



City Hall  
206 N. Main St.  
Toledo, Oregon 97391  
6:00 p.m.

TOLEDO CITY COUNCIL  
**Regular Meeting – also via Zoom Meeting Platform**  
August 7, 2024

**Virtual Meeting:** The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for meeting login information.

**Public Comments:** The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to [lisa.figueroa@cityoftoledo.org](mailto:lisa.figueroa@cityoftoledo.org) 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. **Call to Order, Pledge of Allegiance and roll call**
2. **Presentations**  
Presentation – Police Chief Mike Pace
3. **Visitors/Public Comment**  
(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).
4. **Consent Agenda**  
There are no items for discussion
5. **Discussion Items**  
There are no items for discussion
6. **Decision Items**
  - Consider expenditure for Highway Memorial Sign for Patrol Officer Gary Sumpter
  - Consider funding request from the Toledo High School Wrestling team for mat room
  - Resolution No. 1560, a resolution approving a referral to the electors of the City of Toledo at the November 5, 2024 General Election, the question of whether to adopt a new city charter
7. **Reports and Comments**
  - Committee updates
8. **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by e-mail at [lisa.figueroa@cityoftoledo.org](mailto:lisa.figueroa@cityoftoledo.org). The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.



**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

| <b>Council Goal:</b>                                                                                    | <b>Meeting Date:</b>    | <b>Agenda Topic:</b>                                                           |
|---------------------------------------------------------------------------------------------------------|-------------------------|--------------------------------------------------------------------------------|
| Enhance civic engagement and transparency by implementing a comprehensive community outreach program... | <b>August 7, 2024</b>   | Consider expenditure for Highway Memorial Sign for Patrol Officer Gary Sumpter |
|                                                                                                         | <b>Agenda Type:</b>     |                                                                                |
|                                                                                                         | Decision Items          |                                                                                |
| <b>Prepared by:</b>                                                                                     | <b>Reviewed by:</b>     | <b>Approved by:</b>                                                            |
| Police Chief M. Pace                                                                                    | City Manager D. Wiggins | City Manager D. Wiggins                                                        |

**Recommendation:**

Motion to approve the expenditure of \$600 from the City Council Strategic Reserve Fund, Special Purchases line item for a Fallen Officer Memorial Highway Sign to honor Toledo Police Department Officer Gary Sumpter.

**Background:**

Gary Sumpter was a patrol officer for the City of Toledo from July 12<sup>th</sup>, 1967 to March 15<sup>th</sup>, 1969. Officer Sumpter was a part-time officer and worked full time as an X-Ray Tech at the "New Lincoln Hospital" (Now the Four Square Church).

Shortly before midnight on March 15<sup>th</sup>, 1969, Officer Sumpter was on duty in a marked patrol car when he received a request from Newport Patrol Officers and Oregon State Troopers to help apprehend a speeding motorist who was eluding the officers. The suspect was traveling in such a manner and at such speeds that put the community and other drivers in harm. Officer Sumpter joined the pursuit and was soon the second car, just behind Trooper Durr's vehicle, as the pursuit went northbound on Highway 229. At approximately mile post 15 on Highway 229 the suspect had pulled away from the pursuing vehicles and positioned his car across the highway just after a bend in the road. The suspect got out of this vehicle and pointed his Winchester 30-06 at the pursuing officers. The suspect fired a round at Trooper Durr's car which split at the hood of the car causing one half to enter the engine and the other half to enter the windshield. Trooper Durr stopped his car, got out and returned fire. The suspect shot at Trooper Durr in his face. The bullet raced up his face down the back of his skull and out his back. It knocked him to his knees. Officer Sumpter arrived on scene, while the shooting occurred and provided cover for Trooper Durr as Trooper Durr ran to the back of Officer Sumpter's car. Officer Sumpter used his front driver side door as cover as he shot at the suspect. The suspect shot at Officer Sumpter. The bullet traveled through the driver side door, through Officer Sumpter's badge, and entered his heart. Officer Sumpter retreated to the rear of his car where he succumbed to his injuries. The suspect got back in his car and continued to drive northbound on Highway 229 until he reached a roadblock set up by officers at Kernville Road. The suspect drove through the road block, traveled further north, stopped his vehicle, and succumbed to a self-inflicted gunshot wound.



