THE CHARTER PROPOSED FOR CITY OF SALEM

IT HAS BEEN PREPARED WITH GREAT CARE BY COMMITTEE AND SHOULD BE STUDIED CAREFULLY BY EVERY CITIZEN.

To Incorporate the City of Salem, Oregon, and to change the present form or method of government of said City of Salem to what is commonly known as the Commission Form of City Government, and to prescribe and define the rights, powers and liabilities of said City of Salem and prescribe the rights, powers and duties of said Board of Commissioners, the manner and time of their election, tenure of office; and to repeal An Act entitled "An Act to Incorporate the City of Salem," approved February 15th, 1893; also An Act to Incorporate the City of Salem, approved —, 1862; also an Act entitled an Act to incorporate the City of Salem, approved February 15th, 1893; also An Act entitled An Act to incorporate the City of Salem, approved February 17th 1899; also An Act entitled "An Act to Amend Section No. 5, Subdivision 9 and 14 of Section No. 6, and Sections 15, 25, 27, 31, 47, 61, and 74 of the Charter of Salem, Oregon," approved February 15th, 1901. Also An Act Amendatory to the above mentioned Acts approved February 7th, 1903, and all amendments thereto, and to repeal all Acts and parts of Acts to Incorporate the said City of Salem under its original form of government by Aldermen or City Councilmen, and substitute in lieu thereof the Commission Form of Government, as defined and set out herein.

ARTICLE I.
NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES.

Section 1. Name—The corporate name of this City shall be Salem.

Sec. 2. Boundaries—The boundaries of the City of Salem shall be as follows, to-wit:

Beginning where the south line of Locust street, in Highland Avenue addition to the City of Salem, Oregon, if extended westerly would strike the middle of the Willamette river; thence easterly along the westerly extension of the south line of said Locust street and along the south line of said Locust street, and along the easterly extension thereof, to the east line of the right-of-way of the Southern Pacific railroad; thence southerly along the east line of the right-of-way of the Southern Pacific railroad to the southwest corner of the westerly extension of the State Fair grounds; thence east along the south line of the westerly extension of the State Fair grounds to the inner angle thereof; thence southerly along the west line of the State Fair grounds to the southwest corner thereof; thence easterly along the south line of the State Fair grounds to a point due north of the most northerly northeast corner of the donation land claim of A. F. Waller and wife, in township 7 south, range 3 west of the Willamette meridian; thence south to the most northerly northeast corner of the said donation land claim; thence southerly along the east line of said donation land claim and along the east line of Simpson's addition to the City of Salem to the center of Salem and Turner County road; thence southeasterly along the center of said road to the northeast corner of lot 4 in Miller's Mill Creek Rural Home tracts; thence southerly along the east line of lots 4 and 8, in said Miller's Mill Creek Rural Home tracts, to the line running east and west through the center of section 36, in township 7 south, range 3 west of Willamette Meridian; thence westerly along said line through the center of sections 35 and 34 to the east line of South Commercial street; thence southerly along the east line of South Commercial street to the easterly extension of the south line of City View cemetery; thence westerly to the southwest corner of City View cemetery; thence due north to the middle of the Willamette slough; thence down the middle of the Willamette slough to the middle of the Willamette river; thence down the middle of the Willamette river, to the place of beginning.

TERRITORY ADDED BY POPULAR VOTE, MARCH 28, 1910.

Beginning at a point where the east boundary line of the City of Salem intersects the north boundary line of Glen Oak addition to the City of Salem; thence easterly on an easterly extension of said north boundary line of said Glen Oak addition to a point where if said north boundary line of Glen Oak addition were extended easterly it would intersect with a line running north and south through the center of sections 24 and 25 of township 7 south, range 3 west; thence southerly along said center line to a point where the same intersects with the north line of a road commonly known as the Penitentiary road; thence westerly along said north line of said Penitentiary road to the east boundary line of the City of Salem; thence northerly along said east boundary line to the point of beginning.

Sec. 3. Powers, Rights and Liabilities—By and in the corporate name, the City shall have perpetual succession; shall have and exercise all powers, functions, rights and privileges now or hereafter given or granted to, and shall be subject to all the duties, obligations, liabilities and limitations now or hereafter imposed upon municipal corporations of its class, by the Constitution and Laws of the State of Oregon, and shall have and exercise all other powers, functions, rights and privileges usually exercised by, or which are incidental to or inhere in municipal corporations of like character and degree.

Sec. 4. Powers, How Exercised—All powers of the City, unless otherwise provided in this charter, shall be exercised by through and under the direction of three Commissioners, who shall constitute the Board of Commissioners and one of whom shall be the Mayor. The Commissioners shall be subject to the control and direction of the people at all times, by the initiative, referendum and recall, provided for in this Charter.

ARTICLE II.
ELECTIONS.

