Rogue River Courier.

EXTRA

GRANTS PASS, OREGON,
FRIDAY, JAN. 25, 1901.

Proposed Charter

For the City of Grants Pass, Oregon.

The Document to be Presented to the Legislature Now in Session at Salem.

ARTICLE I.

NAME, BOUNDARIES, POWERS AND SEAL.

SECTION 1. The inhabitants of the City of Grants Pass, within the limits hereinafter set forth shall be and they are hereby constituted a body politic and corporate, and declared to be a municipal Corporation by the name and style of the "City of Grants Pass" and by such name shall have perpetual succession: Shall contract and be contracted with, sue and be sued, implead and be impleaded, defend and be defended in all courts of justice and in all actions, suits and proceedings whatsoever; may purchase, lease, hold and receive property real and personal within said city for public buildings, public works, school purposes, streets and city improvements; and all other municipal purposes; may purchase, lease, hold and receive property, real and personal within and beyond the city limits for hospitals, prisons, work houses and houses of correction and for any other proper and legitimate purpose, and may erect necessary public buildings and work thereon and may enclose, ornament and improve the same; they may also purchase, lease, hold and receive property, real and personal within and beyond the limits of the city for the construction and maintenance of water works to supply the city with water, and of gas works and electric works to supply the city with lights, or for other municipal purposes and may take private property within the city limits for public use and within and beyond the limits of the city for the purpose of supplying it with water and light, and may lease, sell and dispose of any of the above described property for the benefit of the city; and they shall have and use a seal.

SEC. 2. The Boundary lines of the City of Grants Pass, shall be as follows: Begin at the center of Section Eight in Township 36, South, of Range 5 West of the Willamette Meridian, running thence East one quarter of a mile; thence due South through Section Eight and Seventeen and along the East boundaries of Lots Nine and Two in Section 20 to the center of the channel of Rogue River; thence Westerly along the center of the channel of Rogue River to a point opposite the West boundary of the Township; thence North from said point and along the West boundary of the Township to where the center line of Section Seven intersects said Township line; thence East along said center section line through Sections Seven and Eight to the place of beginning.

SEC. 3. The City of Grants Pass is hereby divided into four wards designated and bounded as follows: Ward No. 1 shall consist of all that portion of the city north of the Oregon and California Railroad and west of Fifth street and Conklin avenue. Ward No. 2 shall consist of all that portion of the city north of the Oregon and California Railroad and east of Fifth street and Conklin avenue. Ward No. 3 shall consist of all that portion of the city south of the Oregon and California Railroad and east of Fifth street. Ward No. 4 shall consist of all that portion of the city south of the Oregon and California Railroad and west of Fifth street.

ARTICLE II.

GOVERNMENT.

SEC. 4. The government of the City shall be vested in the Mayor and Common Council to consist of eight members, and their successors in office, to be chosen in the manner hereinafter provided.

SEC. 5 Each ward herein established in said City is and shall be entitled to elect two members to the Common Council of said City.

SEC. 6 The Mayor shall be president of the Common Council, and shall be elected for the term of one year, excepting as herein provided, and the members of the Common Council shall be elected for the term of two years except as here in provided, and shall hold their offices until their successors are elected and qualified, provided, that the first general election held under the charter shall be held on the first Monday in May, 1901, at which time there shall be elected a Mayor and Treasurer at large and one Councilman in each ward of the City who shall hold office until the First day of January 1902, or until their successors are elected and qualified: provided further, that the term of all officers elected on the first Monday in May, 1901, and all officers holding over shall expire January 1st., 1902: provided further, that the next general election after the one here in provided shall be held on the first Monday in December 1901, at which election there shall be elected a Mayor and Treasurer each for the term of one year or until their successors are elected and qualified and one Councilman in each ward to serve for the period of one year and one Councilman in each ward to serve for the period of two years, or until their successors are elected and qualified.

SEC. 7. The general election of officers as in this act provided shall be held on the first Monday in December 1901, except as herein provided and the general election shall be held on the first Monday in December annually hereafter. Except as in this act specially provided, at the general annual election there shall be elected a Mayor and Treasurer from the city at large, and four councilmen, one from each of the four wards; and the office of Councilmen shall always be filled so that one Councilman shall be elected in each ward for the full term of two years, at each regular annual election as in this act provided.

SEC. 8. At the first regular meeting of the Common Council in January of each year the Mayor shall appoint with the consent of a majority of the Council present, one Auditor, and Police Judge, one City Attorney, one City Surveyor, one Marshal, who shall be Chief of Police, and such other police officers as may be required, and one Street Superintendent, who shall each hold his office for one year and until his successor shall be appointed and qualified, unless sooner removed, by the Mayor or by a vote of a majority of the Common Council.

