

the Council, with the message of the Mayor, which must be read, and such ordinance shall again be put on its passage, and if three-fourths of all members constituting the Council, vote on the affirmative, it shall become a law and be in full force and effect, without the approval of the Mayor, and not otherwise.

***63. Mayor To Hold Court When Necessary:**
During the temporary absence of the Recorder of the City, or for any reason such officer is unable to act, the Mayor is authorized to hold Court for trial of such persons as are arrested for the violation of any ordinance of the city.

***64. Mayor To Sign All Warrants—Bonds:**
The Mayor shall sign all warrants for the payment of the indebtedness of the city and current expenses, but no warrant shall be signed by the Mayor nor issued by the Recorder except upon the order of the Council evidence by resolution or ordinance.

The Mayor shall also sign with his name of office, all bonds that may be issued pursuant to any election or action of the Council.

ARTICLE V. THE RECORDER.

***65. Qualifications—Filling Vacancy In Office.**

***66. Salary.**
***67. Duties Of The Recorder.**
***68. Assistant.**
***69. Authority To Administer Oaths.**
***70. Approval Of Certain Demands Prohibited.**
***71. Register Of Warrants—Preference Forbidden.**
***72. Drawing Warrants.**
***73. Issuance Of Licenses.**
***74. Certified Copies Of Records.**
***75. Ownership Records.**
***76. Recorder As Municipal Court.**

***65. Qualifications—Filling Vacancy In Office:**
There shall be a Recorder of the City of Beaverton who shall possess the same qualifications required of an Alderman and in addition those of an experienced clerical person. He shall be elected at the general municipal election and shall serve for a term of one year.

If a vacancy occur in the office of Recorder the Mayor with the consent of the Council shall appoint an eligible person to fill such vacancy until the next general municipal election subject to the provisions of law with respect to the recall of officers and also subject to the provisions of this Charter declaring when a City office shall be deemed vacant. The person appointed to fill such vacancy must within five days from the date of appointment or election qualify therefor as in the case of an officer elected for the full term or he shall be deemed to have declined and the office shall be considered vacant.

***66. Salary:**
The salary of the Recorder shall be fixed by ordinance by the Council and shall be payable monthly out of the General Fund in the same manner as other salaries are paid. The Recorder shall give a bond for the faithful performance of his duties in such sum as the Council may determine. The salary shall neither be increased nor diminished during his term of office.

***67. Duties Of The Recorder:**
The Recorder is the clerical officer of the town and is ex-officio clerk of the Council and ex-officio assessor. He shall be in personal attendance at his office daily during office hours and attend all meetings of the Council. He shall receive and preserve and record all the doings of the Council. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts, contracts and business of the city. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon demand of the Mayor or Council. He shall be the custodian of the City's seal and shall perform such other duties as this Charter may or the Council will direct.

He shall keep the records and accounts of the city in a complete and intelligible manner and have the same so that they may be determined at any immediate time.

He shall make a semi-annual statement to the Council showing the receipts and disbursements of the city and the state of each particular fund. Said statements are to be made at a time set by the Council. The report shall contain an accurate statement in summarized form and in detail of the financial receipts of the city from all sources and of the expenditures of the city for all purposes, together with a detailed statement of the debt of the city, the purposes for which the debt was incurred, and of the property of the city, and a statement showing all contracts and franchises, permits or other privileges then in effect, and the purposes for which they were granted and the names of the present owners of each thereof. As a part of each semi-annual statement, he shall include therein an inventory of all public property of the city, together with its condition and approximate value, and also include therein a summary of the assets and liabilities of the city.

***68. Assistant:**
The Council may appoint an assistant to said Recorder, wherever and whenever it may be deemed necessary and for the purposes of auditing and compiling hereinbefore data mentioned, may employ an accountant who shall have the qualifications of and be an "expert accountant".

