

Ordinance No. 234.

An ordinance adopting and submitting to the qualified electors of the city of Prineville, Crook county, Oregon, an amendment to the charter of said city, relating to the limit of the amount of the city indebtedness and granting to the common council of said city the power to buy, build, equip, acquire, lease, own, maintain and operate railways and railroads operated by steam, electric, or other power, within or without the boundaries of said city, or from said city to other towns, cities or points without the boundaries of said city, and to acquire rights of way, terminals, easements and real property within and without the boundaries of said city, and to bring actions for the condemnation or taking of private property for public use in the same manner as private corporations are now authorized or permitted to do under the laws of the state of Oregon, and to exercise any one or more of said powers, and to borrow money and fund indebtedness to carry out any one or more of said powers by issuing and selling the negotiable warrants or bonds of said city to the aggregate amount of \$100,000 for railways or railroads, rights of way, terminals, easements, or real property pertaining to a railway or railroad, said warrants or bonds bearing interest at not more than six per centum per annum, payable semi-annually; and providing for the levy and collection of a direct annual ad valorem tax on all the taxable property in said city in addition to all other taxes, sufficient to pay the interest on said warrants or bonds promptly when and as the same becomes due and to provide a sinking fund with which to pay the principal thereof at their maturity, and providing a penalty for the refusal, neglect or failure to make, or cause to be made, such levy, assessment, collection or payment; providing that after the delivery of said warrants or bonds, the ordinance authorizing the issuance and sale thereof and levying taxes therefor shall be irrevocable and that said warrants or bonds and the levy, assessment and collection of taxes for the payment of the principal or interest thereon shall be incontestable and that the classes, kinds, or amount of property subject to taxes, or the method or manner of the levy, assessment or collection of taxes thereon as provided by law at the time of the passage and approval of the ordinance issuing same shall not be changed in any manner so as to reduce or diminish the security for such warrants or bonds or any of them or the interest thereon, or lessen the power, authority or ability of said city to raise funds sufficient to pay the interest on said warrants or bonds promptly when and as the same becomes due, and to discharge the principal thereof at maturity, as provided in the ordinances issuing such warrants or bonds, or any of them, so long as any of said bonds or warrants, or any of the interest thereon remains unpaid; and repealing all parts of the charter in conflict with said amendment; adopting a ballot title for the amendment submitted; designating the form of ballot, the polling places and the hours the polls will be open; appointing the judges and clerks of election; prescribing the form of election notice and directing the posting and publishing of the same, repealing all ordinances or parts thereof in conflict herewith; and declaring an emergency."

The People of the city of Prineville, Oregon, Do Ordain as Follows:

Section 1. The common council hereby proposes, adopts and submits to the qualified electors of the city, an amendment to the city charter, being the act of the legislative assembly of the state of Oregon for the year 1899, entitled: "An Act to incorporate the City of Prineville, Crook County, state of Oregon; and to repeal an Act, entitled: 'An act to incorporate the Town of Prineville, Wasco County, Oregon,' approved October 23, 1880; and to repeal an Act entitled: 'An Act to amend an Act entitled: 'An Act to incorporate the Town of Prineville in Wasco County, Oregon,' approved October 23, 1880,' and to repeal all Acts, or parts of Acts in conflict herewith,' approved February 14, 1887; and to repeal an Act entitled: 'An Act to amend Section 17 of an Act entitled: 'An Act to incorporate the Town of Prineville, in Wasco County, Oregon,' approved October 23, 1880,' filed in the office of the Secretary of State February 18, 1891," approved February 16, A. D., 1899 and all amendments thereof, either by act of the legislative assembly or by initiative proceedings, and particularly an act of the legislative assembly of the state of Oregon approved February 12, 1903 and filed in the office of the Secretary of State February 13, 1903, and a measure submitted to

the qualified electors of the City of Prineville and adopted at an election held November 15, A. D., 1915, more particularly by amending Section 25, Chapter 5, of said charter as originally enacted and as amended by adding thereto a further subdivision to be No. 58, the said subdivision No. 58 of Section 25, Chapter 5 of the charter of said city to be in words and figures as follows:

"58. The common council is hereby granted the power for and on behalf of the city to buy, build, equip, acquire, lease, own, operate, and maintain railways and railroads operated by steam, electric or other power, within or within and without the boundaries of the city, for the benefit and use of the inhabitants thereof, and for profit, said railroad or railroads to run within or within and without said city or from the city to other towns, cities or points without the boundaries of the city, and to acquire rights of way, terminals, easements and real property within and without its boundaries, and to exercise any one or more of said powers, and to borrow money and fund indebtedness to carry out any one or more of said powers by issuing and selling a public or private sale, with or without advertising such sale, the negotiable warrants or bonds of the city in an amount not exceeding the principal sum of \$100,000 for railroads, rights of way, terminals, easements, or real property for any such railroad or railway, said warrants or bonds bearing interest at not more than six (6) per cent per annum, payable semi-annually. Prior to the authorization of sale thereof, the council, by ordinance, shall prescribe, fix and determine the form of such warrants or bonds, as the case may be, their date, denomination, the date or dates of maturity of such bonds not exceeding thirty years, the rate of interest, place of payment, and the principal use or uses to which the proceeds derived therefrom shall be applied, and shall levy and assess on all of the taxable property of the city, in addition to all other taxes provided by law and the charter same to be collected, sufficient to create a fund to pay the interest accruing on said bonds promptly when and as the same becomes due and to establish and maintain a sinking fund with which to discharge the principal thereof at maturity, which ordinance shall upon delivery of the bonds to the party entitled thereto, be thereafter irrevocable, and the classes, kinds or amount of property subject to tax or the method or manner of levy, assessment or collection of taxes thereon, as provided by law and the charter of the city, at the time of the passage and approval of such ordinance, shall not be changed in any manner so as to reduce or diminish the security for such warrants or bonds or any of them, or lessen the power, authority or ability of the city to raise funds sufficient to pay the interest on said bonds promptly when and as the same becomes due, and to discharge the principal thereof at maturity. Said council shall also require the collection of such taxes by the proper city and county officials authorized by law to make such collections and the taxes so levied, assessed and collected shall be kept in a separate fund, and said fund shall be used solely in the payment of the principal and interest of said bonds or warrants, and said principal and interest shall be paid out of said funds at the time or times provided according to law and the tenor of said bonds or warrants and coupons attached thereto. Warrants issued under the provisions of this section shall be drawn on the general fund and due provision made, by the council, for their payment through funds obtained from the levy and collection of taxes on all the taxable property of the city or from the sale of a sufficient amount of funding bonds of the city which the council is hereby authorized and empowered to issue, negotiate and make provision for their payment, as and in the manner provided in this section for municipal bonds. All bonds and warrants of the city, when delivered to the purchaser, shall thereafter be incontestable, and their legality shall not be open to contest by any person or persons, corporation or corporations, association or associations, or by the city, for any reason or reasons whatever.

The council is hereby authorized and empowered, for and on behalf of the city, to bring actions for the condemnation or taking of private property within and without the boundaries of the city for public use in the manner as private corporations are now authorized or permitted to do under the laws of the state.

In the event of the refusal, neglect or failure of the city or city council, or any or all of the officials of the city having to do with the levy, assessment or collection of the taxes provided in this section, or the payment of the moneys thereby derived to the holder or holders of

said bonds or warrants, or the coupons appertaining thereto, to perform their several duties relative to such levy, assessment, collection or payment, at the time or times provided according to law and the tenor of said bonds or warrants and coupons, whereby any default occurs in the payment of the interest upon any of said warrants or bonds or any part thereof, of such interest, or the principal of said warrants or bonds or any part thereof at the time, place, or manner of payment of said principal or interest, and by reason of such default, any suit or proceeding is brought by the holder or holders of any such warrant or warrants, bond or bonds, coupon or coupons, to recover any such principal or interest, due and unpaid, then and in that case the said city shall be liable for and shall pay, not only the principal or interest, or both, which may be due to such holder or holders, but shall also be liable for and shall pay all costs and expenses of such suit or proceeding, and also reasonable attorney's fees amounting to the sum of ten (10) per cent of the amount of the principal or interest, or principal and interest, as the case may be, for which any suit or proceeding is brought and all such costs and expenses of such suit or proceeding, including such attorney's fees, shall be, and the same hereby declared, so much additional indebtedness of the city, which shall be included in any judgment obtained against such city and the payment of which shall be enforced in the same manner and by the same means as the payment of said principal and interest.

Each of the provisions of this section shall be self executing, and the indebtedness herein authorized shall not be construed as affected by any charter or statutory limitation of indebtedness of said city; and the council shall have full and complete power to carry the provisions hereof into effect by ordinance or resolution and to make and let contracts and purchase and sell property, in order to carry out any one, either or all of the purposes and powers herein named, without further authorization and without a vote of the electors, and to make all necessary rules and regulations therefor, as herein provided; and any provision or provisions of the charter or ordinance of the city of Prineville which conflict with the provisions hereof are hereby repealed."

Section 2. That the foregoing amendment to Section 25, Chapter 5 of the charter of the city is hereby submitted to the qualified electors of the city for their rejection or approval to be voted on at a special election as provided in Section 3 of this ordinance.

