

# PROPOSED CHARTER PRESENTED IN PARTS TO LEGAL VOTERS

For the benefit of legal voters who may not have time to devote careful study to the proposed charter, the Observer will from time to time present sections of the proposed commission form of government. In this way the

voters can absorb portions of the charter each day and probably become additionally acquainted with the provisions of the document. Today presents the first installment:

## AN ACT TO PROVIDE A CHARTER OF THE CITY OF LA GRANDE, IN THE COUNTY OF UNION, AND THE STATE OF OREGON.

BE IT ORDAINED by the People of the City of La Grande, Union County, Oregon, and the City of La Grande DOES ORDAIN AS FOLLOWS:

### CHAPTER I. OF THE INCORPORATION.

#### Creation of Body Politic and Corporate:

Section 1.—The inhabitants of the City of La Grande, 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 LA GRANDE; 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 and receive property—real and personal—within the said city, for public buildings, public works, 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 the said city; and may purchase, hold and receive property, both real and personal, within or beyond the boundaries of said city to be used for city parks, for burial purposes, hospitals, pest houses, prisons, work houses, powder houses, for the erection of water works and the establishment and maintenance of a water system, for a sewer system and disposal plant, 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 invest 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 La Grande as heretofore created, established and bounded, shall, upon the adoption of this charter, become the property of and vested in the City of La Grande, 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.

#### Corporation Limits of the City.

Section 2. The corporate limits of the City of La Grande shall be as follows: beginning at the southeast corner of Section seven, in Township three south, Range thirty-eight east of the 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 "Z" Avenue, in Riverside Addition to the said City of La Grande; thence west to the center line of Umatilla Street, in said Riverside Addition, and thence north on the center line of said avenue 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 the 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 of the Willamette Meridian; thence south along the center of the county road one-fourth mile; thence east one-fourth mile, thence south three-fourths of a mile to the section line; thence east to the center of North Willow Street, in Honan's Addition to the City of La Grande; thence south along the center line of said North Willow Street to the junction of said street with Willow Street, in Coggan's Second Addition to the said City of La Grande, and thence southwesterly on a line with the said 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 of the 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.

#### Changing Boundaries and Annexing Territory.

Section 3. The boundaries of the City of La Grande may be altered and new territory included therein, after proceedings had as required in this section. The Board of Commissioners of the City of La Grande, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of said City, as shown by the vote cast at the last general City election held therein for the office of Commissioner, may submit the question to the electors of said City, and to the electors residing in the territory proposed by such petition to be annexed to the City and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and the Commissioners of the City of La Grande shall give notice thereof, by publication in a newspaper of general circulation in the City of La Grande, and in such territory so proposed to be annexed, for a period of four weeks prior to such election, also, by posting notices thereof in four public places within the City of La Grande as well as in four public places in the territory proposed to be annexed, for a like period. Such notice shall distinctly state the proposition to be so submitted, and shall designate especially the boundaries of the territory so proposed to be annexed, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "annexation," "yes," or "annexation," no, or words equivalent thereto. The Board of Commissioners of said City shall also designate the place or places at which the polls will be open both within the City and in such territory proposed to be annexed, which places shall be those usually used for such election within the City and also such places commonly used within the territory proposed to be annexed, if any such there be, and shall also appoint and designate in such notice the names of the judges and clerks of such election, together with the hours of holding the same. The Board of Commissioners shall meet on the Monday next succeeding the day of such election at one o'clock in the afternoon and canvass the votes cast at such election. The votes cast in such territory so proposed to be annexed shall be first canvassed, and if it shall appear upon such proceeding that a majority of all the votes so cast in such territory are in favor of annexation, then the votes cast within the City shall be next canvassed; and if a majority thereof are also found to be in favor of such annexation, then the Board of Commissioners shall, by an order entered upon its records, declare such annexation and cause the Recorder of said City to make and transmit to the Secretary of State a certified description of such annexed territory and an abstract of such vote which shall show the whole number of electors voting in such territory, the whole number of electors voting in the City, the number of votes cast in each both for annexation and against annexation. From and after the date for filing such abstract, such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of the City of La Grande. The judges and clerks before entering upon the discharge of their duties at such election shall fill their vacancies if any and qualify in the same manner as such officers so qualified at City elections.