***69. Authority To Administer Oaths:**
The Recorder is authorized to administer an oath and certify any acknowledgment authorized or required to be taken by any city ordinance or law of this State and he may require any person presenting for settlement an account or claim of any kind against the city to be sworn before his touching such account or claim, and when so sworn to answer orally as to any facts relative to the merits or justice of such account or claim.

***70. Approval Of Certain Demands Prohibited:**
No demand shall be allowed by the Recorder in favor of any person or corporation indebted to the city in any manner, except for assessments or taxes not delinquent, without first deducting the amount of any indebtedness then due of which he has notice, nor in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed as herein required, nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance, or the regulation of the Council; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties; nor in favor of any officer or employee for the time he shall have absented himself without legal cause or duly granted leave of absence from the duties of his office during office hours, and the Recorder must always examine on oath any person receiving a salary from the city touching such absences.

***71. Register Of Warrants—Preference Forbidden:**
The Recorder shall keep a register of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what services, and the appropriation applicable to the payment thereof. He shall not allow any demand out of its order, nor give priority to one demand over another drawn on the same specific fund, except that when liability for any claim presented is not sufficiently apparent to him, he may delay the payment thereof until such liability shall be determined.

***72. Drawing Warrants:**
When any demand has been duly approved and audited, the Mayor and Recorder shall draw warrants on the Treasurer therefor. Such warrants must be drawn on the fund appropriated therefor and be signed by the Mayor and attested by the Recorder; but no warrant except such as are issued upon funds created by special assessments, or warrants issued in settlement of judgments of the courts, shall be drawn, signed by the Mayor or attested by the Recorder until the money for the payment thereof is in the hands of the City Treasurer and appropriated to the payment thereof upon presentation of same.

***73. Issuance Of Licenses:**
The Recorder must issue all licenses authorized by ordinance upon the presentation to him of the amount of money required for such license. He shall promptly turn over such moneys to the Treasurer.

***74. Certified Copies Of Records:**
The Recorder shall make certified copies of any papers or maps or transcripts of any records kept in his office when so required, upon the payment of his fees therefor, and such fees shall be deposited with the City Treasurer for the credit of the general fund. The fees charged shall be the same as those provided for in this Charter or by ordinance, and no charge shall be made for any copies, transcripts, or certificates required or demanded by any official or board when such are needed for the official business of the city.

***75. Ownership Records:**
The Recorder shall keep a record of ownership of real property within the limits of the City of Beaverton, and correct said record as changes of ownership shall be recorded in the office of the County Clerk for the County of Washington, and he shall also keep a record of all property owned by the city and the income derived therefrom.

***76. Recorder As Municipal Court:**
The Recorder shall have all power, jurisdiction and authority of a Justice of the Peace and magistrate in all criminal matters arising within the city, and in all criminal proceedings had before him he shall be governed as to procedure and penalties by the laws of the State of Oregon, relating to a Justice of the Peace. An appeal may be taken from his judgment in the manner prescribed by the laws of the State of Oregon in reference to appeals from the judgment of a Justice of the Peace, and litigants and persons accused of the commission of a crime may demand jury trials in the same manner as in Justice Courts under the laws of the State of Oregon. He shall have exclusive original jurisdiction over the violation of the city ordinances, and may hold to bail, fine, and commit all persons guilty thereof, and in the proceedings for the violation of all City ordinances, the trial shall be without a jury. The Common Council may, by ordinance, limit the number of witnesses to be subpoenaed at the expense of the city, on the part of the defendant for the trial for all breaches of all city ordinances, and may regulate and prescribe the fees of witnesses. There shall be no right of appeal from the judgment of the Recorder for a violation of any ordinance of the City, unless the sentence be for imprisonment for ten days or more, or for the payment of a fine of twenty (\$20.00) dollars or more, but in such case the defendant may appeal to the Circuit Court of the State of Oregon for Washington County in the manner appeals are taken from the judgment of a Justice of the Peace, upon giving an undertaking with two or more sureties to be approved by the Recorder, conditioned to pay all costs, and that the defendant will render himself in execution of any judgment that may be affirmed, and not otherwise.

