

Yachats Authority to Govern as a Home Rule City

- ◆ The US Constitution delegates all legal authority to the federal government and states. Counties & Cities derive their authority from their respective states.
- ◆ In 1906 the State of Oregon adopted a constitutional amendment that granted the people the right to draft & amend municipal charters subject to the Constitution & criminal laws of the state of Oregon. At the same time cities were granted the power of initiative & referendum.
- ◆ Oregon Revised Statutes (ORS) is the legal vehicle the State uses to delegate specific authority to cities & counties. Title 21 & 36 contain the specific authority for most of what Yachats can do. ORS 454 is about recording keeping and charges for sewage treatment. In addition, there are other statutes that deal with topics like Oregon budget law and requirements for meetings, record archiving and public access to public records. These are more about identifying things cities have to do.
 - ◆ ORS Title 21 Cities: <https://www.oregonlaws.org/ors/volume/6>
 - ◆ ORS Title 36 Public health & safety: <https://www.oregonlaws.org/ors/volume/11>
- ◆ Yachats charter makes the connection to the Oregon Revised Statutes and talks about city boundaries, powers, the council, city's legislative administrative and quasi-judicial authority, elections, personnel, public improvements, and city debt. Most of this is granted by ORS 221-227.
 - ◆ ORS 221 - Organizations & Government of Cities
 - ◆ ORS 222 - City Boundary Changes; Mergers; Consolidations Withdrawals
 - ◆ ORS 223 - Local Improvements & Works Generally
 - ◆ ORS 224 - City Sewers & Sanitation
 - ◆ ORS 225 - Municipal Utilities
 - ◆ ORS 226 - City Parks, Memorials & Cemeteries
 - ◆ ORS 227 - City Planning & Zoning
- ◆ Public Health & Safety is covered under ORS 431 - 470 which includes requirements for cities to include certain expenses in their rates for sewage collection and treatment. ORS authorizes urban renewal districts and defines their powers and purpose.
 - ◆ ORS 454 Rates & charges to meet costs of sewage treatment works
 - ◆ ORS 457 Urban Renewal