#### City Precincts.

Section 4. For general purposes the City of La Grande is hereby divided into four precincts, designated and described as follows: Precinct Number One shall include all that part of the City limits lying south of a due east and west line through the center of "L" Avenue from the west line of the corporate limits to the eastern boundary thereof; Precinct number Two shall consist of that part of the City lying north of the center line of the railroad track of the Oregon and Washington Railroad and Navigation Company's main line; Precinct number Three shall consist of that part of the City lying north of the center line of the railroad track of the City of La Grande, and Precinct number Four shall consist of that part of the City lying north of the track of said railroad's main line, and east of Fourth Street of said City. The Commissioners, however, may change the boundaries

of said precincts as the population may require or shall be for the best interests of said City.

### CHAPTER II. OF THE GOVERNMENT OF THE CITY. Power and Authority, in Whom Vested.

Section 1. The power and authority given to the Municipal Corporation of the City of La Grande by this Charter is vested in and shall be exercised by a COMMISSION, composed of three members, and their successors in office, who shall be elected at large by the qualified voters of the City of La Grande.

#### Appointment of Officers.

Section 2. This Commission shall appoint at its first yearly meeting, and keep in office a General Manager, and a Municipal Judge, whose tenure of office shall each be subject to the discretion of the Commission and each of them may be removed by the Commission with or without cause.

#### Subordinate Officers and Employees.

Section 3. There shall be constituted the following officers, in addition to the General Manager and Municipal Judge, viz.: City Recorder, Treasurer, City Attorney, Chief of Police, Chief of Fire Department, City Engineer, Superintendent of Water System, City Health Officer and Street Superintendent and such other subordinate officers and employees deemed necessary in the government and management of the City of La Grande. The tenure of such officers and employees outside of that of General Manager and Municipal Judge shall be subject to the appointment and discretion of the General Manager, and each of them may be removed by such General Manager with or without cause.

### CHAPTER III. ELECTIONS.

#### General Elections.

Section 1. There shall be a general City election held in the City of La Grande on the second Monday of December in each year, at which election all elective officers provided for by this Charter shall be elected, and all initiative, referendum and other matters submitted by the Commission of the City of La Grande to the electors of said City at such election shall be voted upon.

#### Special Elections.

Section 2. Special elections may be called by the Commissioners at such times as they shall designate and shall be governed by the requirements of this chapter the same as general elections.

#### Judges and Clerks of Elections.

Section 3. The Commission shall designate one place in each precinct for holding the election therein, and shall appoint three (3) judges and two (2) clerks for each voting precinct, who, previous to entering upon the discharge of their duties, shall each take and subscribe an oath in the following form, to-wit:

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

#### Notice of Election.

Section 4. The City Recorder, under the direction of the Commission, shall give ten (10) days' notice by publication in a newspaper designated by the Commission, or by posting notice thereof in three public places in each voting precinct of such general election, the officers to be elected, the measures, if any, to be voted upon, and the places designated for the holding of the election, and the names of the judges and clerks appointed for the same.

#### Qualifications of Electors.

Section 5. No person shall be qualified to vote at any election to be held under this Charter, who does not possess the qualifications of elector within and under the laws of the State of Oregon, and who has not resided within the City of La Grande for the three (3) months next preceding such election, as well as in the voting precinct in which he offers to vote at least ten (10) days next preceding such election, and who has not duly registered according to law.

#### Registration of Voters.

Section 6. The provisions of an act entitled "An Act to Provide for the Registration of Electors, Regulating the Manner of Conducting Elections, Providing for the Prevention of and Punishment for Frauds Affecting the Suffrage and to Prevent Illegal Voting"—approved February 17, 1899, of the Statutes of Oregon, shall apply to elections held under this Charter, except as herein otherwise provided. No person who has registered for the preceding county election under the statutes and has not changed his residence need register again for a city election if in the proper voting precinct. The City Recorder shall keep open proper registration books, lists, etc., for a period of twenty days immediately preceding and including the day of each annual city election and during such time shall register all persons, who since the registration books were last closed, have become eligible to vote at such election, or who, being entitled to vote, have failed to register, and shall enter changes of residences occurring since the last registration of all persons who shall apply therefor. Such Recorder shall send to the several voting precincts its precinct register as provided and the same shall be used by the judges and clerks at each election held under this Charter.

#### Time of Voting.

Section 7. All elections, special, in the City of La Grande, shall commence at eight o'clock in the morning and continue until seven 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 election may appoint another in his place. If all the judges fail to attend, the legal voters present at any polling place may appoint others in their stead.