Section 3. A special election is hereby called and ordered to be held in and for said city on the 11th day of September, A. D., 1916, for the purpose of voting on the proposed amendment and the city recorder is hereby directed to give notice of said election by publishing the same for three consecutive weeks prior to said election in The Crook County Journal, a weekly newspaper published and of general circulation in said city, and hereby designated the official newspaper thereof, the last publication of which notice shall not be more than ten days prior to the date of said election, and by posting the said notice more than ten days prior to said election in three public places in said city, which notice shall contain the full text of this ordinance together with the ballot title and number thereof, and the place of holding the election; the time when the polls shall be open and the names of the judges and clerks of election, and shall be in substantially the following form:

SPECIAL CITY ELECTION NOTICE.

State of Oregon, County of Crook, City of Prineville, ss.

NOTICE IS HEREBY GIVEN that on Monday, to-wit: the 11th day of September, 1916, at the following named polling place in the city of Prineville, Crook County, Oregon, to-wit: The Basement of the Crook County Court House, a special election will be held at which there will be submitted to the qualified voters of said city for their approval or rejection, pursuant to Ordinance No. 234, passed and approved on the 7th day of July, 1916, an amendment to Section 25, chapter 5, of the charter of the city of Prineville and all acts and measures amendatory thereof, proposed and submitted by the common council to the qualified voters of the city.

Said proposed amendment is printed in pamphlet form by the city and copies mailed to every legal voter within the city whose address is known, and said pamphlet can be had at the office of the recorder upon application.

The general purpose of said charter amendment is expressed in the ballot title adopted by the recorder and the common council and which will appear upon the ballot in the following words:

"Shall section 25, chapter 5, of the charter of the city of Prineville, Oregon, be amended to authorize and empower the common council to buy, build, equip, acquire, maintain and operate railways and railroads operated by steam, electric or other power, and to acquire rights of way, terminals, easements and real property, and to bring actions for the condemnation or taking of private property for public use, and to borrow money and fund indebtedness to carry out any one or more of said powers by issuing and selling the negotiable warrants or bonds of said city to the aggregate amount of \$100,000 bearing interest at not more than six per centum (6) per annum and payable semi-annually said warrants or bonds to be payable in not to exceed thirty years and providing for the levy and collection of a direct annual ad valorem tax on all the taxable property in said city in addition to all other taxes sufficient to pay the principal and interest on said warrants or bonds according to their tenor and repealing any provision or provisions of the charter of said city in conflict therewith; all of which is more particularly set forth in Ordinance No. 234 passed and approved on the 7th day of July, A. D., 1916, submitting said amendment to the voters of the city of Prineville?"

The judges and clerks of election are respectively the following named qualified electors of the city of Prineville:

Judges of Election: R. W. Zevely, M. D. Powell, L. C. Perry. Clerks of Election: Statira Biggs, Ethel Glaze.

If any judge of election fails to attend and serve at the proper time, the voters there present may elect another to fill his place, and if any clerk of election fails to attend and serve at the proper time, the judges of election may appoint another to fill his place.

No person shall be entitled to vote at such election who is not a legal voter of the city of Prineville in accordance with the constitution and laws of the state of Oregon and the charter of the city of Prineville.

The full text of Ordinance No. 234, passed and approved the 7th day of July, A. D. 1916, calling said special election is as follows: (Here insert in both published and posted notices the full text of Ordinance No. 234 above mentioned.)

Dated this 7th day of July, A. D. 1916.

D. F. STEWART, Mayor.

(Seal) Attest: E. O. HYDE, Recorder.

Section 4. The polling place for holding the said special election in the city of Prineville will be as follows: The Basement of the Crook County Court House.

Section 5. The following named persons are hereby designated and appointed as judges and clerks of election to serve as said officers at said election as follows:

Judges: R. W. Zenely, M. D. Powell and L. C. Perry.

Clerks: Statira Biggs and Ethel Glaze.

Section 6. The said polling place shall be open for the reception of voters at the hour of 9 o'clock in the forenoon, and continue open until 12 o'clock noon, at which time they may be closed, if desired, proclamation of the same being made, until one o'clock, when the same shall again be open and be kept open until 5 o'clock, in the afternoon of said day of election.

