

ORDINANCE
An Ordinance entitled, "An Ordinance to provide for the submission of the registered voters of the City of Boardman to certain contiguous areas to the City of Boardman; to provide for a special election; to provide for notice and polling places; and to appoint and designate judges and clerks therefor."

WHEREAS, it is the determination and opinion of the Common Council of the City of Boardman that for the peace, health and public advantage of the inhabitants of the City of Boardman and of the proposed territory to be annexed that a certain territory contiguous to the City of Boardman be annexed to said city, and that such proposal be submitted to the registered voters of the City of Boardman and the territory proposed to be annexed; and

WHEREAS, it is necessary, therefore, to provide for an election in said city and the territory proposed to be annexed to provide for and designate the polling places for said election; to provide for and appoint and designate the judges and clerks for said election; and to provide for notice of said election.

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

Section 1. The Common Council of the City of Boardman does adopt and confirm the proposed annexation and said proposed annexation of the following bounded and described area contiguous to the City of Boardman, Morrow County, Oregon is hereby ordered to be submitted to the registered voters of the City of Boardman and the territory proposed to be annexed for their approval or rejection:

"Commencing at a point 1080 feet North of a point 48 feet East of the Southeast corner of Lot 3, Section 8, Township 4 North, Range 25 East of the Willamette Meridian, and running thence North to the South boundary line of the City of Boardman, thence South to the Columbia River Highway, thence East 285 feet, thence North 60 feet to the South boundary line of the O.W.R. & N. Co. right of way, thence South along said South boundary line 1434 feet to the point of beginning in Morrow County, Oregon."

This description is based on the present incorporated boundary of Boardman which is as follows:

"Commencing at a point 48 feet East of the Southeast corner of Lot 3, Section 8, Township 4 North, Range 25 East of the Willamette Meridian, and running thence North 1619 feet, thence North 860 feet to the Columbia River Highway, thence East 285 feet, thence North 60 feet to the South line of the O.W.R. & N. Co. right of way, thence South 1434 feet to the point of beginning in Morrow County, Oregon."

Section 2. That a special election will be held for the approval or rejection of the proposed annexation within the City of Boardman and within the territory proposed to be annexed. Said election will be held on the 19th day of May, 1950. The polling places in said city and the territory proposed to be annexed will be open from eight o'clock in the morning until eight o'clock in the evening of said day.

Section 3. The polling place in said city for said election shall be at the usual polling place herein provided for in the Greenfield Grange hall. The polling place in the territory proposed to be annexed shall be at a South North Main street in property to be annexed.

Section 4. That notice of said election shall be given by publication prior to said election once each week for four successive weeks in the Heppner Gazette Times, a newspaper of general circulation in the City of Boardman and the territory proposed to be annexed. Notice shall also be given by posting notices of said election in four public places within the City of Boardman and in four public places in the territory proposed to be annexed, and the notices shall be posted for a like period as provided for the publication of notice. Said notice shall read, substantially, as follows:

NOTICE OF ANNEXATION ELECTION

NOTICE IS HEREBY GIVEN that an election will be held within the City of Boardman, Oregon and in the following described territory which is proposed to be annexed to the City of Boardman, and said territory proposed to be annexed is as follows:

"Commencing at a point 1080 feet North of a point 48 feet East of the Southeast corner of Lot 3, Section 8, Township 4 North, Range 25 East of the Willamette Meridian, and running thence North 1619 feet, thence North 860 feet to the Columbia River Highway, thence East 285 feet, thence North 60 feet to the South line of the O.W.R. & N. Co. right of way, thence South 1434 feet to the point of beginning in Morrow County, Oregon."

Section 5. The Recorder of the City of Boardman shall be authorized to file in the office of the County Clerk of Morrow County, and by other satisfactory means if a legal voter be not a registered voter, and if sufficient numbers of legal voters be found to have signed said petition he shall file the same within ten days after the presentation thereof to him. Every petition so filed shall be prima facie evidence of the facts stated therein and of the qualifications of the electors whose signatures appear thereon.