ARTICLE VI. THE TREASURER.

***77. Receiving And Paying Out Money.**

***78. Keeping Accounts.**

***79. Reports.**
***80. Treasurer's Bond.**
***81. How Bonded.**
***77. Receiving And Paying Out Money:**
The Treasurer of the City shall receive all moneys, including taxes, and must keep such moneys and pay out the same upon the warrants of the Recorder duly attested by the signature of the Mayor and not otherwise.

***78. Keeping Accounts:**
The Treasurer shall keep an account of the General Fund and a separate account of each special fund that may be provided for any special object, and when a warrant is drawn upon any particular fund, it shall be paid out of such fund only.

***79. Reports:**
The Treasurer shall make a report of the receipts and expenditures of the City on the first day of each month, and file the same with the Recorder within five days, and make such other reports and furnish such other information and at such times as may be required by the Council and perform such other duties as the Council may prescribe by ordinance or resolution.

***80. Treasurer's Bond:**
Before entering upon the duty of his office, the Treasurer of the City of Beaverton shall file with the Recorder a bond in the sum of not less than Five Thousand Dollars, (\$5000.00), but he may be required from time to time, by resolution of the City Council, to give additional bond as the Council may deem necessary and proper, which bond must be approved by the Mayor, and such Treasurer shall take and prescribe an oath to the effect that he will faithfully perform the duties of the Treasurer of the City of Beaverton during his continuance in office, and that he will account for and pay over to his successor in office all moneys belonging to the city that may come into his hands while acting as such Treasurer and by virtue of such office.

***81. How Bonded:**
The bond of the City Treasurer shall be in such amount as the Council shall prescribe and shall be a surety bond as furnished by a substantial Surety company. Such bond shall be made in favor of the City of Beaverton.

ARTICLE VII. CHIEF OF POLICE AND OFFICERS.

***82. Chief Of Police And Officers:**
***83. Bond Of Chief Of Police.**
***84. Chief Of Police And Officers:**

The Chief of Police shall have all the power of a Constable within the City of Beaverton, and it shall be his duty, in addition to the duties prescribed for him by the Council, to execute and return all process issued and directed to him by the Recorder or by any other legal authority; he shall arrest, upon complaint or otherwise as any other police officer, all persons found guilty of the breach of the peace or a violation of the city ordinances or laws of the State, and bring them before the Recorder or other legal authority for trial; he shall attend the Recorder's Court and the meeting of the Council; he shall be keeper of the City jail and the City pound, and he shall be conservator of the peace and shall have charge of all prisoners and vagrants, and shall under authority of the city ordinance prescribing the same require all prisoners to work upon the streets of the city or upon other city work. He must keep a correct record of all arrests made by him or his deputy, showing the time when and the cause of the complaint upon which such arrests were made, and must make a full and complete report thereof in writing to the Council quarterly on the first day of April, July, October and January. He shall have such deputies as the needs of the city may require for night watchman, day watchman, or for policing the city, who shall receive for their services such compensation as the Council may prescribe. Such deputies, watchmen and policemen shall be appointed by the Mayor, and such deputies so appointed shall take an oath of office, and the said Chief of Police shall have the control and direction of said deputies, watchmen and policemen and shall be responsible for their conduct. The Chief of Police shall be tax collector for the city and shall execute all warrants and executions except as the Council shall otherwise decide and direct.

He shall give a bond at the request of the Council, subject to their approval and in such sum as the Council may designate.

ARTICLE VIII. APPOINTIVE OFFICERS.

***84. Appointive Officers.**
***85. Removal And Qualifications.**
***86. Bonds Of Appointive Officers.**
***87. Books And Records.**
***88. Salaries Of Appointive Officers.**
***84. Appointive Officers:**

Immediately after election the Mayor, with the consent of the Council shall appoint the following officers:

A Chief of Fire Department.
A Chief of Police and a Police Officer or as many as may be necessary to protect the health, welfare and happiness of the inhabitants of the City.
A City Attorney, Water Superintendent and Water Clerk, and any other officers or employees that may be necessary from time to time.

