amendment can be referred to any election, including a special election if called for by the Council.

**COUNCIL GOALS SUPPORTED:**

N/A

**FISCAL IMPLICATIONS:**

Making the recorder an appointed position would likely be a wash in terms of position cost. Although the top step of the recommended pay range is slightly lower than the incumbent’s current salary, an appointed recorder would receive vacation and overtime pay that an elected official does not receive. Some costs may be incurred for an election, however such costs are likely to be de minimis.

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

N/A. This item is scheduled for discussion only.

**SUGGESTED MOTION**

N/A

**ATTACHMENTS:**

- Memo from Barbara Christensen
- Pros and cons of elected vs. appointed city recorder
- Draft position description for an appointed city recorder
- Draft charter revision for an appointed city recorder



# Memo

---

**DATE:** August 17, 2015  
**TO:** Mayor Stromberg, City Councilors  
**FROM:** City Recorder's Office  
**RE:** Pros/Cons regarding elected City Recorder

I was asked by Dave Kanner to provide input on this subject for the Study Session on August 31. Below are my comments. Thank you

## PRO

- Position is a time honored historical tradition for the City of Ashland and has been a position of honor to be elected – although unique in the State of Oregon – not unique in other states
- Ensures the integrity of documents – ensures sense of security/layer by citizens
- Advantage of having full/time elected official in City Hall
- Position functions independently – not persuaded or influenced by governing body or administration – checks and balances
  - Elections
  - Auditing
  - Records Requests
- Has ability to act on behalf of staff in ways that staff is unable to (when staff is uncomfortable dealing with higher level staff members; difficult citizens, etc.)
- Protects the integrity of the office and its functions – by its ability to remain autonomous and provide access to accurate and impartial information
- Helps to enforce transparency in all things
- There has not been an elected City Recorder in the history of this position that was unable to perform the requirements of this office

## CON

- Changing this position to appointment results in the loss of an elected position. Once changed would be extremely difficult to get back the elected position
- Ability to work as “team member” is subject to the discretion of the City Administrator



## Pros and cons: An elected city recorder

### PROS

- Historic precedent/No political battle over charter change
- Public perception of unbiased oversight of management of public records
- Public perception of unbiased oversight of treasury functions
- Public perception of independent non-Council voice in City Hall.
- Ashlanders like being different and this makes us different than other cities

### CONS

- Elective offices are reserved for policy-making positions and this is not a policy-making position. Performs an administrative function, makes administrative decisions and should be supervised by an administrative authority
- Because it is not a policy making position, voters are not able to effectively evaluate performance
- No minimum qualifications required to hold office
- Salary and benefits may attract unqualified candidates; risk of having unqualified or dishonest person handling City investments and bank accounts
- Job cannot flex based on changing City needs
- No executive or administrative oversight or accountability for adherence to City policies
- No recourse for failure to perform basic job functions other than removal by Council or recall; politicizes an administrative function
- No set schedule
- Insufficient back-up for certain functions

OVERTIME:  Exempt  Non-Exempt

JOB TITLE:	<b>City Recorder</b>
CLASSIFICATION:	Non-represented/Confidential
DEPARTMENT:	Administration
DATE:	August 10, 2015

PURPOSE OF POSITION:

Performs high-level professional administrative support to the Mayor and City Council, City Administrator and other City departments. Oversees public records retention and management for the City. Ensures compliance with applicable laws governing public meetings, retention of official records and documents, and coordinates local elections. Responsible for the coordination and appropriate noticing of City Council meetings and standing committee meetings and prepares and distributes agendas and informational packets. Updates the Ashland Municipal Code (AMC) to include ordinances and Charter amendments; interacts with the public and public officials from City and other agencies. Performs other related duties as required.

SUPERVISION RECEIVED:

Receives supervision and direction from the City Administrator.

SUPERVISORY RESPONSIBILITIES:

May directly supervise subordinate administrative/clerical staff if necessary, however supervision is not a regular function of this position. May also provide training and orientation to departments regarding records management.

ESSENTIAL JOB FUNCTIONS:

*The duties listed below are only intended as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the classification if the work is similar, related and/or a logical assignment to the classification.*

Serves as the ex-officio Clerk of the Council and attends all Council meetings and, as necessary, Council subcommittees to take minutes, conduct roll call votes, set up the meeting room before the meeting, and run recording devices. Oversees distribution of Council agenda and packets, assists departments with preparation of packet documentation and reviews agenda for completeness. Schedules and makes legal notifications of meetings, hearing and executive sessions.

Acts as support to the Council. May provide support to Budget Committee as requested. Works with the City Administrator, Mayor and City Attorney to ensure compliance with public meetings law; drafts, edits and submits council meeting minutes for approval and posting. Keep track of Ordinance and Resolution numbers; and assign numbers to new Ordinances and Resolutions and obtain Mayor's signature on Ordinances, Resolutions and contracts. Drafts, maintains, coordinates and distributes approved municipal code, ordinances and resolutions to appropriate commissions and staff. Prepares, records and posts Council-approved code, ordinances and resolutions. Produce minutes of the meeting capturing motions and actions of the City Council.

Functions as the City Elections Officer responsible for process of preparing, overseeing and filing of all pertinent election materials for candidates, measures and required finance/campaign reports in local elections in cooperation with the Jackson County officials responsible for conducting elections; works with candidates and newly elected officials providing election information and proper paperwork. Educates city staff on restrictions on political activity as public employees.

Custodian of official City records; oversees City-wide records management and retention. Establishes and monitors records management standards and retention schedules for all City departments. May conduct historical and records research for City Council and City Administrator.

Performs administrative support functions for City boards and commissions. Ensures that the Ashland Municipal Code (AMC) is updated and available electronically.

Provides information to the public regarding public records, and works with City Attorney to determine legal obligations for release of information under Oregon Public Records Law. Responds appropriately to the public regarding requests for information and provides cost estimates for requests that involve extensive staff research.

