

HISTORY OF CHANGES OF  
CHARTER OF THE  
CITY OF GRESHAM OREGON



# CITY OF GRESHAM – CHARTER

## HISTORY OF CHANGES

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The following sections show the amendments made by Gresham Voters to some Charter sections since the Charter was adopted on May 2, 1978. The current language of these sections is in the body of the Charter, and is not repeated here.

**Sec 7.**     CITY COUNCIL. The council shall consist of a mayor and six councilors. (May 2, 1978)

CITY COUNCIL. The council shall consist of a mayor and six councilors. Councilors shall be elected from six districts. The city council shall divide the city into six districts and establish the boundaries thereof by June 30 of each even numbered year. District boundaries shall accord citizens equal protection of the laws and recognize neighborhood groupings, compactness of area, and regularity of boundaries insofar as can reasonably be attained. (November 4, 1980)

CITY COUNCIL. The council shall consist of a mayor and six councilors elected from the city at large. (Amended May 20, 1986; effective June 1, 1986)

**Sec 8.**     COUNCILORS. On the second Tuesday of September, following the adoption of this charter, three councilors shall be elected by position, by a majority of the voters, for a term of four years. At each biennial May election thereafter, three councilors shall be elected by position, by a majority of the voters, for a term of four years.

If no candidate for a position receives a majority of the votes cast, the councilor for that position shall be elected at the ensuing biennial November election from the two candidates with the highest number of votes in the preceding election.

Councilors in office when this charter is adopted shall continue in office for the term for which then elected.

At each biennial May election, the number of councilors to be elected to fill vacancies pursuant to Section 32 of this charter shall be elected. (May 2, 1978)

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COUNCILORS. At each biennial November election commencing in 1982, councilors shall be elected from three districts. A councilor shall be elected by a plurality of the voters for a term of four years. Except as provided below, each councilor shall reside in the district for which elected or appointed.

A councilor who does not change residence may be a candidate for reelection for the district from which elected even if boundary changes place the councilor's residence in another district.

Councilors in office on February 1, 1981, shall continue in office until the expiration of their terms and may be candidates for reelection from any district at the general election immediately preceding the end of their terms. (November 4, 1980)

COUNCILORS. At each biennial November election commencing in 1986, councilors shall be elected from six districts. A councilor shall be elected by a plurality of the voters for a term of two years. Except as provided below, each councilor shall reside in the district for which elected or appointed.

A councilor who does not change residence may be a candidate for reelection for the district from which elected even if boundary changes place the councilor's residence in another district.

Councilors in office on May 15, 1984, shall continue in office until the expiration of their terms. At the November 1984 election, councilors shall be elected from three districts for a term of two years. (May 15, 1984)

COUNCILORS. At each biennial November election commencing in 1986, councilors shall be elected from six positions by a plurality of the voters for terms of two years.

Councilors who are candidates for reelection shall file their nomination petitions at least 10 days prior to the filing deadline established by state law. (May 20, 1986)

COUNCILORS. At each biennial November election commencing in 1986, councilors shall be elected from six positions by a plurality of the voters for terms of two years. (November 4, 1986)

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COUNCILORS. At the 1996 November election, councilors from positions 1, 3 and 5 shall be elected for four year terms and councilors from positions 2, 4 and 6 shall be elected for two year terms. At each biennial November election commencing in 1998, councilors shall be elected from three positions by a plurality of the voters for terms of four years. (Amended November 8, 1994; effective November 9, 1994)

**Sec 9.** MAYOR. On the second Tuesday of September following the adoption of this charter, a mayor shall be elected by the majority of the voters for a term of four years. Each fourth year thereafter, the mayor shall be elected at the biennial May election.

If no candidate for mayor receives a majority of the votes cast, the mayor shall be elected at the next ensuing biennial November election from the two candidates with the highest number of votes in the previous election.

The mayor in office when this charter is adopted shall continue in office for the term for which then elected.

At each biennial May election, a mayor shall be elected, if necessary, to fill any vacancies pursuant to Section 32 of this charter. (May 2, 1978)

MAYOR. At the November election held in 1986 and every fourth year thereafter, a mayor shall be elected for a term of four years.