SEC. 9. The Mayor shall fill all vacancies in the appointive offices of the city as they occur, with the approval of a majority of the Common Council.

SEC. 10 No person shall be eligible to any office, elective or appointive in the Corporation who at the time of his election or appointment, is not entitled to the privileges of an elector, under the laws and constitution of the State of Oregon, and who has not resided in the City of Grants Pass for one year, next preceding such election or appointment. And no person shall be eligible to the office of Mayor or Councilman who is not in addition to above qualifications the owner of real estate within the city.

ARTICLE III.

MAYOR, HIS POWERS AND DUTIES.

SECTION 11. The Mayor shall be the executive officer of the corporation, and shall exercise a careful supervision over its general affairs and over its subordinate officers. He shall have power to call meetings of the Common Council and shall preside over their meetings, but shall have no vote, except in case of a tie, when he shall cast the deciding vote on all questions, except on the passage of Ordinances. He shall at least once each year state to the Council the condition, financial and otherwise, of the city, and recommend such measures for the peace, health, improvement and prosperity of the city as he may deem expedient. He shall at the first regular meeting of the Council, in January in each year, appoint three members of the Council on each of the following committees, to-wit; Judiciary, Finance, Streets, Fire and Water and Health, who shall be and remain standing committees for one year and until their successors are duly appointed, and shall have general power and supervision over the different subjects pertaining to its department, and such farther powers and duties as may be prescribed by ordinance, or assigned it from time to time by the Council.

SEC. 12. No Ordinance passed by the Council shall go into effect or be of any force until approved by the Mayor except as provided in the following sections:

SEC. 13. Upon the passage of any Ordinance the enrolled copy thereof attested by the Auditor and Police Judge shall be submitted to the Mayor by the Auditor and Police Judge, and if the Mayor approves the same, he shall write thereon "approved." with the date of such approval, and sign the same officially and thereupon, unless otherwise provided therein, such ordinance shall become a law and be of force and effect.

SEC. 14. If the Mayor do not approve of an Ordinance so submitted he must within ten days from the receipt thereof, return the same to the Auditor and Police Judge with his reasons for not approving it, and if the Mayor do not return it in ten days, such Ordinance shall become a law as if he had approved it.

SEC. 15. At the first meeting of the Council after the return by the Mayor of any ordinance not approved, the Auditor and Police Judge shall present the same to the Council with the objections of the Mayor, all of which must be read to the Council and such ordinance shall then be put upon its passage again, and if three fourths of all members constituting the Council, as then provided by law, shall vote in favor of such ordinance, it shall thereupon become a law without the approval of the Mayor, but not otherwise.

SEC. 16. The Mayor shall approve all official undertakings required of officers, as security for the faithful performance of duty, as hereinafter provided, and shall sign all warrants ordered drawn upon the city treasurer.

ARTICLE IV.

ELECTIONS.

SEC. 17. No person shall be entitled to vote at any general or special election in the City, who is not a qualified elector of the State of Oregon, who has not been a resident of the city of Grants Pass, for six months next preceding such election, and who has not been a resident of the Ward in which he applies to vote for sixty days next preceding such election; who has not registered as hereinafter provided by this Act. No person shall vote at any special election for the purpose of voting upon the creation of city indebtedness, unless in addition to the above requirement, he shall be at the time of voting the owner of property within the city of at least the value of One Hundred Dollars, subject to taxation, and upon which he actually pays a tax, and which property was assessed upon the last assessment roll, in the name of such voter, nor at any special election for the purpose of issuing bonds of the city unless he shall at the time of voting, be the owner of real estate within the limits of the city, which will be affected by such proposed bonds, and upon which he actually pays a tax, and which property was assessed on the last assessment roll in the name of such voter.

SEC. 18. A general election shall be held in the several election wards in the city on the first Monday in December, 1901, and annually thereafter, at which there shall be chosen so many of the following officers as are by law to be elected in such year.

SEC. 19. All general or special elections hereafter held in the city shall be conducted under the provisions of the Australian Ballot law of Oregon, so far as the same may and can be applied to elections in said city, provided that the Auditor and Police Judge shall perform the duties required of County Clerks, and the Marshal the duties of Sheriffs under the election law of the State except as herein otherwise provided; and the polls shall be opened at the hour of 9 o'clock in the forenoon and shall continue open until 4 o'clock in the afternoon of the same day, at which time the polls shall be closed.