Section 6. When a measure for initiative or referendum legislation is filed by the Recorder after the number and genuineness of signatures thereon have been ascertained, he shall, within five days, provide a ballot title for such measure. The ballot title shall, to the best ability of the Recorder, give a true and impartial statement of the purpose of the measure, and shall not create an argument for or against the measure. Any person who is dissatisfied with the ballot title so provided may appeal to the Recorder, asking for a different title, and stating his reasons therefor. The Council may approve the ballot title or adopt another one; and, in either case, the title so approved or adopted shall be the title placed upon the ballot. Such ballot title shall not exceed 150 words and shall not, insofar as is possible, resemble any other ballot title in the same election.

Section 7. It shall be the duty of the Recorder to print the ballot title and numbers upon the official ballot. The affirmative of the first measure shall be numbered 100, and the negative 101, in numerals. The succeeding measures shall be numbered 102, 103 and so on. No measure shall be designated as to whether they have been referred by order of the people, proposed by initiative or submitted to the people by the Council without petition.

Section 8. Voting upon measures submitted to the voters shall be by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of lawful votes cast on such measure, and entitled to be counted.

Section 9. Petitions for proposed ordinances or charter amendments by the initiative, and petition for submitting ordinances by the referendum shall be filed with signatures and verification, not later than thirty days before the next regular or special election at which such proposed ordinance or amendment is to be submitted to the voters, and the recorder shall verify the number and the

genuineness of the signatures forthwith.

Section 10. Not more than ten percent of the legal voters shall be required to order the referendum nor more than fifteen percent to propose any measure by the initiative.

Section 11. An amendment to the Charter of the City of Boardman may be proposed and submitted to the legal voters of the City by ordinance or resolution of the Council without an initiative petition, but the same shall not be referred to the voters until twenty days before the election at which it is to be voted upon. The ballot title of such measure shall be adopted by the Council and shall not contain more than 150 words.

Section 12. The Council of the City of Boardman may call and make the necessary provisions for a special election whenever the Council deems it advisable, or whenever required to do so by petition. The Council may, by ordinance, cause the full text and ballot title and numbers of each measure to be printed in a newspaper of general circulation in the City of Boardman as designated by the Council, once per week for two successive weeks.

Section 13. The Council shall, at its first regular meeting following the election or at a special meeting thereafter called for the purpose, proceed to canvass the votes cast. For the purpose of any canvass the official figures returned by the board of judges, clerks and officers from such election shall be sufficient. If the majority of the votes be found in favor of the proposed measure or amendment, then the Council as designated by the Council shall become and be in full force and effect, except when the measures and amendments carry their own effect as herein provided, or when the Council determines to repeal, amend or modify the same.

Section 14. All ordinances and amendments to the Charter heretofore or hereafter enacted, and which are hereby repealed.

Section 15. Inasmuch as certain important legislation is now desired to be passed upon by the people of the City of Boardman, and it is necessary that such legislation be submitted to the people at an early date, and such contemplated legislation cannot be so submitted to the people until some provision is made by the Council, as provided in this ordinance, for the submission of the vote of the people of the City of Boardman, and if no legislation amending the Charter of the City of Boardman shall be submitted to the people the public peace, safety, health and general welfare of the City will be endangered by such delay, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect on and after its approval by the Mayor.

Passed by the Common Council of the City of Boardman this 10th day of April, 1950.

Yeas—5
Nays—0

ROYAL B. RANDS, Mayor
Daisy E. Gillespie

This ordinance is approved by the Mayor of the City of Boardman this 10th day of April, 1950.

ROYAL B. RANDS, Mayor
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ORDINANCE No. 26
An Ordinance referring to the voters of the City of Boardman a proposition to amend the Charter of the City of Boardman, Morrow County, Oregon, entitled, "Charter Submitted to the Voters by the Council."