**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

I had the privilege of speaking to Mike Durr the son of the Trooper that Officer Sumpter saved. Mike Durr followed in his father's footsteps and retired from law enforcement. He told me that his father told him that there is no doubt that Officer Sumpter saved his

life that night. If it was not for Officer Sumpter's sacrifice, Trooper Durr, his dad, would have died that night.

Since Officer Sumpter was a part-time employee his family did not receive any benefits.

I had the pleasure of meeting with Officer Sumpter's daughter and she told me that she does not remember the city ever giving her father or family an award for his sacrifice.

I am asking the City to help me right this wrong. Help the Toledo Police Department recognize the actions of Patrol Officer Gary Sumpter.

The request for authorization of funds from the City Council Strategic Fund under Special Purchases.

| <b>Fiscal Impact:</b> | <b>Fiscal Year:</b> | <b>GL Number:</b>     |
|-----------------------|---------------------|-----------------------|
| <b>\$600</b>          | <b>2024-2025</b>    | <b>020-200-607500</b> |

**Attachment:**

None



**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

| Council Goal:             | Meeting Date:            | Agenda Topic:                                                                    |
|---------------------------|--------------------------|----------------------------------------------------------------------------------|
| Not Applicable            | <b>August 7, 2024</b>    | Consider funding request from the Toledo High School Wrestling team for mat room |
|                           | <b>Agenda Type:</b>      |                                                                                  |
|                           | Decision Items           |                                                                                  |
| Prepared by:              | Reviewed by:             | Approved by:                                                                     |
| City Recorder L. Figueroa | City Recorder L.Figueroa | City Recorder L.Figueroa                                                         |

**Recommendation:**

Staff makes no recommendation. The Council may make a motion to deny or approve the request with a specific amount of money.

**Background:**

Toledo High School Wrestling Coach Tyler Watkins approached the City Council with a request of support to provide funding of \$5,000 for a mat room. He indicated the mat room would be dedicated to all Toledo Wrestling teams.

Following his presentation, the Council asked his request be brought back to a future meeting for further consideration. If the Council approves the request, the funding could be allocated from the City Council Strategic Reserve Fund.

| Fiscal Impact:             | Fiscal Year: | GL Number:     |
|----------------------------|--------------|----------------|
| If approved, up to \$5,000 | 2024-2025    | 020-200-607500 |

**Attachment:**

1. Letter, request for funding

6965

The experience of high school wrestling is like nothing else. You will learn the definition of hard work, discipline, commitment, self-control, how to win and how to lose. The lessons learned during the course of a single wrestling season will show themselves throughout the rest of your natural life. Those of us who have wrestled for any amount of time know the benefits and the costs. Wrestling is unique in that it takes whatever it takes to become successful.

However; there is something especially beautiful about wrestling in Toledo Oregon. Step into wrestling practice at any high school in this country and you will see young men and women working hard. Walking into Toledo's program as a new coach and being able to experience the culture of those who have come before me. Men like Rick Russell and Tony Blomstrom. The level of professionalism is exceptional. The young men and women who are/ have wrestled in Toledo for these men have been exposed to the best coaching in the state. The impacts of this will be generational. Their future wives, husbands, and children will see the resulting impacts of these coaches. The community will see the impact on these young wrestlers. The GOAL is not to make good wrestlers but GREAT men and women and that is exactly what we are doing at Toledo high school. The result of winning a team state title has been the continual investment of 14 years into this team.

This team has found success over the years by holding wrestling practices in Siletz, in the gym at Mary Harrison, Arcadia, and the cafeteria of Toledo high school. There has never been a single location allocated to this team. Therein lies the problem. A team without a room cannot continue to exist, legacy and culture will be lost as the time goes by. Achievements forgotten without a dedicated place to commemorate them. In years past, there have been efforts made to build this team a wrestling room. The dream is now going to come true thanks to this supportive wrestling community we call "The Machine."

