

CHARTER  
of the  
CITY OF PENDLETON



As Amended

Effective January 1, 1975

APPROVED BY THE ELECTORATE

NOVEMBER 5, 1974

MARCH 28,1995

A BILL

TO AMEND THE CHARTER OF THE CITY OF  
PENDLETON, IN UMATILLA COUNTY, OREGON,  
ENTITLED AN ACT TO INCORPORATE THE CITY  
OF PENDLETON, IN UMATILLA COUNTY, AND TO  
DEFINE THE POWERS THEREOF, AND REPEAL AN  
ACT ENTITLED "AN ACT TO INCORPORATE THE  
TOWN OF PENDLETON, UMATILLA COUNTY,  
OREGON, APPROVED OCTOBER 25, 1880; AND AN  
ACT ENTITLED 'AN ACT TO INCORPORATE THE  
TOWN OF PENDLETON, IN UMATILLA COUNTY,  
AND TO DEFINE THE POWERS THEREOF,  
APPROVED FEBRUARY 5, 1885,' AND AN ACT  
ENTITLED AN ACT TO INCORPORATE THE TOWN  
OF PENDLETON, IN UMATILLA COUNTY, AND TO  
DEFINE THE POWERS THEREOF, APPROVED  
FEBRUARY 21, 1887, FILED IN THE OFFICE OF THE  
SECRETARY OF STATE FEBRUARY 20, 1889, 'AND  
ALL ACTS AMENDATORY THEREOF", AND ALL  
ACTS AMENDATORY THEREOF, AND REPEALING  
ALL ACTS OR PARTS OF ACTS IN CONFLICT  
HEREWITH" BE IT ENACTED By the people of the City  
of Pendleton, Umatilla County, Oregon:

**CHARTER**  
**of the**  
**CITY OF PENDLETON**  
As Amended

Effective January 1, 1975

Approved by the Electorate  
November 5, 1974

**CHAPTER I**  
**AMENDMENTS, NAMES, BOUNDARIES, POWERS AND GENERAL**  
**PROVISIONS**

**SECTION 1. AMENDMENTS.** An act to incorporate the City of Pendleton, in Umatilla County and to define the powers thereof, and repeal an act entitled "An act to incorporate the town of Pendleton, in Umatilla County, Oregon, approved October 25, 1880; and an act entitled an act to incorporate the town of Pendleton, in Umatilla County, and to define the powers thereof, approved February 5, 1885, and an act entitled an act to incorporate the town of Pendleton, in Umatilla County, and to define the powers thereof, approved February 21, 1887, filed in the office of the Secretary of State February 20, 1889", and all acts amendatory thereof approved February 15, 1899, amended by the legislative assembly of the State of Oregon by an act approved February 16, 1901, and by an act approved February 9, 1905, and amended by the electors of the City of Pendleton by special elections July 1, 1907; May 9, 1911; April 28, 1914; November 2, 1920; November 21, 1921; and an act approved by the electors of the City of Pendleton by election November 5, 1946, effective January 1, 1947; are amended as hereinafter provided.

**SECTION 2. NAME AND BOUNDARIES.** The City of Pendleton, Umatilla County, Oregon shall continue to be a municipal corporation with the name "City of Pendleton". The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Council, or by any other agency with legal powers to modify them. At least two copies of this charter, each with an up-to-date description of the boundaries shall be kept in the office of the City Recorder in the City Hall. These copies shall be available for public inspection at any time during regular office hours of the Recorder.

**SECTION 3. 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.

**SECTION 4. CONSTRUCTION OF CHARTER.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may 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.

## **CHAPTER II FORM OF GOVERNMENT**

**SECTION 5. WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city shall be vested in the Council.

**SECTION 6. COUNCIL.** The council shall be composed of 8 members, 2 of whom shall be elected from each of three wards and 2 of whom shall be elected at large. The Council shall, by ordinance, fix the boundaries of the three wards and amend the same whenever required by changed circumstances to assure fair and equitable representation to the citizens of Pendleton.

**SECTION 7. COUNCIL MEMBERS.** The Council Members in office at the time this charter is adopted shall continue in office, each until the end of the 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, one member of the Council from each of the 3 wards and one member of the Council at large shall be elected, each for a term of 4 years.

**SECTION 8. MAYOR.** At the biennial general election held in 1976 and every fourth year thereafter, a Mayor shall be elected for a term of four years. The term of office of the Mayor incumbent at the time this charter is adopted shall continue through the term for which elected.