#### Preferential System of Voting. Ballots.

Section 8. The City Recorder shall cause ballots for general and special elections to be prepared, printed and authenticated. The ballots shall contain a complete list of offices to be filled and the names of the candidates nominated therefor. When the number of candidates is more than three times the number of offices to be filled, each voter shall have the right to vote for as many first choice candidates as there are offices to be filled, and may have third choice candidates when it becomes necessary by reason of the number of candidates, to obtain a majority election. The form of ballot shall be substantially as follows:

#### GENERAL (OR SPECIAL) MUNICIPAL ELECTION CITY OF LA GRANDE. (Insert Date of Election.)

Instructions:—To vote for any person, make a cross (X), in a square to the right of name. Vote your first choice in the first column; your second choice in the second column and your third choice in the third column. Do not vote more than one choice for any one candidate. All distinguishing marks make the ballot void. If you wrongly mark, tear or deface ballot, return it and obtain another from the election officers. If any voter shall vote more than one choice for any one candidate the vote highest in grade shall be counted and others rejected.

Names of Candidates	First Choice	Second Choice	Third Choice
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

#### REFERENDUM MATTERS TO BE VOTED UPON APPEAR HERE.

When the number of candidates is more than twice the number of offices to be filled, and not more than three times the number of offices to be filled, the ballot shall give first and second choice columns only; and in such case the voter shall have no third choice and the instructions on the ballots shall be modified accordingly. When the number of candidates is not more than twice the number of offices to be filled only one column for marking shall appear, and in such case no second choice shall be allowed the voter.

#### Requirements of Ballots.

Section 9. All official ballots used at any election shall be identical in form and of white paper, and space shall be provided on the ballot for charter amendments or other questions to be voted upon at such municipal elections. The names of candidates shall be arranged on the ballot in the order in which the nominating petitions were filed; nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any party or political designation or mark, (but words not exceeding twelve indicating his views on strictly municipal questions or issues—may be). Sample ballots upon paper of different color, but otherwise identical with the ballot to be used at the election, shall be posted on day of election and be had at the polls for use of registered voters.

#### Nominations.

Section 10. All general municipal elections shall be held and can-

didates therefor shall be nominated in accordance with the general election laws then in force of the State of Oregon, or any amendments thereof, except as in this Charter otherwise provided. And provided, that certificates of nominations made by individual electors shall be signed by not less than ten (10 per cent) per cent of the total number of electors voting at the last preceding city election, and provided further, that all certificates of nominations shall be filed with the Recorder of the City of La Grande not less than ten (10) days before the day fixed by law for said election.

#### Qualifications of Judges and Clerks.

Section 11. Judges and clerks of election shall possess the qualifications of voters of the precincts in which they preside, but a mistake or error in this respect or failure to give notice for the full time required herein shall not invalidate any election otherwise legal.

#### Election Canvass.

Section 12. On or before two (2) days after the election the returns thereof shall be filed with the City Recorder, and on the fourth day after the election, or sooner if the returns of all the voting precincts are in, the City Recorder shall call to his assistance two electors, who are not candidates for election to any City office, and they shall canvass the returns of the election.

#### Statement of Returns.

Section 13. A written statement of the canvass of the vote at any City election shall be made and signed by the canvassers or a majority of them, and filed with the City Recorder within the time appointed to complete the canvass and said statement shall be entered by the City Recorder at large in the proper records of said City, to be kept for such purpose. Such written statement must contain the whole number of votes cast at such election; the number given for each person for any office, and the names of the persons and the offices to which they were elected, and also, the number of votes cast for or against any measure submitted by the Commission to such election.

#### Certificate of Election.

Section 14. Immediately after the completion of the canvass, the City 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; and also shall make and sign a certificate of the result of any initiative or referendum measure, and declare whether the same was carried or defeated, and deliver said certificate to the Commissioners forthwith.

#### Election Contests.

Section 15. A certificate of election is prima facie evidence of the facts therein stated and in case of a contest between two persons claiming to be elected to the same office, the right to the office shall be determined by an action at law in the same manner as contested elections to any county office, are determined. In case of a tie vote for candidates for the same office, the right to the office shall be decided by casting lots.