We all know that in order to achieve great success you must have a great team. A team that is willing to fully buy in and support the mission however they can. I am here on behalf of the Toledo Mat Club, I am asking the city of Toledo for \$5000 in seed money to support the building of a mat room dedicated to our Toledo Wrestling teams.

The mat room will serve wrestlers of all ages from our mat club up to our varsity level wrestlers. Boys and girls alike. We will be able to give these wrestlers exactly what they deserve and I believe have earned.

Thank you.

Tyler Watkins



**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

| <b>Council Goal:</b>      | <b>Meeting Date:</b>      | <b>Agenda Topic:</b>                                                                                                                                                                       |
|---------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Not applicable            | <b>August 7, 2024</b>     | Resolution No. 1560, a resolution approving a referral to the electors of the City of Toledo at the November 5, 2024 General Election, the question of whether to adopt a new city charter |
|                           | <b>Agenda Type:</b>       |                                                                                                                                                                                            |
|                           | Decision Items            |                                                                                                                                                                                            |
| <b>Prepared by:</b>       | <b>Reviewed by:</b>       | <b>Approved by:</b>                                                                                                                                                                        |
| City Recorder L. Figueroa | City Recorder L. Figueroa | City Recorder L. Figueroa                                                                                                                                                                  |

**Recommendation:**

Motion to approve Resolution No. 1560, a Resolution of the Toledo City Council approving a referral to the electors of the City of Toledo at the November 5, 2024 General Election, the question of whether to adopt a new city charter.

**Background:**

**Update: August 1, 2024**

The City Council has held several open discussions in meetings regarding an update to the City Charter (Charter). Following the recommendation of the City Charter Review Committee, the Council had no substantial amendments. The next step to submit the Charter to the voters is to approve a resolution referring the question to the voters. A copy of the resolution as well as the ballot title and question are attached for Council approval. Staff will prepare a page on the City website with information regarding the proposed changes to the City Charter.

**Update: July 24, 2024**

The attached materials were presented to the City Council on July 17, 2024 for discussion. The Council directed staff to bring the proposed City Charter amendments back for possible discussion with the intent to approve a resolution on August 7, to submit the amendments to the voters in the 2024 General Election.

**Original report July 17, 2024:**

The current Toledo City Charter (Charter) was approved in 1993 and has not been reviewed since then. The City Charter is the only document within the Municipal Code that must go before voters for amendments and changes.

Earlier this year, the City Council appointed a Committee by resolution to review the Toledo City Charter to consider whether it needed to be updated. The Committee diligently reviewed the charter, compared it to the League of Oregon Cities model Charter and CA Adams' proposed draft Charter. The proposed Charter, (which is attached) is almost a complete rewrite of the existing Charter. Several changes have been made, such as:

- Clearer language to roles and responsibilities of Council members, the Mayor and appointive officers;



## CITY OF TOLEDO REQUEST FOR COUNCIL ACTION

- Creating position numbers for Council instead of being appointed at large;
- Adding qualifications to potential appointees of the Council;
- Amending language to allow for attendance via electronic means instead of being in person and clearly identifying administrative, legislative and quasi-judicial actions of the Council

One of the more prominent amendments to the Charter is the proposal to compensate Council members. Over the last couple of years, there have been vacancies on the Council and as Council members tried to recruit new members, they were asked if volunteers received compensation. Citizens often declined volunteering because there was no compensation.

