

PROPOSED NEW CHARTER FOR THE CITY OF HEPPNER

(Continued from Page Four)

gressive conditions.

By a careful reading and study of this text, you will be able to vote intelligently.

AN ACT

An Act proposed by the Common Council of the City of Heppner, Morrow County, Oregon, to enact, provide and adopt a Charter for the City of Heppner, Morrow County, Oregon, to be submitted to the legal voters of the City of Heppner, Morrow County, Oregon, for their approval or rejection at a special election to be held in said City, on the 20th day of December, 1918, and to repeal all acts or parts of acts in conflict therewith.

THE PEOPLE OF THE CITY OF HEPPNER DO ORDAIN AS FOLLOWS:

CHAPTER I. ORGANIZATION AND BOUNDARIES.

Article I.

CORPORATE POWERS, RIGHTS AND LIABILITIES:

Section 1. This Act is hereinafter referred to as the Revised Charter of the City of Heppner:

EXISTENCE OF THE CITY OF HEPPNER CONTINUED—CORPORATE POWERS:

Section 2. The Municipal Corporation now existing and known as the City of Heppner shall remain and continue a body politic and corporate by the name of the City of Heppner. The inhabitants of the City of Heppner 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 Heppner," and by such name shall have perpetual succession; and may 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, hold and receive property, both real and personal, within the city for public buildings, public works, school purposes, streets and city improvements and all other city and municipal purposes; may purchase, hold, lease and receive property, both real and personal, within and beyond the city limits, for hospitals, prisons, work houses and houses of correction and for other proper and legitimate municipal purposes, and may erect necessary public buildings and works thereon, and may enclose, ornament and improve the same; and 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 gasworks and electrical works to supply the city with light, heat or other municipal purposes, and may acquire property by the exercise of eminent domain within or beyond the limits of the city for public use, and for the purpose of supplying the city with water, light, heat, and other public purposes, and shall have the right to possession and control of all public buildings and property and of all tracts of land belonging to said city and may lease, sell or dispose of the same for the benefit of the city; may receive bequests, gifts and donations, of all kinds of property in fee simple, in trust or otherwise, for charitable or other purposes, and may do all acts necessary to carry out the purposes of said gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust, or absolutely in case such gift, bequest or trust be unconditional.

GRANT OF GENERAL GOVERNMENT POWERS:

Section 3. The City of Heppner shall be vested within its corporate limits with authority to perform all public services and with all governmental powers except as are expressly conferred by law upon other public corporations and subject to the limitations prescribed by the Constitution and laws of the State, except as hereinafter provided.

PROPERTY RIGHTS OF CITY:

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

SUITS, ACTIONS AND PROCEEDINGS:

Section 5. Suits, actions and proceedings may be brought in the name of the City of Heppner, for the recovery of any property, property rights, money or things belonging thereto, in law or in equity, or dedicated to the public use therein, or for the enforcement of any rights of, or contracts with said city, whether made or arising before or after the adoption of this Charter. All existing suits, actions and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against said city.

CONTRACTS, HOW AUTHORIZED:

Section 6. The City of Heppner shall not be bound by any contract or in any way liable thereon, unless the same be authorized by ordinance or resolution adopted by the Common Council of said city and a record of such resolution entered in the minutes of the proceedings at which said resolution was adopted, and any contract so authorized must be in writing, and be signed by the Mayor in behalf of the City, and sealed with the corporate seal of the City, and be attested by the Recorder. But an ordinance or resolution as aforesaid may authorize the Mayor of the City, to bind the City without a contract in writing for the payment of any sum of money not exceeding One Hundred (\$100.00) Dollars.

CONFIRMING ACTS UNDER PREVIOUS CHARTERS—LIABILITIES UNDER PREVIOUS CHARTERS:

Section 7. All indebtedness hereto created by the City of Heppner and all evidences of debt issued therefor, are hereby declared valid obligations binding on the City of Heppner.

EXISTING ORDINANCES AND LIABILITIES:

Section 8. All existing ordinances of the City of Heppner as now incorporated, in force when this act takes effect, and not inconsistent therewith, shall be and remain in full force after this act takes effect and thereafter until repealed by the Common Council, and no right vested, nor liability incurred when this act takes place, shall by any provision of this act, be lost, discharged or impaired.