**SECTION 9. MANAGER, MUNICIPAL JUDGE AND CITY TREASURER.** The Council shall appoint and keep in office a City Manager, a Municipal Judge and City Treasurer, each of whom shall hold office subject to the discretion of the Council and shall hold office at the pleasure of the Council.

**SECTION 10. OTHER CITY OFFICERS AND EMPLOYEES.** The City Manager shall appoint such other officers and employees of the city as the Council deems necessary and may remove any one of them. The Council may combine any two or more appointive offices, except the offices of City Manager and Municipal Judge. In no such combination shall the Municipal Judge be subject in his judicial functions to supervision by any other officer.

**SECTION 11. SALARIES.** The compensation of the services of each appointive city officer and employee shall be the amount fixed by the Council.

**SECTION 12. MAYOR AND COUNCIL MEMBER FEES.** From and after the effective date of this charter the Mayor shall receive a fee of \$37.50 for each of the first two council meetings attended during each calendar month. Each Council Member shall receive a fee of \$25.00 for each of the first two council meetings attended during each calendar month. At the end of three years from the effective date of this charter and each three years thereafter the Council shall review the amount of such fees and may, by ordinance, adjust them to meet changing economic conditions.

**SECTION 13. QUALIFICATIONS OF ELECTED OFFICIALS.**

Only qualified electors, within the meaning of the state constitution, who are residents of the city at the time of election shall be eligible to hold an elective office. Council Members elected from a ward shall be a resident in the ward from which elected.

The Council shall be final judge of the qualifications and election of its own members.

**CHAPTER III  
ELECTIONS**

**SECTION 14. 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. The Recorder, pursuant to directions from the Council, shall give at least ten days' notice of each regular city election either by publication in two issues of a newspaper published in the city or by posting notices thereof in ten public places. 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. Elections shall be non-partisan.

**SECTION 15. SPECIAL ELECTIONS.** The Council may by resolution or ordinance order a special election and provide the time, manner, place or places and means for holding ten days' notice of each special election in the manner provided by the action of the Council ordering the election.

**SECTION 16. 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.

**SECTION 17. CANVASS OF ELECTION RETURNS.** In all elections held in conjunction with state and county elections the state laws governing the filing of returns by the county clerk and the canvassing of those returns shall apply. The poll books furnished by the county clerk at such elections shall be deemed the poll books of the city. In each special city election the returns therefrom shall be filed with the Recorder on or before noon of the day following, and 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 elected to office, the office to which 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 said person 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.

**SECTION 18. COMMENCEMENT OF TERMS OF OFFICE.** The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election and shall continue until a successor is elected and qualifies.

**SECTION 19. OATH OF OFFICE.** Each elected officer, before entering upon the duties of office, shall swear to support the constitution and laws of the United States and the State of Oregon and to faithfully perform the duties of that office.

**SECTION 20. NOMINATIONS.** The Council shall provide by ordinance the manner for nominating elective officers.

#### **CHAPTER IV VACANCIES IN OFFICE**

**SECTION 21. VACANCIES IN OFFICE GENERALLY.** An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony or other offense pertaining to the office; unlawful destruction of public records; resignation; recall from office, or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for the term of office to commence, or in the case of a Mayor or Council Member, upon an absence from the city for 30 days without consent of the Council or upon an absence from meetings of the Council for four (4) successive meetings without like consent, and upon a declaration by the Council of the vacancy. The Council shall, by ordinance, establish the procedure to be followed in the determination of a vacancy.

**SECTION 22. MANNER IN WHICH VACANCIES SHALL BE FILED.** Vacant elective offices shall be filled by appointment by the Council. A majority vote of the Council shall be required to validate the appointment. The appointee's term shall begin upon acceptance and shall extend through the month of December following the next general election after the date of appointment. At the next general election a successor to the appointee shall be elected for the unexpired portion of the term of the official whose office was declared vacant, if any, or for a full term of four years. During the temporary disability of any officer or during a temporary absence from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently.

#### **CHAPTER V THE COUNCIL**

**SECTION 23. COUNCIL MEETINGS.** The Council shall hold a regular meeting at least once each month in the city at a time and place which it designates. It shall adopt rules for the government of its members and proceedings. The Mayor may, or at the request of 2 members of the Council shall, by giving notice thereof to all members of the Council then in the city, call a special meeting of the Council for a time not earlier than twenty-four nor later than forty-eight hours after the notice is given. Special meetings may be held on shorter notice when necessary to meet an actual emergency.