Keep City Charter available to the public with updated boundaries. May process certain business licenses and registrations as assigned. Performs other duties of a similar nature or level as assigned.

#### AUXILIARY JOB FUNCTIONS:

Maintain proficiency by attending training, conferences and meetings, and reading professional literature. Maintain work area in a clean and orderly manner and follow all safety rules and procedures established for work areas.

#### MINIMUM QUALIFICATIONS:

Education: Possession of an associate's degree or shall have completed a minimum of two years of post-secondary study in business administration, public administration, English, communications or closely related field, Bachelor's Degree preferred.

Experience: Up to five (5) years of public sector administrative/municipal government administrative experience with specific experience in local government operations in the area of records management, public/open meetings, elections and municipal codes.

Substitution: Any satisfactory equivalent combination of education, training and experience that demonstrates the knowledge, skills and abilities to perform the duties of the job proficiently may substitute for the above requirements.

#### **Desirable Qualifications:**

Certified Municipal Clerk (CMC) or Master Municipal Clerk (MCC) is preferred.

#### **SPECIAL REQUIREMENTS**

Possession or the ability to obtain and retain, a valid Oregon driver's license with an insurable driving record by the time of appointment. Notary Public (possession of or ability to obtain within 1 year of appointment)

#### PHYSICAL DEMANDS OF POSITION:

*The physical and mental demands described here are representative of those that must be met by employees to successfully perform the essential functions of this classification. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

1) Mobility: frequent sitting for long periods of time; occasional bending or squatting. (2) Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. (3) Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. (4) Dexterity: frequent use of keyboard; frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. (5) Hearing/Talking: frequent hearing and talking, in person and on the phone. (6) Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone.

#### WORKING CONDITIONS:

*The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this classification. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*



Work is performed in a typical office environment and is subject to moderate noise. Attendance at meetings outside of the normal work schedule is required.

DEPARTMENT HEAD SIGNATURE \_\_\_\_\_

CITY ADMINISTRATOR APPROVAL \_\_\_\_\_

Date \_\_\_\_\_



# ASHLAND CITY CHARTER

## INTRODUCTION 00 History of the Ashland Charter

The original Charter granted to the City of Ashland in 1874 was later supplanted by a Charter given to the City by the Oregon State Legislature in 1889. In 1898, a new Charter was approved by the voters of the City, which remained in effect until 1970, although amended numerous times over the years.

In 1906, a State constitutional amendment giving cities Home Rule meant that Charters could be adopted and amended without action by the State Legislature. A vote of the Ashland citizens to amend the City Charter or to adopt a new one can effect changes in the structure and powers of Ashland city government. For this purpose, the Council may call a special election on the Charter by initiative petition.

In May of 1970, as a result of study and recommendation by the Ashland League of Women Voters and the Charter Revision Committee, an amended Ashland City Charter was again approved by the voters of the City. As adopted, it retained all of the desirable provisions of the original Charter, while omitting obsolete provisions, thereby simplifying this important document and making it a more workable one.

Five amendments were enacted by the voters in May of 1972, dealing primarily with administrative refinements, and these amendments have been incorporated into the following compilation of the City Charter.

Amendment to the charter was enacted by the voters in November of 2006, requiring voter approval before any real property transfer tax could be enacted. This amendment has been incorporated into the following compilation of the City Charter.

Notes: 1) City incorporated 10-13-1874  
2) First Ordinance passed 11-14-1874 -Setting Boundaries of the City of Ashland

## ARTICLE 1 Name and Boundaries

**Section 1.** Title of Enactment This enactment shall be referred to as the Ashland Charter of ~~1970~~2016.

**Section 2.** Name The municipality of Ashland, Jackson County, Oregon, shall continue to be a municipal corporation with the name "City of Ashland".

**Section 3.** Boundaries The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters, by the Council, or by any other agency with legal power to modify them. The ~~Recorder shall keep in her/his office~~City shall maintain at City Hall at least two (2) copies of this Charter, ~~in each of which he/she shall maintain~~include an accurate and up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular ~~office hours of the Recorder~~business hours.

## ARTICLE 2 Powers

**Section 1.** Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.



## ASHLAND CITY CHARTER

**Section 2. Construction of the Charter** In this Charter, the mention of a particular power shall not 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 shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to State laws and to the municipal Home Rule provisions of the State Constitution.

**Section 3. Provisions for Amendment and Revision** The Council shall have the power to call a special election upon a resolution passed by the Council for the purpose of amending the Charter or enacting a new Charter, or whenever petitioned to do so by the electors of said City, under any initiative or referendum ordinance of the City of Ashland, or the laws of the State of Oregon.

### ARTICLE 3 Elective Officers

**Section 1. Elective Officers** The elective officers of the City shall be: a Mayor, ~~Recorder~~, six (6) Council Members, five (5) Park Commissioners and a Municipal Judge. (Charter amendment 5-23-78)

**Section 2. Qualifications** All elective officers except the Municipal Judge shall be residents and qualified voters in the City. (Charter amendment 5-23-78).

**Section 3. Salaries** Any change in the amount of the present compensation received by elective officers, except for the ~~Recorder and~~ Municipal Judge, shall be submitted to the vote of the people; however, ~~the salary of the elected Recorder shall be in the amount being paid in 1974 and be adjusted starting with the fiscal year 1974-75 in the same percentage as the average salary adjustments of the other supervisory employees and department heads of the City of Ashland; further,~~ the salary of the Municipal Judge will initially be the same as for the year 1978-79 and thereafter to be adjusted in the same percentage as the average salary adjustment of the other supervisory employees and department heads of the City of Ashland. (Charter amendment 5-23-78).

**Section 4. Vacancies** An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his/her office, or unlawful destruction of public records; resignation; recall from office or ceasing to possess the qualifications for the office; or, in the case of the Mayor or Council Member, upon his/her absence from the City for thirty (30) days without the consent of the Council or upon his/her absence from meetings of the Council for sixty (60) days without like consent, and subsequent declaration of the vacancy by a two-thirds affirmative vote of the Council.

