

PROPOSED CHARTER PRESENTED 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 sixth installment.

(Continued from Tuesday's Daily.)

take effect at a time to be therein specified, and shall continue in force until modified or abrogated by the Commission or modified, suspended or set aside by the decree or judgment of a court of competent jurisdiction.

(c) Whenever any person or corporation against whom any rule, order or regulation is directed, as provided by the foregoing subdivision shall believe an order to be unjust or unreasonable, he or it may test its justice or reasonableness by a proper action in the courts commenced within thirty (30) days after service of any such order, rule or regulation, and in such action such further order may be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

Franchisees Subject to the Provisions of This Charter.
 Section 9. Every franchise hereafter granted shall be expressly subject to all the provisions of the foregoing sections and the power of control and regulation as authorized by such sections cannot be limited, divested or granted away. Subject to the initiative and referendum such power of control and regulation shall be exercised by the Commission and may be exercised by the Commission through its agents.

Franchise Deemed as Property.
 Section 10. Every franchise granted under this Charter shall be taken and deemed as property and shall be subject to taxation as property.

Limitation as to Time.
 Section 11. Franchises may be granted for a limited time in and upon the streets, highways and public places and property of the City of La Grande, in the manner and subject to the conditions hereinafter contained.

No Exclusive Franchise Granted.
 Section 12. No exclusive franchise shall be granted nor shall any franchise, lease or right be granted for a longer period than twenty years.

Franchise—What to Contain.
 Section 13. Every franchise granted by the City of La Grande shall contain full and explicit statements of its conditions in the following particulars:

(a) In case of railroads and street railways it shall specify plainly the streets or other places or parts thereof to which they apply. Any other franchise shall state the boundary of the district or districts within which they shall be exercised.

(b) The amount and manner of payment of the compensation to be paid by the grantee for the right. The Commission shall make an estimate of the cash value of any franchise upon the filing of the application, or an estimate of what it may consider fair compensation to the City for the franchise, and the same shall be entered upon the minutes of the proceedings of the Commission and published with the published copy of the franchise. In lieu of a money valuation the Commission may at its option declare what will be a reasonable reduction of fares, rates or charges, either at the beginning or progressively from time to time, to be made by the grantee in compensation for the grant.

(c) The time of beginning the construction or other work thereunder, the estimated total cost of such work, the monthly or yearly sums of money to be expended thereon, and in case of franchises to transportation companies or other franchises covering certain streets or portions of streets, the time within which the work under such franchise shall be completed upon such streets or portions of streets respectively.

(d) Every grant of a franchise which provides for or permits the changing of rates, fares or charges shall contain a provision fixing the maximum that the holder can collect for services rendered by virtue of said franchise and the operation of the plant or property thereunder; subject, however, to the power of regulation prescribed in this Charter. Rules, however, shall always be uniform to all persons of like classes under similar circumstances and conditions.

(e) Every franchise shall be embodied in an ordinance, which shall contain all the terms and conditions of the proposed grant, and shall be filed with the Recorder. Thereupon such proposed ordinance shall be published in full once in City Official Newspaper and given full publicity as may be under the circumstances, a notice prepared by the Recorder, that an application has been made for a franchise, giving the name of the applicant, the character and location of the proposed grant, and requesting any person having any objections to such proposed franchise or any provisions thereof to file the same in writing with the Recorder within twenty days from the first publication of such notice. If such request is made therefor, the Commission shall fix a time for a hearing upon such objections and give reasonable notice of the time thereof and upon such objections and notices shall be at not less than five days. All such publications and notices shall be at the expense of the applicants for such franchises. Such ordinances shall not come up for first reading until after the expiration of the said twenty (20) days. If such ordinance shall be amended, it shall be republished in the City Official Newspaper in full as amended. No such ordinance granting a franchise shall be put on its final passage within thirty (30) days after the first reading nor within twenty (20) days after any amendment thereto, and the affirmative vote of three Commissioners shall be required to pass the same.

(f) The enumeration and specification of particular matters which must be included in every franchise granted shall not be construed to impair the right of the City to insert in such franchise such other and further conditions and restrictions as the Commission may deem proper for the public welfare.

