

ELECTION NOTICE.

NOTICE IS HEREBY GIVEN.—That on the 23rd day of January, 1913 at the City Hall in Tillamook City, Oregon.

A Special Election

will be held at which there will be submitted to the qualified electors of Tillamook City for their adoption or rejection, the following Measure providing for amendments to the City Charter of Tillamook City, to wit:

A measure, to amend the charter of Tillamook City, Oregon, by adding thereto sections authorizing the issuance of bonds of the city for such part of the cost of public improvements as the common council may deem it proper for the city to assume; and providing for the payment of assessments for public improvements by instalments and for the issuance of improvement bonds.

The people of Tillamook City, Oregon, do ordain as follows:

Be it enacted by the people of Tillamook City, Oregon:

Section 1. The Common Council of Tillamook City, Oregon is hereby authorized and empowered to sell bonds of Tillamook City, Oregon, in convenient denominations bearing interest at such rate, not exceeding 6 per cent, and running for such period, not exceeding twenty (20) years, as the common council may determine, to pay for the cost of the paving of intersections of streets and alleys, or any public ways, and of any other improvements heretofore or hereafter made, which the Common Council may deem proper to be assumed or paid by the City as its just share of the benefit of such improvement derived by the entire City or to take up any City Warrants now outstanding, provided, however, that the total amount of bonds which may be sold or assumed under the provisions hereof shall at no time exceed the sum of \$25,000.00 unless the people of Tillamook City by a majority vote at an election at which such question is submitted, shall authorize an amount in excess of such sum, and then only to the extent so authorized.

Section 2. When the Common Council shall desire to issue bonds of the city to pay for intersections of streets or public ways, or for any part of any improvement, it shall declare by resolution the amount or part of such improvement which it shall deem proper for the city to assume and shall direct the City Recorder to prepare and issue such bonds, prescribing the form, date, rate of interest, time to run, price (which shall not be less than par) and such other matters in respect to the same as they may deem necessary. Such bonds shall not be included as any part of the limitation of indebtedness prescribed by the Charter. Assessment of the residue of the cost of such improvement shall be made against the property owners benefited in the usual manner. If an assessment has already been made for the cost of such improvement, before the passing of the resolution assuming a part of the cost thereof by the City, the Common Council shall proceed to reassess the residue of the cost upon the property benefited to the extent of the respective benefits received, and shall credit each respective lot or parcel of land with the difference between the original assessment and the re-assessment thereof, and in cases where application has been made to pay the original assessment in instalments, each instalment shall be proportionately reduced. In case improvement bonds have been issued and sold for the entire cost of the improvement, the city may instead of selling additional bonds as hereinbefore provided, assume the payment of an amount of such improvement bonds corresponding to the part of the cost of the improvement assumed by the city.

Section 3. Before such re-assessment is made due notice shall be given by the City Recorder by publication in a newspaper published in the city or by posting in three public places within the city, that at a time therein named, a re-assessment shall be made. Notice of such re-assessment shall be published in the City Recorder before that time. At the time so fixed, or at a subsequent adjourned or regular meeting, the Common Council shall hear and determine such objections and make the re-assessment. Such re-assessment shall be in proportion and not in excess of the respective special and general benefits received by each several lot or parcel of land assessed, and may be made otherwise in such manner as the Common Council may deem just and equitable, and the same shall be a final and conclusive determination of the liability of the lots and parcels of land so assessed for the amounts respectively assessed against them without regard to any former proceeding.

Section 4. Whenever any street improvement, or the construction of any sewer or sewers is ordered or shall have been ordered by the Common Council, and the whole or any part of the cost thereof is assessed or to be assessed to the property benefited thereby, or liable therefor, the owner of any such property, where such cost is Twenty five Dollars (\$25.00), or more, may, within ten days after notice is given of such assessment or such further time as the council may give by resolution, file with the City Recorder a written application to pay said assessment in instalments, and such written application shall state that the applicant and property owner thereby waives all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street or lay the sewer, and that he consents that the assessment levied and to be apportioned of the cost thereof. Said application shall contain a provision that said applicant and property owner agrees to pay said assessment in ten equal annual instalments, with interest at the same rate on

