

plicant must be recommended for the position as being competent, reliable and worthy by at least two freeholders and residents of St. Johns.

No employe of the City of St. Johns after receiving appointment pursuant to passing a satisfactory examination for the position, shall be removed or reduced in rank or pay for any reason except inefficiency, misconduct, insubordination or violation of any law, and after a fair and impartial trial before the civil service board as hereinbefore referred to, and upon a verified complaint filed with the said board setting forth specifically the acts complained of, and after such reasonable notice to him of the time and place of hearing as the board may prescribe. Any person may present charges against an officer or employe of the city. Such charges shall be in writing and shall be filed with the city recorder and by him presented without delay to the civil service board, and it shall be the duty of the said board promptly to investigate and decide upon said charges. The board may suspend from duty or from both pay and duty any employe against whom charges have been made and such employe shall not be placed on duty or allowed pay therefor unless the charges are found by the said board not to be sustained. All charges shall be taken as denied and the hearing shall be summary and without pleadings and the action of the board thereon shall be final. A record of the charges and findings shall be made and kept in the office of the city recorder. The board may discharge, suspend or reduce the rank and pay of any employe found guilty as above. No employe who has been found guilty and discharged shall ever be eligible for reappointment in any capacity whatever unless it shall be afterwards proved to the board that their decision was erroneous and that in fact he was not guilty of the offense for which he was dismissed.

#### Executive—General.

#### Executive Power—Where Vested.

Sec. 45. The executive power of the City of St. Johns shall be vested in a mayor and boards, departments and such municipal officers and employes as may be prescribed by this charter, or by ordinances not inconsistent with this charter.

#### Duty of Officers—Not Contained in Charter.

Sec. 47. Any duty not inconsistent with this charter may be required by ordinance of any officer mentioned in this charter.

#### Books and Papers of the City.

Sec. 48. The official books and papers of all the officers mentioned in this charter are city property, and shall be kept as such by such officers during their continuance in office, and then delivered to their successors; and such books and papers may be inspected at any time by any member of the council, by the mayor or by the public.

#### Power of Boards and Commissions.

Sec. 49. All boards and commissions created by this charter, or which may be lawfully created hereafter, shall have power, and are hereby authorized, to pass and adopt such rules and regulations not inconsistent with this charter and the ordinances of the city, and the laws of the State of Oregon, as they may deem right and proper for the transaction of their business, and for the government of their respective departments; and shall have power to prescribe and enforce such penalties as they may deem proper for the infraction of such rules and regulations by the employes and appointees of their respective departments. No such board or commission shall exercise any legislative functions or powers.

#### Chiefs of Departments to Attend Council Meetings When Required.

Sec. 50. It shall be the duty of the duty of the chief of each of the departments to attend meetings of the council, or any of its committees, when specifically required by the council or any of its committees so to do; and to answer to the best of his ability such questions relative to the affairs of the city, under his management, as may be put to him by any member of the council, and for failure so to do such officer shall be subjected to such penalties as the council may, by ordinance, prescribe.

#### No Person to Hold More Than One Office.

Sec. 51. No person shall at any time hold more than one office, yielding pecuniary compensation under this charter, or under the mayor, council, or any of the departments of the city.

#### Officers to Be Responsible for Acts of Deputies.

Sec. 52. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks, and employes appointed by him, and of any and each of them, and every official bond shall contain such a provision.

#### Bonds of Deputies, Etc.

Sec. 53. Every board, department or officer may require of their or his deputies, clerks or employes, bonds of indemnity for the faithful performance of their duties.

#### Departments and Officers Entitled to Books and Papers.

Sec. 54. The departments and officers provided for in this charter shall be entitled to the possession of all papers, books, documents, maps, plans, records and archives belonging to the city, and in the possession or under the control of those respectively who are superseded in office under this charter by such departments and officers.

#### Books and Papers to Be Public Records—Copies of Same.

Sec. 55. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody

to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the police department shall not be subject to such inspection and certification unless permission be given by the mayor.

#### Appointments to Be Made in Writing.

Sec. 56. All appointments of officers, deputies and clerks to be made under any provisions of this charter must be made in writing, and in duplicate, authenticated by the person or persons, board or officer making the same; one of such duplicates shall be filed with the city recorder, and the other filed with the secretary of the civil service board, if the appointment is under civil service rules; otherwise it shall be retained on file in the office of the officer making the appointment.

#### Officers Not to Assist Bidders.

Sec. 57. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than proposed by any other bidder, or who shall favor one bidder over another, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of different kinds of materials or supplies than has actually been received, shall be deemed guilty of malfeasance, and shall be removed from office.

#### Unlawful to Contract Debts in Excess of Appropriations.

Sec. 58. No officer of the City of St. Johns, except as herein otherwise expressly provided, has power to contract any debt or assume any liability in any manner whatsoever by means of which the city may be called upon to pay any sum in excess of the amount specifically appropriated by the council for the use of such officer or any department under his charge, and all such indebtedness so contracted shall be null and void.

#### Officers to Devote Entire Time to City.

Sec. 59. All city officers and employes except the mayor and members of the council, shall devote their entire time during business hours to the interests of the city, except when excused, as in this charter provided.