THE PEOPLE OF THE CITY OF BOARDMAN DO ORDAIN AS FOLLOWS:
Section 1. That the determination of the Common Council of the City of Boardman that, for the general welfare and public advantage of the inhabitants of the City of Boardman, an amendment to the Charter of the City of Boardman, Morrow County, Oregon, entitled, "Charter Submitted to the Voters by the Council," adopted and approved October 5, 1927, a copy of which is hereto attached and by reference hereby made a part of this ordinance as if fully set out hereon.

That it is necessary that the adoption of said amendment be submitted to the legal voters of the City of Boardman, at a special election to be held for the purpose; and it is also necessary that the time and place for said election be fixed and determined, and that a ballot title for said measure be provided.

That the aforesaid amendment is hereby adopted and confirmed by this Council and ordered to be submitted to the voters of the City of Boardman for their approval or rejection.

That a special election be held for the approval or rejection of said amendment, within the City of Boardman, at the usual polling place therein, to-wit: Greenfield Grange Hall, on the 19 day of May, A.D., 1950.

That notice of the time and place of said election be given by publishing a copy of this ordinance complete with attached amendment which is a part of this ordinance, once per week for two consecutive weeks in the Heppner Gazette Times, a newspaper of general circulation in the City of Boardman, and by posting a copy of this ordinance complete with attached amendment in four public places in the City of Boardman at least twenty days prior to the date of said election.

That the ballot title for said election shall read as follows:

CHARTER AMENDMENT SUBMITTED TO THE PEOPLE BY

THE COMMON COUNCIL OF THE CITY OF BOARDMAN.
That the aforesaid amendment submitted to the voters by the Common Council of the City of Boardman by ordinance No. 26 be adopted or rejected by the voters of the City of Boardman; said amendment to provide for a method of assessment, lien enforcement of lien and for re-assessment for local public improvements.

103—For the adoption of said amendment.

104—Against the adoption of said amendment.

That said special election shall be held, and the polling places will be open from eight o'clock in the morning until eight o'clock in the evening of said day. That Mrs. Grace Macomber and Mrs. Beulah W. Brown shall be appointed as judges of said election, and that Mrs. Daisy E. Gillespie, Mrs. Flossie Coats and Mrs. Evelyn Black are hereby appointed as clerks.

Passed by the Common Council of the City of Boardman this 11th day of May, 1950.

Yeas—5
Nays—0

ROYAL B. RANDS, Mayor
Attest by City Recorder

This ordinance is approved by the Mayor of the City of Boardman, this 11th day of April, 1950.

ROYAL B. RANDS, Mayor
CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COMMON COUNCIL OF THE CITY OF BOARDMAN.

To amend the Charter of the City of Boardman, Morrow County, Oregon, entitled, "Charter Submitted to the Voters by the Council," adopted and approved by the voters October 5, 1927:

BE THE PEOPLE OF BOARDMAN, AND THE PEOPLE OF THE CITY OF BOARDMAN DO ORDAIN AS FOLLOWS:

Chapter XXI.
Section 1. That the Charter of the City of Boardman, Morrow County, Oregon, entitled, "Charter Submitted to the Voters by the Council," approved and adopted by the voters October 5, 1927, and the same be and hereby is amended by adding Chapter XXI, and any and all provisions of the Charter of the City of Boardman in conflict herewith are hereby repealed.

Section 2. Whenever the Council determines to levy and collect special assessments for local improvements according to Article VII, Section 1, Sub-paragraph 4 of this Charter, the Council shall act substantially in accordance with the provisions herein set out.

Section 3. The Council may determine, levy and collect a special assessment for local improvement after the completion of such improvement, and the cost of such improvement has been determined, or before the work of such local improvement has begun, or after the work has begun and before completion, after its cost has been determined.

Section 4. Whenever property is to be assessed and the property is subdivided into lots, the Council shall levy the assessment upon the lots separately, or parts thereof, and not in gross, upon the lots or parts of the same. Whenever property is to be assessed and such property is not subdivided into lots, such property, or part thereof, will be treated as an entirety and assessed as such.

Section 5. No assessment shall be made upon any unit of property which is equal to or in excess of the value of such property.

Section 6. In determining the benefit of the local improvement, the property assessed should be subdivided into lots and the portion and apart from its particular use at the time it is assessed.