Following several discussions, the Committee concurred some compensation is reasonable for the time members of Council commit to serving the City. Besides regular reimbursement for travel/training expenses the Committee proposed the following compensation for Council members:

- The Mayor shall receive \$75 per Council meeting where City business is conducted.
- City Councilors shall receive \$50 per Council meeting where City business is conducted.
- The Council President shall receive \$75 per Council meeting when acting as the presiding officer in the absence of the Mayor.
- When multiple meetings are held in a single day, all members will receive compensation at their respected rate for only one meeting.
- When any member of the Council is absent from a meeting regardless of excused or not, there will be no compensation for that meeting.
- Subsequent Council compensation rates shall be established by ordinance and may only take effect after every Councilor's current term has expired.

Following Council discussion, it would be brought back at a future meeting with a resolution that includes a ballot title and explanatory statement to submit it to the voters. Following approval of a resolution, it will need to be filed with the City Elections Officer (City Recorder) and published in a local newspaper. The ballot title and explanatory statement must be filed with the Lincoln County Clerk by September 5.

The proposed draft is for consideration and discussion only at this meeting. A copy of the existing Charter is also included for comparison. Council may make additional amendments to the proposed Charter before it is brought back for approval.

| <b>Fiscal Impact:</b>   | <b>Fiscal Year:</b> | <b>GL Number:</b> |
|-------------------------|---------------------|-------------------|
| <b>To be determined</b> | <b>2024-2025</b>    | <b>N/A</b>        |

### **Attachment:**

1. Resolution No. 1560 and its attachments

**CITY OF TOLEDO  
RESOLUTION NO. 1560**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL APPROVING A REFERRAL TO  
THE ELECTORS OF THE CITY OF TOLEDO AT THE NOVEMBER 5, 2024 GENERAL  
ELECTION, THE QUESTION OF WHETHER TO ADOPT A NEW CITY CHARTER**

**WHEREAS,** The Toledo City Charter, a document that lays out the organization, powers, functions, and procedures of the city government – has not been comprehensively reviewed and amended since it was adopted in 1993; and

**WHEREAS,** The City Charter can be amended by Toledo voters only; and

**WHEREAS,** In March of 2024, the Toledo City Council established a seven member City Charter Review Committee comprised of citizens and council members to review the City Charter to determine whether any amendments needed to be made and recommend such amendments to the City Council; and

**WHEREAS,** the City Council wishes to submit to the voters a ballot measure proposing a new City Charter.

**NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:**

- Section 1. An election is called in the City of Toledo for the purpose of submitting to the legal voters of the City a measure adopting a new Charter for the City of Toledo. The ballot title to appear on the ballot is attached and incorporated as Exhibit A.
- Section 2. The proposed Charter that is the subject of this referral is set forth in full in the attached Exhibit B.
- Section 3. Election Conducted by Mail. The measure election shall be held on Tuesday, November 5, 2024. The precinct for the election shall be all of the territory within the corporate limits of the City of Toledo. As required by ORS 254.465 and ORS 254.470, the measure election will be conducted by mail by the Lincoln County Elections Department, according to the procedures adopted by the Oregon Secretary of State.
- Section 4. Notice of Ballot Title. The City Elections Officer is directed to publish notice of receipt of the ballot title in the Newport News Times or the Oregonian in compliance with ORS 250.275(5).
- Section 5. Ballot Title. Pursuant to ORS 250.285 and ORS 254.095, the Toledo City Council directs the City Elections Officer to file a Notice of City Measure Election in substantially the form of Exhibit C, with the Lincoln County Elections Office, unless, pursuant to a valid ballot title challenge, the Toledo City Council certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the date on which Exhibit C is filed with the City Elections Officer and not later than November 5, 2024.
- Section 6. Delegation. The Toledo City Council authorizes the City Manager or a designee of the City Manager to act on behalf of the City of Toledo and to take such further action as is

necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

Section 7. That this Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 7<sup>th</sup> day of August, 2024.

APPROVED

ATTEST

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Mayor Rod Cross

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City Recorder Lisa Figueroa

Exhibit A  
to Resolution No. 1560

**Caption**

Adopts New Charter for Toledo City Government

**Question**

Shall Toledo adopt a new City Charter that retains current form of government, adds position numbers, and adds stipends?

**Summary**

In 2024, the City of Toledo conducted the first comprehensive review and update to Toledo's City Charter since it was adopted in 1993. The City convened a community-led process to review the Charter and develop recommendations. Since March 2024, the 7- person Charter Review Committee studied city charters from around the state, state and local laws, and other resources to propose changes for Toledo's City Charter. The committee ultimately proposed a revised Charter. Key proposed changes include:

- Creates position numbers for city councilor positions, rather than electing councilors at-large, allowing persons to choose to run against a particular person.
- Allows stipends for service on city council if show up to public meetings, encouraging additional persons to participate in public service.
- Simplifies process for adoption of ordinances.
- Clearly identifies administrative, legislative and quasi-judicial actions of council.
- Other changes would include deferring to state law on areas such as public meetings and elections.
- The new charter would keep Toledo's same form of government.
- This measure would not increase Toledo's tax rate.

## Outline of Charter Chapters

Preamble

Chapter 1 – Name and Boundaries

Chapter 2 – Powers

Chapter 3 – City Council

Chapter 4 – Appointive Officers

Chapter 5 – PERSONNEL

Chapter 6 – Administrative Authority

Chapter 7 – Legislative Authority

Chapter 8 – Quasi-Judicial Authority

Chapter 9 – Elections

Chapter 10 – Miscellaneous Provisions

## City Charter – City of Toledo, Oregon

### PREAMBLE

The mission of the Toledo City Government is to provide efficient and necessary public service that protect and enhance the quality of life in Toledo, now and in the future, as determined by our citizens, the law and available economic resources.

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

### BE IT ENACTED BY THE PEOPLE OF THE CITY OF TOLEDO, OREGON:

#### CHAPTER I NAME AND BOUNDARIES

1.1. Title of Enactment. This charter may be referred to as the 2024 City of Toledo Charter.

1.2. Name of City. The City of Toledo, Oregon, shall continue as a municipal corporation with the name “City of Toledo.”

1.3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

#### CHAPTER II POWERS

2.1. Powers. The city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

2.2. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. This Charter’s interpretation shall be examined in its entirety.

2.3. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the City Council except as the charter otherwise provides. The City Council has legislative,

administrative, and quasi- judicial authority. The City Council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The City Council may not delegate its authority to adopt ordinances.

2.4 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 Toledo to suppress, restrain, and prohibit any obstruction, pollution, diversion, waste, extravagant use of, waters of Mill Creek, or the Siletz River, within or without the City limits.

### CHAPTER III CITY COUNCIL

3.1. General Powers and Duties. All powers of the city shall be vested in the City Council, except as otherwise provided by law or this charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. -

3.2. City Council. The City Council shall be composed of a mayor and six councilors elected from the City at large. City Councilors serving four (4) year terms shall be assigned position numbers one (1), two (2), three (3), four (4), five (5), and six (6). The Mayor position shall not be assigned a position number.

3.3. Councilors. The term of office of each councilor in office when this charter is adopted shall continue until the expiration of the term for which they were elected or appointed.

3.4 Mayor. The mayor is a voting member of the City Council and has no veto authority. The mayor presides over and facilitates City Council meetings, preserves order, enforces City Council rules and determines the order of business under City Council rules.

- a) The mayor recommends the appointment of individuals to City commissions and committees with the consent of the City Council.
- b) The mayor must sign all ordinances, resolutions and other records of City Council decisions.
- c) The mayor serves as the political head of the city government but shall have no administrative duties.

3.5 Council President. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside. When the mayor is unable to perform the functions of the office, the president shall act as mayor.

3.6 Rules. The City Council must adopt rules to govern its members and proceedings, by resolution. A majority vote of the Council may suspend a governing rule of the Council for Council action.

3.7 Meetings. The City Council must meet at least once a month at a time and place designated by its rules and may meet at other times in accordance with the rules and laws of the state of Oregon.