A vacant elective office in the City shall be filled within sixty (60) days by the Council electing some qualified person to fill such vacancy. The appointee's term of office shall begin immediately upon appointment and shall continue until a successor, elected at the next biennial election, takes office for the unexpired term. The Council shall have the power, by a two-thirds affirmative vote, to expel any member of the Council for disorderly conduct in Council or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.

**Section 5. Term** The term of all elective officers shall begin the first day of January following their election.

**Section 6. Interest in City Contracts** During the term of office, no elective officer shall violate any provision of the State of Oregon Code of Ethics as contained in ORS Chapter 244. (Amended by vote 11-8-94.)

# ASHLAND CITY CHARTER

## ARTICLE 4 Mayor

**Section 1. Term** The Mayor in office at the time this Charter is adopted shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At the biennial general election held in 1972, and every fourth year thereafter, a Mayor shall be elected for a term of four (4) years.

**Section 2. Powers and Duties** The Mayor is the executive officer of the municipal corporation and shall exercise careful supervision over the general affairs of the City and over appointive officers. He/she shall sign all orders and warrants on the Treasury for claims authorized by the Council.

**Section 3. Vote** The Mayor shall not be entitled to vote on any ordinance or measure before the Council except in the case of a tie vote, in which case he/she shall have the power to vote, and must vote either in the affirmative or in the negative. The Mayor shall, within five days after the passage of any ordinance, either approve or veto the same, and no ordinance shall go into effect until approved by the Mayor or passed by the Council over his/her veto. The Mayor shall, in case he/she vetoes any ordinance or resolution, file such veto with the City Recorder, together with reasons for his/her disapproval, which veto and message of disapproval shall be read at the next meeting of the Council, and such ordinance or resolution be put upon its passage again; and, if two-thirds of the Council members shall vote in the affirmative, it shall become law without the Mayor's approval, but not otherwise. In passing all resolutions and ordinances, the ayes and nays shall be called and permanent record made of the vote thereon.

## ARTICLE 5 Council Members

**Section 1. Terms** The Council members in office at the time this Charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election after this Charter takes effect, three Council members shall be elected, each for a term of four (4) years.

## ARTICLE 6 Recorder

**Section 1. Term** The Recorder in office at the time this Charter takes effect shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted, or until the Recorder resigns or is removed from office per Article 3, Section 4, above, whichever comes first. ~~At each biennial general election held in 1970, and every fourth year thereafter, a Recorder shall be elected for a term of four (4) years.~~

**Section 2.** The Recorder shall act as the clerk of the Council, attend all of its meetings unless excused therefrom, and shall keep plain and correct minutes of all business and proceedings of the Council and other duties as may be prescribed by state law, the City Charter, City ordinance or the City Administrator. In the Recorder's absence from a Council meeting, the City Administrator shall appoint a Clerk of the Council pro tem who, while acting in that capacity, shall have all the authority and duties of the Recorder. ~~Powers and Duties The Recorder shall act as Clerk of the Council and shall keep plain and correct records of all business and proceedings of the Council. He/she shall maintain a file of all papers presented to him/her officially, and safely keep all files, records and papers of the corporation pertaining to his/her office, and~~

## ASHLAND CITY CHARTER

~~these shall be open to the public.—At the expiration of his/her term of office, he/she shall turn over to his/her successor any and all records, books, and papers pertaining to said office.~~

~~The Recorder must draw all orders for the proper payment of monies against the proper funds that have been appropriated by the City Council, and, together with the Mayor, sign the same.—He/she may make periodic audits of all City accounting records.~~

~~The Recorder, shall, as soon as the Council shall make a general levy of the taxes for the city, certify the same, together with any and all special benefits and assessments then due, to the Clerk of the County Court.~~

~~The Recorder shall record, in a book to be kept for that purpose, all ordinances and resolutions passed by the City Council, and the same shall be signed by the Recorder, as well as signed and approved by the Mayor therein.~~

~~**Section 3. Vacancy**—A willful absence of the Recorder from the City for more than thirty (30) days without the consent of the Council, carelessness or inattention to the duties of the Recorder, shall be grounds for the Council to declare the office vacant; and it may fill such vacancy in the same manner as vacancies in the office of Council members are filled.~~

~~**Section 4. Absence**—In the Recorder's absence, the Mayor shall appoint a Clerk of the Council Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.~~

### **ARTICLE 6A Judge**

**Section 1. Term** At the biennial general election held in 1978, and every fourth year thereafter, a Judge shall be elected for a term of four (4) years. (Charter amendment 5-23-78)

### **ARTICLE 7 Elections**

**Section 1. Regular Elections** Regular City elections shall be held at the same times and places as biennial general State elections, in accordance with applicable State election laws.

**Section 2. Notice of Regular Elections** The Recorder, pursuant to directions from the Council, shall give at least ten (10) days notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall, and by publication in a newspaper of wide and general circulation ~~published~~ in the City of Ashland. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

**Section 3. Special Elections** The Council shall provide the time, manner and means for holding any special election which shall comply with applicable State laws. The Recorder shall give at least ten (10) days notice of each special election in the manner provided by the action of the Council ordering the election.

**Section 4. Regulation of Elections** Except as this Charter provides otherwise and as the Council provides otherwise by ordinances relating to elections, the general laws of the State shall apply to the conduct of all City Elections, recounts of the returns therefrom, and contests thereof.