Section 7. The Council shall apportion and levy the assessment upon such lot, property or parts thereof, liable therefor, its proportion and location of the relation and apart from its particular use at the time it is assessed, and the amount of the assessment shall be uniform.

Section 8. The Council shall, after determining the amount of the assessment, declare the same by ordinance and order the recorder to publish notice of the nature, scope, designation and use of improvement or proposed improvement; the amount of the assessment; the name or names of the owners of the property assessed; and the property to be assessed, according to lots or other subdivisions, as provided in Section 14 of this Act. Such notice shall be published in a newspaper of general circulation in the City of Boardman in which public notices are generally published, once per week for two successive weeks. Such notice shall contain a list of all property upon which assessments are delinquent, together with the amount of the assessments, penalties and costs of sale. The names of the owners of the property as it appears upon the lien docket; that the property will be sold to satisfy the sum so delinquent; the number of the ordinance causing the assessment to be levied; the date such assessment was entered into the lien docket; and the time and place of such sale, and that such sale will be public.

Section 17. The city treasurer shall conduct such public sale not less than seven days after the final publication of such notice of sale, and shall sell such property for the amount of the delinquency, with penalties and costs of sale. If more than such period has elapsed, then the sum, the treasurer shall make the sale to the person making the first bid. If no person bid the amount of the delinquent sum, the treasurer shall strike the property off to the city for the whole amount that he is required to collect by such public sale of such property.

Section 18. The purchaser at any sale authorized in this chapter shall acquire a lien on the property so bid in by him for the amount paid at such sale and for all taxes, assessments, penalties, costs and charges subsequently paid by him, and he shall be entitled to interest at the rate of six percent per annum on the original amount paid by him, from the date of such sale.

Section 19. The treasurer shall issue to the person bidding in the property at such public sale a certificate of sale for the property so purchased, showing thereon the amount bid and paid by

such purchaser. Any and all property so sold for such delinquent sum shall be subject to redemption at any time within one year from the date of sale upon payment to the treasurer for the purchaser the amount for which the same was sold, together with interest at six percent per annum from the date of the sale on the original amount paid, and for all taxes, assessments, penalties, costs and charges subsequently paid by such purchaser at or since such sale.

Section 21. If redemption is made within one year after payment made, as provided for in Section 20, the treasurer shall, upon surrender of the certificate of sale by the purchaser, pay over to the purchaser the amount so received by the treasurer from the redemption, and deliver such certificate of sale to the redemption-taker.

Section 22. If redemption is not made within one year the treasurer shall, upon demand of the purchaser and surrender of the certificate of sale by the purchaser, execute to such purchaser a deed for the property described on the certificate of sale. Such deed shall be signed by the Mayor and the Treasurer for the City of Boardman. However, no such deed shall be executed until the purchaser or the holder of such certificate of sale shall by personal service notify the owner of such property that he will demand a deed therefor, provided that if the owner be not found after diligent search such notice may be by publication once a week for three consecutive weeks. The records of such notice shall appear in the records of the city recorder. The holder of such certificate of sale sixty days after notice or final date of publication before such deed shall be executed into the purchaser or holder of the certificate of sale. (1) The holder of the certificate of the lot or block or other proper designation of the property assessed, and if a part of a lot or parcel of property is assessed a proper designation of such part. (2) The name of the owner, recorder or owner or that the owner is unknown. (3) The sum assessed upon such lot, or part thereof, or parcel of property, or part thereof, and the date of the entry.

Section 13. The docket of the city liens shall be kept in a book and the original or certified copies of any matter authorized to be entered therein are entitled to the force and effect thereof, and from the date of the entry therein of an assessment upon a lot or block or other proper designation is to be deemed a lien thereon, which lien shall have priority over all other liens or encumbrances thereon whatsoever.