SEC. 20. The Common Council at least 20 days before any general election shall appoint three judges and two clerks for the general city nominating convention hereinafter provided for, and shall appoint at the same time, also three judges and two clerks of the general election for each ward which said election judges and clerks shall also act as judges and clerks of the ward's nominating conventions hereinafter provided for. Said judges and clerks shall be notified of such appointment, by the Auditor and Police Judge, within three days from such appointment. Said judges and clerk shall each receive $1.00 for such services. In case one or more of said judges or clerks of election shall not be present at the time prescribed for opening the polls, the judges and clerks present may elect any qualified person present to act as such judge or clerk.

SEC 21. At least fifteen days before any election the Auditor and Police Judge shall post two notices in writing in each Ward, specifying the officers to be elected, the time and place designated for holding such elections in each of said Wards.

SEC 22. The form of the poll books and tally sheets to be kept by the judges and clerks of election and the duties of such judges and clerks shall be as near as practicable that required by the Australian Ballot law of Oregon, except as hereinafter provided.

SEC. 23. Immediately after canvassing the votes, the Judges, before they separate or adjourn, shall enclose the poll books in separate covers and securely seal the same; they shall also enclose the Tally Sheets in separate envelopes and seal the same securely, they shall also enclose the Ballots and stubs, strung on strings and seal all the same securely, and they shall in writing with pen and ink, specify the contents and address each of said packages upon the outside thereof, to the Auditor and Police Judge, of the city.

SEC. 24. One of the Tally sheets, the poll book which was kept by the second clerk, the ballots and stubs, the ballot boxes and remaining supplies shall be forthwith conveyed by one of the Judges or Clerks of the election, to be agreed upon for that purpose, by the judges, to the Auditor and Police Judge. The remaining tally sheet and poll book, enclosed in an envelope and cover, and sealed securely, as aforesaid, addressed and endorsed on the outside, so that the name can be identified, shall be forthwith deposited with one of the judges, to be kept by him safely, subject to the control of the proper court.

SEC. 25. The legally qualified electors of each Ward of the city, shall hold Ward nominating conventions for the nominations of candidates for offices, to be filled by the electors of such ward, at least ten days prior to any general election under this Charter, and written notices specifying the officers to be nominated and designating the time and place of holding such conventions shall be posted in each ward by the Auditor and Police Judge, at least five days prior to such convention, at which convention, the Judges and Clerks of election appointed for such ward, shall act as such at said convention, and who shall not permit any person to vote at such convention, who does not possess the qualifications of an elector of such ward under this charter, and who has not registered as required by this act. Said Judges and Clerks shall certify to the Auditor and Police Judge, such nominations at least seven days prior to the ensuing election. The ward conventions may each nominate two candidates for each ward office, to be filled by the electors of such ward, and the two persons receiving the greatest number of votes shall be declared the nominees of such convention and shall be denominated "Convention Candidates."

SEC. 26. The legally qualified electors of the city shall hold a general nominating convention, for the nomination of candidates for all offices to be filled by the electors of the city at large, at least nine days prior to any general election under this charter and written notice specifying the officers to be nominated and designating the time and place of holding such convention, shall be posted in five different places in the city, by the Auditor and Police Judge, at least six days prior to such convention, at which convention no person shall be permitted to vote who is not a qualified elector under this charter, and who has not registered as required. The judges and clerks appointed by the Common Council for such general nominating convention, as herein before provided for, shall be the judges and clerks of such convention, and said convention may nominate two candidates for each office to be filled by the electors of the city at large: And the two persons receiving the greatest number of votes shall be declared the nominees of such convention and such nominees shall be designated "Convention Candidates." The judges and clerks of such general city nominating convention shall certify to the Auditor and Police Judge such nominations at least seven days prior to the ensuing election.

SEC. 27. The individual electors of any Ward may nominate an independent candidate for any office to be filled by the electors of such Ward, by petition, such petition shall be signed by not less than twenty qualified electors of such Ward, and the individual electors of the city may nominate an independent candidate for any office to be filled by the electors of the city at large; such petition shall be signed by not less than 50 qualified electors of the city. Every such individual petition or certificate of nomination made by individual electors, as aforesaid, shall have annexed to it the oath or affirmation of at least two of the signers thereto, that the statements and signatures therein are true, and that the requisite number of signers are qualified to make such nomination, and such oath shall be made before some person authorized to administer oaths. Every such individual nominee as aforesaid, shall be denominated "Independent Candidate". Every such individual certificate of nomination as aforesaid shall be filed with the Auditor and Police Judge not less than seven days prior to the ensuing election.

