

PROPOSED CHARTER AS ADOPTED BY THE COUNCIL

CHAPTER ONE OF THE INCORPORATION AND BOUNDARIES OF THE CITY.

Creating a Body Corporate and Politic.

Section 1. The inhabitants of the City of LaGrande, Union County, Oregon, and of that part of the County of Union and State of Oregon within the limits hereinafter prescribed, are hereby created and established a body politic and corporate, and declared to be a municipal corporation by the name and style of the City of LaGrande; and by such name shall have perpetual succession, contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of justice and in all actions, suits and proceedings whatsoever; may purchase, lease, hold or receive property, real or personal, within the said city, for public buildings, public works, school purposes, streets and improvements, and all other municipal purposes; and may lease, sell and dispose of the same or any part thereof for the benefit of said city; may purchase, hold and receive property, both real and personal, within or beyond the boundaries of the city to be used for city parks, cemeteries, for burial purposes, hospitals, pesthouses, prisons, workhouses and houses of correction, powder-houses, for the erection of water works and the establishing of a water system, for supplying the city with electric or other lights, and for other useful, beneficial or ornamental purposes; and may erect buildings and works thereon and may inclose, ornament and improve the same; and may control, sell, lease or dispose of the same, for the benefit of the city, and may loan and borrow money and pledge the credit and property of the municipality. All property, both real and personal, belonging to or invested in the City of LaGrande, as heretofore created, established and bounded, shall, upon the adoption of this charter, become the property of and vested in the City of LaGrande as created, bounded and established by this charter; and said city may control, lease, sell or dispose of the same or any part thereof for the benefit of the city.

Corporate Limits of City.

Section 2. The corporate limits of the City of LaGrande shall be as follows: Beginning at the southeast corner of section seven, in township three south, range thirty-eight east, of Willamette Meridian, in Union County, Oregon, and running thence west on the section line one-half mile; thence north on the center line through sections six and seven to the south line of Baker street in Riverside addition to the said City of LaGrande; thence west to the center line of Emeraldia street in said Riverside addition; thence north along the center line of said Unatilla street to the center line of Lake street in said Riverside addition; thence on the center line of said street to the west line of the southeast quarter of the southwest quarter of section thirty-two, in township two south, of range thirty-eight east, of Willamette Meridian; thence south to the south line of said section thirty-two; thence east along the township line to the northwest corner of the northeast quarter of section five, township three south, range thirty-eight east, Willamette Meridian; thence south along the center of the county road one-fourth mile; thence east one-fourth mile, and thence south three-fourths of a mile to the section line; thence east to the center line of North Willow street, in Honan's addition to the City of LaGrande; thence south along the center line of said North Willow street to the junction of said street with Willow street, on Coggan's 2nd addition to the said City of LaGrande; and thence southwesterly on a line with the center of said Willow street to a point on a line running east and west through the center of section eight, in township three south, range thirty-eight east, Willamette Meridian; thence west to the center of said section eight; thence south to the south line of said section eight, and thence west along the section line to the place of beginning.

Division of Wards.

Sec. 3. For the purpose of municipal representation, the City of LaGrande is hereby divided into four wards, designated and described as follows: The first ward shall include all that part of the city limits lying south of a due east and west line through the center of L street from the west line of the corporate limits to the eastern boundary thereof; the second ward shall consist of that part of the city lying and being north of Fourth street and east of the center of Fourth street and south of the railroad track of the O. R. & N. company's main line; the third ward shall consist of that part of the city lying north of the first ward and west of the center line of Fourth street; and the fourth ward shall consist of that part of the city lying north of the railroad track of the O. R. & N. company's main line and east of Fourth street of said city.

On the Annexation of Adjoining Territory.