Franchise Not to Be Sublet or Leased.
 Section 14. No franchise shall be sublet or assigned, nor shall any of the rights or privileges thereby granted or authorized be leased, assigned, sold or transferred without the consent of the City of La Grande expressed by ordinance which shall be subject as other ordinances to the referendum.

Franchise Conditions.
 Section 15. Every franchise granted by the City of La Grande shall be subject to the conditions and restrictions hereinafter provided, to-wit:

(a) That the City may in any lawful manner and upon the payment of a fair valuation lawfully ascertained, purchase, condemn, acquire, take over and hold the property and plant of the grantee in whole or in part; if such purchase or taking over be at the expiration of the term of the franchise, such valuation shall not include any sum for the value of the franchise or grant under which such plant and property is being operated.

(b) That upon payment by the City of La Grande of a fair valuation as above stated, the plant and property so acquired shall become the property of the City without formal execution of any instrument of conveyance, provided, however, the City may at its option compel the execution to it of an instrument of transfer and conveyance.

(c) That upon the acquisition of any such plant or property the right of the holder of any such franchise pursuant to which such plant or property was operated shall cease and determine, and the acquisition by the City of any such property or plant shall operate to divest the holder of any such franchise of all right, title and interest therein.

(d) No franchise shall be granted without fair compensation to the City therefor, either by way of direct payment or by reduction of rates, fares or charges, and in addition to the other forms of compensation to be therein provided, the grantee may be required to pay annually to the City such part of its gross receipts as may be fixed in the grant of said franchise. This provision shall not exempt the holder of the franchise from any lawful taxation upon its property nor from any license, charge or imposition not levied on account of such use.

(e) Every franchise and all things constructed thereunder or used in connection therewith, other than rolling stock and power, shall be subject to common use by any person or corporation, including the City, operating a similar public utility whenever it shall be advantageous to the public, upon payment or tender of fair compensation for such use. The compensation for the franchise itself shall be payable only to the City and not to the holder of the original franchise. The Commission shall have power to determine what is a fair compensation and to regulate the manner of such use subject to judicial review, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the court such sum as the court on a preliminary hearing may determine. Such compensation shall

not include any remuneration for the franchise or rights conferred by the City, except that the new user may be required to pay a ratable part of any tax or public charge imposed upon the original grantee by reason of such franchise in addition to such other payment to the City as the Commission may deem equitable.

(f) The holder of the time being of any franchise to construct or operate railways in the streets or public places shall keep those portions of streets or other places occupied by such holder, in good repair, or order, as required by the Commission, and shall improve, pave, or repair and maintain from time to time in the manner and within the time directed by the Commission, that portion of the street occupied by them lying between the rails of the track and extending one foot outside of such rail and the portion of the streets lying between the tracks. In addition, any franchise granted to any street or other railroad, for the operation thereof, may provide that the holder thereof, for the time being shall pave, repave and keep in repair at the time and in the manner required by the Commission and street or part thereof used pursuant to such franchise for the whole or any part of the entire width of the street. Failure or neglect upon the part of any holder of a franchise to do the work in the manner and within the time required by the Commission shall constitute an offense punishable by a fine of not less than Ten Dollars nor more than One Hundred Dollars for each and every day such refusal or neglect shall continue.

Franchise; Owners of, to File Statements.
 Section 16. Within ninety (90) days after this Charter shall take effect, the holder of any franchise shall file with the Recorder a full and correct statement of the franchise, rights and privileges owned or claimed to be owned by him or it, and shall designate the same by numbers and titles of the ordinances by which such franchises were granted, and any holder of any franchise, on failure so to do, shall be guilty of an offense punishable by a fine of not less than Ten Dollars and not more than One Hundred Dollars per day while such refusal or neglect continues.

CHAPTER VIII. DUTIES OF OFFICERS.

Municipal Court.

Section 1. The Municipal Judge is the judicial officer of the corporation and shall hold court therein at such place as the Commission shall provide, which court shall be known as the "Municipal Court"; he shall be appointed by the Commission and hold his office during the pleasure of the Commission, as hereinbefore provided.

Jurisdiction.

