

PROPOSED NEW CHARTER FOR THE CITY OF HEPPNER

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:
(Continued from last week.)

WARRANTS HOW DRAWN:

Section 77. When any demand has been duly approved, audited and allowed by the Council, the 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, and no warrants shall be valid unless signed by the Mayor and attested by the Recorder.

RECORDER TO ISSUE LICENSE:

Section 78. The Recorder must issue all licenses authorized by ordinance or resolution upon the delivery to him of the receipt of the Treasurer for the amount of money required for such license.

RECORDER TO ADMINISTER OATH:

Section 79. The Recorder is authorized to administer oath, and he may require any person presenting for settlement an account or claim of any kind against the City, to be sworn before him relative to such account or claim, and when so sworn to answer orally as to any fact relative to the merits or justice of such account or claim.

RECORDER JUDGE OF MUNICIPAL COURT:

Section 80. The Recorder shall be Judge of the Municipal Court, and shall preside over the same and do and perform all and every act or acts required of him as Judge of the Municipal Court.

RECORDER TO KEEP RECORD OF DEMANDS, AND WARRANTS ISSUED:

Section 81. The Recorder shall keep a record of all demands audited by him, showing the number, date, amount, name of the original holder thereof, and against what appropriation drawn and out of what fund payable. He shall also keep a record of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what service, and the appropriation applicable to the payment thereof.

RECORDER TO MAKE REPORTS:

Section 85. The Treasurer shall receive and keep all moneys that such times as the Council may prescribe by ordinance, make a written report showing the true conditions of his office, and such other matters as the Council may direct.

Article II.

Treasurer.

TREASURER—QUALIFICATIONS—TERM OF OFFICE:

Section 83. There shall be a Treasurer of the City of Heppner, who shall have been a duly qualified voter of the City for at least one year next preceding his election. He shall be elected by the people and hold his office for a term of two years and until his successor is elected and qualified.

SALARY OF TREASURER:

Section 84. The Treasurer shall receive for his service such salary as may be determined by the Council.

DUTIES OF TREASURER:

Section 85. The Treasurer shall receive and keep all moneys that shall come to the City by taxation or otherwise, and pay out the same upon the warrants issued by the Mayor and attested by the Recorder. He must keep an account with the general funds and a separate account with each special fund that may be raised for any specific purpose or object; and when a warrant is drawn on any particular fund it shall be paid out of such fund only. The Treasurer shall make a quarterly statement to the Council, showing the receipts and disbursements and the state of each particular fund at the close of business on the first Monday in January, April, July, and October, and shall also on the first Monday in January prepare and transmit to the Council a report of the receipts and disbursements of the City for the calendar year ending on the 31st day of December, next preceding, and the state of each fund at the close of business on said 31st day of December, and shall file the same with the Recorder. The Treasurer is authorized and empowered in case a deficit occurs in the City Improvement Bond Interest Fund of any Paying Unit for which bonds have been issued, to transfer sufficient amount from the City Improvement Bond Sinking Fund of such Unit temporarily to its interest fund to meet such deficit.

BOND OF TREASURER:

Section 86. The Treasurer shall give a bond with surety or sureties to be approved by the Mayor and the Council, in a sum to be determined by the Council to secure the faithful performance of his duties.

RECEIPTS—HOW ISSUED BY TREASURER:

Section 87. The Treasurer, on receiving any money into the treasury, shall make out and sign a receipt and deliver the same to the person paying the money, such receipts shall be numbered and dated, and shall specify the amount and on what account and from what person or officer received, and into what fund or on what account paid. The Treasurer shall enter upon the stubs of such receipts a memorandum of the contents thereof.

OFFICERS OR PERSONS TO PAY MONEY TO TREASURER:

Section 88. Any officer, or agent of this City, or other person who shall receive or have in his hands any money belonging to the City, shall immediately pay the same over to the Treasurer.

Article III.

City Engineer.

Section 89. The Mayor with the consent of the Council may appoint a City Engineer, who shall have been in the practice of his profession for at least five years and have had responsible charge of work for the same length of time.

Article IV.

Board of Health.