TIME FOR PRESENTMENT OF CLAIMS FOR DAMAGES—ACTION THEREON:

Section 9. Every claim for damages against the city must be presented to the Council and filed with the Recorder within six months from the taking effect of this Charter or within six months after the time when such claim for damages accrues, otherwise there shall be no recovery on any such claim. No ordinance shall be passed allowing any such claim, or any part thereof or appropriating money or other property to pay or satisfy the same, until such claim has been referred to the City Attorney, and the City Attorney has made his report to the Council thereon pursuant to such reference, unless judgment has been rendered on such claim. No action shall be maintained against the city for damages upon any claim until the same has been presented to the Council and filed with the Recorder as above set out and sixty days have elapsed after such presentation.

Article II.

POWER AND AUTHORITY—WHERE VESTED:

Section 10. The power and authority given to the municipal corporation of the City of Heppner shall be and is hereby vested in a Mayor, Common Council, and such other boards and officers as are provided by this Charter, and their successors in office, to be exercised in the manner hereinafter prescribed.

OFFICERS OF THE CITY—ELECTED:

Section 11. There shall be elected as hereinafter provided a Mayor, Treasurer, Recorder, and Six Councilmen, who shall be officers of the City of Heppner.

Article III.

BOUNDARIES OF THE CITY OF HEPPNER:

Section 12. The Boundaries of the City of Heppner shall be and are hereby declared to be as follows: Beginning at the center of section twenty-seven (27) in Township two (2) south of range twenty-six (26) east of Williamette Meridian, thence East two hundred and sixty (260) rods; thence South one hundred and sixty (160) rods; thence East sixty (60) rods; thence South three fourths of one mile; thence West one mile; thence North one and one fourth mile to the place of beginning.

POWER TO ANNEX TERRITORY:

Section 13. The City of Heppner may annex additional territory contiguous to and adjoining the limits of said city in the manner provided by the laws of the State of Oregon governing the annexation of such territory by a municipality of the State of Oregon, in force and effect at the time such territory is annexed by the City of Heppner, and such territory, and the inhabitants thereof, when so annexed shall become a part of said city and subject to the jurisdiction thereof; provided, however, that the common council of the City of Heppner may enact an ordinance governing the annexation of additional territory contiguous to and adjoining the limits of said city which ordinance shall not be inconsistent with the general laws of the State of Oregon governing the annexation of additional territory by municipalities, in which case the City of Heppner shall proceed under said ordinance when annexing additional territory contiguous to said city.

CHAPTER II.

ELECTION OF OFFICERS.

Article I.

FIRST ELECTION UNDER THIS CHARTER:

Section 14. There shall be held bi-ennially in the city of Heppner, Oregon, a general election which shall be called the General Municipal Election. The first General Municipal Election under this Charter shall be held in the City of Heppner on the first Tuesday after the first Monday in November, 1920, and bi-ennially thereafter.

TERM OF OFFICE:

Section 15. All elective officers of the City of Heppner shall be elected at the General Municipal Election. The Mayor shall be elected for a term of two years, and the members of the common council shall be elected for a term of four years, and the Treasurer and Recorder shall be elected for a term of two years, and all of such officers shall hold their office until their successors are elected and qualified.

INCUMBENTS IN OFFICE—TO HOLD:

Section 16. The incumbents in office, and all appointive officers of the City of Heppner, who shall be in office when this Charter shall take effect, shall hold their respective offices until the end of the terms for which they were respectively elected or appointed, and until their respective successors shall have been elected or appointed and qualified.

TIME TO QUALIFY:

Section 17. All persons elected to office at the general municipal election held under this charter shall qualify and assume the duties of their office on the first Monday of January next following such General Municipal Election, and shall hold such office for the term for which they were elected and until their successors are elected and qualified hereunder.

SPECIAL ELECTIONS:

Section 18. All other elections held under this Charter shall be designated Special Elections, and shall take place not less than ten nor more than thirty days after an ordinance calling the same takes effect, providing, however, that such limitation shall not apply to any Special Election called upon the petition of the electors of the City, under the Initiative and Referendum law of the State of Oregon, or to any Special Election called under any Initiative and Referendum Ordinance which may hereafter be passed and adopted by the Common Council of the City of Heppner and duly approved by the Mayor.