all said instalments which have not been paid, as that expressed in the bond to be issued to pay for such improvements. Said application shall also contain a statement, by lots or blocks, or other convenient description, of the property of the applicant assessed for such improvement or sewer. No application, as aforesaid, shall be received and filed by the City Recorder or the amount of such assessment, with any previous assessment for street improvements or sewers, assessed against the same property and remaining unpaid, shall equal or exceed the appraised value of said property as shown by the appraisement thereof made by three freeholders of said City appointed by the Council. The majority of the owners of the property so assessed may select a competent person to inspect such improvement under the direction of the City Engineer of Tillamook City. Provided, that application for such bonding shall be received by the City Recorder, in a case where the amount of the assessment together with previous assessments for street improvements, or sewers, against the property (and remaining unpaid) shall exceed the appraised value of said property as shown by appraisal thereof, if the owner shall before such application pay in cash into the treasury of the City such excess of unpaid assessments over the valuation as shown by said appraisal.

APPLICATION TO PAY IN INSTALMENTS, HOW KEPT AND ENTERED.

Section 5. The City Recorder shall keep all such applications as are specified in Section 4 in a separate book in convenient form for examination. The applications received for each street improvement and each sewer shall be kept separate, and he shall also enter in a book kept for that purpose, under separate heads for each street improvement and each sewer, the name of the applicant, a description of the property and the amount of the application, as shown in the application.

ASSESSMENT LIEN DOCKET.

Section 6. After the expiration of the time for filing applications for the payment of assessments for improvements of streets or laying of sewer, by instalments, as provided in Section 4 of this Measure, the City Recorder shall enter in a docket kept for that purpose, under separate heads for each street or sewer, by name or number, a description of each lot or parcel of land or other property against which such lien is made, or which bears or is chargeable for the cost of such improvement or sewer, with the name of the owner and the amount of such unpaid assessment. Such docket shall stand thereafter as a lien docket as for taxes assessed and levied in favor of Tillamook City, and for such amounts of such unpaid assessments therein docketed, with interest on unpaid assessments at the rate of six per cent, per annum against each such lot or parcel of land or other property, until such assessments and interest are paid in the manner hereinafter provided; and all unpaid assessments and interest shall be added to the amount on each lot or parcel of land or other property, respectively, in favor of such city, and such lien shall have priority over all other liens and incumbrances whatsoever.

CITY IMPROVEMENT BONDS TO ISSUE FOR IMPROVEMENTS.

Section 7. When such bond lien docket shall be made up as hereinbefore provided, as to the assessments for the improvement of streets or the laying of sewers, the common council shall by ordinance authorize the issue of bonds in convenient denominations, not exceeding \$500.00 each, and in all equal to the total amount of unpaid assessments for such street improvements and sewers, and for which applications to pay under the provisions of this act have been filed, as shown by said lien docket; and such bonds shall, by the terms thereof, mature in ten years from the date thereof, and be payable in gold coin of the United States, and bear interest not to exceed six per cent, per annum, interest to be evidenced by coupons attached to said bond; provided, the right to take up and cancel such bond or bonds, upon payment of the face value thereof, with accrued interest to the date of payment at any semi-annual coupon period at or after one year from the date of such bond or bonds, shall be and hereby is vested in Tillamook City. Notice stating that certain bonds are to be taken up and cancelled aforesaid, and that the interest thereon shall cease at the interest payment period next following, shall be published in a newspaper printed and published, and of general circulation, in Tillamook County, not less than twice during the month preceding said semi-annual period; and after said semi-annual period interest upon the bonds designated in such notice shall cease. Such bonds, before issuance, shall be signed by the Mayor, countersigned by the City Recorder, and authenticated by the seal of Tillamook City attached thereto, and shall be registered consecutively by number and denomination of each in a book to be kept by the City Recorder, to be known and designated as the "Improvement Bond Register." Each of said bonds, whether issued for the improvement of streets or for the laying of sewers, shall have distinctly and plainly inscribed or printed on the face thereof, the registered number of said bonds, and the words "Tillamook City, Oregon, Improvement Bond." Such bonds shall be advertised for sale and sold for the highest price obtainable, but for not less than par and accrued interest, and the proceeds thereof shall be paid by the purchaser to the treasurer of Tillamook City, and the par value thereof credited to the respective street improvement and sewer funds for which said bonds were issued; and the accrued interest and premium accruing from the sale of said bonds shall be credited to the general fund of the city, the fund from which interest is to be paid on street and sewer warrants, or to the improvements bond sinking fund, as the common council

shall direct. PAYMENTS, PROCEEDINGS IN RESPECT THEREOF.