***85. Removal And Qualifications:**
All appointed officers shall serve during the pleasure of the Council. All may be removed for cause at any time by a two-thirds vote of the Council. A statement of reasons for the removal shall be included in the order, and the officers removed shall have the right to make a counter statement in writing, which shall be filed and preserved with the order of removal. The order of removal shall not be reviewable. Vacancies in any such offices shall be filled by the Mayor. The Council may by ordinance impose any duties upon any officer not inconsistent with the general character of such office, and may divide or consolidate any of said offices. It shall also fix and may change from time to time the salary of every officer. The officers named in this section shall at the time of their appointment be citizens of the United States, residents and qualified voters of the City of Beaverton. The City Attorney shall be an attorney of the Supreme Court of the State of Oregon and of the United States District Court.

***86. Bonds Of Appointive Officers:**
All appointive officers excepting the City Attorney shall furnish bonds in the amount of which may be directed by the Council.

***87. Books And Records—Inspection—Copies:**
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 record of the Police Department shall not be subject to such inspection unless permission be given by the Council.

***88. Salaries Of Appointive Officers:**
The salaries of appointive officers shall be that as specified by ordinance or resolution and authority is hereby granted to combine an elective office with an appointive office. Provided, however, that no elective officer's salary shall be increased nor diminished during his term of office.

CHAPTER IV. MUNICIPAL ELECTIONS.

ARTICLE IX.

***89. General Elections.**
***89½. Increase Of Aldermen.**
***90. Special Elections.**
***91. Election Notice.**
***92. Opening And Closing Of Polls.**
***93. Challenges.**
***94. Oath And Examination Of Elector.**
***95. Refusal To Answer.**
***96. Oath Upon Challenge.**
***97. Elections Yearly.**
***98. Council To Be Judge Of Qualification Of Members.**

***89. General Elections:**
The first general election under this Charter shall be on the first Tuesday after the first Monday in November, and shall be for the purpose of electing a Mayor to hold the office for a period or term of two years, to elect a Treasurer to hold office for a term of one year, to elect a Recorder to hold office for a term of one year, to elect three Aldermen to hold office for a term of two years. Nothing herein is intended to disturb the time or tenure of office of Aldermen now holding office (but changes only the dates at which elections are held and increases the term of Mayor from one to two years duration). Three Aldermen shall be elected each year to hold office for a period of two years. Aldermen holding office at the time of adoption of this Charter shall hold their offices for the terms of which they were elected, and until their successors are elected, or appointed and qualified.

Officers elected under this act shall take office on the first Monday in January after their election.

***89½. Increase Of Aldermen:**
It is further provided, that when the City of Beaverton, shall have a population of two thousand people as shown by the Federal or state census, that eight Aldermen shall be elected, who shall hold their offices for a period of two years. At the first election held under this act one of the additional two numbers required, shall be elected for a term of one year only, and thereafter four Aldermen shall be elected yearly to hold office for two years.

***90. Special Elections:**
Special elections for whatever purposes may be called by the City Council by ordinance and resolution, for any time as the Council may designate, but not less than ten days notice shall be given of said election by posting in four conspicuous places.

***91. Election Notice:**
The Recorder, shall, under the direction of the City Council give not less than ten days notice of a general election, the officers to be elected and the measures to be voted upon, if any, and that said election will be held concurrently with State and County election. Said notice of either general or special election shall name the polling places and time of opening and closing polls.

***92. Opening And Closing Polls:**
All general and special elections held in this city shall be conducted under the provisions of the laws of the State of Oregon; and the polls shall be opened at the hour of eight (8:00) o'clock in the forenoon and continue open until eight (8:00) o'clock in the afternoon of the same day, at which time the polls shall close and remain closed. Proclamation shall be made by the judges prior to opening of the polls and thirty minutes before closing the polls. The judges and clerks shall keep together, and at no time shall more than one of them be out of the presence of the others. Said absence of one

of them from the others shall be for a period no longer than one hour. After the count is begun it shall continue without adjournment, until completed.