QUALIFICATION OF VOTERS:

Section 19. No person shall be entitled to vote at any General or Special Election within the city of Heppner, who is not a qualified elector of the State of Oregon, and who has not been bona fide resident of the city of Heppner for at least thirty days next preceding such election. No person shall vote at any election for the purpose of determining any assessment or tax unless, in addition to the above requirements, he shall at the time of voting be the owner of property within the city subject to taxation and upon which he actually pays a tax; nor at any election for the purpose of determining any assessment or tax affecting real property solely unless, in addition to the above requirements, he shall at the time of voting be the owner of real property within the city limits which shall be affected by such assessment or tax.

MANNER OF HOLDING ELECTIONS:

Section 20. All elections within the city of Heppner shall be held in accordance with the general election laws of the State of Oregon, so far as the same may be applicable.

NOTICE OF ELECTION:

Section 21. At least ten days before any general municipal election, the City Recorder shall cause to be posted at least three written notices in each voting precinct in said city, specifying the officers to be elected, the matter to be voted upon, if any, and the time and place of holding such election.

NOTICE OF SPECIAL ELECTION:

Section 22. At least ten days before any special election, the City Recorder shall cause to be posted at least six notices in writing within said city, specifying the time and place designated for holding such election, and the purpose for which such election is held.

QUALIFICATION OF JUDGES AND CLERKS OF ELECTION:

Section 23. Judges and Clerks of the election must be qualified voters within the City at the election upon which they serve; but a mistake or error in this respect shall not invalidate any election otherwise legal, provided, however, that when General Municipal Elections are held at the same time that primary or general biennial elections are held for State and County officers, and the duties of such Judges and Clerks rendered by the Judges and Clerks of such primary or general election for State and County officers, then the qualification of such officers shall be the same as the Judges and Clerks appointed by the County Court of Morrow County, Oregon for such primary or general elections for State or County officers.

MANNER OF VOTING:

Section 24. All voting shall be by ballot, and the Common Council may by ordinance prescribe the form of ballot.

TIME POLLS SHALL BE OPEN:

Section 25. At all elections under this act the polls shall be opened at eight o'clock a. m. and shall be kept open until five o'clock p. m.; provided, that the Judges and Clerks shall have power to adjourn from one to two o'clock p. m., due proclamation being made of such adjournment, and provided further, that when any city election is held at the same time that primary or general elections are held for State and County officers, and the duties of such Judges and Clerks are performed by the Judges and Clerks appointed for such State or County elections, then the time such polls shall be kept open shall not be consistent with the laws of the State of Oregon pertaining hereto.

COMMON COUNCIL TO ORDER ELECTIONS:

Section 26. It shall be the duty of the Common Council to order all elections; to designate the place or places of holding the same; to order notice to be given thereof, and to appoint the judges and clerks of election, then such judges and clerks are not appointed by some other authority for such election. In case one or more of said judges or clerks of election shall 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.

QUALIFICATION OF OFFICERS:

Section 27. No person is eligible to any elective office in said City, who at the time of his election is not a duly qualified elector of the City of Heppner, under the provisions of this Charter, and who has not resided in the City of Heppner, for one year next preceding his election, or who has not resided for one year next preceding his election, within the territory embraced within the city at the time of his election.

OFFICE WHEN VACANT:

Section 28. 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, or upon failure of any officer elected to qualify at the time fixed by this Charter for any office elected under this Charter.

The office of Mayor and of the Treasurer shall be deemed vacant whenever the incumbent thereof shall be absent from the city for a period of thirty days, provided, however, that the Common Council may grant such officers a further leave of absence for thirty days additional thereto but at no time shall the Mayor or Treasurer be absent from the city at any one time for a greater period than sixty days, except in case of sickness and with the consent of the Council. The office of Councilman shall be deemed vacant when any incumbent thereof shall fail to attend any three consecutive regular meetings of the Council, unless upon leave of the Council first obtained, providing further that the Common Council may grant any councilman a leave of absence for a period not to exceed sixty days.