Sec. 5. General and Special Municipal Elections—There shall be a general municipal election in the City of Salem on the first Monday in December, 1911, and on the first Monday in December of every second year thereafter, and shall be known as the general municipal election. All other municipal elections that may be held shall be known as special municipal elections, and may be ordered by the Board of Commissioners.

The terms of office of those elected under this Charter and thereafter, shall begin at 10 o'clock a. m. on the first Tuesday of January following their election, and all officers elected shall hold office until their successors are elected and qualified, unless previously removed, as elsewhere provided in this charter.

Sec. 6. Registration—No person shall, except as in the charter otherwise provided, be permitted to vote at any municipal election without having been registered. The registration shall be the same as is now or may hereafter be provided by the General Laws of the State, except as the Board may otherwise by ordinance provide.

Sec. 7. Nomination and Election of Officers—The mode of nomination and election of all elective officers of the City to be voted for at any municipal election shall be as follows:

Sec. 8. Conditions of Candidacy—The name of a candidate shall be printed upon the ballot when the petition of nomination shall have been filed in his behalf, in the manner and form and under the conditions hereinafter set forth.

Sec. 9. Form of Nomination Petition—The petition of nomination shall consist of not less than twenty-five (25) individual certificate, which shall read substantially as follows:

PETITION OF NOMINATION.
Individual Certificate.

State of Oregon, County of Marion, City of Salem, ss.

I do hereby join in a petition for the nomination of ——— ———, whose residence is at No. — ——— street, Salem, Oregon, for the office of ———, to be voted for at the municipal election to be held in the City of Salem on the —— day of ———, 19—; and I certify that I am a qualified elector and am not at this time a signer of any other certificate nominating any other candidate for the above named office, or (in case there are several places to be filled in the above named office), that I have not signed more certificates than there are places to be filled in the above-named office; that my residence is at No. — ——— street, Salem.

I also certify that I believe the above named person is especially qualified to fill the said office, and is of a good moral character. I further certify that I join in this petition for the nomination of the above named person, believing that he has not become a candidate as the nominee or representative of, or because of any promised support from any political party, or any committee or convention representing or acting for any political party.

Signed, ——— ———.

State of Oregon, County of Marion, City of Salem, ss

——— ———, being first duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true.

Signed ——— ———.

Subscribed and sworn to before me this —— day of ———, A. D. 19—.

My commission expires ———, 19—.

——— ———, Notary Public.

The petition of nomination, of which this certificate forms a part shall, if found insufficient, be returned to ——— ———, at No. — ——— street, Salem.

Sec. 10. Forms to be Supplied by the Clerk—It shall be the duty of the City Clerk to furnish upon application, a reasonable number of forms of such individual certificates.

Sec. 11. Requirements of Certificate—Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the City Clerk. Each certificate shall contain the name of one candidate and no more. In case an elector has signed two or more conflicting certificates, all such conflicting certificates shall be rejected. Each signer must make oath to his certificate before a notary public substantially in the form subscribed in section 9 of this Charter.

Sec. 12. Date of Presenting Petition—A petition of nomination consisting of not less than twenty-five (25) individual certificates for any one candidate may be presented to the City Clerk not earlier than thirty nor later than twenty days before the election. The City Clerk shall endorse thereon the date upon which the petition was presented to him. Provided, that should there be no petition filed for one office 20 days before election the date of presenting petitions for said office shall be extended to fifteen days before said election, and the acceptance of the candidate shall be filed with the City Clerk on same day.

Sec. 13. Examination of Petition by Clerk—When a petition of nomination is presented for filing to the City Clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this Article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall forthwith return the petition to the person named as the person to whom the same shall be returned in accordance with this Article. The petition may then be amended, but not later than three days after said petition shall have been returned, presented to the Clerk as in the first instance. The City Clerk shall forthwith proceed to examine the amended petition as hereinafter provided.

Sec. 14. Filing of Petitions—If either the original or the amended petition of nomination be found sufficiently signed, as hereinafter provided, the City Clerk shall file the same forthwith. Upon final filing of such nominating petitions in due form as herein provided, the candidates therein named shall be deemed duly nominated.

Sec. 15. Withdrawal or Acceptance—Any person whose name has been presented under this Article as a candidate may, not later than fifteen days before the election, cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, under his own signature, duly attested by a notary public, and no name so withdrawn shall be printed upon the ballot. Any person nominated under this Article shall file his acceptance with the City Clerk not later than fifteen days before the day of election, and in the absence of such acceptance, the name of the candidate shall not appear on the ballots except as otherwise herein provided.

Sec. 16. Preservation of Petitions—The City Clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this Article.

Sec. 17. Election Notices—The City Clerk shall, on the tenth day before the election, certify a list of the candidates so nominated whose names are entitled to appear on the ballot as being the list of candidates nominated as required by this Charter, with the offices to be filled, and the Board shall cause said certified list of names and the offices to be filled, designating whether for a full or unexpired term to be published in a notice calling the election, five successive days before the election, certify a list of the candidates so nominated whose circulation published in the City. Such publication must be made for any questions or measures to be voted upon.