#### Chief Executive.

Sec. 60. The chief executive officer of the city shall be the mayor. He shall be at least twenty-five years of age, and shall have such other qualifications as are prescribed in this charter.

#### Removal of Mayor.

Sec. 61. In case of inability or wilful failure of the mayor properly to perform his duties, or in case of the commission by him of a crime or misdemeanor involving moral turpitude, he may be removed from office by the council. The proceedings upon such removal shall be public, and the mayor shall be given an opportunity to be heard in his defense in person or by counsel. Notice thereof, together with a copy of the charges against him, must be served upon him at least five days before the hearing, and an opportunity given him to present in person and with his counsel, and offer evidence in his own behalf, and to be heard by himself and counsel. In such proceedings for removal the council shall sit at a court of impeachment, and for that purpose shall have power to subpoena and compel attendance of witnesses, as well as the production of papers and things pertinent to said inquiry, under such penalties as it may prescribe not inconsistent with this charter. The president of the council shall preside at all such hearings and it shall require the affirmative vote of five-sevenths of the members of the council to remove the mayor.

#### Duties, Emergencies, Control of Officers.

Sec. 62. The mayor shall see that all the laws and ordinances in force in the city are faithfully executed, and shall direct and control all subordinate officers of the city, except in so far as such direction and control are by the provisions of the charter reposed in some other officer or board, and shall maintain peace and good order in the city. He shall have power at all times in any emergency, of which he shall be the judge, to assume command of the whole, or any part, of the police force of the city. In case of riot, tumult or violent disturbance of the public order, the mayor shall have, as the exigency in his judgment may require, the right to assume control for the time being, of the public force, but before assuming such control, he shall issue his proclamation to that effect, and it shall be the duties of the chief of police, to execute orders promulgated by the mayor for the suppression of such tumult and for the restoration of order.

#### Power of Mayor in Enforcing Law.

Sec. 63. The mayor is empowered to call on every male inhabitant of the city over the age of eighteen years to aid in enforcing the laws and ordinances in force in the city; in preventing and extinguishing fires and in preserving the peace and safety of the city. The council shall have power to enact an ordinance or ordinances providing for the punishment of any such person as the mayor has a right to call upon, as aforesaid, for wilfully refusing or neglecting to obey any such order or call.

#### Mayor to Nominate.

Sec. 64. In the absence of express provision in this charter as to the manner of electing or appointing any officer, the mayor shall nominate, and with the consent of the council, appoint such officer as is provided for herein, and any ordinance enacted in

pursuance thereof.

#### Annual Message—General Supervision.

Sec. 65. The mayor shall exercise a careful supervision over the general affairs of the city and its subordinate officers. It shall be his duty from time to time to make such recommendations to the council as he may consider to be for the welfare of the city. At the first meeting of the council after the beginning of the fiscal year, he must communicate, by message, to the council a general statement of the condition and affairs of the city, including a statement of the available assets in the budget of current expenses of the city.

#### Shall Preside Over Council.

Sec. 66. The mayor shall preside over the council when in session, and shall have authority to preserve order, to enforce the rules of the council, and to determine the order of business, subject to such rules, and subject to the right of appeal to the council. He may call extra sessions of the council, and shall do so upon written request of a majority of all the members of the council, by written notice delivered to each member at least three hours before the time specified for the proposed meeting, and shall communicate to them, in writing, when assembled, the objects for which they have been convened, and their actions at such session shall be confined to such objects; provided, however, that no ordinance shall be passed or contract let or entered into, or bill for the payment of money allowed, at such special meeting or at any adjournment thereof. He shall not be entitled to a vote in the deliberations of the council, except in cases of a tie, when he shall decide. He shall perform such other duties and exercise such other authority as may be prescribed by law or this charter, or by any city ordinance not inconsistent therewith, or with any law of the United States, or of the State of Oregon.

#### Power to Call for Reports From Heads of Departments.

Sec. 67. Whenever he considers it advisable, the mayor may call upon the heads of departments for such reports relating to the subject matter under their control and management as he may require of them, and it shall be their duty to prepare and submit the same at once to the mayor. No contract requiring the payment of money shall go into force or be of any effect until approved by the mayor, except as herein provided.

#### Contracts and Agreements to Be Fulfilled.

Sec. 68. The mayor shall see that all contracts and agreements made with the city, or for its use and benefit, are faithfully kept and performed, and to this end he shall, by and with the consent of the council, and in the name of the city, cause any legal or equitable proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements with the city. And it is the duty of every officer of the city, when it shall come to his knowledge that any contract with the city relating to the business of any office has been violated by the other contracting party, forthwith to report the fact to the mayor.

#### Mayor to Approve All Bonds.

Sec. 69. The mayor shall, unless in this charter otherwise provided, take and approve all official undertakings or bonds which may be required of any officer, employe or agent of the city as security for the faithful performance of his duty; and he shall also, except as otherwise provided in this charter, take and approve any such bonds or undertakings as may be required of any contractor for the faithful performance of his contract; and when he approves any bond or undertaking he must immediately file the same with the city recorder, except the bond of the city recorder, which shall be kept by the mayor.

