

THE PROPOSED CHARTER

A Draft of This Important Document Is Nearly Complete.

To Be First Submitted to the People and Then to the Legislature of Oregon.

Following is the proposed charter for the City of St. Johns, as far as drafted. There are a number of sections to add, which are more of the nature of technical form, than anything else. These additions will be printed, however, as soon as completed.

Corporate Powers, Rights and Liabilities.

Section 1. This act is hereinafter referred to as the Charter.

Existence of the Town of St. Johns Continued—Corporate Name and Powers.

Sec. 2. The municipal corporation now existing and known as the Town of St. Johns shall remain and continue a body politic and corporate by the name of St. Johns and by that name shall have perpetual succession and may sue and be sued, plead and be impleaded in all courts of justice and in all actions, suits or proceedings whatever; may have and use a common seal, and may alter the same at pleasure; may purchase, or acquire by the exercise of the right of eminent domain, receive and hold property, both real and personal, within or without said city for municipal purposes and shall have the right of possession and control of all public parks and levees, buildings and property and of all tracts of land belonging to said city and other property which has been or may be hereafter dedicated or in any manner whatsoever obtained for public purposes of said city, and may lease, sell or dispose of the same for the benefit of the city; may receive bequests, gifts and donations of all kinds of property, in fee simple, in trust or otherwise, for charitable and other purposes, and may do all acts necessary to carry out the purposes of said gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust, or absolutely, in case such gift, bequest or trust be unconditional.

Grant of General Governmental Powers.

Sec. 3. The City of St. Johns shall be invested within its limits with authority to perform all public services and with all governmental powers except such as are expressly conferred by law upon other public corporations and subject to the limitations prescribed by the constitution and laws of the state, except as otherwise provided in this charter.

Property Rights of the City.

Sec. 4. The City of St. Johns shall continue, under this charter, to have, hold and enjoy all property, rights of property and rights of action of every nature and description of the municipality now existing and known as the Town of St. Johns, and is hereby declared to be the successor of the same.

Liability Under Previous Contracts.

Sec. 5. All contracts of every description heretofore duly and legally made and entered into by the said Town of St. Johns shall remain valid and be binding upon this municipality to the extent only that they are now valid and binding upon said Town of St. Johns.

New Wards.

Sec. 6. Whenever it has been shown by the last Federal census that there has been taken that the population of St. Johns has increased so that there are more than three thousand population in any one ward, the council shall have the power and authority to redistrict the city into wards and to create additional wards. Such wards must be made as nearly equal in population and as geographically compact as possible. Provided, that the number of wards shall never be more than seven, nor shall any ordinance redistrict the city into wards, take effect within six months preceding an election held in the city for city, county, district or state officers.

Power and Authority—Where Vested.

Sec. 7. The power and authority given to the municipal corporation of the City of St. Johns is vested in a mayor, council, and such other officers as are provided by this charter and their successors in office to be exercised in the manner hereinafter prescribed.

Officers and Elections.

Sec. 8. The officers of the City of St. Johns shall be: A mayor; a council consisting of two councilmen from each ward, until such time as the number of wards is increased and thereafter, one councilman from each ward and the remaining number of eight councilmen shall be elected at large from the entire city; a city recorder, who shall be ex officio, clerk of the council, auditor of accounts, and judge of the municipal court; a city treasurer and a city attorney; a city engineer, and such police officers and fire department officers and other boards and officers as may be provided for by ordinance.

Deputies Authorized by Ordinance.

Sec. 9. The council shall have power, by ordinance passed by a three-fourth vote of the whole city council, to authorize the appointment of regular or temporary deputy or assistant officers and clerks, who shall have such powers, and receive such compensation, as the city council shall, by

ordinance, prescribe; provided, however, such compensation shall not in any case exceed one thousand dollars per annum.

After such authorization the heads of departments shall appoint their said deputies, assistant officers and clerks, and shall be held responsible for their acts upon their official bonds. All such deputies, assistants and clerks, referred to in this section, shall hold office at the pleasure of the appointing power.

Compensation Authorized.

Sec. 10. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk or employee, receive any salary or compensation for any service of any kind, unless the same is specially provided for or authorized by law or this charter.

Officers Elected by City at Large.

Sec. 11. The following officers shall be elected by the electors of the City of St. Johns at large: The mayor, the city recorder, the city treasurer, the city attorney, the councilmen at large.

Officers Elected by Wards.

Sec. 12. The following officers shall be elected by the electors of the respective wards; the members of the council representing wards.

Appointed Officers.

Sec. 13. The following officers of the City of St. Johns shall be appointed: The city engineer, all fire department officers and employees, police officers and such other officers as may be created by ordinance under the charter and such officers shall be nominated by the mayor and with the consent of a majority of the council in regular session appointed.

