

CHARTER OF THE CITY OF SUMPTER

Which Became a Law on the 6th Day of February, 1901.

AN ACT.

To incorporate the City of Sumpter, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith.

Be it enacted by the legislative assembly of the State of Oregon:

CHAPTER I.

OF THE INCORPORATION AND BOUNDARIES OF THE CITY.

Section 1. The inhabitants of the town of Sumpter, Baker county, Oregon, and of that part of the county of Baker and State of Oregon within the limits hereinafter prescribed, are hereby created and established a body politic and corporate and declared to be a municipal corporation by the name and style of the City of Sumpter; and by such name shall have perpetual succession, contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of justice and in all actions, suits and proceedings whatsoever; may purchase, lease, hold or receive property, real or personal, within the said city, for public buildings, public works, school purposes, streets and improvements and all other municipal purposes; and may lease, sell and dispose of the same or any part thereof for the benefit of the city; may purchase, hold and receive property both real and personal, within or beyond the boundaries of the city, to be used for city parks, cemeteries for burial purposes, hospitals, pest-houses, prisons, work-houses and houses of correction, powder houses, for the erection of water works and for the establishing of a water system, for supplying the city with electric or other lights, and for other useful, beneficial or ornamental purposes; and may erect buildings and works thereon, and may enclose, ornament and improve the same; and may control, sell, lease or dispose of the same for the benefit of the city; and may loan and borrow money and pledge the credit and property of the municipality. All property both real and personal, belonging to or invested in the town of Sumpter as heretofore created, established and bounded, shall upon the passage of this act, become the property of and vested in the city of Sumpter as created, bounded and established by this act; and said city may control, lease, sell or dispose of the same or any part thereof for the benefit of the city.

Section 2. The corporate limits of the city of Sumpter shall be as follows: All of the east half and the east half of the west half of section thirty-two (32); all of the southeast quarter of section twenty-nine (29); all of the east half of the southwest quarter of section twenty-nine (29); all of the southeast quarter of the northwest quarter of section twenty-nine (29); all of the south half of the northeast quarter of section twenty-nine (29); all of the south half of the northwest quarter of section twenty-eight (28); all of the southwest quarter of section twenty-eight (28); all of the west half of section thirty-three (33); all in township nine (9) south range thirty-seven (37) east of the Willamette meridian, in Baker county, State of Oregon.

Section 3. The power and authority given to the municipal corporation of the city of Sumpter by this act, is vested in a mayor and council and their successors in office, to be exercised in the manner hereinafter prescribed.

For the purpose of municipal representation the city of Sumpter is

hereby divided into four wards, designated and bounded as follows: Ward number one shall consist of all that part of the city of Sumpter which lies northerly of Granite street and a westerly continuation thereof, and westerly of Mill street and a northerly continuation thereof, excepting block numbered two (2) in the original townsite of Sumpter, which block is bounded by Mill, Granite, Center and North streets; ward number two shall consist of all that part of the city of Sumpter which lies northerly of Granite street and an easterly continuation thereof, and easterly of Mill street and a northerly continuation thereof and in addition thereto block numbered two (2) in the original townsite of Sumpter, which block is bounded by Mill, Granite, Center and North streets; ward number three shall consist of all that part of the city of Sumpter which lies easterly of Mill street and a southerly continuation thereof, and southerly of Granite street and an easterly continuation thereof; ward number four shall consist of all that part of the city of Sumpter which lies westerly of Mill street and a southerly continuation thereof, and southerly of Granite street and a westerly continuation thereof. The city council of the city of Sumpter is hereby granted the power to change the boundaries of the wards of the city from time to time, as it may deem it expedient, by ordinance but said city shall always be divided into four wards, neither more nor less.

Section 5. Each ward of the city of Sumpter shall be represented by and is entitled to elect two councilmen, one to be elected from each ward every year, and said councilmen shall hold their offices until their successors are elected and shall have qualified except as hereinafter otherwise provided.

There shall also be elected, for the term of two years, a mayor and a treasurer, who shall be officers of this municipal corporation. The councilmen shall be elected by the qualified electors in the respective wards in which they reside and which they are elected to represent. The mayor and treasurer shall be elected by the qualified electors of the city at large.

Section 6. The mayor shall also within one month after his being installed, or the passage of this act, appoint a city recorder, a city marshal and a city attorney, which appointments shall be subject to confirmation by a majority vote of the council. The mayor also appoint such other city officers as shall be provided for by the council by ordinance and such appointments shall also be subject to confirmation by a majority vote of the council. All officers appointed under this section shall hold their respective offices until removed by the mayor.

Section 7. No one shall be eligible to any office in the municipal corporation who at the time of his election or appointment is not entitled to the privileges of an elector according to the laws of the state, and who has not resided within the corporate limits of the city of Sumpter as hereby constituted, for three months next preceding his election or appointment.

Section 8. In addition to the qualifications prescribed in the last preceding section, to be eligible to the office of councilman, a person must be a resident of the ward from which he is elected for a period of three months prior to such election.

CHAPTER II. ELECTIONS.

Section 9. There shall be a general

election held in the city of Sumpter on the first Tuesday of December of each year, at which election all officers required to be elected by the qualified voters of the city or wards, as the case may be, shall be elected.

