

(2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to another council member.

(3) The mayor shall not vote upon any question except in case of a tie and then shall cast the deciding vote.

Section 17. Council President.

(1) At its first meeting after this Charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.

(2) Except in voting on questions before the council, the president shall function as mayor when the mayor is:

- (a) Absent from a council meeting, or
- (b) Unable to function as mayor.

Section 18. Vote Required. The express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the council. Abstention from voting is regarded as concurrence with the decision made by the majority of the votes cast.

Section 19. Vacancies: Occurrence. The office of a member of the council becomes vacant:

(1) Upon the incumbent's:

- (a) Death,
- (b) Adjudicated incompetence, or
- (c) Recall from the office; or

(2) Upon declaration by the council of the vacancy in case of the incumbent's:

- (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
- (b) Absence from the Town of Butte Falls for 30 days without the council's consent or from all meetings of the council within a 60-day period,
- (c) Ceasing to reside in the Town of Butte Falls,
- (d) Ceasing to be a qualified elector under state law,
- (e) Conviction of a public offense punishable by loss of liberty, or
- (f) Resignation from the office.

Section 20. Vacancies: Filling. A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. During a council member's disability to serve on the council or during a member's absence from the Town of Butte Falls, a majority of the other council members may by appointment fill the vacancy *pro tem*.

Section 21. Duties of the Council.

(1) Appoint, discipline and remove appointive personnel.

(2) Organize and reorganize the departmental structure of Town government.

Chapter V

POWERS AND DUTIES OF OFFICERS

Section 22. Mayor. The mayor shall appoint subject to the approval by the council:

- (1) Members of committees established by council rules, and
- (2) Other persons required by the council to be so appointed.

Section 22a. Town of Butte Falls Mayor

(1) The mayor is the administrative head of the Town government.

(2) The Mayor shall:

- (a) Keep the council advised of the affairs and needs of the Town;
- (b) See that the provisions of all ordinances are administered to the satisfaction of the council;
- (c) See that all terms of franchises, leases, contracts, permits, and privileges granted by the council are fulfilled;
- (d) Supervise appointees in their service to the Town;
- (e) See that an annual Town budget is prepared and transmitted to the council.
- (f) Supervise Town contracts.
- (g) Supervise operation of all Town-owned public utilities and property; and
- (h) Perform other duties as the council prescribes consistent with this Charter.

(3) The mayor may not control:

- (a) The council;
- (b) Except as the council authorizes, appointive personnel of the Town.

(4) The mayor and other personnel whom the council designates may sit with the council but may not vote on questions before it. The mayor may take part in all council discussions.

Section 23. Municipal Court and Judge.

(1) If the council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the Town of Butte Falls at a place and times that the council specifies, a court known as the Municipal Court for the Town of Butte Falls, Jackson County, Oregon.

(2) Except as this Charter or Town of Butte Falls ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.

(3) All area within the Town of Butte Falls and, to the extent provided by state law, area outside the Town of Butte Falls is within the territorial jurisdiction of the court.

(4) The municipal court has original jurisdiction over every offense that an ordinance of the Town of Butte Falls makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.

(5) The municipal judge may: