

NOTICE OF SPECIAL ELECTION

WHEREAS, The Common Council of the Town of Nyssa did on the 5th day of August, 1929, duly enact an ordinance No. 212, entitled; an ordinance providing a proposed amendment to the Town of Nyssa, County of Malheur, State of Oregon, and providing for the referring said proposed amendment to a vote of the legal voters of said Town of Nyssa to determine by said legal voters whether or not said proposed amendment shall be adopted, and containing an emergency.

And said ordinance was, on said 5th day of August, 1929, approved by the Mayor and attested by the City Recorder, and by said ordinance it was and is provided that a special election be called and held within the said Town of Nyssa, for the purpose of submitting to the qualified electors of said Town for their determination, the question of amending said charter as in said ordinance contained.

THEREFORE NOTICE IS HEREBY GIVEN, That on Tuesday, the 24th day of September, 1929, at the Council Rooms in said Town of Nyssa, Malheur County, Oregon, an election will be held, at which election there will be submitted to the qualified electors of said Town of Nyssa for their determination the following question: Shall the charter of said Town of Nyssa, Malheur County, Oregon, be amended to read as follows:

THE CHARTER OF THE CITY OF NYSSA AN ACT

Referred by the Common Council of the Town of Nyssa, in Malheur County, Oregon, to the Legal Voters of said Town Re-incorporating said Town of Nyssa and Providing a Charter Therefor and Repealing all Acts or Parts of Acts Inconsistent or in Conflict Therewith.

Be it Enacted by the Legal Voters of the Town of Nyssa, in the County of Malheur and State of Oregon, and the said Town of Nyssa Does Ordain as Follows:

CHAPTER I.

Corporate Powers, Rights and Liabilities.

Section 1. This Act is hereinafter referred to as the Charter.

CORPORATE POWERS

Section 2. The municipal corporation now existing and known as the Town of Nyssa, the boundaries of which are hereinafter described, shall remain and continue, and the inhabitants thereof are hereby declared to be a body politic and corporate by the name of City of Nyssa; and by such name shall have perpetual succession, contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of justice, and in all actions, suits and proceedings whatsoever; may purchase, lease, hold and receive property, real and personal, within the said City, for public buildings, public works, streets and improvements, and all other municipal purposes; and may lease, sell and dispose of the same or any part thereof for the benefit of the said city; and may purchase, hold and receive property, both real and personal, within or beyond the boundaries of said city to be used for city parks, for burial purposes, hospitals, pest houses, prisons, work houses, powder houses, for the erection of water works and the establishment and maintenance of a water system, for sewer system and disposal plant, for supplying the city with electric or other lights, and for other useful, beneficial or ornamental purposes, and may erect buildings and works thereon, and may enclose, ornament and improve the same; and may control, sell, lease or dispose of the same for the benefit of the city and may invest and borrow money and pledge the credit and property of the municipality. May exercise all the powers usual and necessary for the municipal corporation, including police power and power of eminent domain, and all powers hereinafter enumerated or necessarily implied; shall adopt and may alter at pleasure, a corporate seal. All property, both real and personal, belonging to or invested in the Town of Nyssa as heretofore created, established and bounded, shall upon the adoption of this charter, become the property of and vested in the city of Nyssa, as created, bounded and established by this charter; and said city may control, lease, sell or dispose of the same or any part thereof for the benefit of the city. The corporate limits and boundaries of said City of Nyssa, shall be as follows:

Commencing at a point One Thousand Three Hundred Thirteen and 6-10 (1313.6) feet West of the Northeast corner of Section Thirty-two (32) Township Nineteen (19) South Range Forty-seven (47) East of the Willamette Meridian and designated on the official plat of the Town of Nyssa, Oregon, as station "A" and running thence North Two Thousand Six Hundred Twenty-two (2622) feet on legal subdivision line on West side of the East half (E1-2) of the Southeast Quarter (S.E.1-4) of Section Twenty-nine (29) of said Township and Range; thence West Two Thousand Six Hund-

red Twenty-seven and 8-10 (2627.8) feet along the legal subdivision line running East and West thru center of said Section Twenty-nine (29); thence South Two Thousand Six Hundred Twenty-two (2622) feet along legal subdivision line on West side of the East Half (E1-2) of the Southwest Quarter (S.W.1/4) of said Section Twenty-nine (29); thence West Six Hundred Fifty-eight (658) feet along legal subdivision line; thence South One Thousand Three Hundred Sixteen and 3-10 (1316.3) feet; thence East Three Hundred Twenty-eight (328) feet; thence South Two Hundred Eighty-six (286) feet along West line of public school lot; thence East Three Hundred Thirty (330) feet along South line of said public school lot; thence One Thousand Thirty-four (1034) feet along legal subdivision line on West line of the Southeast Quarter (S.E.1/4) of the Northwest Quarter (N.W.1/4) of Section Thirty-two (32) of said Township and Range; thence East Two Thousand Six Hundred Thirty-Four (2634) feet along East and West center line of said Section Thirty-two (32); thence North One Thousand Three Hundred Twenty (1320) feet along legal subdivision line on East side of the Southeast Quarter (S.E.1/4) of the South east Quarter (S.E.1/4) of Section Thirty-two (32); thence East One Thousand Six Hundred Seventy-seven and 3-10 (1677.3) feet along legal subdivision line; thence North Westerly Six Hundred Sixty-six and 5-10 (666.5) feet along meander line of Snake River; thence West One Thousand Five Hundred seventy-five (1575) feet to legal subdivision line; thence North Six Hundred Fifty-eight and 5-10 (658.5) feet to point of beginning.