Nominations by Mayor—When Council Fails to Approve.

Sec. 14. The council shall refuse to confirm the first nomination of the mayor for any appointive office, then the mayor shall, within one week thereafter, nominate another person to fill the same office. If the council shall refuse to confirm the second nomination so made, then the mayor shall appoint such officer without the consent or confirmation of the council, provided, that the person so appointed shall not be one of those theretofore rejected.

Council to Act on Nominations of Mayor—When.

Sec. 15. Final action on any nomination made by the mayor shall be taken by the council not later than the second regular meeting after submission of the same by the mayor to the council, and failure by the council to take such action on any nomination so made, within the time aforesaid, shall be deemed to be consent thereto on the part of the council.

Officers to Hold Offices Until Successors Are Elected and Qualified Officers.

Sec. 16. Every elective officer, and every appointive officer shall hold office until his successor is elected and qualified, except as otherwise in this charter provided.

Terms of Appointive Officers.

Sec. 17. The term of office of every appointive officer of the city, excepting those whose terms are specifically set forth elsewhere in this charter, and excepting those officers subject to civil service, shall expire with the term of the mayor appointing them.

Qualifications of Officers.

Sec. 18. All elective and appointive officers of the city shall possess the following qualifications: They shall be citizens of the United States and of the City of St. Johns, and electors therein, and have such other qualifications as are prescribed in this charter. Every such officer, unless otherwise provided in this charter, shall have been a resident of the State of Oregon for at least four years, and of the City of St. Johns for at least three years next previous to his election or appointment, and shall be able to read and write the English language. No one shall be eligible to any office who shall be interested, directly or indirectly, in any contract with the city, either for work to be performed or material to be furnished. No person shall be eligible or shall hold any office, who shall have been, or shall be, convicted of malfeasance in office, bribery, or other infamous crime, by the judgment of any court of competent jurisdiction. No person shall be eligible to hold the office of city treasurer more than two terms in succession.

Oaths of Officers.

Sec. 19. Every officer of the city before entering upon the duties of his office, shall within twenty days after his election or appointment, take and subscribe an oath or affirmation, before some person authorized to administer oaths, that he possesses all of the qualifications prescribed for his office by this charter; that he will support the constitution and laws of the United States, and of the State of Oregon, and the charter and ordinances of the City of St. Johns; that he is not interested directly or indirectly in any contract with the city, or with or for any department, institu-

tion, board, bureau, office, agent or employe thereof for the use of the city, or will become security for the performance of any contract, which oath shall be filed with the city recorder, except the oath of the city recorder, which shall be filed with the mayor.

Bonds of Officers.

Sec. 20. Every officer of this city, when so required by law or ordinance, or under the provisions of this charter, shall, before entering upon the duties of his office, and within twenty days after the council declares the result of the election, or within twenty days after his appointment, and before entering upon the duties of his office, execute a bond to the city, with good and sufficient sureties, either personal or surety company, in such penal sum as shall be required by this charter, or by any ordinance or resolution of the council, or otherwise conditioned for the faithful performance of his duties, and that he will pay over all moneys belonging to the city, received by him, as provided by law or by ordinance of this city. Reasonable fees for surety bonds may be paid by the city.

Vacancies in Office.

Sec. 21. An office becomes vacant upon the death; resignation of the incumbent; removal from office; upon the failure of any person elected or appointed to qualify or to enter upon his duties within the time limited by the charter; absence from the city for thirty days without the consent of the council; open neglect or refusal to discharge his duties; upon an adjudication of insanity by a court of competent jurisdiction; by the habitual use of intoxicating liquors to excess; or by any permanent disability preventing the proper discharge of his duties. The office of councilman shall also become vacant upon his removal from the ward from which he was elected.

Vacancies in Office—How Filled.

Sec. 22. When a vacancy occurs in any elective office, the council shall, at its next regular meeting proceed to elect by ballot, a person to fill such vacancy, who shall possess the qualifications of the original incumbent; provided, that if such vacancy shall not be filled within the time above limited, the council shall meet and ballot at least once each day until such vacancy shall have been filled. Persons so elected to fill vacancies in elective offices shall hold the same during the remainder of the unexpired term. Persons elected to fill vacancies shall qualify within the same time after their election, and in the same manner as prescribed for persons elected for the full term.

Suspension of Officers.

Sec. 23. The mayor shall have the power to suspend any appointive officer at any time, for a period not to exceed thirty days, but he shall, at the time of such suspension, file with the city recorder a written statement of his reason therefor. He may at any time during such suspension file with the city recorder notice of his intention to remove the officer so suspended; and unless the council shall, at the next regular meeting thereafter, by a vote of two-thirds of the members thereof, declare against such removal, the mayor may remove the officer designated in such notice, but the provisions of this section shall not apply to officers subject to the civil service.