SEC. 28. All certificates of nominations herein provided for shall state the name of the candidate, the office for which he is nominated and shall designate such candidate, "Convention Candidate" or "Independent Candidate," as the case may be, and such nomination must be accepted by the nominee in writing, which certificates of nomination and acceptance as soon as filed with the Auditor and Police Judge shall be public records.

SEC. 29. Not more than six days nor less than two days before the day fixed by law for holding the election, the Auditor and Police Judge shall cause to be printed a sufficient number of both white and colored or sample ballots, for use in each ward. The form and style of the ballot shall be as nearly as practicable, that required by the Australian Ballot Law of Oregon, except that all candidates shall be designated upon such Ballot as "Convention Candidates" or "Independent Candidates" as provided in this Charter. Ballots other than those furnished by the Auditor and Police Judge, according to this Charter, shall not be used, circulated, cast or counted in any election provided for under this Charter. The Auditor and Police Judge shall cause the name of all candidates for elective offices whose certificates of nomination and acceptance thereof, has been filed as herein provided to be printed upon the Official Ballot, and the name of no other candidate shall be printed thereon. The Auditor and Police Judge shall on the day of election, before the time for the opening of the polls of such elections provide and furnish for each ward, the necessary ballots, ballot boxes, poll books, tally sheets, voting booths, stationery etc. necessary and convenient for conducting such election.

SEC 30. It shall be the duty of every elector of the City of Grants Pass between the first day of October 1901, and 6 o'clock p. m. of the first day of November 1901, and between the same dates and hours annually thereafter to register with the Auditor and Police Judge of Grants Pass, in accordance with this Act. And it shall be the duty of the Auditor and Police Judge between the first day of October, 1901, and 6 o'clock p.m. of November 1st, 1901, and between the same dates and hours annually thereafter to enter upon the proper registers every person who complies with the requirements of this charter, and who is an elector residing in the City, without charge to such elector.

SEC. 31. No person shall register who is not a qualified elector and resident of the ward in which he registers, or register in any other name than his true name, and no elector shall register a second time in the same ward.

SEC. 32. The registration books required by this act shall be a general city register large enough to contain the names of all electors in the City, which shall be suitably divided into as many parts as there are wards in the City, and one ward register for each ward in the City, which ward registers shall be bound in size to suit the different wards, the paper, size of pages and ruling shall be the same as that used for the general city register. Said registration books shall be ruled so as to admit of the following information: The elector's number, date, name (surname and given name), occupation, age, residence, signature of elector, signature of Auditor and Police Judge, and shall contain the following oath: "I, having been first duly sworn, say upon oath that I am a qualified elector of the City of Grants Pass, and the statement here entered opposite my name as to the qualifications as such elector are true"; which oath must be administered by the Auditor and Police Judge to every elector registering. The Auditor and Police Judge shall require each elector to sign the general city register and the ward register.

SEC. 33. The Auditor and Police Judge shall close the general city register and each ward register at 6 o'clock P. M. November 1, 1901, and annually thereafter, by writing the word "Closed" in red ink on the next line below the name of the last name registered in each ward; he shall then on the index pages of the general city register opposite the name of ward, certify the number of electors registered in each ward, and the total so registered in the City, and sign his name and title, and affix the seal of the City thereto. He shall likewise close the pages of the ward register and certify in each of such registers the total number of electors registered in such ward, and sign the same with his official title and affix the seal. The said registers shall all be public records and shall be kept in the office of the Auditor and Police Judge, provided that it shall be the duty of the Auditor and Police Judge to send the several ward registers to their respective wards along with other election supplies, addressed to the election judges of such ward. After the election such ward registers shall be returned along with other election returns by the judges of election, sealed and addressed to the Auditor and Police Judge.

SEC. 34. Upon the day of election the judges of such election shall ask every elector if he is registered, and shall also examine the register, and if it appears that the elector is not registered in the ward in which he applies to vote his vote shall not be received.

SEC. 35. Any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by personating another who is registered, or knowingly register in any ward where he is not a resident at the time of registering contrary to the provisions of this Act, shall be punished upon conviction, before the Auditor and Police Judge, by imprisonment not less than fifty days nor more than one hundred days or by fine not less than $100 nor more than $200 or both such fine and imprisonment.

SEC. 36. It shall be the duty of the Common Council of the city of Grants Pass, to provide the necessary registration books, ballot boxes, poll books, tally sheets, voting booths and all stationery necessary and convenient for carrying out the provisions of this Act.

SEC. 37. Judges and Clerks of elections must possess the qualifications, of voters of election in the ward in which they act, but a mistake or error in this respect of a failure to give a notice as herein provided for, shall not invalidate any election otherwise legal.

SEC. 38. On or before the second day after the election, the returns there of must be filed with the Auditor and Police Judge, and on the Fourth day after the election, or sooner, if the returns of all the wards are in, the Auditor and Police Judge shall call to his assistance the Mayor of the city of Grants Pass and they two shall canvass the returns of the election.

SEC. 39. A written statement of the canvass shall be made and signed by the canvassers, and filed with the Auditor and Police Judge within the time appointed to complete the same; such writing shall contain a statement of the whole number of votes cast at such election, the number cast for any person for any office and the names of such persons elected and to what office.

SEC. 40. Immediately after the completion of the canvass the Auditor and Police Judge shall make and sign a certificate of election of each person declared hereby to be elected and deliver the same to him on demand.

SEC. 41. Such certificates shall be prima facia evidence of the fact there in stated, but the Common Council is the judge of election and qualification of the Mayor and Councilmen, and in case of a contest between two or more persons claiming to be elected thereto must determine the same. An election contest for any office other than Mayor and Councilmen, must be determined according to the laws of the State regulating contests for County officers.

SEC. 42. All officers elected or appointed under this Act, before entering upon the duties of their offices must take, subscribe and file with the Auditor and Police Judge, an oath of office to the following effect: "I A B do solemnly swear or affirm, that I will support the constitution of the United States and of the State of Oregon, and that I will to the best of my ability, faithfully perform the duties of —— during my continuance therein, so help me God." If the person affirms instead of the last clause of said oath there shall be added "and this I do affirm under the pains and penalties of perjury".

SEC. 43. The term of office for every person elected to office under this act, except as hereinbefore provided, shall commence on the first Monday of Jan. after his election and terminate when his successor is elected and qualified and by such time, or not more than ten days thereafter, such person must qualify therefor, by taking and filing the oath of office or he shall be deemed to have declined and the office be vacant.

ARTICLE V.

VACANCIES IN OFFICE

SEC. 44. An office shall be deemed vacant upon the death, removal from the city or resignation of the incumbent, or upon such incumbent ceasing to possess the qualifications of an elector. The office of Mayor or Treasurer shall be deemed vacant whenever the incumbent thereof shall be absent from the city for a period of thirty days, provided, that the Common Council may grant to such officer a leave of absence not to exceed sixty days. The office of Councilmen shall be deemed vacant whenever any incumbent thereof shall fail to attend any three consecutive regular meetings of the Council unless absent upon leave of Council first obtained. All other city offices shall be deemed vacant whenever the incumbent shall be absent from the city for a period of thirty days provided, that the Council may grant said officer leave of absence for a period not exceeding sixty days.

SEC. 45. Vacancies in any elective office shall be filled by election of the Common Council. A vacancy in any other office by appointment of the Mayor, with the approval of a majority of the Common Council; and such appointed officer shall qualify as in this Act provided and hold his office during the remainder of the term for which he is appointed unless sooner removed by the Mayor or by vote of the Common Council.

ARTICLE VI.

OF OTHER CITY OFFICERS.

SECTION 46. The Auditor and Police Judge is the accounting and clerical officer of the city and Judge of the Police Court and Clerk of the Council. He shall exercise and perform all the power and duties of the Police Judge of the City of Grants Pass.

SEC. 47. All demands and accounts against the City shall be presented to the Auditor and Police Judge with the necessary evidence in support thereof and he shall audit the same and report them to the Council with all convenient speed, together with any suggestion or explanation which he may deem proper and pertinent, provided that no demand or account or either of them of fees for extra services performed by any officer under this Act shall be presented to or audited by the Auditor and Police Judge. All such demands shall be the subject of petition to the Council, who shall allow only for such extra services as may have been indispensibly necessary and for which no salary is allowed by law.

SEC. 48. When a demand or account has been presented to the Council by the Auditor and Police Judge, they must examine the same and if they deem it correct they may by vote direct whether the same shall be paid, or any part thereof, as they may deem just and legal.

SEC. 49. When the council orders any demand or account to be paid the Auditor and Police Judge, they must draw a warrant upon the Treasurer for the amount ordered paid, which warrant must be drawn on the special fund appropriated therefor and be signed by the Mayor, and be attested by the Auditor and Police Judge.

SEC. 50. The Auditor and Police Judge's name of office, whether acting as Auditor, Police Judge or Clerk of the Council, is "Auditor and Police Judge of the City of Grants Pass." It is his duty under direction of the council to keep a fair and correct journal of its proceedings and to file and keep all papers and books connected with the business of the Council.

SEC. 51. He must issue all license authorized by the City ordinances upon delivery to him of the receipt of the Treasurer or other officer authorized to collect for licenses, for the amount of money required for such license.