Section 8. Thereafter there shall be due and payable annually for ten consecutive years to the treasurer of Tillamook City by the owner of each lot or parcel of land assessed for the improvement of any street or the laying of any sewer, whose application to pay the cost of such improvement or sewer by instalments has been filed as provided in Section 4 of this Measure, ten per cent (10 per cent) of the assessment against the property of such owner, as appears by the bond lien docket described in Section 6 of this Measure, with the amount of one year's interest at not to exceed six per cent per annum on unpaid assessments or instalments due and payable at the expiration of each year from date of said assessment in the bond lien docket, and subsequent payments at the expiration of each year thereafter. Should such owner or owners neglect or refuse to pay the sums aforesaid as the same shall become due and payable for a period of twenty days then the same shall be collected in the same manner and with the same penalties as delinquent street or sewer assessments are collected in Tillamook City. It shall be the duty of the City Recorder when the instalments in the bond lien docket are due, to make proper extensions of such instalments and interest on said bond lien docket and to turn the same over to the treasurer of Tillamook City, whose duty it shall be to notify the owner or owners of property that the instalments aforesaid are due and payable, but in failure of such owner or owners to receive such notice shall not be taken or held to prevent the collection of the same as herein provided. The treasurer of Tillamook City shall issue a receipt to the person or persons paying said instalments and interest, and shall file duplicates of said receipts with the City Recorder, and when the City Treasurer returns said bond lien docket, the City Recorder shall make the proper entries on said bond lien docket, showing the amount of each payment and the date thereof, provided, however that at any time after issuance of such lien docket, or at any time being of any such lot or parcel of land or other property against which such assessment is made and lien docketed may pay into the City Treasury the whole amount of the assessment, and for which lien is docketed, together with the full amount of interest and cost accrued thereon to such date of payment, and upon producing to the City Recorder the receipt of the City Treasurer (in which receipt shall be not only stated the amount of such payment but also a description of the lot or parcel of land or other property upon which such payment is made) the City Recorder shall enter in such lien docket, opposite the entry of the lien therein, the fact of such payment and the date thereof, and that the lien thereon is discharged.

MONEY RECEIVED UNDER THIS MEASURE PLACED IN WHAT FUNDS.

Section 9. The City Treasurer receiving any funds arising by virtue of this act shall keep such funds and account thereof separate and apart from other funds of the city. The amount of such funds paid on account of instalments and interest on unpaid assessments, shall be placed to the credit of funds to be known and designated as the "Improvements Bond Sinking Fund" and "Improvements Interest Fund" respectively. The amount placed to the credit of the improvement bond sinking fund shall from time to time, under the direction of the Common Council, be deposited in such bank as will pay the highest rate of interest, or invested for the purchase of improvement bonds of Tillamook City at par. In the purchase of improvement bonds, the accrued interest thereon shall be paid out of the improvement bond interest fund, and all interest received by the treasurer on account of coupons due shall be placed to the credit of the improvement bond interest fund. Interest due on improvement bonds shall be paid out of the improvement bond interest fund. All bonds purchased by the city shall be held by the treasurer of the city as a sinking fund, and shall be disposed of by direction of the Common Council, when required for the redemption of bonds previously issued, as they shall become due and payable.

ENTRIES OF PAYMENTS MADE IN LIEN DOCKET.

Section 10. Entries of payments of instalments, interest and costs, made under the provisions of this act, shall be made in the lien docket aforesaid as the same shall be received by the City Recorder, and the amount of such payments made and entered in said lien docket shall be and operate as a discharge of such lien, to the amount of such payment, and from the date thereof.

REDEMPTION OF BONDS.

Section 11. At any time after the bonds which may be issued by virtue of this act shall become payable, such bonds may be redeemed, and to that end the City shall redeem the same consecutively by number of such bonds, commencing with number one of such bonds and shall give notice of the readiness of Tillamook City to redeem by publication in some newspaper published and having a general circulation among its subscribers in such city once each week for three consecutive weeks, giving the number of the bonds which will be redeemed, and the time at which such redemption will be made, after such time so fixed for redemption no interest shall accrue or become payable on such bonds so notified for redemption.

OBLIGATION UNDER ACT NOT WITHIN LAW LIMITING CITY DEBT.

Section 12. No obligation incurred by Tillamook City by virtue of any of the provisions of this measure nor by virtue of selling bonds

on the application of any property owner under the provisions of taken to be within or any part of the limitation of indebtedness of said city.

A MEASURE TO AMEND ARTICLE VIII OF THE CHARTER OF TILLAMOOK CITY, OREGON.

The People of Tillamook City, do ordain as follows:

Be it enacted by the people of Tillamook City, Oregon:

Section 1. Article VIII of the Charter of Tillamook City, Oregon, is hereby amended so that the same shall read as follows:

ARTICLE VIII. The Common Council of Tillamook City is authorized and empowered within the limits of Tillamook City, whenever it may deem it expedient, to open, lay out, establish, widen, alter, extend, vacate or close streets, and to appropriate and condemn private property therefor, and to assess any special benefits arising from any such matters and to make the same a lien against property benefited. Section 2. Whenever the Common Council shall deem it expedient to lay out and establish, or widen any street, it shall direct the City Surveyor to survey such street, or change therein as the case may be, and to make a report thereof containing a plan of the survey of such street or change, showing the boundaries thereof, and of that portion of each lot or tract of land to be appropriated for such street or change, which report shall be made to the Common Council within ten days from the time the same is ordered unless the Council grant otherwise. Should the Council deem said survey, plat and report satisfactory, it shall adopt the same by ordinance embodying such report.

Section 3. Thereafter, and within 60 days from the adoption of such report, the Council shall appoint three disinterested freeholders of Tillamook City to view such proposed street, or change, and to make an assessment of damages and benefits as provided in the next following section, and shall assign a day and place for them to meet and shall cause a notice to be given by publication for at least four successive weeks in some newspaper published in Tillamook City of the appointment of such viewers, with their names and the time and place for them to meet, and specifying with convenient certainty the boundaries and termini of the proposed street or change, and the boundaries and descriptions of the private property to be appropriated for such purpose and specially naming the owners or other parties interested in the lands other property benefited, and assessed in like manner as assessments for street improvements are entered in such lien docket, and when so docketed said sums shall be a lien or charge upon the estate and interest of the respective owners and parties interested in such land or other property, and said cost so assessed shall be paid to the treasurer of Tillamook City within 10 days from the time of entering the same on the docket of city liens, or the same shall be deemed delinquent and thereupon shall be collected in like manner as provided for the collection of other delinquent assessments by the Charter of Tillamook City.

Section 4. The Recorder shall, at least five days before the date set for such meeting, cause said viewers to be notified of their appointment, and of the time and place of such meeting, and said viewers shall meet at the time and place designated, and shall then be sworn faithfully to discharge the duties assigned them. They shall then or on any subsequent day on which they may adjourn (which adjournment shall not exceed one week at a time) proceed to view the proposed street or change, and to determine and assess how much, if any, less valuable lands or any part thereof through or over which the proposed street is to be opened, laid out, established, or changed, will be rendered thereby; and shall also ascertain the respective interests of all persons claiming to be the owners of the lands or other property aforesaid, or of the improvements thereon, or to have any interest in such lands or improvements, and the damage which each of said owners respectively, will sustain, but the right and title of the owners of such improvements shall not be affected by such proceedings, and the appropriation of such lands, if such owners shall consent to the appropriation. Of such lands shall be completed, or within such further time as the Council shall allow thereafter, remove such improvements from such lands. Otherwise such improvements shall become and be the property of Tillamook City. Said viewers shall also make a just and equitable estimate and assessment of the value of the benefits and advantages of said proposed street or change to the respective owners and other persons interested in all lands or other property which said viewers shall deem specially benefited by such opening, laying out, establishing or change. Said viewers shall thereafter, at their earliest convenience, report the assessment for damages and benefits as in this Section required to the Common Council, but any failure to state the name of any owner, or mistake in the name of any owner, or a statement of a name other than that of the true owner, in such report or in the ordinance adopting such report in the docket of city liens where the same is entered, or in any notice required by this Charter shall not render void the same, nor in any way affect the lien of such assessment upon the property assessed. The viewers shall receive as compensation for their services, the sum of \$3.00 each for each day actually rendered in such service, to be paid by the city and charged as costs and assessed against the benefits by said viewers. The Recorder of Tillamook City shall act as clerk of the viewers, and shall prepare all reports for them.