BOARD OF HEALTH:

Section 90. The City Board of Health of the City of Heppner, shall be governed by such powers, rules and regulations as may be prescribed by ordinance not inconsistent with the laws of the State of Oregon, or the laws of the United States.

CHAPTER VI.

JUDICIARY.

Article I.

Municipal Court.

MUNICIPAL COURT CREATED:

Section 91. There is hereby created a Municipal Court for the City of Heppner, which shall be known and described as "The Municipal Court of the City of Heppner."

JURISDICTION OF MUNICIPAL COURT:

Section 92. The Municipal Court shall have jurisdiction of, and over all violations of City ordinances, and of all actions brought to enforce or recover any forfeiture or penalty declared or given by ordinance; and shall have within the City of Heppner, the jurisdiction and authority of a Justice of the Peace and Committing Magistrate.

JUDGE OF MUNICIPAL COURT:

Section 93. The Recorder of the City of Heppner is hereby made

Judge of the Municipal Court, and he shall be the judicial officer of the City, and shall hold court therein. He shall keep the Municipal Court open for business during reasonable hours of the day.

DUTIES OF RECORDER IN MUNICIPAL COURT:

Section 94. The Recorder shall record all the proceedings of said court in a convenient book or records kept by him for that purpose. The records so kept shall be public records, subject to the examination and inspection as other public records. He shall have power and it shall be his duty to take oaths and affidavits; file, keep and preserve the records and files of the court; to receive all moneys deposited for bail, and all fines and costs imposed by him in the Municipal Court, and to preside over all sessions of said Municipal Court and to do and perform all other duties required of him as Judge in said Municipal Court, by this Charter or ordinances of the City, not inconsistent with this Charter.

PROCEEDINGS IN MUNICIPAL COURT—JURY TRIALS:

Section 95. The proceedings before the Recorder in the Municipal Court, including all proceedings for the violation of any City ordinance, are regulated by the general laws of the State of Oregon, applicable to the Justice of the Peace or Justice's Court in like or similar cases, but in a proceeding for the violation of a city ordinance the trial shall be before the Recorder without a jury unless the defendant a jury, shall deposit in court a sum sufficient to pay the per diem of such jury for one day. The jurors summoned or serving in said Court shall be paid the same per diem as is required to be paid to jurors serving in Justice's Court, the same to be paid by the Recorder out of the money so deposited by the defendants.

FEES, COSTS AND ETC. TO BE PAID TO TREASURER:

Section 96. All fines, costs and expenses or fees taxed against or received from any defendant in a criminal proceeding before the Court or Judge thereof, either for the violation of a city ordinance or law of the state, shall, when received or collected, be paid by the Recorder to the Treasurer, who shall give him a receipt therefor, which he shall file in his office; all fines imposed by the Recorder and penalties recovered before him, either for a violation of an ordinance or a law of the state, shall when collected or received be disposed of by him in like manner, and said Recorder shall not be entitled to have or receive any fee or compensation for any act done by him, or performed by virtue of this Charter, other than his salary.

FEES WHEN ACTING AS JUSTICE OF THE PEACE:

Section 97. When any service authorized by law to be performed by a Justice of the Peace shall be performed in the Municipal Court by the Judge thereof, such Judge may tax and collect therefor the fees or compensation prescribed by law to be charged by Justice of the Peace for such service, and such fees may be retained by the Judge of said Municipal Court.

ABSENCE OF RECORDER:

Section 98. In the absence of the Recorder, or inability to act, the Mayor may preside over the Municipal Court and shall do and perform all duties required of the Recorder by this Charter, or may designate any person having the qualifications of Recorder to act in his stead. Such appointee shall immediately take the oath of office, and perform the duties of Recorder during such temporary absence or inability, and he shall receive the same compensation as the Recorder, all sums so paid to him shall be deducted from the salary of the Recorder. The official title of such appointee while so acting shall be "Recorder pro tempore."