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)

**Sec 10.** SALARIES. The compensation for the services of each city officer and employee shall be the amount fixed by the council. (May 2, 1978)

SALARIES. The compensation for the services of each city appointive officer and employee shall be the amount fixed by council. (May 15, 1984)

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**Sec 11.** QUALIFICATION OF OFFICERS. No person may be eligible to fill an elective office unless at the time of their election 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. For the purpose of this section, city shall mean any area included in the corporate limits as of the date of the election. (May 2, 1978)

QUALIFICATION FOR COUNCIL. No person may be eligible to serve on the council unless at the time of their election 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. For the purpose of this section, city shall mean any area included in the corporate limits as of the date of the election. (November 8, 1983)

#### QUALIFICATION FOR COUNCIL.

(a) No person may be eligible to serve on the council unless at the time of their election 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. For the purpose of this section, city shall mean any area included in the corporate limits as of the date of the election.

(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. (November 8, 1994)

#### QUALIFICATION FOR COUNCIL.

(a) No person may be eligible to serve on the council unless at the time of their election 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. For the purpose of this section, city shall mean any area included in the corporate limits as of the date of the election.

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(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. (January 7, 1997)

#### QUALIFICATION FOR COUNCIL.

(a) No person may be eligible to serve on the council unless at the time of their election 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. For the purpose of this section, city shall mean any area included in the corporate limits as of the date of the election.

(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)

#### **Sec 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.

(b) **SPECIAL.** The mayor, upon his or her own motion, may or at the request of three councilors shall, by giving notice thereof to all councilors then in the city, call a special meeting of the council for a time not earlier than three nor later than forty-eight hours after the notice is given. Special meetings of the council may also

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be held at any time by the common consent of a majority of the members of the council. (May 2, 1978)

**Sec 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 administration qualifications. Before taking office, he or she shall give a bond in such amount and with such 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 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 the 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.

(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.

(5) Prepare the annual budget.

(6) Make all purchases.

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(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.

(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 have no 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 powers 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 and Elections.

(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 this 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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(4) Neither the manager nor any person in the employ of the city shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office.

(g) Ineligible persons. Neither the manager's spouse or 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. (May 2, 1978)

#### 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.

(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 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.

(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 have 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.

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(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.

(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. (November 8, 1983)

NOTE: Subsection (d) of the 1978 Charter used the phrase “shall have no vote.” A 1983 typographical error resulted in this being changed to “shall have not vote.” In 2004, the City Attorney revised the Charter to read “shall not vote.” A review of the 1983 ballot material, including Resolution No. 1130, confirms that no change to the original 1978 Charter language of “shall have no vote” was presented to or intended by the voters. The City Attorney has updated the Charter to be consistent with the language approved by the voters in the 1978 Charter.

**Sec 21B.** CITY AUDITOR. Added November 2, 2004; effective January 1, 2005. Removed from the Charter on October 4, 2011 as void *ab initio* (from the very beginning) after discovery that the amendment was not approved by at least 60% of the electors casting votes for the measure as required by Section 45A of the Charter. (October 4, 2011)

**Sec 23.** REGULAR ELECTIONS. The manager, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in such other manner as may be provided by ordinance. The notice shall state the officers to be elected at the election, the ballot title of each measure to be voted upon at the election and the time and place of the election. (May 2, 1978)

**Sec 24.** SPECIAL ELECTIONS. The council shall provide the time, manner, and means for holding any special election. The manager shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election. (May 2, 1978)

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**Sec 26.** 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 manager on or before noon of the day following. Not later than five 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 they have been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, 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 canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it. (May 2, 1978)

**Sec 31.** OFFICE VACANCIES. An elective office becomes vacant upon its incumbent's death, removal of their residence from the city, resignation, or ceasing to be a qualified elector of the city. An elective office becomes vacant whenever its incumbent is absent from the city for a period of forty-five days, except that the council may grant the incumbent a leave of absence of not more than ninety days. An elective office may be declared vacant whenever its incumbent fails to attend three consecutive regular meetings of the council, unless absent upon leave of the council first obtained, or whenever the incumbent removes his or her residence from the city. (May 2, 1978)

OFFICE VACANCIES. An elective office becomes vacant upon its incumbent's death, removal of residence from the district from which elected or the city, resignation, or ceasing to be a qualified elector of the city. 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. An elective office may be declared vacant whenever its incumbent fails to attend three consecutive regular meetings of the council, unless absent upon leave of the council is first obtained, or whenever the incumbent moves his or her residence from the district from which they were elected or the city. (November 4, 1980)

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OFFICE VACANCIES. An elective office becomes vacant upon its incumbent's death, removal of residence from the district from which elected or the city, resignation, recall from office, failure of the person elected to the office to qualify therefor at the time the term of office is to begin, or ceasing to be a qualified elector of the city. An elective office may be declared vacant whenever its incumbent fails to attend three consecutive regular meetings of the council, unless absent upon leave of the council is first obtained. (May 15, 1984)