***93. Challenges:**
It shall be the duty of each judge or clerk of election, or any elector present, to challenge any person offering to vote whom he shall know or suspect not to be qualified as an elector.

***94. Oath And Examination Of Elector:**
If a person offering to vote is challenged as unqualified by anyone enumerated in paragraph 93 of this Charter the chairman of the said judges shall administer to him the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election." The chairman shall then propound such questions to the person challenged as may be necessary to test his qualifications as an elector at that election. The judges may hear such testimony and consider such other evidence as is proper upon the question. If all the judges cannot agree, the three clerks shall be called in and a majority of the whole board shall decide the matter.

***95. Refusal To Answer:**
If the person so challenged shall refuse to answer fully any question touching his qualifications as an elector which shall be put to him, the judges shall reject his vote.

***96. Oath Upon Challenge:**
If the challenge be not withdrawn after the person offering to vote shall have answered the questions put to him as aforesaid, the chairman of said judges shall administer to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are of the age of twenty-one years; that you have been a resident of this state for six months next preceding this election; that you now reside in this precinct; that you have not yet voted at this election, and that your true name is as you represent it to be."

If the elector only claims the right to vote for state, or district and state, officers, the oath shall be modified accordingly.

***97. Elections Yearly:**
General municipal elections shall be held yearly at the time stated and if held any other time shall be called and deemed special elections.

***98. Council To Be Judge Of Qualifications Of Members:**
The Council shall be the judge of the qualifications and elections 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 review by any court of competent jurisdiction.

CHAPTER V. OFFICIAL ADVERTISING AND CONTRACTS

***99. Official Advertising—Where To Be Made.**
***100. Construction Of Time Clause For Publications.**
***101. Contract For Over \$250.00.**
***102. Contractors To Give Bonds.**
***103. No Purchase Excess \$250.00 Without Bid.**

***99. Official Advertising—Where To Be Made.**
All advertising and publications provided for in this Charter must be made in the city official newspaper and such other publications as the Council may by ordinance direct.

***100. Construction Of Time Clause For Publications:**
Any requirement of law or of this Charter or of any city ordinance for any form of notice to be published in the city official newspaper for a stated number of days, shall mean and be construed to mean that certain issue or issues of said paper, whether published daily or weekly, that covers the number of days mentioned in said law, Charter or ordinance.

***101. Contract For Over \$250.00:**
The City of Beaverton shall not be bound by any contract nor in any way liable thereon, unless the same is authorized by an ordinance and made in writing and signed by some person or persons duly authorized thereunto by the Council. But an ordinance may authorize any board, body, officer or agent, to bind the city without a contract in writing for the payment of any sum not exceeding two hundred and fifty dollars, (\$250.00).

***102. Contractors To Give Bonds:**
All contractors shall, at the time of executing any contract for work to be done for the city, execute a bond to the satisfaction of the Council, to be approved by the Mayor, in such sum as said Council may deem adequate, not less than fifty per cent of the contract price of such contract, payable to the City of Beaverton, and if executed by individual sureties they shall justify in double the amount of the said bond; said bond shall be conditioned for the faithful performance of such contract, and further that the contractor will fully secure and pay the just claims of all laborers, material men and subcontractors employed by him thereunder. Any such laborer, material man, or subcontractor whose just claim may not be satisfied, shall have and is hereby granted a right of action upon said bond in the name of the City of Beaverton and said action shall have the same force and effect as if this City was enforcing the covenants of such bond. All persons having such claims may join or be brought into one action and the City shall also be made a party thereto to the end that all rights arising under one bond may be determined in one action.