Section 2. He shall have jurisdiction of all offenses defined and made punishable by any ordinance of the City, and of all actions brought to recover or enforce any forfeitures or penalties declared or given by ordinance, which actions and offenses shall be tried in the manner and with like effect as is provided by the laws of the State of Oregon for Courts of the Justice of the Peace, except without the intervention of a jury, but the defendant shall have the right of appeal in all cases to the Circuit Court of the State of Oregon for Union County from any judgment rendered by said Municipal Judge, provided said appeal shall be taken and allowed and the appeal perfected in the manner provided by the laws of the State of Oregon of the Peace Courts. No appeal shall be allowed where the fine is less than Twenty Dollars (\$20.00) or the imprisonment less than Ten (10) days; and he shall likewise have within the city of La Grande the jurisdiction and authority of a Justice of the Peace and committing magistrates, and shall be subject to all the laws of the State prescribing the duties of a Justice of the Peace and mode of performing them, except as herein provided.

When acting as Justice of the Peace, the right of trial by jury shall be as in the Justice's Court, and costs and disbursements assessed as therein; and the fees prescribed by law shall belong to the Municipal Judge, as in the case of a Justice of the Peace.

Fines and Penalties.

Section 3. All fines imposed by said Municipal Judge and all penalties recovered before him for a violation of a City ordinance shall, when received or collected, be forthwith paid by the City Recorder to the City Treasurer who shall give him a receipt therefor, which shall be filed in the Recorder's office.

General Management.

Section 4. The General Manager shall have absolute control and supervision over all officers and employees of the City except the Commissioners and Municipal Judge, and shall have power to appoint all officers prescribed by this Charter, except the Commissioners and Municipal Judge, to employ such additional help as may be necessary to carry on and perform the business affairs and departmental work of the City. He shall have power to discharge, with or without cause, any person appointed or employed by him; he shall see that the business affairs of the municipal corporation are transacted in a modern, scientific and businesslike manner and the services performed and the records kept shall be as nearly as may be like those of an efficient and successful private corporation; he shall be accountable to the Commission for his actions, conduct and management of the business and may be discharged at the will of the Commission, with or without cause; he shall perform such duties as may be required by the Charter or ordinances of the City or specially required of him by the Commission.

Duties of Recorder.

Section 5. The Recorder shall be clerk of the Commission and with him must be filed all claims and accounts against the City; he shall keep accurate minutes of all proceedings of the Commission and he shall take charge of and safely keep all the papers and records of the corporation, including all bonds except his own, unless otherwise provided; he shall be ex-officio clerk of the Municipal Court, and shall keep an accurate record of all judicial business transacted by said Court, and file and preserve all the records thereof; he shall perform such other duties as the Commission may require.

Monthly Statements.

Section 6. The Recorder shall make out and present to the Commission a monthly statement of all moneys received or collected by him for the City, and of all licenses issued and all warrants drawn on the City Treasurer, and such other statements as the Commission may require.

Claims Against the City.

Section 7. All demands and accounts against the City shall be presented to the Recorder on or before the first day of each month with the necessary evidence in support thereof, who shall refer them to the General Manager for his approval or disapproval, and thereafter he shall refer them to the Commission at its next regular meeting, together with any suggestion or explanation which he may deem proper and pertinent. All such demands and accounts except salaries, labor certificates and contract bills, shall lie over from the meeting at which they were presented until the next regular meeting, when the Commission shall vote directly whether the same shall be paid in whole or in part, as they may deem just and legal; provided that no claim shall be allowed or paid or warrant drawn therefor that is not for a corporate purpose. All accounts shall be balanced at the end of each month.

Warrants; How Drawn.

Section 8. When the Commission orders any account or demand to be paid, the Recorder shall draw a warrant on the Treasurer for the amount, which warrant, when so drawn, shall be signed by the President of the Commission and attested by the Recorder, and when delivered to the payee shall be receipted for by him.

Recorder's Official Title.

Section 9. The Recorder's name of office, whether acting as Recorder, clerk of the Commission, clerk of the Municipal Court, or otherwise, shall be Recorder of the City of La Grande.

Issue Licenses.