CHANGING BOUNDARIES AND ANNEXING TERRITORY

Section 3. The boundaries of the city of Nyssa may be altered and new territory included therein, after proceedings had as required in this section. The Council of the City of Nyssa, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of said City, as shown by the vote cast at the last general city election held therein for city officers, may submit the question to the electors of said city, and to the electors residing in the territory proposed by such petition to be annexed to the city and become a part thereof. Such question shall be submitted at a special election to be held for that purpose and the Council of the city of Nyssa shall give notice thereof, by publication in a newspaper of general circulation in the city of Nyssa, also by posting notices thereof in four public places within the city of Nyssa as well as in four public places in the territory proposed to be annexed, for a like period. Such notice shall distinctly state the proposition to be so submitted, and shall designate especially the boundaries of the territory so proposed to be annexed, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "annexation," yes, or "annexation," no, or words equivalent thereto. The Council of said city shall also designate the place or places at which the polls will be open within the city and in such territory proposed to be annexed, which places shall be those usually used for such elections within the city and also such places commonly used within the territory proposed to be annexed, if any such there be, and shall also appoint and designate in such notice the names of the judges and clerks of such election, together with the hours of holding the same. The Council shall meet on the Monday next succeeding the day of such election at one o'clock in the afternoon, and canvass the votes cast at such election. The votes cast in such territory so proposed to be annexed shall first be canvassed, and if it shall appear upon such proceedings that a majority of all the votes so cast in such territory are in favor of annexation, then the votes cast within the city shall be next canvassed; and if a majority thereof are also found to be in favor of such annexation, then the Council shall, by an order entered upon its records, declare such annexation and cause the Recorder of said city to make and transmit to the Secretary of State a certified description of such annexed territory and an abstract of such vote which shall show the whole number of electors voting in such territory, the whole number of electors voting in the city, the number of votes cast in each, both for annexation and against annexation. From and after the date for filing such abstract, such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of the city of Nyssa. The judges and clerks before entering upon the discharge of their duties at such election shall fill their vacancies, if any, and qualify in the same manner as such officers so qualified at city elections.

CHAPTER II.

Power and Authority, In Whom Vested

Section 1. The power and authority given to the Municipal Corporation of the city of Nyssa by this charter is vested in and shall be exercised by a Mayor, and Council composed of four members, and their successors in office, who shall be elected at large by the qualified voters of the city of Nyssa.

Section 2. The mayor shall be elected and

hold office for the term of two years, or until his successor is elected and qualified. He shall preside at all meetings of the Council, and when he is absent the Council shall elect one of their number to preside pro tempore. In business matters of the Council, the mayor shall not vote on any question, except when the vote of the council is a tie, and in that case the mayor shall cast the deciding vote.

Section 3. Said city shall be represented by four councilmen until such time as it shall be divided into wards, as hereinafter provided for, and the members of the council shall be elected for the term of two years, and shall hold their office until their successors are elected and qualified.

Section 4. The other elective officers of the city shall be a Treasurer, who shall hold his office for a term of two years, or until his successor is elected and qualified, and be ex officio custodian of all the moneys of the city; a City Recorder, who shall hold his office for a term of two years, or until his successor shall be elected and qualified, and be ex officio Clerk of the city Council and who shall collect all the moneys due the city not otherwise provided for in this charter, and pay all of such moneys, when so collected, over to the said city Treasurer.

Section 5. The mayor may appoint and remove at any time, subject to the approval of the majority of the city council, one city attorney, one city engineer, one marshal, one street commissioner, and such other police officers and other city employees as are required; but the council by a two-thirds vote may at any time remove any officer named in this section.

Section 6. No person shall be eligible to any office in said city who is not a qualified elector thereof, and has not been a resident of said city for more than six months preceding his election or appointment; and no person shall be eligible to the office of mayor or councilman, who, including the above qualifications, is not a tax payer in said city, other than a poll taxpayer.

Section 7. The council may, by ordinance, whenever it shall deem it necessary, divide the City of Nyssa into wards, the number and boundaries thereof to be described in such ordinance with common certainty, and each of said wards, when so established, shall be entitled to equal representation in the council, and shall constitute a separate election precinct of said city for the holding of all municipal elections. After such division of the city into wards, the councilmen shall be elected by the qualified voters in the respective wards which they represent and in which such councilmen actually reside.

Compensation of Officers

Section 8. The Mayor and Councilmen shall not be entitled to any compensation for their services as such. The compensation or salary of all other officers shall be such as the council shall from time to time by resolution provide.