***103. No Purchase Excess \$250.00 Without Bid:**
The Council shall make no purchase of supplies and material in excess of two hundred and fifty dollars, (\$250.00) without having duly advertised for the same in the City Official Newspaper. The Council shall have no power to let any contract for any public improvement or for any supplies for the City of Beaverton except such contract be let to the lowest responsible bidder for the class or kinds selected by the Council. The specifications upon which the bids shall be made shall clearly state the kind, class grade and quality of improvement or supplies desired and one or more sets of specifications may be adopted by the Council. The Council shall have the right to reject any and all bids. This provision shall not prevent the Council from employing labor direct to construct or carry on public works or to make public improvements.

CHAPTER VI. PUBLIC UTILITIES AND FRANCHISES.

ARTICLE I. PUBLIC UTILITIES.

***104. Public Utilities—General Provisions.**
***105. Power Of City To Use.**
***106. "Public Utility", Defined.**
***107. General Supervision By Council.**
***108. Council May Issue And Sell Certificates.**
***109. Council May Investigate Utilities.**
***110. Report Required Quarterly.**
***111. Council May Make Rules To Govern.**
***112. Franchises Must Be Subject To Charter Provisions.**
***113. Council May Levy Privilege Tax.**
***113½. Limiting Indebtedness To Be Incurred.**

***104. Public Utilities—General Provisions:**
The City of Beaverton shall have the power to construct, condemn, purchase, add to, acquire, maintain, operate and own all or any part of any public utility or any plant or enterprise, for the purpose of serving the city and the people thereof for uses public and private. Such power may be exercised in any lawful manner and shall include the power to purchase, condemn or otherwise acquire any franchise heretofore granted to operate a public utility.

***105. Power Of City To Use:**
The City shall have power to construct and acquire in any legal way and to maintain and operate works, plants and facilities for the purpose of doing any and all municipal work by direct employment of labor under the supervision of the City, and may use such works, plants and facilities, and the product thereof, for the purpose of doing municipal work of all kinds, and shall have the power to sell such product for use in the construction of municipal improvements of all kinds. It shall have power to provide payment for the whole or any part of local improvements constructed or done by the city directly under the provisions of this section by assessment against the property benefited thereby.

Funds for the carrying out of this section may be provided by issuing bonds as provided in Section *135 of this Charter or by the use of any moneys in the general fund at the end of the fiscal year.

***106. "Public Utility", Defined:**
The term "public utility" as used in this Charter shall be deemed to include every plant, property or system engaged in the public service within the city or operated as a public utility as such terms are commonly understood.

***107. General Supervision By Council:**
The Council shall have general supervision and power of regulating of all public utilities within the City of Beaverton, and of all persons and corporations engaged in the operation thereof.

***108. Council May Issue And Sell Certificates:**

The Council is hereby granted power to issue and sell interest bearing public utility certificates for the construction or acquisition by purchase, condemnation or otherwise of any public utility to be operated within the city. The certificates shall be secured by a mortgage or mortgages upon such public utility plant and the revenues thereof, but the same shall not be a general liability of the city and shall be paid solely from the revenues derived from the plant or from the sale thereof. Such power shall be exercised only by ordinances which shall be subject to referendum in like manner and upon like terms and conditions as ordinances granting franchises.

***109. Council May Investigate Utilities:**
The Council shall have power to investigate from time to time, and whenever they shall deem that the public service, health or welfare require it, the affairs, business and property of any public utility within the City. For that purpose they shall have the right to compel the attendance of witnesses and the production of books, papers and records, and of entry in person or by authorized agent upon any premises or places of any person or corporation engaged in the operation of a public utility. They shall have the power to control, regulate and order such changes, improvements, extensions, additional facilities, appliances or equipment in or upon the plant and property of any person or corporation operating public utilities within the city as may be deemed necessary to promote the public interest, convenience or safety, and to protect its employees in the construction, maintenance or operation of any such public utilities.

Every charge, rate, fare or compensation made, charged or demanded by any person or corporation engaged in the operation of a public utility within the City of Beaverton for any service rendered or to be rendered