Section 10. The council shall designate one place in each ward for holding the election therein, and shall appoint three judges and two clerks for each ward who, previous to entering upon the discharge of their duties, shall severally take and subscribe an oath in the following form, to-wit:

"I do solemnly swear (or affirm) that I will perform the duties of a judge (or clerk) of election, according to law and the best of my ability; that I will endeavor to prevent fraud, deceit and abuse in conducting the same" said oath to be administered to the judges and clerks by and officer authorized by law to administer oaths.

Section 11. The recorder under the direction of the council shall give ten days notice of each general municipal election, by the posting of a notice in each of the several wards of the city, which notices shall state the date of such election, specify the officers to be elected and the places designated for holding such election.

Section 12. No person shall be qualified to vote at any election to be held under this act who does not possess the qualifications of an elector within this state, and who has not resided in the city of Sumpter for three months next preceding such election and in the ward in which he offers to vote at least thirty days next preceding such election.

Section 13. All elections under this act shall commence at 9 o'clock in the morning and continue until 4 o'clock in the evening of the same day, without closing the polls. If any judge fails to attend and serve at the opening of the polls, the voters of the ward present may elect another in his place; and if any clerk fails to attend and serve at the opening of the polls, the judges of the election may appoint another in his place.

Section 14. All general municipal elections shall be held and the candidates therefore shall be nominated in accordance with the general election laws now in force in the State of Oregon, except as in this act otherwise provided, and provided, that certificates of nomination made by individual electors shall be signed by not less than ten electors of the ward in which the person nominated, if a candidate for election to the council, shall reside, or not less than ten electors of the entire city in case of such officers as are elected at large, and provided, that all certificates of nomination shall be filed with the recorder of the city not less than ten days before the day fixed by law for said election.

Section 15. Judges and clerks of election shall possess the qualifications of voters of the ward in which they reside, but a mistake or error in this respect or a failure to give notice for the full time required herein, shall not invalidate any election otherwise legal.

Section 16. On or before the second day after the election the returns thereof shall be filed with the recorder, and on the fourth day after the election, or sooner if the returns of all the wards are in, the recorder shall call to his assistance, the mayor of the city of Sumpter and three councilmen who are not then candidates for election to any city office, and they shall canvass the returns of the election.

Section 17. A written statement of the canvass shall be made and signed by the canvassers, and filed with the recorder within the time appointed to complete the canvass; such writing shall contain a statement of the whole number of votes cast at such election, the number given for any person for any office, the names of such persons elected and the office to which they are respectively elected.

Section 18. Immediately after the completion of the canvass, and the filing of the written statement thereof as above provided, the recorder shall make and sign a certificate of election for each person declared elected, and deliver the same to the person entitled on demand.

Section 19. A certificate of election shall be primary evidence of the election or appointment of the party named therein to the office therein specified; but the council shall be the judges of the qualifications and elec-

tion of its own members. Section 20. A contested election for mayor or treasurer shall be determined in any manner with any mined according to the laws of the state regulating proceedings in contested elections or appointments of county officers.

Section 21. The term of office of every person elected to office under this act shall commence on the first Monday in January after his election and terminate when his successor is elected and qualified. Every person elected or appointed to office under this act shall, before entering upon the discharge of his duties as such officer, take and file with the recorder, an oath of office to the following effect:

"I, 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 the office of of the city of Sumpter, during my continuance therein; so help me God."

CHAPTER III.

VACANCIES IN OFFICE.

Section 22. An office shall be deemed vacant upon the death or resignation of the incumbent or when he shall absent himself from the city without the consent of the council for a period of thirty days. The office of councilman shall be deemed vacant whenever the incumbent thereof shall fail to attend three consecutive meetings of the council, unless upon leave of the council first obtained.

Section 23. A vacancy in any office caused by the failure of the person elected to qualify therefor, as prescribed by section 21 or made by or consequent upon the judgment of any court, or in any of the cases specified in sections 22 and 174, must be filled by appointment by the mayor with the concurrence of a majority of the council, and such person so appointed shall hold such office until the next general municipal election and until his successor is elected and qualified.

Section 24. Any officer appointed to fill a vacancy must, within five days from the date of such appointment, qualify therefor as in the case of an officer elected, or he shall be deemed to have declined, and such office shall be declared vacant.

CHAPTER IV.

OF THE ORGANIZATION AND POWER OF THE COUNCIL.

Section 25. There shall be a regular meeting of the council on the first Monday of each year, which meeting shall be designated as the annual meeting of the council, and the council shall provide for the time and place of its other regular meetings, at any of which it may adjourn to the next regular meeting or to some specified time prior thereto, and it may be convened by the mayor at any time, upon his giving notice to each member of the council at that time present in the city, in time to enable them to attend, provided that there shall be a majority of the council then within the city, and provided that the mayor shall call a meeting of the council at any time upon the request of three of its members.

Section 26. A majority of the members of the council, shall constitute a quorum to do business, but a less number shall meet and adjourn from time to time, and compel the attendance of the absent members.

Section 27. The council may adopt rules for the government of its members and its proceedings. It must keep a journal of its proceedings, and on the call of any two of its members must cause the ayes and nays to be taken and entered upon its journal upon any question before it; but upon a question to adjourn the ayes and nays shall not be taken, unless upon the call of three members. Its deliberations and proceedings must be public.

Section 28. The council may punish any member for disorderly conduct at any meeting, or for refusing or neglecting to attend a regular meeting without sufficient excuse therefor, and may, for sufficient cause, by a three-fourths vote expel a member upon charges preferred and a trial had as may be provided by ordinance; and may declare, by ordinance, for what offences city officers may be im-