OFFICE VACANCIES. An elective office becomes vacant upon its incumbent's death, removal of residence from the city, resignation, or ceasing to be a qualified elector of the city. 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. An elective office may be declared vacant whenever its incumbent fails to attend three consecutive regular meetings of the council, unless absent upon leave of the council is first obtained, or whenever the incumbent moves his or her residence from the city. (May 20, 1986)

OFFICE VACANCIES. An elective office becomes vacant upon its incumbent's death, removal of residence from the city, resignation, or ceasing to be a qualified elector of the city. 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. 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, or whenever the incumbent moves his or her residence from the city. (November 8, 1994)

**Sec 32.** FILLING OF VACANCIES. Vacant elective offices in the city shall be filled by appointment by a majority vote of the council. The appointee's term shall begin immediately upon his or her appointment and shall continue until the beginning of the year following the next biennial May election and until his or her successor is elected and qualified therefor. The successor, for the unexpired term shall be chosen at the next biennial May election after said appointment, or at the next biennial November election if no candidate receives a majority of the votes. During the temporary disability of any officer or during his or her absence temporarily from the city for any cause, his or her office may be filled pro tem in the manner provided for filling vacancies in office permanently. (May 2, 1978)

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FILLING OF VACANCIES. Vacant elective offices in the city shall be filled by appointment by a majority vote of the council. 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. During the temporary disability of any officer or during his or her absence temporarily for any cause, his or her office may be filled pro tem by a majority vote of the council.

(May 15, 1984)

NOTE: Subsection (b) contains a typographical error “disability of absence” since this Charter section was amended in 1998. A review of the legislative history, including Resolution No. 2230, confirms that the language adopted by Council and placed before the voters was the phrase “disability or absence.” The Charter should reflect the language put before the voters. The City Attorney has updated the Charter to be consistent with the language approved by the voters.

#### 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 available election date. In order to be an available election date:

- (1) The date the vacancy occurred must be:
  - (i) more than thirty days before the filing deadline for that election date; and
  - (ii) at least one year before the election date established by Charter for that incumbent's position but for the vacancy; and

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(2) There must be at least one other issue or candidate on the ballot for that 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)

**Sec 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, be read fully and distinctly in open council meeting.

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

(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.

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(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. (May 2, 1978)

#### **Sec 36B.** MAJOR ROADS AND HIGHWAYS.

(a) No limited access road or highway of four lanes or more shall be constructed within city limits, nor shall the City of Gresham promote or even acquiesce in any such construction, without prior approval of the location of the road and the general design of the project by a majority of the electors of the city voting in a regular May or November election.

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

(c) This measure applies to all aforementioned road or highway projects which have not secured one hundred percent of the funding necessary to complete the project or have not had final environmental impact statements approved by the time the signatures on this petition have been submitted to the City Elections Official for validation. (May 22, 1996)

**Sec 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 the owners of two-thirds of the property to benefit specially from the improvements. A remonstrance of the owners of two-thirds of the frontage of the property to be specially affected by such improvement shall defeat such a motion or petition, in



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which event no further action to effect the improvement shall be taken for six months. (May 2, 1978)

**Sec 39.** BIDS. A contract in excess of \$2,500.00 shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council. (May 2, 1978)

**Sec 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 independent of the council.

(a) An initiative ordinance or amendment to the charter may be proposed by a petition signed by three percent of the number of persons registered to vote at the last general election.

(b) An initiative petition shall include the full text of the proposed law or amendment to the charter. A proposed law or amendment to the charter shall embrace one subject only and matters properly connected therewith.

(c) An initiative petition shall be filed not less than 120 days before the election at which the proposed law or amendment to the charter shall be voted upon. (May 2, 1978)

**Sec 45.** REFERENDUM. The people reserve to themselves the referendum power, which is to approve or reject at an election, any ordinance or part thereof, as provided by general law. (May 2, 1978)

**Sec 46.** RECALL. The citizens of the city of Gresham shall have the power and authority to recall an elective officer of the city in the manner and with the effect prescribed by state law excepting a recall may be ordered by a petition signed by three percent of the number of persons registered to vote at the last general election. The petition shall set forth the reasons 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. (May 2, 1978)

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**Sec 47.** CONFLICTS OF INTEREST. No councilor may be pecuniarily interested in any contract, the expenses of which are to be paid by the city, or vote upon any subject in which he or she is pecuniarily interested. No elected official of the city or member of the planning commission shall vote on any city business or conduct themselves officially in such a manner as to place, or to appear to place, their personal or financial welfare above the unbiased performance of the duties of their office. (May 2, 1978)