Section 7. The following ballot title for said charter amendment is hereby adopted and shall be printed on all ballots used at said election, namely:

"Shall section 25, chapter 5, of the charter of the city of Prineville, Oregon, be amended to authorize and empower the common council to buy, build, equip, acquire, maintain and operate railways and rights of way, terminals, easements and real property, and to bring actions for the condemnation or taking of private property for public use, and to borrow money and fund indebtedness to carry out any one or more of said powers by issuing and selling the negotiable warrants or bonds of said city to the aggregate amount of \$100,000, bearing interest at not more than six per centum (6) per annum and payable semi-annually, said warrants or bonds to be pay-

able in not to exceed thirty years, and providing for the levy and collection of a direct annual ad valorem tax on all the taxable property in said city in addition to all other taxes sufficient to pay the principal and interest on said warrants or bonds according to their tenor, and repealing any provision or provisions of the charter of said city in conflict therewith; all of which is more particularly set forth in Ordinance No. 234, passed and approved on the 7th day of July, A. D. 1916, submitting said amendment to the voters of the city of Prineville?"

Section 8. The form of the official ballots for use at said election shall be printed in substantially the following form:

To be torn off : To be torn off by the chairman : the first clerk

OFFICIAL BALLOT FOR THE CITY OF PRINEVILLE, CROOK COUNTY, OREGON, THE 11th DAY OF SEPTEMBER, A. D. 1916.

MARK BETWEEN THE NUMBER AND ANSWER VOTED FOR

REFERRED BY THE COMMON COUNCIL

"Shall section 25, chapter 5, of the charter of Prineville, Oregon, be amended to authorize and empower the common council to buy, build, equip, acquire, maintain and operate railways and railroads operated by steam, electric, or other power, and to acquire rights of way, terminals, easements and real property, and to bring actions for the condemnation or taking of private property for public use, and to borrow money and fund indebtedness to carry out any one or more of said powers by issuing and selling the negotiable warrants or bonds of said city to the aggregate amount of \$100,000, bearing interest at not more than six per centum (6) per annum and payable semi-annually, said warrants or bonds to be payable in not to exceed thirty years, and providing for the levy and collection of a direct annual ad valorem tax on all the taxable property in said city in addition to all other taxes sufficient to pay the principal and interest on said warrants or bonds according to their tenor; and repealing any provision or provisions of the charter of said city in conflict therewith; all of which is more particularly set forth in Ordinance No. 234, passed and approved on the 7th day of July, A. D. 1916, submitting said amendment to the voters of the city of Prineville?"

VOTE YES OR NO

300 YES

301 NO

Section 9. If any judge of election fails to attend and serve at the proper time or if none have been appointed, the voters there present may elect another in his place; and if any clerk of election fails to attend and serve at the proper time, the judges of election may appoint another to fill his place.

Before proceeding to perform any official act at such election, the judges and clerks shall each make and subscribe an oath of office in substantially the following form:

"I, _____, do solemnly swear (or affirm) that I will perform the duties of judge of election (or clerk, as the case may be) according to law, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election."

Section 10. The recorder shall cause to be prepared and printed and furnished to the judges and clerks of election, for use at said election, the official ballots as required by the laws of the state of Oregon and this ordinance and upon the completion of the count of the votes cast at said election in the manner and form required by law the returns thereof shall be filed with the recorder on or before the second day after said election and not later than the fourth day after the election, it shall be the duty of the recorder in the presence of the mayor to canvass the votes cast for and against the measure submitted at said election. Immediately after the completion of the canvass the mayor of said city shall issue his proclamation, giving the whole number of votes cast in the city for and against each measure and declaring such measure approved by a majority of those voting thereon to be in full force and effect as a part of the charter of the city of Prineville from the date of said proclamation, and the recorder shall present a certificate of the canvass of the election returns to the common council at a special meeting of said council to be held at the call of the mayor at the hour of 8 o'clock P. M. of the day on which the election returns are canvassed, and at said special meeting the common council

shall take such action as they deem best by ordinance or resolution relative to the issuance of the bonds authorized by the amendment adopted at said election in case a majority of the legal voters voting at said election adopt said charter amendment.

Section 11. All ordinances, resolutions and orders, or any part or parts thereof, in conflict herewith, be and the same are hereby repealed, rescinded and annulled.

Section 12. Inasmuch as it is immediately necessary for the public health, peace and safety, that this Ordinance be effective at as early a date as possible, an immediate emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect from and after its approval by the mayor and shall not be subject to the referendum.

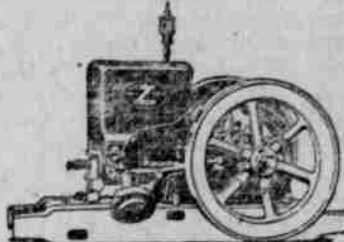
APPROVED this 7th day of July, A. D. 1916.

D. F. STEWART, Mayor.

(SEAL) Attest: E. O. HYDE, Recorder.

35c.

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