Vacancies Appointive Officers—How Filled.

Sec. 24. Whenever the mayor shall remove any appointive officer, the vacancy for the unexpired term shall be filled by appointment in the same manner as in the case of an original appointment.

Suspension of Officers Other Than Council.

Sec. 25. Any elective officer, other than a member of the council, may be suspended by the mayor, and removed for cause by the council, as hereinafter provided, and the mayor shall temporarily fill the vacancy, except as hereinafter provided. Inability or willful failure of any elective officer properly to perform his duties, or the commission by him of a crime or misdemeanor involving moral turpitude, shall constitute such cause for removal. The council only shall have power to suspend or remove a member of that body.

Duties of Mayor Upon Suspension of Elective Officers.

Sec. 26. Whenever the mayor shall suspend any elective officer, he shall immediately notify the council of such suspension, and the cause thereof, and shall forthwith call a meeting of the council, at which he shall present charges against such suspended officer. The accused shall be furnished with a copy of the charges, and shall have the right to appear with counsel and make his defense. The council shall speedily try such officer on such charge, and for that purpose shall have power to adjourn from time to time until the trial shall be completed, to summon and compel the presence of witnesses, to hear their testimony, to receive their evidence, and to hear the argument of counsel. In case of the suspension of a member of the council, by that body, the member so suspended shall be tried in like manner as herein provided for the trial of officers suspended by the mayor, except that the charges may be preferred by any elector or member of the council. In either case, the mayor shall preside at such trial, and in his absence or disability, the council shall elect a presiding officer. If two-thirds of the members of the council shall, by resolution, find the accused guilty, then the suspended officer shall thereupon be removed from office. The successor of any officer so removed, if elected by the council, shall be chosen from the same political party as the officer removed.

Incumbents of Office When This Charter Takes Effect.

Sec. 27. Every person holding office in the Town of St. Johns at the time this charter shall take effect shall continue to hold said office until the first day of July next following the first city election held after the taking effect of this charter and until his successor is elected and qualified as is prescribed by this charter.

Election—Laws Governing.

Sec. 28. All the laws of this state regulating and governing general elections and primary elections and proceedings and matters incidental or relating thereto or connected therewith shall apply to and govern elections under this charter, except that all the powers conferred and devolved by said laws upon the county court are hereby conferred and devolved upon the council, and all powers conferred and functions devolved upon the county clerk are hereby conferred and devolved upon the city recorder, and all powers and functions devolved upon the sheriff are hereby conferred and devolved upon the chief of police, if there be one, and if there be no chief of police, then said powers and functions are hereby conferred and devolved upon the city recorder, except as hereinafter otherwise provided, and except that the officers to be elected at city elections shall be as elsewhere declared in this charter; that the terms county officers, electors of the county and the like, where found in said election laws, shall be held to include city officers, electors of the city and the like; that the expense of city elections and all proceedings connected therewith shall be provided for and paid by the council; that the city recorder shall prepare all tally sheets, poll books and other matters and things required by said laws to be prepared and furnished by the secretary of state; that whenever the canvass of votes for any city office shall show that two candidates have received an equal and the highest number of votes for such office, the city recorder shall proceed to determine by lot which of said persons shall be declared duly elected, in the manner provided by the laws of Oregon, for the action of county clerks.

Same; Judges and Clerks—How Chosen.

Sec. 29. Said laws regulating and governing general elections shall be deemed to include the act of the legislative assembly of the State of Oregon, approved February 13, 1891, fixing the time for holding elections; regulating the manner of conducting elections; prescribing the manner of making nominations of candidates; providing for the printing and distribution of ballots by public officers at public expense, et cetera, and as any of said laws are now and hereafter amended. But the council shall not create new election precincts, but shall adopt the precinct boundaries last previously established by the county court.

Judges and clerks of election to serve at city elections and primaries shall be chosen by the council at its first meeting in January of each year in which a city election is to be held.

Special Elections—How Called.

Sec. 30. A special election shall take place not less than thirty days after the passage of an ordinance calling the same. Such ordinance shall set forth the purposes for which such special election may be called and the proposition to be voted on and the day on which such election shall be held. Whenever any question is to be submitted to the electors of the city, and the method of such submission is not specifically provided by this charter, or by general law, the same may be submitted at either a general or a special election, and the method of submission shall be the same as provided in this charter for general or special elections, as the case may be.

Registration of Voters.