Sec. 4. Whenever ten or more persons with the qualifications of electors as prescribed in this charter, in any territory adjoining said city, shall present a petition and annexed thereto a plat covering said territory to the Mayor and Council of said city, praying that a special election be held in said territory for the purpose of annexing said territory to said city, the Mayor and Council of said city may, by the passage of an ordinance, call a special election in said territory for the purpose of submitting to the qualified electors thereof the question of annexing said territory to said city. Notice of time and place of holding said election shall be given in the same manner, and said election shall be conducted in all respects the same, as is provided in this charter for holding special elections of said city, provided, that the question may be voted on at any regular election. Elector as used in this section means any person who is a qualified elector within this state, and he shall take the following oath:

"I do solemnly swear (or affirm) that I will perform the duties of a judge (or clerk) of election according to law and the best of my ability; that I will endeavor to prevent fraud, deceit and abuse in conducting the same," said oath to be administered to the judges and clerks by an officer authorized by law to administer oaths.

Notice of Election. Sec. 14. The Recorder, under the direction of the Council, shall give ten (10) days' notice by publication in a newspaper designated by the Council, or by posting notices thereof in three public places in each ward of the city of each general election, the officers to be elected and the places designated for the holding of the election, and the names of the judges and clerks appointed to conduct the same.

Qualification of Electors.

Sec. 15. No person shall be qualified to vote at any election to be held under this charter who does not possess the qualifications of an elector within this state, and who has not resided in the City of LaGrande for three months next preceding such election, and in the ward in which he offers to vote at least thirty days next preceding such election.

Time of Voting.

Sec. 16. All elections under this act shall commence at 9 o'clock in the morning and continue until 4 o'clock in the evening of the same day, without closing the polls. If any judge or clerk fails to attend and serve at the opening of the polls, the judges of the election may appoint another in his place. If all the judges fail to attend the legal voters present at any polling place may appoint judges and clerks.

Nominations.

Sec. 17. All general municipal elections shall be held and the candidates therefor shall be nominated in accordance with the general election laws now in force in the State of Oregon, except as in this charter otherwise provided. And, provided, that certificates of nomination made by individual electors shall be signed by not less than ten electors of the ward in which the person nominated, if a candidate for election to the council, shall reside, or not less than ten electors of each ward in case of such officers as are elected at large; and, provided, that all certificates of nomination shall be filed with the recorder of the city not less than ten days before the day fixed by law for said election.

Qualification of Judges and Clerks.

Sec. 18. Judges and clerks of elections shall possess the qualifications of voters of the ward in which they reside, but a mistake or error in this respect, or a failure to give notice for the full time required herein, shall not invalidate any election otherwise legal.

Election Canvass.

Sec. 19. On or before the second day after the election, the returns therefor shall be filed with the recorder, and on the fourth day after the election, or sooner if the returns of all the wards are in, the recorder shall call to his assistance the hold-over councilmen who are not then candidates for election to any city office, and they shall canvass the returns of the election.

Statement of Canvass.

Sec. 20. A written statement of the canvass shall be made and signed by the canvassers, or a majority of them, and filed with the Recorder within the time appointed to complete the canvass; such written statement must contain the whole number of votes given at such election, the number given for any person for any office, and the names of the persons elected and to what office.

Certificate of Election.

Sec. 21. Immediately after the completion of the canvass, the Recorder must make and sign a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

Council Decides Qualification of Members.

Sec. 22. A certificate of election is primary evidence of the facts therein

whole Council; and the Mayor may suspend any officer until the Council disposes of and acts upon the charges preferred against said officer.

The Qualification of Officers. Sec. 10. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment, is not a resident and voter of the city and entitled to the privileges of an elector, according to the constitution and laws of the State of Oregon, and who has not resided in the City of LaGrande for one year next preceding his election or appointment.

Qualification of Councilmen.

Sec. 11. In addition to the qualifications prescribed in the last preceding section, to be eligible to the office of councilman, a person must be a resident of the ward from which he is elected, for a period of three months prior to such election.

CHAPTER THREE OF ELECTIONS.

When Held.

Sec. 12. There shall be a general election in the City of LaGrande on the second (2d) Monday in December in each year, except as provided in section 87 of this charter.

Judges and Clerks.

Sec. 13. The council shall designate one place in each ward for holding the election therein, and shall appoint three judges and two clerks for each ward, who, previous to entering upon the discharge of their duties, shall severally take and subscribe an oath in the following form, to-wit:

"I do solemnly swear (or affirm) that I will perform the duties of a judge (or clerk) of election according to law and the best of my ability; that I will endeavor to prevent fraud, deceit and abuse in conducting the same," said oath to be administered to the judges and clerks by an officer authorized by law to administer oaths.