Commencement of Term of Office

Section 9. The term of office of every officer elected by the voters shall begin on the first Monday in January next succeeding his election and shall terminate accordingly except as otherwise provided by this Charter.

Officers Must Qualify

Section 10. Every officer elected or appointed under this Charter shall before entering upon the duties of his office qualify therefor by giving such official undertaking for the faithful performance of his duties as may be required and by taking and filing with the City Recorder an oath of office to the following effect:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Oregon, and that I will, to the best of my ability faithfully perform the duties of _____ during my continuance therein, so help me God."

If the officer affirm, instead of the last clause there must be added "And this I promise under the pains and penalty of perjury."

Bonds of Treasurer, City Recorder

Section 11. The City Recorder, and Treasurer shall, before entering upon the discharge of their duties as such, give an official undertaking or bond for the faithful performance of their respective duties in such sums as the council may require. The bond of the Treasurer shall be filed with the City Recorder. The bond of the City Recorder shall be filed with the Mayor. The Mayor shall approve all official undertakings and bonds.

Council may require Additional Bond or Undertaking

Section 12. When under any of the provisions of this Charter or of any ordinance an official undertaking or bond shall be required from an officer, the council may, by resolution, require an additional undertaking or bond, whenever in the opinion of the council such an undertaking or bond or any surety thereto becomes insufficient; and such additional undertaking or bond may also be required when a surety upon a bond shall die or cease to be a resident of Malheur County.

Terms of Bonds and Undertakings Justification of Sureties

Section 13. City officers shall not be accepted as surety for each other on official undertakings

or bonds. Every such undertaking or bond shall contain a condition that the principal will faithfully perform all official duties then, or that may thereafter be, imposed upon or required of him by law, ordinance or this Charter, account for and pay over all moneys that may come into his hands as such officer, and at the expiration of his term of office surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Such bond or undertaking when it is not that of a qualified surety company, must also be executed by two or more sureties who shall each justify in the amount of said bond. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officer whose duty it is to approve the undertaking or bond. All bonds and undertakings provided for by this Charter may be secured by individual sureties or by a surety company acceptable to the Mayor.

No Person to Hold Two Offices

Section 14. No person shall at any time hold more than one office created or provided for by this Charter.

Vacancies—When Occur

Section 15. An office shall be deemed vacant upon the death, resignation or removal of the incumbent or upon such incumbent ceasing to possess the qualifications of an elector of the city or upon the failure of an officer elected to qualify for a period of thirty days after the time fixed therefor by this Charter or upon the failure of a person appointed to office by the Mayor to qualify within a period of ten days thereafter. The office of Councilman shall be deemed vacant whenever the incumbent thereof shall fail to attend three consecutive regular meetings of the Council, unless absent upon leave of the Council first obtained.

How Filled

Section 16. Vacancies occurring for any cause shall be filled as follows: In all elective offices by election by the Council for the balance of the unexpired term or until the next general election; provided, however, that in the case of a vacancy in the office of Councilman whose term of office does not expire on or before the next general election such appointment shall be made to continue only until such date and such vacancy shall be filled for the remainder of the unexpired term at the next general election. Vacancies occurring in appointive offices shall be filled by appointment by the Mayor with the consent of a majority of the Council.

CHAPTER III. ELECTIONS

General Elections

Section 1. There shall be a general city election held in the city of Nyssa upon the date and at the same time and places as the regular general election is held in Malheur County, Oregon, for general state and county elections, at which election all elective officers provided for by this charter and all initiative, referendum and other matters submitted by the Council of the City of Nyssa, to the electors of said city at such election shall be voted upon, and the judges and clerks for such state and county elections shall be judges and clerks for such city elections.

Section 2. Special elections may be called by the Council of the city to be held at such times as they shall designate, for any purpose except the election of officers of the city, and such election shall be governed by the requirements of this chapter the same as general elections, except where otherwise provided in this charter, and the Council shall appoint the same number of judges and clerks for such special elections as are appointed by the County Court for general county and state elections.

Judges and Clerks of Elections

Section 3. The Council shall, for the purpose of all special elections designate one place in each precinct for holding the election therein, and shall appoint two (2) judges and three (3) clerks for each voting precinct, who, previous to entering upon the discharge of their duties shall each take, and subscribe to an oath in the following form, to-wit:

"I do solemnly swear that I will perform the duties of judge (or clerk) of this election according to law and to the best of my ability; that I will endeavor to prevent fraud, deceit and abuse in conducting same." Said oath to be administered to the judges and clerks by an officer authorized by law to administer oaths.

Notice of Election

Section 4. The City Recorder, under the direction of the Council shall give ten (10) days' notice by publication in a newspaper designated by the Council, or by posting notice thereof in three public places in each voting precinct of such general election, the officers to be elected, the measures, if any, to be voted upon, and the places designated for the holding of the election, and the names of the judges and clerks appointed for the same.

Continuation of Officers

Section 5. All of the officers of the Town of Nyssa holding their position under the charter of the Town of Nyssa which was in force imme-