Sec. 31. 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, shall apply to elections held under this charter, except as herein otherwise provided. No person who has registered for the preceding county election, and has not changed his residence need register again for a city election. The county clerk shall keep open the registration books, lists, etc., for a period of fifteen days immediately before the 15th day of April next preceding the 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 elections, 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 clerk shall send to the several precincts the precinct register thus corrected, as provided by said act, and the same shall be used by the judges and clerks at such election as provided in said act.

Expenses of Registration Paid by City.

Sec. 32. The county court of Multnomah County, Oregon, shall cause an itemized statement of the actual additional cost of said county caused in each year in which a general city election is held under this charter by the opening, preparation and use of said registration lists and preparation of ballots as herein prescribed and by matters in connection therewith to be prepared and filed with the city recorder of the City of St. Johns. The council shall appropriate the amount named in such statement or such other amount as it may determine to be such true actual additional cost, and the same shall be paid to said County of Multnomah in reimbursement of such cost.

Dates of Elections.

Sec. 33. The dates fixed in said election laws are hereby changed as far

as they relate to said city elections, and the dates prescribed in this charter shall be substituted for and take the place of the dates set forth in said election laws.

Notice of Election to be Published.

Sec. 34. The city recorder under the direction of the council shall give ten days' notice by publication in the city official newspaper of each general city election, the officers to be elected at the same, and the place or places in each ward designated for holding the election therein.

Qualifications of Voters.

Sec. 35. No person is qualified to vote at an election held under this act who has not been a resident of the city for six months and of the ward or precinct in which he offers to vote for thirty days next preceding such election and who does not possess the qualifications of a legal voter of the State of Oregon.

Canvass of Votes.

Sec. 36. On the fourth day after an election, or sooner if the returns from all the wards are in, the city recorder shall call to his assistance the county clerk of the County of Multnomah, and a justice of the peace, resident in Multnomah County, and the three shall then canvass the returns of the election.

Statement of Canvass to be Filed.

Sec. 37. A written statement of the canvass 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. Such writing must contain a statement of the whole number of the votes cast at such election, and the number given for any person for any office and the names of the persons elected, and to what office, and also the number of votes for or against any proposition submitted to the people.

Certificate of Election.

Sec. 38. Immediately after the completion of the canvass the city recorder must make and sign a certificate of election for each person determined by such canvass to be elected and deliver the same to him on demand.

Certificate Primary Evidence—Contested Elections of Mayor or Councilman.

Sec. 39. A certificate of election is primary evidence of the facts therein stated, but the council is the judge of the qualifications and election of mayor and of its own members; and in case of a contest between two persons claiming to be elected thereto, must determine the same, subject, however, to the review of any court of competent jurisdiction.

Contested Elections of Other Officers.

Sec. 40. A contested election for any office, other than that of mayor or councilman, must be determined according to the law of this state regulating proceedings in contested elections for county officers.

Term of Offices Under This Charter—Oath and Undertaking.

Sec. 41. The term of office of every person elected to the office under this act shall begin on the first day of July next after the election and end on the last day of June, except as otherwise provided in this charter, and before the beginning of his term of office such person must qualify therefor by taking and filing the oath of office and giving such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined and the office shall be considered vacant.

Salaries.

Sec. 42. All elective offices provided by this charter shall receive the following annual salaries:

The mayor—
City recorder—
City treasurer—
City attorney—
Each councilman—

A deduction of three dollars for each absence shall be made from the salary of each member of the city council who shall be absent from any regular meeting of the council.

The salaries of the various officers of the city shall be paid monthly, and shall be in full payment for all services rendered by them. No officer shall receive any extra compensation for any additional services imposed upon him during his term of office. The salary of any officer shall not be increased or diminished after his election or appointment, or during his term of office. For the purpose of construing this section, each year's service of any officer or appointee, when computed from the first day of the year, shall be considered a term.

The council shall fix, by ordinance, the annual salaries of all other officers and employes provided by this charter, or of any employe that may be created by ordinance.

Civil Service.

Sec. 43. The mayor, city recorder and city attorney shall constitute a civil service board for the purpose of passing upon the qualifications of all persons applying for positions in the public service of the City of St. Johns. No person, except elective officers, shall be employed in any capacity by the city until passed upon by said board. The qualifications of laborers shall be that they are physically strong and shall be qualified voters of state and residents of St. Johns for not less than six months immediately preceding the time of applying for positions. The same qualifications as regards citizenship and residence shall apply to all positions in the city. All persons employed must be able to read and write the English language. The aforesaid board will conduct a written examination from time to time as they may determine, but at least one examination every six months, for all applications for positions other than laborers or mechanics. Such examinations must be open and competitive. Every application for any position must be made in writing and the ap-