**SECTION 24. QUORUM.** A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

**SECTION 25. RECORD OF PROCEEDINGS.** The Council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record.

**SECTION 26. PROCEEDINGS TO BE PUBLIC.** No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

**SECTION 27. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.** The Mayor shall be chairman of the Council and preside over its deliberations; but shall have no vote on questions before it, except in case of a tie when the deciding vote shall be cast by the Mayor. The Mayor shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

**SECTION 28. PRESIDENT OF THE COUNCIL.** At its first meeting in January of each year the Council shall elect a President of the Council from its membership. In the Mayor's absence from a council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of the office, the President shall act as Mayor.

**SECTION 29. 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; provided, however, that a majority of the Council shall be required to pass any resolution or any ordinance.

## **CHAPTER VI POWERS AND DUTIES OF OFFICERS**

**SECTION 30. MAYOR.** The Mayor shall appoint the committees provided by the rules of the Council; shall sign all records of proceedings approved by the Council; countersign orders on the Treasury; shall have no veto power, and shall sign all ordinances passed by the Council within three days after their passage.

### **SECTION 31. CITY MANAGER.**

A. **Qualifications.** The City Manager shall be the administrative head of the city government and shall be chosen by the Council without regard to political consideration and solely with reference to executive and administrative qualifications. The Manager need not be a resident of the state at the time of appointment, but promptly thereafter shall become and during incumbency remain a resident of the city. Before taking office the Manager shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bonds 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 at its next meeting shall adopt a resolution of its intention to appoint another Manager. Not later than four months after adopting the resolution, the Council shall appoint a Manager to fill the vacancy.

C. **Powers and Duties.** The powers and duties of the Manager shall be as follows:  
1. To devote full 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 annual reports, or more frequently if requested by the Council, of all the affairs and departments of the city.

2. To see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are fully observed.

3. To appoint all city officers and employees except the Municipal Judge and Treasurer and remove them at pleasure, and have general supervision and control over them and their work with power to transfer an employee from one department to another; to exercise supervision and control over the departments to the end of obtaining the utmost efficiency in each of them; but shall have no control over the Council or over the judicial activities of the Municipal Judge.

4. To act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the Manager.

5. To be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

6. To supervise the operations of all public utilities owned and operated by the city, and have general supervision over all city property.

7. To sign or countersign orders on the treasury in the absence of the Mayor or City Recorder.

8. To perform such other duties as may be required by this charter or as the Council may require.

**D. Seats at Council Meetings.** The Manager and such other officers as the Council designate shall be entitled to sit with the Council, but shall have no vote on questions before it. The Manager shall have the right to take part in all Council discussions.

**E. Manager Pro Tem.** Whenever the Manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the Council shall appoint a Manager pro tem, who shall possess the powers and duties of the Manager. No Manager pro tem, however, may appoint or remove any city officer or employee except with the approval of a majority of the members of the Council. No Manager pro tem shall hold the position as such for more than four months, and no appointment of a Manager pro tem shall be renewed.

**F. Interference in Administration and Elections.** 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 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; or discuss, directly or indirectly, with the Manager the matter of specific appointments to any city office or employments. Any violation of the foregoing provisions of this section shall forfeit the office of the offending member of the Council. Nothing in this section shall be construed, however, as prohibiting the Council while 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. 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 nor any person related to the Manager or spouse by consanguinity or affinity within the third degree shall hold any appointive office or employment with the City.

**SECTION 32. MUNICIPAL JUDGE.** The Municipal Judge shall be the judicial officer of the city, and shall hold within the city a court known as THE MUNICIPAL COURT OF THE CITY OF PENDLETON, UMATILLA COUNTY, OREGON. The court shall

be open for the transaction of judicial business at times specified by the Council. All areas within the city shall be within the territorial jurisdiction of the court. The Municipal Judge shall exercise original and exclusive jurisdiction of all offenses defined and make punishable by ordinances of the city, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. The Municipal Judge shall have authority to issue process for the arrest of any persons accused of an offense against the ordinances of the city, to commit any such persons to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the court, to compel obedience to 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. When not governed by ordinance 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 justices of the peace and justice courts.