SEC. 52. The Auditor and Police Judge must keep proper books of account showing therein all sums appropriated, the date thereof, and out of what fund; the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance.

SEC. 53. The Auditor and Police Judge is the Judicial officer of the City and shall hold a Court therein, in the City Hall of the City of Grants Pass, and shall be known as the Police Court.

SEC. 54. The office of Auditor and Police Judge shall be deemed vacant whenever he shall be absent from the City for a period of more than ten days, without the consent of the Mayor, first had and obtained, except in case of sickness. In the absence of the Auditor and Police Judge the Mayor may preside over the Police Court in all matters relating to a violation of any City Ordinance or may designate any person having the qualifications of Auditor and Police Judge to act in his stead. Such appointee shall immediately take the oath of office and perform the duties of Auditor and Police Judge during such temporary absence or inability and he shall receive the same compensation as the Auditor and Police Judge; all sums so paid to him, being deducted from the salary of that officer.

SEC. 55. The Auditor and Police Judge has jurisdiction and authority of a Justice of the Peace in both civil and criminal matters within the limits of the City of Grants Pass, and shall have the same power and jurisdiction and be subject to all general laws of the State of Oregon prescribing the duties and rights of a Justice of the Peace and mode of performing them, and when acting as a Justice of the Peace, must tax and collect the same fees and compensation as are allowed to Justices of the Peace for like services, and he shall pay the same over to the City Treasurer.

SEC. 56. All civil or criminal proceedings before the Auditor and Police Judge or in the Police Court including all prosecutions for the violation of any City Ordinance are governed and regulated by the general laws of the State applicable to Justices of the Peace or Justice's Court in like or similar cases, but in a proceeding for a violation of a City Ordinance the trial shall be without jury unless the defendant on demanding a jury shall deposit in Court a sum sufficient to pay the per diem of such jury for one day, the compensation of which shall be $1 per day for each juror serving on such jury. In all criminal actions and proceedings in the Police Court witnesses shall not be entitled to receive either witness fees or mileage.

SEC. 57. All costs, fees and expenses taxed against or received from any defendant in any criminal proceeding before the Police Judge, either for the violation of a City Ordinance or a law of the State shall when received or collected, be paid by the said Judge to the City Treasurer, who shall give him receipts therefor, and all fines imposed by said Judge, and penalties recovered before, whether for violation of a City Ordinance or a state law, shall, when received or collected, be disposed of in like manner, and all fees taxed against or received in a civil action for the services of said Judge as a Justice of the Peace or of a Policeman as a Constable, shall when received or collected be disposed of in a like manner, and said Judge shall not be entitled to have or receive any other or greater compensation for anything by him done or performed under or by virtue of this Act, than the salary to be provided for by Ordinance. The Auditor and Police Judge shall make out and report to the Council a monthly statement of the business transacted before him, whether as Police Judge or Justice of the Peace, and the amount of money received and collected on account thereof.

SEC. 58. The Auditor and Police Judge shall receive such salary as may be fixed by Ordinance, but not to exceed Four Hundred Dollars per year, payable monthly out of the City Treasury, as full and complete compensation for his services as Auditor and Police Judge, Justice of the Peace in criminal proceedings, and Clerk of the Council.

SEC. 59. A defendant sentenced to imprisonment of 25 days or more, or to pay a fine of Fifty Dollars under City Ordinances, may appeal to the Circuit Court of Josephine County upon giving an Undertaking with one or more sureties, conditioned to pay all costs, and that the defendant will render himself in execution of any Judgment that may be rendered, and will satisfy any judgment that may be affirmed, and not otherwise.

SEC. 60. Before entering upon his duties the Auditor and Police Judge of the City of Grants Pass shall file a bond in the sum of One Thousand Dollars, with two or more good and sufficient sureties, which bond shall be approved by the Mayor with the consent of the Council.

SEC. 61. The treasurer shall be receiver of taxes and must receive and keep all money that shall come to the City by taxation or otherwise, and pay out the same upon the warrants of the Mayor and attested by the Auditor and Police Judge.

SEC. 62. The Treasurer shall keep an account of the general fund and a separate account of each special fund that may be raised for any special object and when a warrant is drawn upon any particular fund it shall be paid out of that fund only.

SEC. 63. The Treasurer shall make a report of the receipts and expenditures of the City of Grants Pass on the third Wednesday of June and December of each year and file the same with the Auditor and Police Judge within one day thereafter, and make such other reports at such times as may be required by the Council, and perform such other duties as the Council may by ordinance or resolution prescribe.