3.8 Quorum. Except as specifically addressed here and in Section 9.10, a majority of the council members is a quorum to conduct business. In the event of an absence, a smaller number may meet and compel the attendance of absent members as prescribed by council rules. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly solely for the purpose to make necessary appointment(s) to reach the required quorum as outlined in Section 9.10.

3.9 Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council. The voting requirement to fill council member vacancies, if there is less than a majority of council member remaining, is separate from the quorum requirement required to conduct all remaining city business unless otherwise stated.

3.10 Record. A record of council meetings must be kept in a manner prescribed by the Council rules and the laws of the state of Oregon.

3.11 Compensation; Expenses.

a) Upon passage of this Charter by the electors in the November 2024 general election, all City Council members in office on July 1, 2025 shall receive compensation for City Council meetings when conducting City business or they may elect to waive their compensation. Initial compensation shall be applied as follows:

1) The Mayor shall receive \$75 per Council meeting where City business is conducted.

2) City Councilors shall receive \$50 per Council meeting where City business is conducted.

3) The Council President shall receive \$75 per Council meeting when acting as the presiding officer in the absence of the Mayor.

4) When multiple meetings are held in a single day, all members will receive compensation at their respected rate for only one meeting.

5) When any member of the Council is absent from a meeting regardless of excused or not, there will be no compensation for that meeting.

b) Subsequent Council compensation rates shall be established by ordinance and may only take effect after every Councilor's current term has expired.

## CHAPTER IV APPOINTIVE OFFICERS

### 4.1 Appointive Officers.

- a) The city council shall appoint a city manager, a municipal judge and a city attorney.
- b) Additional officers may be appointed if the city council considers necessary, each of whom the city council shall appoint and may remove by majority vote of all members of the city council.
- c) The city council may combine any two or more appointive offices, except the offices of city manager and municipal judge or city attorney and municipal judge. In such combination, the municipal judge shall not be subject in judicial functions to supervision by any other officer.
- d) The city council shall supervise all officers appointed by the city council, except as supervision may otherwise be authorized by a majority of all members of city council.
- e) No city council member may directly or indirectly, by suggestion or otherwise, attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts; or attempt to exact a promise relative to an appointment from any candidate for manager; or discuss directly or indirectly with the manager for the matter of specific appointments to any city office or employment. Violation of this prohibition is grounds for removal from office by a majority of the city council. In city council meetings, councilors may discuss or suggest anything with the manager relating to city business.

### 4.2 City Manager.

a) The city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and city council for the proper administration of all city business. The city manager will assist the city council in the development of city policies and carry out policies established by ordinances and

resolutions. The city manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the city council.

b) The City Manager may be appointed or removed by a majority of the city council. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

c) The city manager need not be a not be a resident of the City or of the state at the time of appointment and not be required to reside in the city, however must reside within Lincoln County.

d) The city manager must:

1) Attend all city council meetings unless excused therefrom. The City Manager shall have the right to participate in discussions with the City Council, but not the right to vote.

2) Make reports and recommendations to the mayor and city council about the needs of the city;

3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;

4) Appoint, supervise, and remove city employees;

5) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter. Supervise the departments to the end of obtaining the utmost efficiency in each of them, but shall have no control over the judicial activities of the Municipal judge.

6) Prepare and administer the annual city budget;

7) Administer city utilities and property;

8) Encourage and support regional and intergovernmental cooperation;

9) Promote cooperation among the city council, staff and citizens in developing city policies and building a sense of community;

10) Perform other duties as directed by the city council; and

11) Delegate duties but remain responsible for actions of all subordinates;

e) The city manager shall sign and see that provisions of all franchises, contracts, leases and permits and privileges granted by the city are fully enforced and observed;

f) The city manager has no authority over the city council, the city attorney or over the judicial functions of the municipal judge.

g) When the city manager is temporarily disabled from acting as manager or when the office of the city manager becomes vacant, the city council may appoint a city manager pro tem. The city manager pro tem has the authority and duties of city manager, except that a city manager pro tem may appoint or remove employees only with council approval.