## ASHLAND CITY CHARTER

**Section 5. Nominations** A qualified elector may be nominated for an elective City office to be filled at the election. The nomination must be by a petition that specifies the office sought and must be in a form prescribed by the Council. The petition shall be signed by not fewer than twenty-five (25) electors, and with the candidate's written acceptance of such nomination. No elector may sign more than one petition for each office to be filled at the election. If he/she does so, his/her signature will be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature of the person appended thereto was made in his/her presence, and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the date of signing, the signer's place or residence, identified by its street and number or other sufficient designation. The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the person who filed the petition within twelve (12) days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. All nomination papers comprising a petition shall be assembled and filed in final form as one instrument with the Recorder not less than twelve (12) days before the date that the Recorder must file the same with the County Clerk. (Charter Amendment 11-2-82)

**Section 6. Canvass of Returns** In all elections held in conjunction with State and County elections, the State laws governing the filing of returns by the County Clerk shall apply. In each special City election, the returns therefrom shall be filed with the Recorder on or before noon the day following; and, not later than five (5) days after the election, the Council shall meet and canvass the returns. 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 at the election, the votes cast for each person, and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the Recorder shall make and sign a Certificate of Election of each person elected and deliver the Certificate to him/her within one (1) day after the canvass. A Certificate so made and delivered shall be "prima facie" evidence of the truth of the statements contained in it.

**Section 7. Tie Votes** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in the manner prescribed by the Council.

**Section 8. Oath of Office** Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the constitutions and laws of the United States, the State of Oregon, and the Charter and laws of the City of Ashland, and that he/she will faithfully perform the duties of his/her office.

### **ARTICLE 8 Council**

**Section 1. Where Powers Vested** Except as this Charter provides otherwise, all powers of the City shall be vested in the Council and the Mayor.

**Section 2. Composition** The Council shall be composed of six (6) Council members elected in the City at large and by position number. Each position shall bear a number running from one (No. 1) through six (No. 6), and any candidate for Council shall, starting with his/her nominating petition, designate the number

## ASHLAND CITY CHARTER

of the Council seat to which he/she seeks election; further, one candidate may only run for one position at an election.

The Council members whose terms of office expire with the end of 1972 shall be assigned seat numbers 1, 3 and 5; 1974 shall be assigned seat numbers 2, 4 and 6. Within the scope of the preceding provision, the Council shall forthwith determine by lot the numbers to be assigned to the incumbent Council members.

**Section 3. Council Meetings and Rules** The Council shall hold a regular meeting in the City at least once each month at a time and place which it designates. Other meetings may be called as the Council deems necessary, with notice given the Mayor and Council members and the public as provided by ordinance. Minutes of any such special meeting shall be presented at the next regular Council meeting. The Council shall adopt rules for its proceedings.

**Section 4. Quorum** The Mayor and not less than three (3) of the Council members, or four (4) of the Council members, shall constitute a quorum for conducting Council business.

**Section 5. Journal** The Council shall cause a record of its proceedings to be kept. Upon request of the Mayor or any of the Council members, the ayes and nays upon any question before it shall be taken and entered in the record.

**Section 6. Proceedings to be Public** No action by the Council shall have legal effect unless the motion for the action and the vote thereon take place at proceedings open to the public.

**Section 7. Mayor's Function at Council Meetings** The Mayor shall preside over the deliberations of the Council. He/she shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

**Section 8. Chair of the Council** At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council member's right to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their number as Chair Pro Tem, who shall preside at that meeting.

**Section 9. 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.

### **ARTICLE 9 Special Powers of the Council**

**Section 1. Violation of Charter, Ordinance and Laws** The Council, at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to enact laws, ordinances and pass resolutions not in conflict or inconsistent with the laws of the United States, the State of Oregon, or the provisions of this Charter; and to provide for punishment of any person or persons found guilty by a competent tribunal of the violation of any such laws, ordinances, or any of the provisions of this Charter, by fine or imprisonment of such offender, until such fine and costs are paid; and to provide for the working of such persons so convicted on the streets of the City or at any other work, and to provide the compensation therefor to be applied on such fine and costs; but no fine shall exceed the sum of \$500 and the costs of prosecution, nor shall any imprisonment or term at hard labor exceed 60 days.

## ASHLAND CITY CHARTER

**Section 2. Levy of Taxes** The Council, by two-thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to annually ordain and levy taxes on the taxable property of the City made taxable by law for County and State purposes, not to exceed fifteen mills on the dollar on the assessed valuation in any year for the expenses of the City; and also in such further amount as may be necessary for the payment of interest or principal on any bonded indebtedness now existing or hereafter to exist against the City and for payment of any judgment or judgments obtained against the City.

**Section 2a. Flood Damage Restoration Bonds** In addition to the indebtedness otherwise authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) for the purpose of financing the cost of repair and restoration in accord with current construction standards of the City's water, sewer, electrical and storm sewer systems; City streets and bridges and watershed roads and bridges; Lithia Park; the repair of riprap at the Ashland Airport; and the purchase of a dredge for the removal of present and continuous accumulations of silt in the City's water reservoir; and to further provide that all state or federal funds received to assist Ashland in repair of flood damage shall be used for that purpose or to pay principal and interest on these bonds and for no other purpose; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.

**Section 2b. Hospital Improvement Bonds** In addition to the indebtedness otherwise authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00) for the purpose of financing the design and construction of additions and improvements to the Ashland Community Hospital; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.

**Section 3. Special Assessments** The Council shall have the power at regular or adjourned meeting to levy such special benefit assessments for road, sewer or other special improvements as they deem reasonable and to prescribe the time when such assessments shall be paid and to assess penalties thereon, not exceeding ten percent (10%) when delinquent, which assessments and penalties may be collected under the provisions of Article XII, Sections 1 and 2.

**Section 4. Reassessment** The Council shall have the power to enact an ordinance to correct any administrative error in the levying of any special benefit assessment and to cause a reassessment to be made.

**Section 5. Debt Limit** The Council, by a two-thirds vote at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to borrow money upon the credit of the City and authorize the issue of orders or notes therefor to an amount not exceeding \$5,000.00 when required for

## ASHLAND CITY CHARTER

municipal purposes, which orders and notes shall bear a reasonable rate of interest and shall not aggregate at any time to exceed \$5,000.00.