#### Election Under This Charter.

Section 16. The first election under this Charter shall be held within twenty (20) days after the same is adopted by the electors of the City of La Grande at a special election called for that purpose. Said first special election shall be held and notice given thereof under the direction of the Recorder of the City of La Grande, then in office, in the manner prescribed by this Charter for the holding of general and special elections. Every person elected or appointed to office under this Charter, before entering upon the discharge of his duties as such officer, shall qualify by taking and filing with the said Recorder an oath of office in the following form: "I, ....., do solemnly swear 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 La Grande, during my incumbency thereof." And he shall execute and deliver to the Recorder of the City of La Grande, whenever required by Ordinance or Resolution, a bond conditioned as may be required by this Charter, or the Commissioners, and in such sum as they may require for the faithful performance of the duties of his office, with good and sufficient surety or sureties to be approved by the commissioners. A bond given with a competent surety company may be accepted.

#### State Laws.—When May Govern.

Section 17. All laws of the State of Oregon regulating and governing general elections and proceedings and matters incidental thereto shall so far as applicable govern herein except as otherwise provided by this Charter.

### CHAPTER IV. OF VACANCIES IN OFFICE.

#### When Vacant; Leave of Absence.

Section 1. The office of Municipal Judge as well as appointive offices shall be deemed vacant whenever the incumbent thereof shall be absent from the City for three (3) days or by death or resignation or upon his ceasing to possess the qualifications required; provided, however, that the Commission may grant leave of absence to any member of the Commission or to such General Manager or Municipal Judge for a period not exceeding thirty (30) days at one time; and the General Manager may grant leave of absence to any other officer of the City appointed by him, for a period not exceeding fifteen (15) days at any one time; provided no officer shall draw compensation while so absent.

#### Time of Appointment to Qualify.

Section 2. An officer appointed to any office, including an appointee to fill a vacancy, must within two (2) days from the date of such appointment qualify therefor or he shall be deemed to have declined the appointment, and another appointment shall be made as provided for by this Charter.

### CHAPTER V. OF THE COMMISSION.

#### Qualifications.

Section 1. No person is eligible to the office of Commissioner who, at the time of his election is not a resident and legal voter of the City of La Grande, 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 La Grande for one year next preceding his election. Before entering upon his duties he must take and file with the Recorder an oath of office.

#### Term of Office.

Section 2. The term of office of the Commissioners shall commence on the second day of January after the preceding election in December, unless the same fall on a legal holiday, when his term shall commence the next day and continue for three years, and until his successor is duly elected and qualified; except that at the first election under this Charter there shall be elected one Commissioner for the term of one year, one Commissioner for the term of two years and one Commissioner for the term of three years.

#### Organization of Commission.

Section 3. The Commissioners shall elect one of their number Chairman, at their first meeting in January, who shall be designated and known as the President of the City of La Grande. In case of vacancy as Chairman, such vacancy may be filled at any time by them. He shall preside at all meetings of the Commission, provided, that in his absence or inability to act then the Commissioners shall choose a chairman pro tem. from among their number. The Chairman as such President of the City of La Grande shall approve and sign all rules, resolutions and ordinances adopted by the Commission in the manner hereinafter described. The term of such Chairman shall end with the year in which he is elected.

#### Compensations.

Section 4. The Commission shall hold a regular meeting once every week and for each regular meeting actually attended by him each Commissioner shall receive not more than \$5.00 for his services.

#### Vacancies.

Section 5. The office of Commissioner shall be deemed vacant upon the death or resignation of the incumbent or upon his ceasing to possess the qualifications of an elector, or upon absenting himself from the City for a period of thirty days, unless granted a leave of absence, or if he shall fail to attend three successive regular meetings of the Commission. A vacancy in the office of Commissioner shall be filled by election by the remaining commissioners within thirty days after the vacancy occurs, and if said commissioners shall fail to fill said vacancy during said thirty days, the Recorder of the City of La Grande shall call a special election within twenty days thereafter, giving notice in the manner provided for the holding of a general City election and the judges and clerks of election appointed for the last preceding election shall be the judges and clerks of election shall be filled in the manner prescribed at a general City election. At said special election a new Commissioner shall be elected to fill said vacancy; provided further, that if a vacancy in the office of Commissioners occurs within two months immediately preceding the time of a general City election, not filled by the remaining Commissioners, then the vacancy shall not be filled until such regular City election; provided that any Commissioner so appointed or elected

(To Be Continued.)