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stated, but the Council is the judge of the qualifications and election of the Mayor and of its own members and in case of a contest between two persons claiming to be elected to the same office, must determine the same, subject, however, to the review of any court of competent jurisdiction. In case of a tie vote for candidates for the same office, the question shall be decided by casting lots.

Contested Elections.

Sec. 23. A contested election for any city office, must be determined according to the law of the state regulating proceedings in contested elections in county offices.

Term of Office, Commencement of Oath.

Sec. 24. The term of office of every person elected to office under this charter shall commence on the 24 day of January, after the preceding election in December, except as provided in sections 86 and 87, and terminate when his successor is elected and qualified. Every person elected or appointed to office under this charter shall, before entering upon the discharge of his duties as such officer, take and file with the Recorder an oath of office, to the following effect: "I,, do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of the office of, of the City of LaGrande, during my continuance therein; So help me God." Stat. Laws Govern.

Sec. 25. All laws of the state regulating and governing general elections and proceedings and matters incidental thereto, shall apply to and govern elections under this charter, except as herein otherwise provided.

CHAPTER FOUR OF VACANCIES IN OFFICE.

How Vacant; Leave of Absence.

Sec. 26. An office shall be deemed vacant upon the death or resignation of the incumbent, or upon ceasing to possess the qualifications of an elector. The office of Mayor or Treasurer shall be deemed vacant whenever the incumbent thereof shall be absent for the period of thirty days; provided, that the Council may grant to the Mayor leave of absence not to exceed sixty days. The office of Street Superintendent, City Engineer, Recorder, Chief of Police, Water Superintendent or City Attorney, shall be deemed vacant whenever the incumbent thereof shall be absent from the city for a period of two days; provided, however, that the Mayor may grant said officers leave of absence for a period not exceeding ten days and that the Council may grant said officers leave of absence for a period not exceeding thirty days. The office of Councilman shall be deemed vacant whenever any incumbent thereof shall cease to be a resident of the ward which he represents, or shall fail to attend three regular meetings of the Council, unless absent upon leave of the council, first obtained; but a change of the boundaries of any ward shall not be deemed to change the residence of any councilman so as to create or cause a vacancy in such office.

Vacancy; How Filled.

Sec. 27. A vacancy in any office, caused by failure of any person elected to qualify therefor as prescribed in this charter, or made by or consequent upon the judgment of any court, or consequent upon any failure to elect, or qualify, or in any of the cases specified in section 26, must be filled as follows: First, in the office of Councilman by the appointment of the Council to continue until the expiration of said term. Second, in the office of Treasurer, by appointment by the Mayor, and confirmation by the Council, to continue until the expiration of said term. Third, in the office of Mayor, by appointment of the Council, to continue until his successor is elected and qualified.

Time to Qualify.

Sec. 28. An officer appointed to fill a vacancy must, within two days from the date of such appointment, qualify therefor, as in case of an officer elected, or shall be deemed to have declined, and the office considered vacant.

CHAPTER FIVE OF THE ORGANIZATION AND POWER OF THE COUNCIL.

Meetings.

Sec. 29. The Council must provide for the time and place of its regular meetings, from which it may adjourn to the next succeeding regular meeting, or to some specified time prior thereto, and it may be convened by the Mayor or by a majority of the members of the Council at any time, upon not less than twenty-four hours notice by personal service, before the meeting. There shall not be less than two regular meetings during any month.

Quorum—Compelling Attendance.

Sec. 30. A majority of the members of the Council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Rules and Records.

Sec. 31. The Council may adopt rules for the government of its members and its proceedings. It must keep a journal of its proceedings and upon the call of any two members must cause the yeas and nays to be taken and entered in its journal upon any question before it. Its delibera-

tion and proceedings must be public.

Disorderly Conduct.