Section 5. Upon the filing of

said report of the viewers the City Recorder shall immediately cause a notice to be published for a period of two weeks in a newspaper published in Tillamook City, Oregon, of the filing of said report, giving the date when the same will be considered by the Common Council, describing with convenient certainty the boundaries of the property assessed by the viewers in said report, and notifying all persons interested to present in writing their objections to said report, if any they have, and said objections, if any there be, together with said report, shall be heard and determined by the Common Council. It shall also be the duty of the City Recorder forthwith to send by mail, postpaid, a copy of said notice to the owner, if known, of each lot, or part thereof, or tract of land assessed, any part of which is appropriated for the proposed street, or to the postoffice address of such owner or agent is known, and if not known by him, then such notice shall be addressed to such owner or agent at Tillamook, Oregon. If such report shall appear to the Council to be in all respects reasonable and just, it may be adopted by ordinance embodying such report. Or, if it shall appear to the Common Council that the damages or benefits assessed are unreasonable, unjust, or insufficient in any respect, the Common Council may send the same back to the same viewers for their consideration, and the viewers may alter and revise the same as they may deem just, and report the same to the Common Council, who may thereupon adopt or reject the same, or said Common Council may appoint new viewers with like powers, duties and obligations as the first viewers to make such assessments and awards, and report the same to the Common Council. If such new viewers are appointed, the same proceedings as to notice of their meeting shall be had as in the case of the appointment of the original viewers, and the Common Council shall have the same power over the report of the new viewers as over that of the original.

Section 6. In all actions, suits and proceedings concerning the openings, laying out, establishing or changing of any street under the provisions of this Charter, all proceedings had for that purpose shall be presumed to have been regularly and legally taken, until the contrary is shown.

Section 7. The Common Council, if it shall deem it advisable to open, lay out, establish or change said street, and shall pass an ordinance to that effect, shall, by resolution, direct the City Recorder to enter in the docket of city liens the respective sums of benefits over damages so assessed upon each particular lot or parcel of land, and the names of the owners or other parties interested in the lands other property benefited, and assessed in like manner as assessments for street improvements are entered in such lien docket, and when so docketed said sums shall be a lien or charge upon the estate and interest of the respective owners and parties interested in such land or other property, and said cost so assessed shall be paid to the treasurer of Tillamook City within 10 days from the time of entering the same on the docket of city liens, or the same shall be deemed delinquent and thereupon shall be collected in like manner as provided for the collection of other delinquent assessments by the Charter of Tillamook City.

Section 8. When such report shall be adopted by the Common Council as herein provided for, it shall order the City Recorder to draw warrants on the City Treasurer for the amounts of the damages found for the respective parties found entitled thereto, and deliver the same to such person so entitled.

Section 9. When said warrants are drawn and ready for delivery to the parties entitled to the same, the property acquired for public use as shown in the report of the City Surveyor shall be deemed appropriated for the purpose of the street, and the Common Council shall, by resolution, declare such street to be opened, laid out, established, or changed, and within 30 days after the adoption of said resolution the City Recorder shall file for record with the County Clerk of Tillamook County, Oregon, a copy of said resolution and an accurate plat of said street and of the property so appropriated for public use.