4.3 City Attorney. The city attorney shall be the chief legal officer of the city, be legal advisor to the city council, city manager, all departments, and other instrumentalities of the city government. The city attorney shall be appointed or removed by a majority vote of the City Council. The city attorney shall attend all city council meetings unless excused therefrom.

4.4 Municipal Court and Municipal Judge.

a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in-such place as the council directs. The court will be known as the Municipal Court.

b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

e) The municipal judge may:

- 1) Render judgments and impose sanctions on persons and property;
- 2) Order the arrest of anyone accused of an offense against the city;
- 3) Commit to jail or admit to bail anyone accused of a city offense;
- 4) Issue and compel obedience to subpoenas;

- 5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
  - 6) Penalize contempt of court;
  - 7) Issue processes necessary to enforce judgments and orders of the court;
  - 8) Issue search warrants; and
  - 9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- f) The council may appoint and may remove municipal judges pro tem, or may authorize the municipal judge to appoint and remove municipal judges pro tem for terms of office set by the judge or the council.
- g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

## CHAPTER V PERSONNEL

5.1 Compensation. The city council must authorize the compensation of appointive city officers and employees as part of its approval of the annual city budget.

5.2 Employee Responsibilities. Subject to city council approval, the city manager shall prescribe rules and procedures governing recruitment, selection, promotion, transfer, demotion, suspension, lay-off and dismissal of city employees on the basis of merit and fitness. Contrary provisions of contracts or collective bargaining agreements entered into by the City and applicable employees shall prevail over rules or procedures promulgated under authority of this section.

5.3 Employee Political Rights. The city council, by ordinance, may affirm the rights of city employees to participate in political activities within the scope of state and federal law.

## CHAPTER VI ADMINISTRATIVE AUTHORITY

6.1 Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions shall state "Now, Therefore, The City of Toledo resolves as follows:"

## 6.2 Resolution Approval.

- a) Approval of a resolution or any other city council administrative decision requires approval by the council at one meeting.
- b) Substantive amendments to a resolution must be accepted by a vote of the city council prior to adoption.
- c) After approval of a resolution or other administrative decision, the vote of each city council member must be entered into the city council minutes.
- d) After approval of a resolution, the mayor and the city recorder must endorse it with their signature and the date of adoption.

6.3 Effective Date of Resolutions. Resolutions take effect on the date of approval or on a date as provided in the resolution.

## CHAPTER VII LEGISLATIVE AUTHORITY

7.1 Adoption of Ordinances. The city council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances shall state "Now Therefore, The City of Toledo ordains as follows:"

## 7.2 Mode of Adoption.

- a) Except as authorized by subsection (b), before adoption, an ordinance shall be read in full and require approval by a majority of the city council at two meetings.
- b) The city council may adopt an ordinance at a single meeting, unless that ordinance is setting council compensation, by the unanimous approval of the council members present, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- c) Any substantive amendment to a proposed ordinance must be accepted by a vote of the city council prior to adoption and made available in writing to the public before the city council adopts the ordinance at that meeting.
- d) After the adoption of an ordinance, the vote of each city council member must be entered into the city council minutes.
- e) After adoption of an ordinance, the mayor and the city recorder must endorse it with their signature and the date of adoption.

7.3 Effective Date of Ordinances. Ordinances shall take effect thirty days after adoption or on a later day as provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than thirty days after adoption if it contains an emergency clause.

## CHAPTER VIII QUASI-JUDICIAL AUTHORITY

8.1 Orders. The city council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders shall state "Now, Therefore, The City of Toledo orders as follows:"

### 8.2 Order Approval.

- a) Approval of an order or any other city council quasi-judicial decision requires approval by the city council at one meeting.
- b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the city council adopts the order.
- c) After approval of an order or other city council quasi-judicial decision, the vote of each city council member must be entered in the council minutes.
- d) After approval of an order, the mayor must endorse it with their signature and the date of adoption.

8.3 Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day as provided in the order.

## CHAPTER IX ELECTIONS

9.1 City Elections. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

9.2 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 a manner prescribed by the city council.