Sec. 32. The Council may punish any member for disorderly conduct at any meeting, or for refusing or neglecting to attend a regular meeting without sufficient excuse therefor, and may, for sufficient cause, by a three-fourths vote, expel a member upon charges preferred and a trial had, as may be provided by ordinance; and may declare, by ordinance, for what offenses city officers may be impeached, but the Council shall constitute and be a court to try all cases of impeachment, and may provide the manner of conducting trials of the same, and shall have power to compel witnesses to attend and testify.

Annual Meeting.

Sec. 33. On the second day of January next following any general city election, except as otherwise provided in this charter, there must be a regular meeting of the Council, and such meeting is designated by this charter, and no notice thereof is necessary.

Majority of Council.

Sec. 34. The majority of the whole number constituting the council is a majority of the council or members thereof, within the meaning of this charter, and not otherwise, unless it is expressly so provided. The concurrence of a majority of a quorum in a sufficient majority to determine any question or matter other than the final passage of an ordinance or the appointment or removal of an officer.

Election of a President; Mayor Pro Tem.

Sec. 35. The Council shall choose by ballot, one of its members to preside over the Council and perform the duties of Mayor in the absence of the Mayor.

He shall be designate President of the Council, and in the absence of the Mayor from the city, or if the Mayor be from any cause unable to act or in case of a vacancy in the office of Mayor, said President of the Council shall have and exercise the power and perform all duties of the Mayor.

In the absence of both the Mayor and President of the Council, the Council shall appoint a mayor pro tem, to preside over the meeting, and during said meeting he shall exercise the power and perform the duties of mayor as presiding officer only.

Powers of the Council.

Sec. 36. The Council of the City of LaGrande has full power and authority within the City of LaGrande.

DEPARTMENT OF WAYS AND MEANS.

General Assessment of Ten Mills.

1. To assess, levy and collect taxes for general municipal purposes, not to exceed ten mills on the dollar per annum, upon all property, both real and personal, which is taxable by law for state or county purposes.

Special Assessment of Ten Mills; Poll Tax.

2. To levy and collect a special tax of ten mills upon all the property assessed by authority of the first subdivision of this section for any specific object within the authority of this municipal corporation, including the payment of any debt; but the ordinance providing therefor must specify the object thereof and the estimated amount thereof; and to levy and collect a poll tax of two (\$2) dollars upon each male inhabitant within the city between the ages of twenty-one years and fifty years, except active firemen, which tax shall be set apart for the purpose of improving and working the streets and highways within the corporate limits of the city, which shall be called a street and road fund, and to provide for enforcing payment of the same.

How City May Be Bonded.

3. To provide for the issuance of bonds by the city for any specific purpose, and to designate the manner and time for the payment thereof and the interest thereon. Whenever the City of LaGrande shall contemplate the issuance of bonds for any improvement under this charter, the Council shall, by ordinance, direct the manner in which the estimate of the cost of such improvements shall be ascertained, and such estimate shall be filed with the Recorder; and before any indebtedness shall be incurred, the Council shall cause it to be submitted to a vote of the taxpayers of the city at a special election called by the after a similar notice is given, as in case of a general municipal election, which election shall be held in a similar manner to a general municipal election; and each person who shall vote for or against the incurring of such indebtedness, shall have printed upon his ballot, if voting for such indebtedness, "For Indebtedness—Yes," and if against such indebtedness, "For Indebtedness—No." If at such election the majority of legal votes cast shall be in favor of incurring indebtedness, then such indebtedness, to the amount of the estimated cost of the contemplated improvement as submitted to the voters, may be incurred; provided, that such vote may be taken at any regular election. It shall be the duty of the Mayor to procure blank bonds of suitable design and cause the same to be properly filled out in amounts of One Hundred Dollars (\$100.00) each, and any multiple thereof up to One Thousand Dollars (\$1000.00) each, which bonds shall be made payable in twenty years or less, as the Council may by ordinance determine; and said bonds shall draw interest at a rate not to exceed five per cent, per annum, such rate to be fixed by the Council by ordinance, and interest on said bonds shall be payable semi-annually. Said bonds shall