**Section 6. Bonds** The Council, by a two-thirds vote at any regular or adjourned meeting, shall issue bonds of the City for other purposes when duly voted and required by a majority of the electors of said City; or in rebonding any bonded indebtedness of the City when the same is due and payable and the City has not the funds on hand to pay the same, but in rebonding, bonds shall not be issued for a longer period or greater rate of interest than the bonds to be liquidated. All bonds issued hereafter shall be amended to this Article; that is, Article IX, Section 2, and at such time as they are retired shall be automatically repealed.

**Section 7. Water System** The Council, by a two-thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to suppress, restrain, and prohibit any obstruction, pollution, diversion, waste, extravagant use of, waters of Mill or Ashland Creek, either within or above the City limits.

### ARTICLE 10 Ordinances

**Section 1. Enacting Clause** The enacting clause of all ordinances hereafter enacted shall be: "The People of the City of Ashland do ordain as follows:".

**Section 2. Mode of Enactment**

(a) Except as the second and third paragraphs of this Section provide to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read first fully and distinctly in open Council meeting and then on a different date by title only, unless a Council member or the public requests that it be read in full for a second time, and it shall then be read fully and distinctly.

(b) Provided all conditions set forth in Paragraph (C) have been met, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present upon being read first in full and then by title.

(c) The first reading may be by title alone if no Council member present at the meeting, or the public, requests to have the ordinance read in full, and if a copy of the ordinance is provided for each Council member and three (3) copies are provided for public inspection in the office of the City Recorder not later than one (1) week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the City Hall and by advertisement in a newspaper of general circulation and published in the City. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

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

(e) Upon the enactment of an ordinance, the Recorder shall sign it with the date of its passage and his/her name and the title of his/her office, except as provided in Article IV, Section 3.

**Section 3. When Ordinances Take Effect** An ordinance enacted by the Council shall take effect on the thirtieth (30th) day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect; and, in case of emergency, it may take effect immediately.

## ASHLAND CITY CHARTER

### ARTICLE 11 Public Improvements

**Section 1. Condemnation** Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by resolution of the Council describing the property and stating the uses to which it shall be devoted. The procedure for the condemnation shall be as ordained by the Council or provided by State law.

**Section 2. 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 applicable general laws of the State. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or, where the land is being purchased under a land sale contract recorded or verified to the Recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner".

**Section 3. Special Assessments** The procedure for the levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be as provided in Article XII, Sections 1 and 2 of this Charter.

**Section 4. Bids** All jobs or contracts for constructing, repairing, ornamenting or improving any public place in this City or out of it, the expenses of which are to be paid out of the City Treasury, and the probable cost of which will exceed \$500, shall be advertised in a newspaper of wide and general circulation published in the City of Ashland for ten days before the closing of the bids, and shall be done in accordance with the plans and specifications approved by the Council. The Council shall have the right to reject any or all bids without incurring any liability for such rejection.

### ARTICLE 12 Taxation: Powers and Duties of the Council

**Section 1. Duties** It shall be the duty of the Council immediately after the receipt of the certificate of the County Clerk of the County Court of Jackson County, Oregon, showing the aggregate valuation of the assessable property in said City of Ashland, to meet, and by ordinance annually levy such taxes and assessments as permitted in this Charter against the taxable property of the City of Ashland, and such special assessments and penalties as may be due and unpaid, and cause the same to be certified to the County Court, as provided in Section 2 of this Article.

**Section 2. Duties** The Council shall, immediately after such levy, notify the Clerk of the County Court, under the certificate of the City Recorder, of the rate percent of the tax levy made by the Council and all delinquent special benefit assessments and the penalties thereon, and it shall be the duty of such Clerk to compute the taxes and extend the same by entering the aggregate tax in the appropriate columns on the tax roll, and such taxes, special assessments and penalties shall be collected by the same officer, in the same manner and at the same time as taxes for County purposes are collected, and the same shall be paid over by the County Treasurer to the City Recorder as provided by law for the paying over of city taxes.

**Section 3. County Road Tax** The territory within the limits of the City of Ashland as now existing and as may be hereafter extended is hereby excepted out of the jurisdiction of the County Court of Jackson County for licensing purposes and road purposes, and the City Council shall have full and exclusive jurisdiction over the same. The inhabitants of the City shall be exempt from the payment of road taxes and



## ASHLAND CITY CHARTER

assessments of the property within the City for road work, except such taxes as may be levied and assessed by the City Council, and all such taxes shall be placed in a separate fund and used for street purposes within the limits of the City and not otherwise.

**Section 4. Property Tax Transfer Tax** Requires voter approval before any real property transfer tax is enacted in Ashland. (Amendment November 2007; 15-65)  
(15-65, Amended, 11/07/2006, Ballot measure 15-65)

### **ARTICLE 13 Appointive Officers**

**Section 1. Appointive Officers** The Mayor, with the confirmation by the Council, shall appoint a City Administrator, City Attorney and such other officers as the Council deems necessary. The Council may combine any two or more appointive offices. (Charter amendment 5-23-78)

**Section 2. Separate Police and Fire Departments** The City of Ashland shall maintain a fire department which is separate and distinct from the City police department. The employees of one department shall not be assigned to do the job functions of employees in the other department. (Charter amendment 1-4-86)

**Section 3. Qualifications, Duties, and Salaries** The Council shall, by ordinances, prescribe the duties of appointive officers, and determine their compensation and qualifications, except the Municipal Judge shall be a member of the Oregon State Bar. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of his/her judicial duties.

**Section 4. Removal** The Mayor, with the consent of the Council, may suspend and remove any appointive officer at any time.

**Section 5. Interest in City Contracts** Except as provided otherwise by law, no officer, agent or employee shall have any interest in any City contract made by him/her in his/her official capacity or by any public committee, board, commission or department of which he/she is a member, agent or employee, except that the employment of the officer, agent or employee shall not be considered a contract for the purposes of this section.