Section 10. The Recorder must issue all licenses authorized by the City ordinances upon delivery to him of the receipt of the City Treasurer for the amount of the money for such license; provided, that in cases where the provisions of this Charter, or any City ordinances shall require, a special order, license shall only issue upon receipt of such special order by the Commission.

Books of Account.

Section 11. Books of Account, showing accurately and in detail, under the supervision of the City Recorder, shall be kept showing thereon receipt and disbursement and all sums appropriated, the date thereof, the date and amount of all orders and warrants drawn upon the Treasurer, and to whom payable, and referring to the minutes of the Commission for authority warrants, and all such other matters and things as may be prescribed by ordinance or to be proper or necessary to a correct understanding of the City's finances.

Administer Oaths.

Section 12. The Recorder and Municipal Judge are each authorized to administer any oath authorized or required to be taken by any law of this state or by any ordinance of this city.

Treasurer, Duties of.

Section 13. The Treasurer shall receive and safely keep all the moneys that shall come into his hands belonging to the City of La Grande, and shall pay the same over upon a warrant signed by the President of the Commission and the Recorder. He shall keep a correct account of his receipts and disbursements, and at all times keep his

books open for the inspection of the Commission, the General Manager of the City or any other interested party, and at the expiration of his term of office, or upon his removal therefrom, he shall turn over to his successor all moneys, books and papers in his custody belonging to his office. He shall be the custodian of the bond of the city recorder; and shall perform such other duties as are provided for by this charter, the ordinances or special orders of the Commission.

City Attorney.

Section 14. The City Attorney shall be an attorney of the Supreme Court of the State of Oregon, and shall be an elector of the City of La Grande and the State of Oregon at the time of his appointment. He shall be the public prosecutor of the city; and it shall be his duty to diligently inquire into and prosecute in the Municipal Court all violations and infractions of the city ordinances; and he shall be the legal representative of the city in any court in which the city is a party, either in the first instance or on appeal or on a review. He shall be the legal adviser of all city officers, and it shall be his duty to prepare all proposed amendments to the Charter, City ordinances, contracts, bonds or other legal papers on request of the proper officials, in which the city is a party or is interested; and he shall perform such other duties as may be prescribed by ordinance.

Police.

Section 15. The Chief of Police shall be the chief peace officer of the City, and shall have the control and disposition of such police officers as may be appointed, either temporarily or permanently. It shall be the duty of the police to preserve the peace and quiet of the city, to diligently inquire into and make complaint against all persons guilty of the violation of any of the city ordinances or crimes, prevent crime, arrest offenders; protect the rights of persons and property, and generally obey and enforce all the ordinances of the city and the criminal laws of the State and of the United States; and to perform such other duties as may be prescribed by ordinance or by order of the Commission; and they shall have the general authority of a peace officer of the state of Oregon.

City Engineer.

Section 16. The City Engineer shall have the supervision of all surveys of streets, squares, parks and all construction work done thereon, either by contract or otherwise; and he shall when requested by the Commission or General Manager furnish profile maps, plans, specifications and estimates of all public work and buildings in which the City may be interested, including the laying of sewers and water mains and pipes; and he shall certify to the Commission or the General Manager when so requested his findings regarding the completion of any contract for any street, park, building or other improvement in which the City may be a party; and he shall perform such other duties as may be prescribed by ordinance.

Water Superintendent.

Section 17. It shall be the duty of the Water Superintendent to have the general oversight and control of the water department of the City under the direction of the General Manager; the laying of water pipes, and the collection of the water rents; and he shall perform such other duties as may be prescribed by ordinance.

Fire Department.

Section 18. It shall be the duty of the Chief of the Fire Department to have the control and disposition of all firemen, either voluntary or paid, and the control and management and disposition of all men in case of fire, and all the machinery of the department; and perform such duties as shall be prescribed by ordinance.

City Health Officer.

Section 19. The City Health Officer shall have control and jurisdiction of all questions relating to the public health, quarantines of all contagious and infectious diseases, all sanitary regulations, birth and death records, and shall have the sanitary supervision of all public buildings in the city, and shall determine when any unsanitary condition becomes a public nuisance; and shall perform such other duties as shall be prescribed by ordinance.