VACANCIES IN OFFICE—HOW FILLED:

Section 29. In case of a vacancy occurring in the office of Councilman, Treasurer or Recorder, the Mayor, with the consent of the Common Council shall fill such vacancy until the next regular election. All officers so appointed shall qualify within ten days from such appointment. In case the office of Mayor shall become vacant, such vacancy shall be filled by the Common Council.

ELECTION SUPPLIES:

Section 30. The Common Council shall provide all necessary poll books, ballots, ballot boxes, tally sheets, and all such other supplies that shall be required for any election held in this City, and cause the same to be delivered to the Judges and Clerks of such election at the opening of the polls.

TALLY SHEETS, ETC., RETURNED TO RECORDER:

Section 31. Immediately after canvassing the votes, the Judges before they separate or adjourn, shall enclose the poll books and tally sheets in a separate envelope and seal the same securely, and deliver the same forthwith to the Recorder together with the ballot boxes.

CANVASSING ELECTION RETURNS:

Section 32. Upon the returns being made to the Recorder, he shall report the same to the Common Council at a meeting to be held for that purpose within five days after the election, and the Common Council shall thereupon proceed to canvass the returns of such election and declare the results. 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 same, such writing shall contain a statement of the whole number of votes cast at such election, the number of votes cast for any person for

office, and for and against the matter voted upon, and the name of the person elected and to what office. Immediately after the completion of the canvass, the Recorder shall make and sign a certificate of election of each person declared thereby to be elected, and deliver the same to the person elected, and such certificate shall be prima facie evidence of the facts therein contained.

JUDGE OF QUALIFICATIONS:

Section 33. The Common Council is the judge of the qualifications of Mayor, and of its own members, and in case of a contest between two persons claiming to be elected Mayor, Councilman, the Council must determine the same, subject, however, to the review of any court of competent jurisdiction. A contested election for any other office than of Mayor or Councilman must be determined according to the laws of the State of Oregon regulating the proceedings of contested elections in County officers.

THE INITIATIVE AND REFERENDUM:

Section 34. The power to enact or amend the Charter of the City of Heppner, and all other rights guaranteed to the people of this City under the Initiative and Referendum laws by the Constitution of the State of Oregon, are hereby fully reserved and guaranteed to the people of the City of Heppner by this Charter, and the Common Council is hereby authorized and empowered to enact such legislation as will carry it into effect.

THE CORRUPT PRACTICE ACT:

Section 35. The laws of the State of Oregon, governing corrupt practices at elections shall apply to each and every election held within the City of Heppner.

CHAPTER III.

LEGISLATIVE DEPARTMENT.

Article I.

Council: Its Organization.

MEETING OF COUNCIL:

Section 36. It shall be the duty of the Council to meet at least once in each month, and to provide by ordinance for the time and place of holding its meetings. All special meetings of the Council shall be called by the Mayor.

QUORUM—MAJORITY DEFINED—YEAS AND NAYS:

Section 37. A majority of the members of the Council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and may compel the attendance of absent members. Three members or more of the Council shall constitute a quorum within the meaning of this Charter. The concurrence of a majority of a quorum is sufficient to determine any question or matter, except that the final passage of an ordinance shall require a majority of the members of the whole Council. All votes on the final passage of an ordinance or resolution shall be by yeas and nays.

RULES AND RECORDS—MEETINGS PUBLIC:

Section 38. The Council may adopt rules for the government of its members and its proceedings. It must keep a journal of its proceedings, and upon the call of any two members of the Council must cause the yeas and nays to be taken and entered in its journal upon any question before it.

FIRST MEETING:

Section 39. On the first Monday in January next following any general municipal election there must be a regular meeting of the Council, and such meeting is appointed by this Charter and no notice thereof is necessary.

CHAIRMAN OF COUNCIL—HOW CHOSEN—HIS DUTIES:

Section 40. At the first regular meeting of the Council in January of each year, or as soon thereafter as practicable, the Council shall choose one of its members who shall be designated as the Chairman of the Council. In the absence of the Mayor, or in case of his inability to act from any cause, or in case of a vacancy in the office of Mayor, the Chairman of the Council shall have and exercise the powers and perform all the duties of the Mayor during such absence or vacancy. In case both the Mayor and Chairman should fail to attend any meeting, a quorum of the Council may elect a Chairman from their number for the purpose of the meeting, who shall be designated as Chairman of the Council pro tem.