### **ARTICLE 14 Chief of Police: Powers and Duties**

**Section 1.** The Chief of Police shall be the conservator of the peace within the limits of the City of Ashland and, in addition to the authority vested in him/her by the City Council, he/she shall have the authority and jurisdiction of a constable, and shall qualify and discharge the duties of constable, in the same manner and to the same effect as required of constables under the statutes of this State. He/she shall, within the County of Jackson, arrest any and all persons guilty of any breach of the peace committed in his/her presence, and take them before the judge of the City Court, or some Justice of the Peace for trial. He/she shall also have the power, under any warrant from the Judge, or any Justice of the Peace, to arrest any person in any part of the State of Oregon for any criminal offense or the violation of any City ordinance and, in case the Council shall establish a police force for the City, he/she shall by virtue of his/her office be Chief of such force.

**Section 2.** The Chief of Police shall attend all meetings of the City Council, and perform the duties of the Sergeant-at-Arms of that body, watch over, care for and preserve all the City property and good morals of the City; and it shall be his/her duty, and the duty of any and all police officers, to see that all the laws and ordinances of the City, and the provisions of this Charter, are enforced, to file complaint with the City Judge against any persons violating any of the provisions of this Charter, or the laws or ordinances of the City; and

## ASHLAND CITY CHARTER

a failure or neglect to faithfully perform any or all of such duties shall be cause for removal from office by the City Council.

### ARTICLE 15 Court

**Section 1. Court** A court is hereby created in the City of Ashland, Oregon, to be known as the Municipal Court. The court shall be open for the transaction of judicial business at regular times specified by the Council. All area within the City shall be within the territorial jurisdiction of the court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing District Courts.

**Section 2. Judge** The Municipal Judge shall be the judicial officer of the City. He/she shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances and Charter of the City and all other offenses made punishable by State law over which the City is given concurrent jurisdiction. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinances and Charter of the City, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of the Court. The Judge shall make a monthly report of the Court's proceedings in writing to the City Council.

**Section 3. Term** The term of the Municipal Judge shall be four (4) years. (Charter amendment 5-23-78).

**Section 4. Jury** A defendant may have a jury of six (6) members by demanding the same. Any jury chosen shall be governed by the laws of the State of Oregon relating to juries in the District Court, and shall have the qualifications of such jurors resident within the corporate limits of said City.

**Section 5. Fines, Fees, Costs, and Cash Bail** The City Council shall provide for the collection of all Court fines, fees, costs and cash bail which shall be turned over to the City ~~Recorder/Administrator or~~ Administrator's designee for safekeeping.

### ARTICLE 16 Miscellaneous Provisions

**Section 1. Public Utilities - Water Works** The City of Ashland, a municipal corporation, shall have the power to provide the residents of said City with such services as water, sewer, electric power, public transportation and such other public utilities as the people desire by majority vote; and to exact and collect compensation from the users of such public utility; provided, however, that any and all water and water works and water rights now owned or which may hereafter be acquired by said City, for the purpose of supplying the inhabitants thereof with water shall never be rented, sold or otherwise disposed of; nor shall the City ever grant any franchise to any person or corporation for the purpose of supplying the inhabitants of said City with water.

**Section 2. Torts** The City's immunity or liability for torts shall be as determined by State law.

**Section 3. Existing Ordinances, Acts, Proceedings** All existing ordinances in force when this act takes effect and not inconsistent herewith shall be and remain in full force after this act takes effect and thereafter until repealed by the Council. All actions and proceedings pending and all unfinished business whatsoever when this act takes effect shall thereafter be proceeded with according to the provisions of this act or any City ordinance applicable thereto and continued in force by this act. No suit, action or proceeding now pending in any Court shall abate by virtue of this act, and all persons in office shall continue to receive such compensation for their services during the balance of their term as ascertained to the office at the time they were respectively elected or appointed thereto; and all rights vested or liabilities incurred when this act

## ASHLAND CITY CHARTER

takes effect shall not thereby be lost, impaired or destroyed; all bonds theretofore issued by said City are hereby declared to be valid and of full force and effect, and all acts of the Council heretofore done in good faith for the benefit of the City and on which proceedings shall not be instituted prior to July 1, 1970 are hereby legalized and made valid in every particular.

**Section 4. Repeal of Previously-Enacted Provisions** All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed, except the provisions of the legislative Charter of 1898 relating to the Powers of the Chief of Police; that is, Article X, Section 1 compiled herein as Article XIV, Section 1; Powers and Duties of the Council - Taxation; that is, Article XII, Sections 1 and 2, compiled herein as Article XII, Sections 1 and 2; and Territory Excepted for Road Purposes and Licensing Purposes; that is, Article XVII, Section 1, compiled herein as Article XII, Section 3; and those provisions of the previous Charter Amendments included in the following:

- Article VII, Section 1, amended 11-2-54, compiled herein as Article IX, Section 1
- Article VII, Section 2, amended 1-28-09, compiled partially herein as Article IX, Sections 2 and 3
- Article VII, Section 3, of 1898 Charter, compiled herein as Article IX, Section 5
- Article XXVIII, Sections 1 and 2, amended 11-4-30 and 10-16-59, compiled herein as Article XVII, Sections 1 and 2
- Article XIX, Sections 1, 2, and 4, amended 12-15-08, and Section 3, amended 4-23-51, compiled herein as Article XIX, Sections 1, 2, 3 and 4
- Article XXVII, Sections 1, 2, 3, and 4 amended 11-11-28, compiled herein as Article XVIII, Sections 1, 2, 3, and 4
- Article XXIX, Section 1, amended 11-4-30, compiled herein as Article XX, Section 1
- Article XXXI, Section 1, amended 1938, compiled herein as Article XXI, Section 1
- Article X, Section 2, amended 7-17-19, compiled herein as Article XIV, Section 2
- Article XIX, Section 1-C, amended 3-12-57, compiled herein as Article XIX, Section 1-C

**Section 5. Time of Effect of Charter Amendment** This amended Charter took effect on July 1, 1970, except that Amendments to Article III, Section 2; Article VIII, Section 2; Article X, Section 2; Article XIII, Section 1 and Article XXII took effect on June 6, 1972. Article IIX, Section 4 took effect on December 19, 2006.