Street Superintendent.

Section 20. The Street Superintendent shall have charge of all the streets, alleys and parks of the city, and it shall be his duty to see that they are kept clean, and in good condition, and shall perform such other duties as shall be prescribed by ordinance.

CHAPTER IX.

OF ASSESSMENTS AND COLLECTIONS OF DELINQUENT TAXES

General Fund.

Section 1. All moneys paid for licenses and collected as fines, as well as all money collected by taxation, except taxes levied for a special purpose, shall form the General Fund of the City; provided, that the Commission may create other funds for specific purposes, or improvement district funds. Warrants drawn upon the general fund shall be payable in the order of their presentation to the Treasurer; the Commission shall have power to invest trust funds, sinking funds and improvement district funds in interest bearing securities, which securities shall be of such value and salability that the Commission may realize upon the same within a reasonable time, and the interest received from the investment thereof shall be used to recoup the city's liability for other interest on bonded indebtedness.

Manner of Assessing Taxes.

Section 2. All taxes except as in this charter otherwise provided, shall be assessed, levied and entered upon the tax roll of Union County, Oregon, in accordance with the general laws of the State of Oregon, relating to the assessment and levying of taxes, in force at the time of assessment, and shall be collected by the same officer collecting county taxes in said Union County, and at the same time as said county taxes are collected, and shall be paid over to the City Treasurer of the City of La Grande upon demand, as provided by law.

Fixing Amount of Taxation.

Section 3. Immediately after the County Clerk of Union County has ascertained the aggregate valuation of assessable property within the city limits of the city of La Grande, and shall furnish a certificate showing the aggregate value thereof as provided by law, it shall be the duty of the Commission at a meeting held prior to the first day of January of each year, to meet and by ordinance, annually, levy such taxes and assessments as the Commission may consider necessary, not exceeding the limit fixed by this Charter, and cause the same to be certified to the County Clerk of Union County; and the same shall be thereafter proceeded with as provided by the general laws of the State of Oregon relating to the mode of making assessments, collecting and payment of taxes.

Interest on Taxation by Local Assessment.

Section 4. All special taxes derived by taxation by local assessment shall bear interest at the legal rate from the time the same are delinquent until paid or collected, and the Recorder must collect the same, pay the same to the Treasurer for credit to the proper fund of the City.

Fix Time of Payment.

Section 5. The Commission must provide by ordinance a time when such special assessments shall be paid to the Recorder and all assessments not paid within such time are thereafter delinquent and must be collected as such, and a penalty of five (5) per cent. shall be added thereto, and such delinquent taxes and interest must be collected as such.

Special Assessment Roll.

Section 6. Within five (5) days after the expiration of the time limited for the paying taxes levied by the local assessments to the Recorder, said officer must return said roll to the Commission distinguishing thereon the amount of taxes paid and those remaining unpaid.

Warrants Directed to the Chief of Police.

Section 7. The Commission must thereafter order the Recorder to deliver the said roll to the Chief of Police and annex thereto a warrant directed to the Chief of Police, commanding him to proceed forthwith to collect the delinquent taxes upon such roll, together with the penalty and interest accrued thereon, and pay the same to the Recorder, together with the cost of collection, for deposit, and return the warrant and assessment roll with his doings endorsed thereon and the receipt of the Recorder for the funds collected to the Commission.

Warrant Deemed to Be Execution.

Section 8. The warrant for the collection of such delinquent taxes and assessments shall be deemed an execution and shall have the force and effect thereof against the property of any person, firm or corporation against which such taxes or assessments are levied and upon which the same are a lien, and said warrant shall be executed and returned to the Commission in like manner as an execution for the sale of real property upon a decree of foreclosure of a lien thereon.

Levy Made on Real Property.

Section 9. The warrant must be levied upon the real property covered by the lien of the taxes and assessments charged against the same, including the fees of officers, advertising and all expenses of sale and executing the warrant.

Owner Unknown.

Section 10. In case of delinquent taxes or assessments levied upon real property in the name of the owner unknown, the warrant, together with penalty and accrued interest thereon, shall be executed by levying

(To Be Continued.)