Section 10. The Common Council may provide by ordinance any regulations as to the manner of opening, laying out, establishing or changing streets not in conflict with this Charter, and may provide by ordinance anything convenient and necessary for the effectual carrying out of the provisions hereof. Any property owner may appeal to the Circuit Court of Tillamook County, from the assessment of benefits or damages as to his property, but such appeal shall be taken within 30 days from the time of the adoption of the report of the viewers.

A measure to amend the Charter of Tillamook City, by adding thereto a provision for re-assessments for public improvements.

The number and form in which the ballot title of such measure will be printed on the official ballot is as follows:

"PROPOSED BY INITIATIVE PETITION"

100 YES.

101 NO.

The people of Tillamook City do ordain as follows:

Be it enacted by the people of Tillamook City, Oregon:

Whenever an assessment for opening, altering or improving a street or construction, reconstruction or repair of a sewer or for any local improvement which has been or may hereafter be made by Tillamook City, Oregon, is or shall be defective, insufficient, or inadequate or has been or shall be hereafter set aside, annulled, declared or rendered void or its enforcement refused by any court of this State or any federal court having jurisdiction thereof, whether directly or by virtue of any decision of such court, or when the Common Council shall be in doubt as to the validity of such assessment or any part thereof, the Common Council may by resolution make a new assessment or re-assessment of the lots, or blocks, or parcels of land which have been benefited, to the extent of their respective and proportionate shares of the full value thereof. Such re-assessment shall be based upon the special and peculiar benefit of such improvement to the respective parcels of land assessed at the time of its original making. Interest thereon from the date of delinquency of the original assessment may be added at the discretion of the Common Council. Such re-assessment shall be made in an equitable manner as nearly as may be to accordance with the law in force at the time it is made, but the Common Council may adopt a different plan of apportionment of benefits, when in its judgment essential, to secure an equitable assessment. The proceedings required by the Charter of Tillamook City, Oregon, to be had prior to the making of the original assessment shall not be required to be done again in case of re-assessment. Such re-assessment shall be made and shall become a charge upon the property upon which the same is laid, notwithstanding the omission, failure and neglect of any officer, body or person to comply with the provisions of the Charter of Tillamook City, Oregon, or connected with or relating to such improvement and assessment, and notwithstanding the proceedings of the Common Council or any officer, contractor or other person connected with such work may have been irregular or defective, whether such irregularity be jurisdictional or otherwise. The Common Council shall appoint a time and place not less than twenty days distant when it will meet for the purpose of making such re-assessment. The City Recorder shall give ten days notice by one publication in a newspaper published in Tillamook City, Oregon, of the time and place fixed by the Common Council for making such re-assessment. At the time appointed therefor, unless at some time the Common Council shall adjourn until a future time or day for such purpose or appoint another time therefor, and in such event at such adjourned or further appointed meeting, the Common Council shall proceed to make such re-assessment in the manner prescribed. At the time of making such re-assessment the Common Council shall give an opportunity to any property owner to appear in person or by Common Council and be heard in reference thereto. After having made such re-assessment, the Common Council shall declare the same by resolution, and the same shall be a final determination of the regularity, validity and correctness of the re-assessment, except as herein otherwise provided. Such re-assessment shall be entered in the docket of City Liens and shall be enforced and collected in like manner as ordinary assessments for improvements are enforced and collected under the Charter of Tillamook City, Oregon. All sums paid upon the former assessment shall be credited to the property on account of which the same were paid as of the date of such payment.

A Measure to amend the section 1 of Article VI of the Charter of Tillamook City, Oregon.

The People of Tillamook City do ordain as follows:

Be it enacted by the people of Tillamook City, Oregon:

Section 1. Section I of Article VI of the Charter of Tillamook City, Oregon, is hereby amended so that the same shall read as follows: Section 2. The Mayor shall have the power to appoint such number of policemen as he may see fit, and to make all necessary and convenient rules and regulations for the organization and conduct of the force, and shall have the power to suspend or remove any policeman at his pleasure. The Common Council shall have the power, and they shall provide for the compensation of all policemen of the city, and shall make all necessary and convenient rules and regulations for the care and management of the city prison, for receiving and hearing complaints against any member of said force, and to provide for the forfeiture of all or any of the wages that may be due any member of said force on account of misconduct or negligence in the discharge of his duties.