Section 14. A sum of money assessed for the improvement cannot be collected until the Council, by order to the recorder, causes the recorder to publish once per week for two successive weeks in a newspaper of general circulation in the City of Boardman a notice of the order for collection issued by the Council, said notice to be included as a part of and published with the notice required by Section 8 of this Act. Such order shall grant the city treasurer authority to file with the recorder a copy of the lien docket in which to pay said sum assessed, and such notice must substantially contain the matters required to be entered in the docket of city liens concerning such assessment.

Section 15. If, within thirty days after the expiration of such fourteen days notice, as required in Section 14, the sum assessed is not wholly paid to the city treasurer, it shall thereupon become delinquent, and shall bear a penalty of six (6) percent per annum upon the amount of such delinquency in addition to the principal sum so delinquent. Interest on the city lien shall be included in and shall be part of the assessment lien. The Council may, after such sum becomes delinquent, order a warrant for the collection of the same to be issued by the recorder and directed to the city treasurer commanding the treasurer to sell all property so delinquent for the amount of such delinquency, together with the interest and costs of sale.

Section 16. The city treasurer, upon the receiving of such warrant from the city recorder, shall first give notice of sale by publication in a newspaper of general circulation in the City of Boardman, and in which public notices are generally published, once per week for two consecutive weeks. Such notice shall contain a list of all property upon which assessments are delinquent, together with the amount of the assessments, penalties and costs of sale; the names of the owners of the property as it appears upon the lien docket; that the property will be sold to satisfy the sum so delinquent; the number of the ordinance causing the assessment to be levied; the date such assessment was entered into the lien docket; and the time and place of such sale, and that such sale will be public.

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Section 19. The treasurer shall issue to the person bidding in the property at such public sale a certificate of sale for the property so purchased, showing thereon the amount bid and paid by

such purchaser. Any and all property so sold for such delinquent sum shall be subject to redemption at any time within one year from the date of sale upon payment to the treasurer for the purchaser the amount for which the same was sold, together with interest at six percent per annum from the date of the sale on the original amount paid, and for all taxes, assessments, penalties, costs and charges subsequently paid by such purchaser at or since such sale.

Section 21. If redemption is made within one year after payment made, as provided for in Section 20, the treasurer shall, upon surrender of the certificate of sale by the purchaser, pay over to the purchaser the amount so received by the treasurer from the redemption, and deliver such certificate of sale to the redemption-taker.

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Section 15. If, within thirty days after the expiration of such fourteen days notice, as required in Section 14, the sum assessed is not wholly paid to the city treasurer, it shall thereupon become delinquent, and shall bear a penalty of six (6) percent per annum upon the amount of such delinquency in addition to the principal sum so delinquent. Interest on the city lien shall be included in and shall be part of the assessment lien. The Council may, after such sum becomes delinquent, order a warrant for the collection of the same to be issued by the recorder and directed to the city treasurer commanding the treasurer to sell all property so delinquent for the amount of such delinquency, together with the interest and costs of sale.

Section 16. The city treasurer, upon the receiving of such warrant from the city recorder, shall first give notice of sale by publication in a newspaper of general circulation in the City of Boardman, and in which public notices are generally published, once per week for two consecutive weeks. Such notice shall contain a list of all property upon which assessments are delinquent, together with the amount of the assessments, penalties and costs of sale; the names of the owners of the property as it appears upon the lien docket; that the property will be sold to satisfy the sum so delinquent; the number of the ordinance causing the assessment to be levied; the date such assessment was entered into the lien docket; and the time and place of such sale, and that such sale will be public.

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Section 15. If, within thirty days after the expiration of such fourteen days notice, as required in Section 14, the sum assessed is not wholly paid to the city treasurer, it shall thereupon become delinquent, and shall bear a penalty of six (6) percent per annum upon the amount of such delinquency in addition to the principal sum so delinquent. Interest on the city lien shall be included in and shall be part of the assessment lien. The Council may, after such sum becomes delinquent, order a warrant for the collection of the same to be issued by the recorder and directed to the city treasurer commanding the treasurer to sell all property so delinquent for the amount of such delinquency, together with the interest and costs of sale.