9.3 City Councilors. A Councilor shall serve terms of four years. The term of a city councilor in office when this charter is adopted is the term for which the city councilor is elected at the time of adoption.

- a) All Councilors elected from the November 2024 general election shall fill the positions of one (1), three (3), and five (5) as assigned by the Mayor.
- b) Positions two (2), four (4), and six (6) will be filled during the November 2026 general election.
- c) All positions, while numbered, are at large positions and applicants shall file for the position in which they wish to run.

9.4 Mayor. A Mayor shall serve a term of two years. The term of the mayor in office when this charter is adopted shall continue until the expiration of the term for which they were elected or appointed.

9.5 Qualifications.

- a) The mayor and each city councilor must be a qualified elector under state law and reside within the city for at least one year prior to taking office or for one year before any appointed office.
- b) No person may be a candidate at a single election for more than one city office.
- c) Neither the mayor nor a city councilor may be employed by the city.
- d) Except when a state trial court has jurisdiction over the matter, the council is the final judge of the election and qualifications of its members.

9.6 Terms. The term of a city councilor elected at a general election begins at the first city council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.

9.7 Oath. Before entering upon the duties of office, the mayor and each city councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon and the Toledo Municipal Code.

9.8 Vacancies. Vacancies. The mayor or a city council office-becomes vacant:

- a) Upon the incumbent's:
  - 1) Death;
  - 2) Adjudicated incompetence; or
  - 3) Recall from the office.

b) Upon declaration by the city council after the incumbent's:

- 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- 2) Absence from the city for 30 days without council consent, or fails to attend three consecutive regular meetings of the council without being excused by the council.
- 3) Ceasing to reside in the city;
- 4) Ceasing to be a qualified elector under state law;
- 5) Conviction of a misdemeanor or felony crime;
- 6) Resignation from the office; or
- 7) Removal.

9.9 Judge of Qualifications. The city council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the city council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

9.10 Filling Vacancies. A city councilor vacancy shall be filled by appointment by a majority of the remaining city council members.

- a) Notwithstanding the quorum requirement set forth in Section 3.8, if at any time city council membership is reduced to less than four (4), the remaining member/s may, by majority action, appoint additional members to raise the membership to four (4).
  - 1) The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office.

9.11 Filling a Mayoral Vacancy. The Council President shall serve as mayor pro-tem until the Council can convene and elect a Mayor from seated Council members. That Councilor shall serve as Mayor for the unexpired term of the vacated mayor position.

## CHAPTER X MISCELLANEOUS PROVISIONS

10.1. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

10.2 Pending Matters. All rights, claims, causes of actions, duties, contracts, and legal administrative proceedings that exist when this Charter takes effect continue and are unimpaired by this Charter, except as modified pursuant to the provisions of this Charter, and in each case will be maintained, carried on, or dealt with by the City department, office, or agency appropriate under this Charter.

10.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.

10.4. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

10.5. Time of Effect. This Charter takes effect 30 days after the day on which it is approved by a majority of voters, and except as otherwise provided is operative July 1, 2025. The City may take any action before this Charter's operative date that is necessary to enable the City on or after the operative date to exercise all duties, functions, and powers conferred on the City by this Charter.

10.6 Saving Clause. All Charter provisions adopted before this Charter takes effect continue in force and effect until repealed.

10.7. Number and Captions. As used herein, the singular shall include the plural, and the plural the singular. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this charter.

10.8. Amendments and Revisions. No amendment, revision or repeal of this Charter may take effect unless approved by City voters. Either the council by a majority vote or City voters by an initiative petition may refer an amendment of this Charter to the City voters. Only the council, by a majority vote, may refer a revision or repeal of this Charter to the City voters.

a) Any amendment, replacement or repeal of this charter must be approved by a majority of city electors.

10.9 Charter Review. This Charter shall be reviewed every ten years by a committee consisting of at least the Mayor, two (2) Councilors, and three (3) community members.