SEC. 64. Before entering upon the duties of his office, the Treasurer of the City of Grants Pass, shall file a bond in the sum of not less than $5000 with two or more good and sufficient sureties, which bond shall be approved by the Mayor with the consent of the Council, and subscribe and take an oath to the effect that he will faithfully and honestly perform the duties of Treasurer of the City of Grants Pass during his continuance in office, and that he will account for and pay over to his legal successor in office all moneys belonging to the City, that may come into his hands while acting as such Treasurer.

SEC. 65. The Treasurer shall receive such salary as may be fixed by ordinance, but not to exceed One Hundred and Fifty Dollars per year, payable quarterly out of the City Treasury as full and complete compensation for his services as such Treasurer.

SEC. 66. The City Attorney shall represent the City in all actions, suits and proceedings in which the City is legally interested, he shall prosecute all persons charged with a violation of a City ordinance; he shall prepare all contracts, bonds or other legal instruments in which the City is a party; he shall give his advice and opinion in writing concerning any matter in which the city is interested, when required by the Mayor or Council, or any committee thereof; he shall be in attendance at all meetings of the Council; he must be an attorney of the Supreme Court of the state of Oregon, and shall receive such salary as may be fixed by ordinance, but not to exceed Three Hundred Dollars per year, payable quarterly out of the City Treasury as full and complete compensation for his services as City Attorney for the City of Grants Pass.

SEC. 67. The Street Superintendent shall possess the same power and authority within the City limits, for the collection of Road Tax therein and have the remedies provided by the general laws of the state for Road Supervisors, for the collection of Road Tax.

SEC. 68. The Street Superintendent shall superintend all improvements of public streets, side and cross walks and alleys, and see that all streets, alleys, side and cross walks of the city are kept clean and free from obstruction; he shall keep proper records of all matters relating to the business of his office and report monthly to the Council and from time to time give such suggestions connected with his department as he may deem expedient and perform such other duties as may be required of him by ordinance, and shall receive such salary as may be fixed by ordinance, but not to exceed $2.50 per day, payable monthly out of the City Treasury as full and complete compensation for his services.

SEC. 69. The City Surveyor shall make all surveys and estimates of City work which may be required of him by the Common Council and shall perform such other duties as may be prescribed by ordinance. His compensation shall be fixed by the Council.

SEC. 70. The Mayor, with the consent of the Council, has power, and it is his duty to organize, govern and conduct a police force within the limits of the City of Grants Pass and to that end shall appoint a City Marshal and a suitable force of policemen; make all necessary and convenient rules and regulations for the organization and conduct of said police force; for the care and management of the City prison; for receiving and hearing complaints against any member of said force; for the removal or suspension of said force; and for the forfeiture of all or any portion of the wages that may be due any member of said force; or for negligence or misconduct in the discharge of his duty. The Council has power by ordinance to limit the number of regular policemen to be appointed or employed by said Mayor, and may provide for the working of the prisoners, and for the punishment of prisoners who shall refuse to work.

SEC. 71. In case of emergency the Mayor shall appoint special policemen for a term not exceeding five days, and the appointment shall be filed with the Auditor and Police Judge. Such special policemen shall receive such compensation as the Council may prescribe. All regular and special policemen by virtue of this act shall take and file a like oath to that of the Mayor of the City.

SEC. 72. The City Marshal is a peace officer, and must execute all processes issued by the Auditor and Police Judge or directed to him by any magistrate, in criminal matters; he shall make arrests for a breach of the peace or commission of a crime within the limits of the city with or without a warrant, as a peace officer may do under the laws of the State. He must exercise a vigilant control over the peace and quiet of the City. He is a keeper of the City prison or house of correction. He must collect all delinquent taxes and assessments when required by order or warrant, and pay the same to the Treasurer forthwith. He must attend regularly the sittings of the Police Court and the meetings of the Council, he shall exercise such additional power as may be conferred by the ordinances of said City to enable him to carry out the objects and purposes of this Act, for the prevention of fires, and shall perform such other duties as may be required of him by ordinance.

SEC. 73. The Marshal shall receive such salary as may be fixed by ordinance, not to exceed $75 per month, as full and complete compensation for his services as Marshal, and shall be paid out of the Treasury monthly.

SEC. 74. Policemen shall possess the same power and authority as the City Marshal, except as in this Act provided, and shall receive such salary as may be fixed by ordinance, not to exceed $60 per month, which shall be paid monthly out of the City Treasury, as full and complete compensation for his services as such policeman.

SEC. 75. The City Marshal shall have control over all Policemen, when they are on duty, and shall see that the City ordinances and the rules, orders and regulations for the government of the police force, are observed and enforced. He may suspend any policeman for negligence or a violation of a duty until the first regular or special meeting of the Council following such suspension.

