

CITY COUNCIL QUALIFICATIONS AMENDMENT

An amendment to the City Charter for the City of Bandon

WHEREAS, as of the 2002 Bandon City Charter, a city councilor must have resided in the city of Bandon for the twelve months preceding the election; and

WHEREAS, that councilor must maintain that residence within the City of Bandon for the duration of the term of office; and

WHEREAS, the decisions of the City Council have an affect on both the residents and real property owners in the City of Bandon; and

WHEREAS, the non-resident owners of real property in the City of Bandon who reside in the Bandon School District should be able to hold a representative position just as if they were a resident because they are affected by the City's decisions that may impact their property, they pay taxes on their real property, and because they care about their community,

NOW, THEREFORE, the people of the City of Bandon hereby adopt the following amendment to their Charter as the **City Council Qualifications Amendment**:

Existing Chapters of the Bandon City Charter shall be amended to read,

Chapter III, Section 10 – Qualifications of Elected Officials.

A person is eligible for an elective office of the City if he or she is a qualified elector within the meaning of the State Constitution. The person must have resided in the City during the twelve months immediately preceding the election and maintain his or her residency in the City of Bandon during the term of office. If the person does not meet the residency requirement in the preceding sentence, he or she may still be eligible for an elective office of the City if the person owns real property within the City during the twelve months immediately preceding the election as indicated by the Coos County Tax and Assessment records, maintains his or her ownership of that property during the term of office, and resides within the Bandon School District. Ownership in this respect is an ownership interest in real property in fee simple, co-tenancy, or other similar vested ownership interest. The Council is the final judge of the qualifications and election of its own members.

Chapter V, Section 19 – Vacancies: Occurrence.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; the conviction of a felony; other offense pertaining to the office including release of Executive Session material; unlawful destruction of public records; resignation; recall from office; 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; failure to file an annual Statement of Economic Interest with the Oregon Government Standards and Practices Commission; or in the case of a Mayor or Councilor, upon his or her absence from the City for 45 days without the consent of the Council, unless the Mayor or Councilor does not reside in the City and qualifies for his or her position by virtue of real property ownership in the City and residence in the Bandon School District, or upon the Mayor's or Councilor's absence from meetings of the Council for 45 days without like consent; and upon a declaration by the Council of the vacancy.

Chapter V, Section 20 – Filling of Vacancies.

A vacancy in the council is filled by appointment by a majority vote of the remaining members of the council. The appointee's term of office begins immediately upon appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of any Councilor or during a councilor's absence temporarily for more than 45 days, the office may be filled pro tem in the manner provided for filling vacancies in office permanently. The portion of the preceding sentence regarding a temporary absence of more than 45 days does not apply to councilors who qualify for their positions by virtue of ownership of real property within the City of Bandon and residence with the Bandon School District. Instead, those councilors may be replaced pro tem in the manner provided for filling vacancies permanently only if the Councilor is to have a temporary absence from all council meetings for more than 45 days.

Chapter VII, Section 32 – Nominations.

A qualified person who has resided in the City of Bandon or owned real property in the City of Bandon and resided in the Bandon School District during the twelve months immediately preceding an election may be nominated for an elective office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be on approved candidate filing forms. The petition shall be signed by not fewer than 25 electors of the City of Bandon.