### **ARTICLE 17 Hospital**

**Section 1.** The City of Ashland is hereby authorized and empowered to own, operate and conduct a municipal hospital within the limits of said City of Ashland under the authority and direction of the Council.

**Section 2.** The Council is hereby authorized to issue and sell, in manner and form as in its judgment it may deem best, general obligation bonds of said City in a sum not to exceed \$350,000.00 for the purpose of providing funds with which to purchase real property for a hospital, construct a building or buildings to be used for hospital purposes, and equip and furnish said hospital in and for said City. Said bonds shall bear the date established by the Council, be serial in character, callable at any interest payment date in whole or in part on or after five (5) years from the date thereof after notice as provided by law, be retired by the said City in a period of not to exceed twenty-five (25) years, be in denomination of \$1,000.00 each, be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, have semi-annual interest coupons bearing the facsimile signatures of the Mayor and Recorder attached thereto, by the terms thereof pledge the full faith and credit of the said City for their repayment, and hold and promise to pay to the bearer of each of said bonds at maturity thereof, the sum therein named in legal tender of the United States of America, with interest thereon in like legal tender, at the office of the City Recorder in said City or at such other office as the Council may, in its judgment, determine, which bonds shall be known as "Hospital Bonds". The particular form of said bonds, the maturities thereof, the rate of interest thereon, and such other details of their issuance and sale as are not herein mentioned shall be determined by the Council in the exercise of its best judgment in order to carry out the intention hereof. That it shall be the

## ASHLAND CITY CHARTER

duty of the Council to attend to the proper application of the funds derived from the sale of said bonds and the purchaser or purchasers thereof shall in no event be responsible or charged with the proper application of the funds derived from the sale thereof. That the Council is hereby authorized and empowered each year at the time of making the annual tax levy for City purposes to include in such levy a sufficient amount to meet the payment of principal and interest on said Hospital Bonds as same shall be come due, and this authority shall be in addition to all Charter and Oregon Constitution debt limitation.

### **ARTICLE 18 Cemeteries Trust Fund**

**Section 1.** The Council is hereby authorized and empowered each year, at the time of making the annual levy for City purposes, to include in such levy a sum equal to but not to exceed one mill on each dollar of assessed valuation of property within the City, which sum shall be used for the purpose of maintenance and upkeep of cemeteries held by, or under control of the City of Ashland. Such levy shall not be within the limitation of taxation provided by law. Provided further that each year from the proceeds of such levy the Council shall set aside in a permanent trust fund the sum of \$500.00, the income from which shall be used to carry out the purposes mentioned herein. When such trust fund shall have accumulated to such an extent as to provide sufficient income for the purposes for which same was created, then no further tax levy shall be made thereafter.

**Section 2.** The Council is hereby given authority to receive control, for and on behalf of the City of Ashland, or any privately-operated or owned cemetery within the said City for the purpose of providing proper upkeep and maintenance of any such cemetery, said Council to receive such control only upon conditions as to it may seem for the best interests of the City.

**Section 3.** The Council is hereby authorized to create such funds as, in its discretion, may be necessary for the purpose of keeping and maintaining in proper condition the cemeteries within or adjacent to the City of Ashland, and under the jurisdiction of said Council, and is further authorized from any monies received from sale of cemetery lots, to specifically create a trust fund for the perpetual upkeep of the lots so sold, and is further authorized to contract with the purchasers of any lots so sold, on behalf of the City of Ashland, for the perpetual upkeep of said lots on such terms and conditions as said Council may deem best for the protection of said City.

**Section 4.** The Council is hereby authorized to accept any bequests or donations for the purposes mentioned herein on behalf of the said City, which donations or bequests shall become a part of said permanent trust fund, unless specified otherwise when any such bequests or donations are given.

### **ARTICLE 19 Park Commission**

**Section 1. Dedication** All those lands specified by the Charter Amendment of December 15, 1908 and May 13, 1912, are hereby reserved and forever dedicated to the people of the City for park purposes and shall never be sold, leased, encumbered or used for any purpose inconsistent therewith; provided, however, that such public buildings as may enhance the beauty of said park, or that shall not detract therefrom, may be constructed if so directed by a majority vote of the electors of said City; and provided further, that nothing contained in this act shall be construed so as to impair or interfere with proper construction or operation of the City's light, power or water system.

**Section 1C.** That the Ashland Park Commission, with the consent of the Common Council, shall have the authority to lease to the Oregon Shakespearean Festival Association, a non-profit corporation of the State of Oregon, any portion of Lithia Park described as follows, to-wit:

## ASHLAND CITY CHARTER

That certain property commencing at the northeast corner of the Chamber of Commerce building; thence, southerly along the base of the hill to southern side of pond in lower park; thence, east to ditch carrying water to waterfall; thence, southerly along ditch 150 feet; thence, east 110 feet to west side of Hargadine Street; thence, northerly on west line of Hargadine Street to northeast corner of park property; thence, following the meandering north line of park property to place of beginning, containing approximately two acres for the purpose of remodeling and expanding the present Festival theatre and the construction of additional buildings which are hereby designated as public buildings for use by the Oregon Shakespearean Festival Association for any of the purposes authorized by the corporate charter of said association, said use to be on such terms and conditions as the Ashland Park Commission, with the consent of the Common Council, deems in the best interests of the City; provided, however, that any lease shall not exceed a period of ninety-nine (99) years.

**Section 2. Park Commission** The certain board created by a vote of the qualified electors of the City of Ashland, Oregon, at a special election held on the 15th day of December, 1908, which became effective by the proclamation of the Mayor published on the 17th day of December, 1908, and known and designated as the "Ashland Park Commission", be and the same, as constituted and created by said Charter amendment, and as now existing, is hereby perpetuated and continued as five (5) members with all the powers conferred and duties imposed by said Charter amendment and ordinances of the City of Ashland.