Article II.

Procedure of Council.

COUNCIL TO ACT BY ORDINANCE OR RESOLUTION:

Section 41. The power and authority given to the Council by this Charter can be exercised only by Ordinance or Resolution, except as otherwise herein provided.

STYLE OF ORDINANCE:

Section 42. The Style of every ordinance of the City of Heppner shall be: "The People of the City of Heppner do ordain as follows:"

ORDINANCE, PASSAGE OF:

Section 43. Every ordinance which shall have passed the Common Council shall before it becomes effective and a law of the City be presented to the Mayor, if the Mayor approves the same he shall sign it; but if not, he shall return it with his objection thereto to the Council, which shall enter said objections at large upon its records, and may, at any regular or adjourned meeting thereafter, proceed to reconsider the same. If, after such consideration, two thirds of the members of the Council shall agree to pass the ordinance, it shall become effective and a law of the City. If an ordinance shall not be returned by the Mayor to the Recorder for the Council within five days (Sundays excepted) after it shall have been presented to him, it shall become effective and a law of the City without his signature.

A proposed ordinance for the City of Heppner may be introduced at any regular or adjourned meeting of the Common Council, and shall be read three times before being enacted.

A proposed ordinance shall be read the first time by title only at the meeting at which it was introduced, unless otherwise ordered by a majority of the members of the Council present; and, unless objection be made, such proposed ordinance shall be deemed to have passed its first reading. If objection be made to such proposed ordinance, the question of its passing its first reading shall be decided by a vote of the Common Council upon roll call.

Such proposed ordinance after passing its first reading shall lie upon the table until the next regular or adjourned meeting of the Council; provided, that the Council may by a two thirds vote of the members present order such proposed ordinance to be placed upon its second reading at the same meeting at which it was introduced.

Upon the second reading of a proposed ordinance, it shall be read by title only, unless otherwise ordered by a majority of the members of the Council present; and, unless objection be made, such proposed ordinance shall be deemed to have passed its second reading. If objection be made to such proposed ordinance upon its second reading, the question of its passing its second reading shall be decided by a vote of the Council upon roll call.

After a proposed ordinance shall have passed its second reading, it shall lie upon the table until the next regular meeting of the Council unless it be referred to a committee for consideration and recommendation; provided, that the Council may, by unanimous consent of the whole Council, place such proposed ordinance upon its third reading at the same meeting at which it shall have passed its second reading. If a proposed ordinance be referred to a committee, such committee shall report such ordinance, with its recommendations, at the next meeting of the Council, unless otherwise directed by the Council.

Upon its third reading a proposed ordinance may be amended, either by motion or upon adoption of the recommendations of the committee to which said proposed ordinance may have been referred. Upon the third reading such proposed ordinance shall be read and considered by sections, and the vote upon its final passage shall be by roll call.

The Council may, by resolution or by a provision incorporated within an ordinance, provide for the publication of such ordinance and determine the method of publication; provided, that if no order for publication be made, the ordinance shall take effect without publication, and provided further, that if such order for publication be made by resolution, a copy of such resolution shall be recorded in the record of ordinances immediately following the record of such ordinance.

COUNCIL AUTHORIZED TO PASS ORDINANCES:

Section 44. The Council of the City of Heppner is hereby authorized and empowered to pass any and all necessary ordinances for the purpose of carrying into force and effect any of the provisions of this Charter, or the provisions of any law which now exists, or which may hereafter be enacted, concerning such municipal government.

ORDINANCE REQUIRED IN CERTAIN CASES:

Section 45. No franchise shall be granted for any purpose, except by ordinance, and no such ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter, nor at any other than a regular or adjourned meeting.

RESOLUTION REQUIREMENTS:

Section 46. All resolutions passed and adopted by the Common Council shall be approved and signed by the Mayor, and attested by the Recorder, a record thereof entered in the minutes of the meeting and the original kept on file in the office of the Recorder.

RESOLUTION REQUIRED IN CERTAIN CASES:

Section 47. No action providing for any specific improvement or the expenditure of any public money, (except a sum less than \$500.00), for the appropriation, acquisition, sale or lease of public property shall be taken except by resolution, except as otherwise provided by this Charter.

(Continued next week)