

POINTS IN PROPOSED CHARTER EXPONDED BY MAYOR STODDARD

Now that the new charter is before the people, and on which a vote will soon be taken, I deem it proper and fitting that reasons be given why a new charter is necessary and why this proposed charter very nearly meets the requirements of our city at this time.

CONFLICTS AND OMISSIONS

In messages and communications heretofore published many reasons have been advanced showing why a new charter is positively required in order to put our city in the class to which it belongs.

First, take the question of the fourth ward created two years ago. When this ward was created no provision was made for the election of councilmen. Two councilmen were elected, however, last March since the offices had not been created by law, but were prohibited by the charter in these words:

"And thereafter the council should have but six members".

"Hereafter" means after the election of 1892. Now the question arises are the councilmen of the fourth ward legally elected and can they rightfully act as councilmen.

Have they authority to bind the city? Suppose their votes should be thrown out on an ordinance or an important matter involving the city's credit, will the people then be convinced that we need a new charter?

The courts construe charters strictly according to the meaning of the words. Judge Eakin decided against the city in the stray pound case and laid down the law that the charter and ordinances must be construed strictly against the city. One of the main objects of desiring a new charter is to put the city in a legally sound position.

Section 8 of the old charter requires a majority of the whole council to elect an officer while section 35 says a majority of a quorum can elect.

Section 8 again prescribes that any officer of the city may be removed by a majority vote of all the members of the council and officers as defined in this section includes the mayor and councilmen, yet in section 31 a two-thirds majority is required to remove a councilman.

Sec. 22 says an officer elected by the council must qualify in two days while section 27 says 3 days.

Section 35 gives council power to levy an annual tax of 20 mills yet section 130 limits the tax to 15 mills.

There is a redundancy and repetition of words and phrases to such extent that the same propositions are stated from two to four times in exactly the same or similar language.

There are thirty sections in this old charter that are outlawed or obsolete on account of the assessment and collection of taxes for cities having been transferred to county officials.

Thirty-three sections have been repealed from section 67 to 100 and this gap in numbers has not been filled up.

The forging defects have been corrected in the new charter that will be submitted to the people of La Grande.

CHANGES AND COMPARISONS

The new charter prescribes how additional territory may be annexed to the city and new wards created. There is nothing in the old charter on this subject.

It is doubtful if the present charter prescribed how the councilmen shall be elected alternately every year for a two years term, the proposed charter covers this point fully.

It is proposed that the mayor shall appoint all city officers subject to confirmation by the council. The council has power to remove but the mayor may suspend an officer until the council acts upon and disposes of the case.

The term of residence of an officer in the city is changed from six months to one year.

The marshal and recorder are made appointive officers.

The term of mayor and treasurer is changed from one to two years.

The election day is changed to second Monday in December.

The ordinances and notices may be posted as well as published. The old charter does not provide for posting.

Ten voters of each ward are required to sign petitions for the nomination of mayor and treasurer.

The fiscal year of the city is the same as a calendar year.

All offices become vacant in a shorter time and a more strict accountability is required.

There shall not be less than two regular meetings each month.

The council has full power to try impeachment cases and compel the attendance of witnesses. There is no power in the present charter.

A president of the council is provided for who is acting mayor in the absence or disability of the mayor.

The bonding question is fully prescribed

so there can be no mistakes made in directions are followed.

In the matter of street, sewer and other improvements the council can proceed in a direct and expeditious manner without violating any person's rights. The assessments are to be made direct against the property benefited and the whole city is not taxed to improve any particular locality as is the case in the old charter.

The council has fuller power to abate nuisances, to regulate disorders, to protect against fire, to prevent cruelty to animals or children and to provide for the care and education of children that would otherwise become vicious.

The mayor's veto power is extended to resolutions and contracts for the payment of money.

The mayor must sign and the recorder attest all contracts in writing and all instruments that are required to be acknowledged and recorded.

The recorder is no longer ex officio justice of the peace.

A more strict accounting and presentation of bills is required and all accounts must be balanced at the end of each month.

The assessment and collection of taxes conforms to the laws of the state which is not the case in the present charter.

The method of procedure in making assessments and collections for street and other improvements is fully set out.

The council raised the limit for which the city may be bound without a written contract up to \$250.

The city is not exempt from its own just liabilities for damages.

Taxation is limited to twenty mills, contracts to three years, bonds and long time contracts to twenty years. Franchise to twenty-five years, indebtedness on warrants \$25,000 and bonds authorized by majority vote of the legal voters.

The city is to be put on a cash basis and the council is prohibited from issuing warrants in excess of the income during any fiscal year.

Succession in office and to the property and rights of the city are fully provided.

According to the amendment to the constitution of the state of Oregon adopted last June the people of every incorporated city or town are given the exclusive authority to adopt and amend their own charters, therefore, there must be added to this new charter before it is adopted by the people. A method of procedure whereby the people may propose amendment to be voted on at any regular election. The referendum must be exercised by the people before this proposed charter goes into effect and the initiative on amendments cannot be denied, therefore this initiative on amendments must be incorporated in the charter before its adoption.