APPEALS FROM MUNICIPAL COURT:

Section 99. Except as hereinafter stated, appeals may be taken and shall be allowed from any final judgment rendered in the Municipal Court in all actions, both civil and criminal, under the same circumstances, and on the same condition, in the same manner, and with like effect, that, under the law existing at the time of the rendition of any such judgments, appeals may be taken and shall be allowed from final judgments rendered in similar actions in Justice's Courts. Any defendant who is convicted of any crime defined or created by this Charter, or of a violation of any ordinance, rule or regulations of the City of Heppner, and is sentenced to any imprisonment or to pay a fine exceeding twenty (\$20.00) dollars, may, within five days from the date of such conviction and judgment, appeal to the Circuit Court of Morrow County by giving the City Attorney a written notice of appeal and filing an undertaking on appeal, with one or more sureties, to be approved by the Recorder in said Municipal Court, which undertaking shall be to the effect that such defendant and appellant shall pay all costs awarded against him on the appeal, and render himself in execution of any judgment rendered against him on the appeal; and the city may appeal to said Circuit Court from any final judgment in any such criminal action by serving upon the defendant therein or his attorney, and filing in said Municipal Court a written notice of appeal, within five days from the date of the rendition of such final judgment.

PENDING ACTIONS TO BE PROCEEDED WITH:

Section 100. All actions and proceedings pending in the Recorder's Court of the City when this Charter takes effect shall thereafter be proceeded with in accordance with the Charter, or any city ordinance applicable thereto, and continue in force by this Charter.

Article II.

City Attorney.

CITY ATTORNEY—QUALIFICATIONS:

Section 101. The City Attorney shall be appointed by the Mayor and such appointment confirmed by the Council; he shall be an attorney of the Supreme Court of the State of Oregon, and an elector of the City and State of Oregon, at the time of his appointment.

DUTIES OF CITY ATTORNEY:

Section 102. The City Attorney must attend to all actions, suits or proceedings in which the City is legally interested, and attend to the prosecution of all persons charged with the violation of a City ordinance or regulation; he shall prepare for execution all contracts, bonds or other instruments to 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, and shall draft and prepare all ordinances.

SALARY OF CITY ATTORNEY:

Section 103. The City Attorney shall receive such salary for his services as may be determined by the Council.

CHAPTER VII.

FINANCE, REVENUE AND TAXATION.

Article I.

FISCAL YEAR OF THE CITY:

Section 104. The fiscal year of the City of Heppner shall commence on the first day of January and terminate on the thirty-first day of December in each year.

POWER TO ASSESS, LEVY AND COLLECT TAXES:

Section 105. The Council shall have power and authority in the manner provided by the laws of the State of Oregon, within the City of Heppner, to assess, levy and collect taxes upon all property, both real and personal, not exempted from taxation. On or before the first day of December in each year the Council shall levy the amount of taxes necessary to provide for the payment during the fiscal year of all properly authorized demands upon the treasury; and for the payment of existing indebtedness; but such levy, exclusive of the tax necessary to pay the sinking fund levy hereinafter provided, shall not exceed for all purposes the rate of fifteen (\$.015) mills on each and every dollar of valuation of property assessed. On making the levy the Council shall apportion such sum or sums to each of the hereinafter named funds as they may deem necessary and sufficient for their maintenance and support during the ensuing fiscal year. The names of the said funds for which said tax levy as heretofore levied is to be made, shall be designated as follows:

- "Light and Water Fund" for lighting the streets, public places and buildings of the City of Heppner, and providing water for the same.
- "Fire Department Fund" for the maintenance of the Fire Department.
- "Police Department Fund" for the maintenance of the Police Department.
- "Street Repair Fund" for the maintenance, ornamentation, preservation and repair of streets, bridges and crosswalks.
- "Public Library Fund" for the purpose of maintaining or assisting a free library.
- "Park Fund" which levy shall not exceed one-half mill for the maintenance, preservation and improvement of Public Parks of the City and for acquiring by contract, purchase or otherwise the title to land or buildings for such purposes.
- "Incidental Fund" for the payment of expenses which do not come under any of the funds herein enumerated or which are not expressly provided for by this Charter, but at no time shall the payment out of this fund exceed One Thousand Dollars for any fiscal year.
- "General Fund" to provide funds for meeting the general expenses of the City.