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Section 14. A sum of money assessed for the improvement cannot be collected until the Council, by order to the recorder, causes the recorder to publish once per week for two successive weeks in a newspaper of general circulation in the City of Boardman a notice of the order for collection issued by the Council, said notice to be included as a part of and published with the notice required by Section 8 of this Act. Such order shall grant the city treasurer authority to file with the recorder a copy of the lien docket in which to pay said sum assessed, and such notice must substantially contain the matters required to be entered in the docket of city liens concerning such assessment.

Section 15. If, within thirty days after the expiration of such fourteen days notice, as required in Section 14, the sum assessed is not wholly paid to the city treasurer, it shall thereupon become delinquent, and shall bear a penalty of six (6) percent per annum upon the amount of such delinquency in addition to the principal sum so delinquent. Interest on the city lien shall be included in and shall be part of the assessment lien. The Council may, after such sum becomes delinquent, order a warrant for the collection of the same to be issued by the recorder and directed to the city treasurer commanding the treasurer to sell all property so delinquent for the amount of such delinquency, together with the interest and costs of sale.

Section 16. The city treasurer, upon the receiving of such warrant from the city recorder, shall first give notice of sale by publication in a newspaper of general circulation in the City of Boardman, and in which public notices are generally published, once per week for two consecutive weeks. Such notice shall contain a list of all property upon which assessments are delinquent, together with the amount of the assessments, penalties and costs of sale; the names of the owners of the property as it appears upon the lien docket; that the property will be sold to satisfy the sum so delinquent; the number of the ordinance causing the assessment to be levied; the date such assessment was entered into the lien docket; and the time and place of such sale, and that such sale will be public.

Section 17. The city treasurer shall conduct such public sale not less than seven days after the final publication of such notice of sale, and shall sell such property for the amount of the delinquency, with penalties and costs of sale. If more than such period has elapsed, then the sum, the treasurer shall make the sale to the person making the first bid. If no person bid the amount of the delinquent sum, the treasurer shall strike the property off to the city for the whole amount that he is required to collect by such public sale of such property.

Section 18. The purchaser at any sale authorized in this chapter shall acquire a lien on the property so bid in by him for the amount paid at such sale and for all taxes, assessments, penalties, costs and charges subsequently paid by him, and he shall be entitled to interest at the rate of six percent per annum on the original amount paid by him, from the date of such sale.

Section 19. The treasurer shall issue to the person bidding in the property at such public sale a certificate of sale for the property so purchased, showing thereon the amount bid and paid by

such purchaser. Any and all property so sold for such delinquent sum shall be subject to redemption at any time within one year from the date of sale upon payment to the treasurer for the purchaser the amount for which the same was sold, together with interest at six percent per annum from the date of the sale on the original amount paid, and for all taxes, assessments, penalties, costs and charges subsequently paid by such purchaser at or since such sale.

Section 21. If redemption is made within one year after payment made, as provided for in Section 20, the treasurer shall, upon surrender of the certificate of sale by the purchaser, pay over to the purchaser the amount so received by the treasurer from the redemption, and deliver such certificate of sale to the redemption-taker.

Section 22. If redemption is not made within one year the treasurer shall, upon demand of the purchaser and surrender of the certificate of sale by the purchaser, execute to such purchaser a deed for the property described on the certificate of sale. Such deed shall be signed by the Mayor and the Treasurer for the City of Boardman. However, no such deed shall be executed until the purchaser or the holder of such certificate of sale shall by personal service notify the owner of such property that he will demand a deed therefor, provided that if the owner be not found after diligent search such notice may be by publication once a week for three consecutive weeks. The records of such notice shall appear in the records of the city recorder. The holder of such certificate of sale sixty days after notice or final date of publication before such deed shall be executed into the purchaser or holder of the certificate of sale. (1) The holder of the certificate of the lot or block or other proper designation of the property assessed, and if a part of a lot or parcel of property is assessed a proper designation of such part. (2) The name of the owner, recorder or owner or that the owner is unknown. (3) The sum assessed upon such lot, or part thereof, or parcel of property, or part thereof, and the date of the entry.

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