ENDORSEMENTS, PRECEDENTS AND AUTHORITIES

This proposed charter has been under contemplation for two years past; it has been in process for five months.

A special character and ordinance committee was appointed to formulate a charter with full power to employ such clerical or legal talent as might be needed.

This committee had access to all manner of forms and charters of other cities and selections were made that were considered least adapted to our city. For several weeks these matters were threshed out, revised re-arranged; skeleton drafts made from notations and then a full draft was type written.

The council took the draft prepared by the committee and in some instances revised, amended and changed so that the original text was almost lost. It was adopted by a unanimous vote of the council.

The Commercial Club offered some amendments which were adopted in all their essential features, and the Club endorsed the charter as it now stands and recommended its adoption by the voters.

In preparing this charter the forms and provisions of the charters of cities the size of La Grande and larger were used.

Precedents were followed that have universally been conceded and accepted as containing the best forms for a Republican form of government. The history and development of municipal governments was investigated and those forms were used by the committee that experience has proven to be the best.

Some things are in this new charter that do not appear to be in any others but in each instance they will protect the interest of the people and city.

It appears that the main objections raised against the adoption of this charter are the appointment and confirmation of officers, making the offices of the marshal and recorder appointive instead of elective, and the increase of the Mayor's term to two years.

We searched for precedents and authorities on these points and the preponderance favors the system that has been

adopted.

When towns are small the term of the Mayor is one year but as they grow in size the term is increased till in some large cities the term is four years.

A one year term even at the present time does not give an executive opportunity to become posted in the city's affairs he ever be so diligent. It is not time enough to inaugurate a line of policy and work it out, even in part, to a consummation.

The councilmen have a two years term why not the Mayor?

Our national and state governments give the executive a four years term and the lower legislature branch a two years term and there is reasons for this and the same reasons apply to a city especially as it grows in size and its affairs become complicated.

Now as to the appointive power, the majority rule is carefully preserved and this is the very essence of a republican form of government. Read carefully sections 8 and 9 and see if any sacred doctrine of democracy has been violated.

On the question of the appointment of a chief of police and recorder. In the executive branch there should be no division of authority. This is universally conceded and put into practice in all the organizations of men, political commercial or social.

You could not run a crew of men on any kind of a job without a foreman, superintendent, manager, governor, president or some boss or executive whose right it is to give orders in his sphere.

I quote from Commissioner of Labor for Oregon in his annual report page 8 wherein he is discussing the organization of Labor unions. He says: "History has proven that in war, politics or business concentration under wise leadership is essential to success—scattered forces mean failure."

Dillon municipal corporations is accepted as the highest authority. He says in vol 1, Sec 15. "Experience with us has demonstrated the necessity of more power and responsibility in the execution head of our municipal institutions. If the office of Mayors were clothed with dignity and real authority; if he had sole power to appoint and remove subordinate officials then the citizens could justly demand of him that he should be individually responsible, and if grievances exist they could apply to him for remedy.

The authorities and precedent are all on the side of the executive being the head of his department with ample power to require good service from all the subordinate officers.

There is, in theory, no objection to the appointment of the recorder on the ground that a court is a co-ordinate branch of a republican form of government and equal in power and authority to either the legislature or executive branches.

While this is true the founders of the government of the United States made all the judges appointive from the supreme justice down.

They did not think any true principal of democracy was violated.

Besides "The recorder of the city of La Grande" is the official title of this office.

There is no office of police judge created. The duties of recorder cover several offices such as they have in a large city. He is auditor, clerk of the council, recorder, collector of water rents and police judge, in all he holds five offices because it is necessary to double up in a small city.

His duties as police judge do not occupy more than one tenth of his time and that office should not overshadow all the others even if a police judge should be elected as claimed.

Some go so far as to say they favor the election of all officers even down to scavenger.

If such people were running the government of the United States they would burden the elective ticket with all the soldiers and marines, all the officers in the different ranks of the army and navy and all the clerks at Washington, and in all the cabinet and diplomatic departments they would require each one to get his job thru the popular ballot.

CONCLUSION

The most efficient government or other organization is the one that acts the most direct.

Authority must be concentrated in one person sufficient to make the execution of the laws possible.

This charter ought to be adopted. We need it and need it badly in fact we can't run safely without it.

It is a good and well prepared instrument.

It has been unanimously adopted by the council, your representatives from all parts of the city. The Commercial Club recommends its adoption and this club is a representative body of citizens.

Four of the leading attorneys of La Grande have past upon it and have declared it legally sound.

It is abreast of the times, strictly up to date, and one of the best charters ever devised for a city of this size.

It will have cost you for typewriting and publication \$87-50 and many charters not as good as this have cost \$500, 00 and upwards.

Your elected servants have labored long, diligently and without pay, nor have we paid any others except the typewriter and the publisher, in order to get this charter before you, and with the power vested in you on a referendum vote.

We earnestly hope you can see your way clear to endorse our work.

J. B. STODDARD, Mayor.

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