Provided, that at the general biennial election to be held on the first Tuesday after the first Monday in November, 1920, two commissioners shall be elected to serve for the term of four (4) years from the first day of January, 1921, and that at the general biennial election to be held in November, 1922, three commissioners shall be elected to serve for the term of four (4) years from the first day of January, 1923, and that the term of office for each succeeding commissioner shall be four (4) years unless elected to fill a vacancy, in which event he/she shall be elected to serve until the first day of January following the next succeeding biennial election after any such vacancy. Provided, further, that each of the commissioners now constituting the present Ashland Park Commission shall hold office for the term for which he/she was elected, and until his/her successor is elected and qualified.

**Section 3. Funding** The said Park Commission shall have control and management of all the lands here dedicated for park purposes and of all other lands that may hereafter be acquired by the City for such purposes. They shall have control and management of all park funds, whether the same is obtained by taxation, donation or otherwise, and shall expend the same judiciously for beautifying and improving the City's parks.

It shall be the duty of said Commission and they shall, at the beginning of each month, file with the City Recorder for the information of the City Council and the public, a report of their doings for the preceding month. Such report shall specify all funds on hand and the source from whence obtained. It shall carry a clear statement of all monies expended and for what purpose. All purchases made and all labor performed, together with the cost thereof, shall be embodied in said report. At the time for making the tax levy for general City purposes in each year, the said Commission shall cause a careful estimate to be made of the money required for park purposes for the ensuing year and file the same with the City Recorder, whereupon there shall be included in said general levy not to exceed four and one half (4-1/2) mills on the dollar to meet such requirements, which, when collected, shall be deposited with the City ~~Recorder~~ Treasury subject to the order of said Commission. The levy herein authorized shall be outside the limitation on taxation set forth in Article XI, Section II of the Constitution of Oregon.

**Section 4. Salary; Government** The said Commission shall serve without pay and shall have power to formulate and adopt rules and regulations for their government and for the purpose of carrying into effect

## ASHLAND CITY CHARTER

the purposes of their creation as Park Commission. They shall enter upon the discharge of their duties immediately upon their organization and shall, as soon as may be expedient, cause a map or maps to be made of the lands herein dedicated, and shall make the same conform to the descriptions contained in the instruments by which said City obtained title thereto; which said instruments shall be considered as carrying a more specific description of said lands.

### **ARTICLE 19a Open Space Park Program**

**Section 1. Creation, Powers and Duties** An Open Space Park Program is hereby created to be administered by the Ashland Park Commission. The Park Commission shall make recommendations to the City Council concerning priorities for land and easement acquisitions for the Open Space Park Program. After dedication of land to the Open Space Park Program, the Ashland Park Commission shall be responsible for the administration, development and operation of such lands.

**Section 2. Land and Easement Acquisition Procedures** Both the Ashland Park Commission and the City Council must agree upon land or easements to be acquired for open space park purposes. Before any land or easements that have been acquired for the Open Space Park Program are disposed of and released from the Program there shall be a public hearing. Disposal shall be by Ordinance, which shall not contain an emergency clause, thus giving to the people of the City of Ashland the opportunity to petition for a referendum. Land or easements acquired for open space park purposes shall be dedicated by the City Council for such purposes. Such dedicated lands or easement shall be under the control and management of the Ashland Park Commission. The City Council shall not use the power of condemnation to acquire fee simple ownership of any land for Open Space purposes or for trails. (Amended 8-14-90)

**Section 3. Resources** Monies dedicated to the Open Space Park Program shall be expended only for Open Space lands or easements, for costs of acquisition and for such other purposes pertinent to the Open Space Park Program as the Council and Park Commission may jointly determine. All monies dedicated for acquisition of Open Space Park Program lands shall remain under the financial management of the City of Ashland.

The tax measures for funding for land acquisition for the Open Space Park Program shall be approved by the voters, and the tax rates approved therein by the voters shall not be altered for Open Space purposes by the City Council without further approval by the electorate. Said tax measures for funding of the Open Space Park Program shall expire on December 31, 2010, unless extended by a vote of the electorate. (Amended 8-14-90)

**Section 4. Definition and Purpose of Open Space Park Lands** The definition and purpose of open space park lands shall be as defined in State Law, ORS 308.740, or as modified by Ordinance of the City of Ashland. (Amended 5-15-90).

### **ARTICLE 20 Municipal Airport**

**Section 1. Power** The City of Ashland is hereby given the power and authority to acquire, own, conduct and operate a municipal airport either within or outside the limits of the City of Ashland, under the authority and direction of the Council.

### **ARTICLE 21 City Band**

**Section 1.** At the time of making the tax levy for general City purposes each year, the Council shall cause

## ASHLAND CITY CHARTER

a careful estimate to be made of the money required for the purpose of a City Band for the ensuing year, such estimate shall be presented and considered with the other items in the annual budget and there shall be included in the general levy for the ensuing year not to exceed six-tenths (.6) mills on the dollar for such band requirements, which fund, when collected, shall be deposited with the City ~~Recorder~~Treasury, subject to the order of the Council.

### **ARTICLE 22 Recreation Commission**

**Section 1.** The Ashland Recreation Commission is hereby created to be composed of the five (5) Ashland Park Commissioners and their terms of office shall be the same.

**Section 2.** The powers and duties of the Recreation Commission shall be as set forth in this Charter, the Ordinances of the City of Ashland, and by any other applicable law.

**Section 3.** Any funds to be spent by the Recreation Commission for recreation purposes shall be from such funds as may be appropriated from time to time by the City Council, and in no event shall any funds be spent for recreation purposes that are received pursuant to Article XIX of this Charter and which relates to the Park Commission and a levy for park purposes.