SEC. 76. The City Marshal when acting under or enforcing any law or statute, other than a city ordinance is entitled to collect and receive the same fees and compensation as are allowed Constables for like service, and he shall pay the same over to the City Treasurer, as provided in the case of fees received by the Auditor and Police Judge, provided, no fee shall be taxed against Josephine county for services rendered either by Auditor and Police Judge or City Marshal. The City Marshal shall keep in his office a book of arrests in which shall be entered by him or under his direction, the name of every person arrested, by whom arrested, and the cause and date thereof.

SEC. 77. The City Marshal and all other police officers, and their sureties, shall be responsible to the City or such person aggrieved, the same as Sheriff and their sureties are now held.

SEC. 78. Before entering upon the duties of their offices, the City Marshal and all other police officers shall file a bond in the sum of One Thousand Dollars each, with two or more sureties, which bond shall be approved by the Mayor, with the consent of the Council and subscribe and take an oath that he will faithfully perform his duty as City Marshal or other police officer, during his continuance in office, and will account for and pay over all money that may come to his hands by virtue of his office.

SEC. 79. The official books and papers of all officers mentioned in this chapter are City property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors.

ARTICLE VII.

OF THE COUNCIL, ITS POWERS AND DUTIES.

SECTION 80. At the first regular meeting of the Common Council in January of each year, or as soon thereafter as practicable, the Council shall choose by ballot one of its members to preside over the Council and perform the duties of Mayor in the absence of the Mayor from the City, or if he be from any cause unable to act as such, as President of the Council, shall have and exercise the powers and perform all the duties of the Mayor.

SEC. 81. The Mayor and Councilmen shall receive no pay for their services, and the compensation of other officers shall be provided for by the Common Council.

SEC. 82. No member of the Common Council shall during the period for which he is elected or serving as such, be interested in any contract affecting the City.

SEC. 83. A majority of the whole number constituting the Council, as then provided by law, is a majority of the Council or members thereof, within the meaning of this Act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matters except as in this Act provided.

SEC. 84. The Council shall have authority to adopt and establish rules and By-Laws governing their own proceedings and the conduct of any and all elective and appointive officers and may punish any member or other person for disorderly behavior in their presence.

SEC. 85. All proceedings of the Council shall be public.

SEC. 86. The council may provide for the time and place of its regular meetings at any of which it may adjourn to the next succeeding regular meeting to some specified time prior thereto, but its regular meetings must be held at least once in each month.

SEC. 87. The style of the enacting clause shall be: "The City of Grants Pass ordains as follows:

SEC. 88. Every ordinance shall be read three times and may be read the second time by title only, but no ordinance shall be placed upon its final passage upon the day of its introduction unless in case of any emergency and upon the vote of three fourths of the Council, and each ordinance shall receive a majority vote of all Councilmen-elect, which vote be taken by Yeas and Nays, and after approval by the Mayor as otherwise by this Act provided, shall be enrolled in the Book of Ordinances, and its passage certified to therein in full by the Auditor and Police Judge. Said enrolled ordinances shall be received in evidence in all Courts.

SEC. 89. The Council shall provide a book in which all ordinances shall be enrolled, and also must keep a journal of its proceedings and on call of any one of its members shall cause the Yeas and Nays to be taken upon any question and entered in its journal; but upon a motion to adjourn the Yeas and Nays shall not be taken unless upon a call of two members.

SEC. 90. No member of the Council shall be liable or questioned in any other place for words uttered in debate therein.

SEC. 91. The Common Council shall have power and authority within the City of Grants Pass to provide for the punishment of all violations of the City ordinances by fine or fine and imprisonment, but no fine shall exceed the sum of Two Hundred Dollars, and no imprisonment more than One Hundred days, or both.

SEC. 92. When any person shall be convicted of any offense under any laws of the City and shall be adjudged to pay a fine and costs and shall fail to pay the same he may, in addition thereto, be sentenced to labor one day for each two dollars of said fine and costs, on the streets or other public works of the City under the charge of the Marshal, Street Superintendent or other person, designated by the Council, and the Council may provide such fetters and manacles as may be necessary to secure such person during such term of labor.

SEC. 93. The Common Council shall have power and authority within the limits of Grants Pass:

1—To assess, levy and collect taxes for general municipal purposes not to exceed eight-tenths of one per centum upon all property, both real and personal, which is taxable by law for State and County purposes, which levy shall be made by written resolution duly adopted by a two-thirds vote of the Council-elect, and must specify the object thereof and the estimated amount thereof.