(i) "Bonded Indebtedness Interest Fund" to meet the payment of interest accruing on bonded indebtedness of the City.

j) "Sinking Fund" The Council shall also have the power and authority, at the same time the other annual levy or levies of taxes are made as provided in this Section, to levy a tax on each Dollar valuation of the property in said City for the purposes of the purchase, payment or redemption of bonded indebtedness of the City.

UNUSED BALANCE TO GO TO GENERAL FUND.

Section 106. The several funds in the treasury authorized by law at the time this Charter takes effect or provided for by this Charter, shall continue therein so long as there shall be occasion therefor.

When the necessity for maintaining any fund of the City has ceased to exist and a balance remains in such fund, the Council shall so declare by Resolution and upon such declaration such balance shall forthwith be transferred to the General Fund.

The General Fund shall consist of moneys received by tax or otherwise into the treasury, not specifically apportioned to any other fund.

It shall not be lawful to transfer money from any of the special funds, of this Charter, nor use the money in any one of said funds in payment of demand upon another fund, except as herein otherwise provided.

PAYMENT OF DEMANDS—LIMITATION ON EXPENDITURES AND INDEBTEDNESS:

Section 107. All demands for interest on the bonded indebtedness of the City and other fixed charges shall be paid as the same mature in accordance with the terms of the contract. The Council may by ordinance, limit the expenditures of every department of the City government, except interest charges and other charges fixed by contract or by this Charter during each fiscal year, or during any month thereof, and any contract made, debt created or liability incurred in excess of the amount authorized by the Council, where the Council may so limit the expenditures of money, shall be null and void; and provided further, that the total indebtedness of the City of Heppner shall not exceed the sum of Fifteen Thousand (\$15,000.00) Dollars, except for specific municipal purpose or purposes as provided elsewhere in this Charter.

LIMITATION OF POWER OF BOARDS OR COMMITTEES:

Section 108. No board, committee or other officer of the City of Heppner, has power or authority to contract any debt or assume any liability in any manner whatsoever by means of which the City may be called upon to pay any sum in excess of the amount specially appropriated by the Council for the use of such board, committee, officer or other department under their charge, and any such indebtedness so contracted, and any such contract entered into shall be null and void.

ISSUANCE OF BONDS TO FUND INDEBTEDNESS:

Section 109. For the purpose of funding any warrant or warrants or other indebtedness or obligation of the City of Heppner, matured or to be matured in the future, the City of Heppner is hereby authorized and empowered to issue and dispose of bonds of the City of Heppner for the purpose of re-funding or paying any such indebtedness, but bonds issued

(Continued on Page Eight)

MT. HOOD ICE CREAM

Pure -- Delicious -- Refreshing
Something Special Every Sunday

ALL SOFT DRINKS SERVED HERE
THE VERY BEST

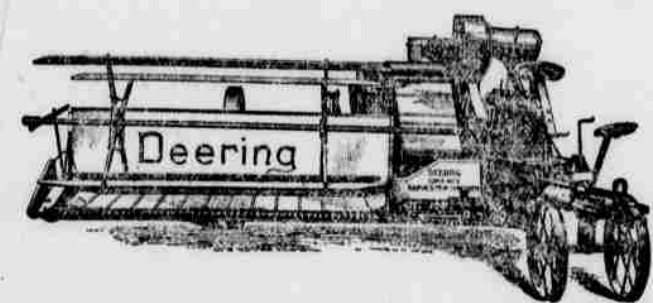
THE PALM

LOWNEY'S CHOCOLATES BEST CANDIES

To All Wheat Growers of Morrow County

I will be in the market for all classes of wheat at all times during the coming season, prices based on government inspection slips. Bags and harvesting supplies at market prices.

PHILL COHN



WITH the Deering Combined Harvester you can harvest your crop for one-half the expense you can any other way. Two men is all that is necessary to put your wheat in the sack.

The machine cleans the grain in perfect manner, takes out and saves all weed seed and leaves straw in bunches to be easily taken care of.

Can furnish them with or without an engine. Will have to have your order early in order to insure getting the machine. The factory is limited to a definite number of machines and when that number is reached there will be no more for anyone.

Give Us Your Order Now

GILLIAM & BISBEE