be placed in the hands of the City Recorder and said City Recorder shall keep a register in which shall be entered by him the number and amount of such bonds, the date of the issue thereof, and the name of the person to whom issued. Each of said bonds shall be signed by Mayor and Recorder under their names and offices, and the Council shall also provide for the payment of the expenses of making any estimates thereunder, the time and manner in which any and all improvements thereunder shall be made, and the manner in which said bonds shall be disposed of; and provided, further, provided for in this section, any person over the age of twenty-one years, that at all special elections for the purpose of creating any indebtedness, who is a citizen of the United States, or shall have declared his or her intention to become such, and who has resided in the State of Oregon for six months, and within the corporate limits of the City of LaGrande for three months, next preceding such election, and who has property therein liable for the payment of a state or county tax and not exempt from taxation by the general laws of the State of Oregon, shall be entitled to vote at such election, and not otherwise.

License on Occupations and Amusements.

4. To license, tax and regulate brokers, auctioneers, taverns, hawkers, peddlers, pawn-brokers, wash-houses, laundries, bill-posters, places of public amusement or entertainment, including theaters, operas, exhibitions, shows and the like, hotel and restaurant keepers and runners, dealers in second-hand articles or merchandise, the keeping of billiard tables, bowling alleys and shooting galleries, and such business and professional callings and employments as the public good may require to be licensed, taxed, or regulated, and such as are not otherwise prohibited by law; and for the purpose of this charter, to define and declare what constitutes any of such professions, callings, employments or such places of amusement or entertainment.

Team and Transfer Licenses.

5. To license, tax and regulate livery or boarding stables, hacks, cabs, hackneys, carriages, wagons, carts, trucks, drays or other vehicles used for transportation of persons or passengers, or goods, wares, or merchandise, earth, rock, building material or other articles, within the limits of the city, and to prescribe the rates to be charged for such transportation.

Saloon Licenses; Offensive Callings.

6. To license, tax, regulate and restrain barkeepers, saloonkeepers, dealers in and manufacturers of spirituous, vinous or malt liquors and places where such liquors are kept for sale, or in any manner disposed of, and the sale and disposal thereof; all offensive and dangerous trades, employments or businesses, and for the purpose of this charter, to define and declare who is a barkeeper or dealer in spirituous, vinous or malt liquors, and what is a barroom, drinking shop or place where spirituous, vinous or malt liquors are kept for sale or disposal of; and what are offensive or dangerous trades, employments or businesses; but this subdivision does not empower the City of LaGrande to declare a trade, employment or business offensive or dangerous contrary to the common understanding of the subject, nor to authorize any one to do any act or engage in any business contrary to the law of the land, and to require bonds to be given by the proprietors of the businesses mentioned in this subdivision with sufficient sureties, conditioned not to keep, allow or permit a disorderly house, and to cancel and revoke any such license, in their discretion; provided, that no state or county license shall authorize any person to engage in or conduct any business or anything in this or the two preceding subdivisions enumerated, within the said city, unless a license is first obtained from said Council, and the Council may provide a penalty therefor.

Jails and Other Public Buildings.

7. To purchase sites for public purposes and provide for the erection of city jails, houses of correction, work houses and any other public buildings, and for the government and management of the same.

Selling Property for Taxes.

8. To purchase, take and hold real property when sold for delinquent tax or assessment levied or imposed under the authority of the City of LaGrande and to sell the same.

Manner of Levying Assessments.

9. The manner in which all special assessments for any of the purposes provided for in subdivisions 27, 37 and 38 of this charter shall be made as follows: The Council shall appoint three Commissioners to consist of its own members, which said Commissioners shall make an examination of all property upon which said assessment is to be levied, as to the valuation and extent, if any, of the benefits to be derived by said property by reason of the said improvements. Said Commissioners shall then make their report to the Council in writing. After receiving said report the Council shall, before the levy of any special assessment for any improvement, give personal notice for ten days, or in the absence of any property owner, agent or person in charge of said property, by publication in a daily newspaper in said city, for a period of ten days to either the owner, agent or person in charge of said property against which said assessment is to be made, of its intention to levy said special assessments, naming the purposes for which special assessments are to be levied, a description