#### Organization of the Council.

Sec. 70. On the first Wednesday in July next following any general election there must be a regular meeting of the council, and such meeting is appointed by this charter and no notice thereof is necessary.

2. At the first regular meeting of the council in July of each year, or as soon thereafter as practicable, the council shall choose by ballot one of its members who shall be designated the president of the council. In the absence of the mayor from the city, or in case of his inability to act from any cause, or in case of a vacancy in the office of mayor, the president of the council shall have and exercise the powers and perform all the duties of the mayor, except as otherwise provided in this charter.

3. A majority of the whole number constituting the council is a majority of the council or members thereof within the meaning of this charter, and not otherwise, except as herein otherwise provided. The concurrence of a majority of a quorum is sufficient to determine any question or matter, except as otherwise prescribed in this charter. The final passage of an ordinance or the passage of a resolution shall require a majority of the members of the whole council and a vote on the final passage of an ordinance and on a resolution authorizing or directing the payment of money shall be by yeas and nays. A majority of the members of the council shall constitute a quorum to do business, except as in this charter otherwise provided, but a less number may meet and adjourn from time to time and may compel the attendance of absent members.

4. The council may adopt rules for the government of its members and its proceedings. It must keep a journal of its proceedings, and upon the call of any two of its members must cause the yeas and nays to be taken and entered in its journal upon any question before it; but upon a ques-

tion to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings and also those of any committee appointed by the mayor or council must be public.

5. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may expel a member by a two-thirds vote for sufficient cause.

6. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto, and it may be convened by the mayor or a majority of the council at any time upon not less than two days' notice by publication in the city official newspaper.

#### Legislative Powers Confined to Council.

Sec. 71. The council shall have and exercise exclusively all legislative powers and authority of the City of St. Johns, and no legislative powers or authority, either express or implied, shall be exercised by any person or persons other than the council. The council shall have full power and authority, except as herein otherwise provided, to exercise all powers conferred upon the city by this charter and the constitution and laws of the State of Oregon, and to pass ordinances imposing suitable penalties for the violation of ordinances of the council or the provisions of this charter.

#### Subjects for Legislation.

Sec. 72. The council has power and authority, subject to the provisions, limitations and restrictions in this charter contained:

1. To exercise within the limits of the City of St. Johns all the powers commonly known as the police powers to the same extent as the State of Oregon has or could exercise said power within said limits.

2. To make and enforce within the limits of the city all necessary water, local, police and sanitary laws and regulations.

3. To provide for the punishment of the violation of any ordinance of the city by fine or imprisonment not exceeding five hundred dollars fine or six months' imprisonment, or both, or by forfeiture as penalty; and for working any person sentenced to such imprisonment upon any public work or in any public place during the term hereof, and to provide for the punishment of any person sentenced to imprisonment who shall refuse to work when ordered.

4. To provide for entering into contracts by the city for a period not exceeding two years, except as in this charter otherwise provided.

5. To accept or reject all property, real, personal or mixed, given, conveyed, devised or bequeathed to the city and to provide for the execution of all trusts if accepted by the city.

6. To purchase, or acquire by condemnation, such property, real and personal, as may be needed for public use.

7. To provide for the purchase of property levied upon under execution in favor of the city, but the sum bid on such purchase shall not exceed the amount of the judgment and costs.

8. To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of St. Johns, and to sell and convey the same. But the sum bid by the city on or for any piece or parcel of property, so sold for a delinquent tax or assessment, shall not exceed the amount of the tax, and the necessary costs and expenses on such piece or parcel of property.

9. To provide for the sale at public auction, after advertising for not less than five days in the official newspaper, of all personal property unfit or unnecessary for the use of the city.

10. To provide for the lease of lands now or hereafter owned by the city, but all leases shall be made at public auction to the responsible bidder offering the highest monthly rent after publication of notice thereof for not less than ten days. No lease shall be authorized except by ordinance passed by the affirmative vote of two-thirds of the members of the council and approved by the mayor, and no lease shall be made for a longer period than five years, except as herein otherwise provided.

11. To provide for the location and construction of any ditch, canal or pipe for the conduct of water, and any drain, sewer or culvert it may deem necessary or convenient, and for such purpose it shall have a right to enter upon any land between the termini of such ditch, canal or pipe or drain, sewer or culvert for the purpose of examining, locating and surveying the line of such ditch, canal, pipe, drain, sewer or culvert, doing no unnecessary damage thereby, and to appropriate so much of said land as may be necessary for the construction of said ditch, canal, sewer, pipe, drain or culvert in like manner as provided by the laws of this state for the appropriation of lands or right of way by corporations, and to appropriate and divert from its natural course or channel, for the purpose of drainage or flushing any drain, sewer or culvert, any spring or stream of water and compel the extension of gas, water and sewer connections from the main sewer or pipe to the curb line of the sidewalks of all public streets.

12. To provide for the opening, laying out, establishing, altering, extending, vacating and closing or for establishing and changing the grades of streets, squares, parks, public places, and to provide for the improving and repairing of streets, squares, parks and

(Continued on Page 7)

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