**SECTION 33. CITY RECORDER.** The City Recorder shall serve as clerk of the Council; keep an accurate record of its proceedings in a book provided for that purpose; sign orders on the city treasury; and countersign all instruments and writings authorized by this charter, the state constitution or laws, or the Council. Before taking office the City Recorder shall give a bond in such amount and with such surety as may be approved by Council. The premiums on such bonds shall be paid by the city.

**SECTION 34. CITY TREASURER.** The City Treasurer shall be the finance officer of the city, and shall be the custodian of funds and securities. The Treasurer shall require two of three signatures on a warrant before honoring it for payment. Before taking office the Treasurer shall give a bond in such amount and with such surety as may be approved by Council. The premiums on such bonds shall be paid by the city.

## CHAPTER VII ORDINANCES

**SECTION 35. ENACTING CLAUSE.** The enacting clause of all ordinances hereafter enacted shall be, "City of Pendleton ordains as follows:".

**SECTION 36. INTRODUCTION, READING AND PASSAGE.** Every ordinance shall be fully and distinctly read in open council meeting on two different days previous to being put on its final passage, but any ordinance may be introduced, read twice, once in full and once by title, and put on its final passage at a single meeting by a unanimous vote of all members of the Council present at the meeting; provided that when copies of a proposed ordinance are available to the public and members of the Council at the commencement of a council meeting at which any action is taken on said ordinance, either introduction or vote, it may be read by title only, in lieu of a full reading, unless one or more Council Members demand that it be read in full. Upon the final vote the ayes and nays of the members of the Council shall be taken and recorded in the journal. If the ordinance passes, the Recorder shall endorse it, with the date of its passage and name and title of office, and within three days thereafter the Mayor shall sign it with the date, name and title of office.

**SECTION 37. WHEN ORDINANCES TAKE EFFECT.** Each ordinance passed by the Council shall take effect on the thirtieth day after its passage. When the Council

deems it expedient, however, an ordinance may provide a later time when it shall take effect, and, in case of an emergency, may take effect immediately.

## **CHAPTER VIII PUBLIC IMPROVEMENTS**

**SECTION 38. CONDEMNATION.** The necessity for taking property by condemnation shall be determined by the Council and declared by resolution describing the property and stating the use to which it is to be devoted.

**SECTION 39. PROCEDURE FOR MAKING LOCAL IMPROVEMENTS.** The time, method, and manner of making all street, sidewalk, sewer, and other public improvements; the method of financing the same; the procedure for vacating, altering or abandoning streets and other public improvements, shall be governed by ordinance, or, in the absence of ordinance, by the general laws of Oregon.

**SECTION 40. SPECIAL ASSESSMENT.** The procedure for levying, collecting, and enforcing special assessments for public improvements or other services to be charged against real property shall be governed by ordinance.

**SECTION 41. BIDS FOR PUBLIC IMPROVEMENTS.** A contract in excess of \$1,000.00 for a public improvement to be made by private contractors shall be let to the lowest responsible bidder, to be done according to plans and specifications furnished by the City Manager and approved by the Council.

## **CHAPTER XI MISCELLANEOUS PROVISIONS**

**SECTION 42. EXISTING ORDINANCES CONTINUED.** All ordinances of the city consistent with this charter and in force when it take effect shall remain in effect until amended or repealed.

**SECTION 43. CONTINUATION OF RIGHTS AND LIABILITIES.** No right or liability of the city existing at the time this charter takes effect shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides.

**SECTION 44. SEPARATE FUNDS PRESERVED.** The funds of the Pendleton Water Department and of the Pendleton Municipal Airport are hereby designated as segregated funds to be used for their respective functions and no other.

**SECTION 45. LIMITATION OF INDEBTEDNESS.** Except by consent of the voters, the voluntary floating or warrant indebtedness of the city for general purposes shall not exceed \$20,000, at any one time. City officials or employees who create or officially approve any indebtedness in excess of the limitation shall be jointly and severally liable for the amount of the excess.

**SECTION 46. REPEAL CLAUSE.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed, except as herein otherwise provided.

**SECTION 47. EFFECTIVE DATE.** This charter shall take effect on the First day of January, 1975.

**SECTION 48.** Notwithstanding any other provision of the city charter or any city ordinance to the contrary, no solid waste transfer station shall be sited, constructed, or operated within 1000 feet of an existing residential structure or residential zone without a vote of the people approving the facility. [Adopted by initiative petition March 28, 1995.]

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CITY OF PENDLETON  
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