Sec. 18. Form of Ballots—The City Clerk shall cause the ballots to be printed as provided by the codes and statutes of the State of Oregon, except as otherwise in this Charter provided. The ballots shall contain the list of names and the respective offices, as published in the election notice, and so far as applicable to such election shall be substantially of the form provided by Lord's Oregon Laws, except as herein otherwise provided.

Sec. 19. Arrangement of Offices on Ballot—The offices to be filled shall be arranged in separate columns in the following order:

"For Mayor (if any) .....Vote for one."
"For Commissioner, Department No. 2, (if any) ....Vote for one."
"For Commissioner, Department No. 3, (if any) ....Vote for one."

Sec. 20. Requirements of Ballots—All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type and color of ink. Space shall be provided on the ballots for Charter amendments or other questions when to be voted on at the municipal elections, as provided by this Charter or the Laws of the State. The names of candidates for each office shall be arranged in alphabetical order. Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

Sec. 21. Sample Ballot—The City Clerk shall at least five days before the election cause to be printed five hundred sample ballots, upon paper of different color, but otherwise identical with the ballot to be used at the election, and shall distribute the same upon application to registered voters at his office.

Sec. 22. Election Officers, Judges, Appointment—It shall be the duty of the Board of Commissioners at its regular session, and at least twelve days previous to the day of holding any municipal election, to appoint for each ward from the qualified electors of said ward, one Inspector and two Judges, who shall constitute a Board of Judges of Election. In case those appointed in accordance with this section shall not be present at the place designated by the Board of Commissioners, at the hour to open the polls, the electors present may appoint a Board of Judges for such ward.

Sec. 23. Clerks—The Inspector and Judges of Election for each ward shall, before the time for opening the polls, appoint two suitable persons to act as Clerks, who shall be qualified voters. Each Clerk shall write down each office to be filled and the name of each person voted for for such office, and shall keep the number of voters by tallies, as they are read aloud by the Inspector or Judge.

Sec. 24. Polls Open—All elections held under the provisions of this Charter shall commence at 8 o'clock a. m. and continue until 7 o'clock p. m. of the same day, without closing the polls.

Sec. 25. Canvass and Election—As soon as the polls are closed the election Judges shall immediately open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheet provided therefor. No vote shall be counted for any candidate more than once on any ballot, all subsequent votes on that ballot for that candidate being void.

The person receiving the largest number of votes cast at such election for any office shall be elected to that office.

The Board of Commissioners shall meet as a canvassing board and publicly canvass the election returns within two days after any municipal election, and in case of the election of officers shall issue certificates of election to each person elected.

A tie between two candidates shall be determined by lot under the direction of the canvassing board.

Sec. 26. Informalities in Election—No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this Charter.

Sec. 27. Ballots, Preservation—The envelope containing the ballots when sealed up shall be endorsed, "Ballot of ——— ward, Salem, of election held this —— day of ———, 19—," and shall be delivered by the Inspector to the City Clerk, who shall keep said sealed envelope unopened until the time appointed for the canvass of the returns, and until directed by the Board of Commissioners to open the same in the presence of the Commissoners.

Sec. 28. Statement of Expenses to be Filed—Every candidate who is voted for at any election held within this City shall within thirty days after such election, file an itemized statement showing in detail all the moneys contributed or expended by him directly or indirectly by himself or through any other person in aid of his election. Such statement shall give the names of the various persons who received such money, and the specific nature of each item and the purpose for which it was expended or contributed. There shall be attached to each statement an affidavit of such candidate setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him.

Sec. 29. Corrupt Practices—Any person who shall at any municipal election violate any of the state laws, in regard to corrupt practices or who shall fail to file a sworn statement of expenses as herein required, shall, upon conviction thereof, be forthwith disqualified from holding municipal office, position or employment for a period of two years, and if such person shall have been elected or appointed to any municipal office, position or employment, his conviction of any such violation shall ipso facto create a vacancy therein.

Action for the enforcement of this provision may be brought by the City Attorney, or by any citizen on behalf of the City.

A violation of any of the provisions of this section by any candidate shall disqualify him from holding the office for which he is a candidate.

Every elective officer of the City shall, at the time he takes the oath of office, be required to take and subscribe an oath that he has not violated any of the provisions of this section.

Sec. 30. General Election Regulations—The provisions of any law of the State of Oregon now or hereafter in force, except as the Commissioners may otherwise by ordinance provide, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management and holding of elections, except as otherwise provided in this Charter, so far as they may be applicable, shall govern all municipal elections.

Sec. 31. Qualifications of Electors—That save and except as in this Charter otherwise set forth, any person shall be qualified to vote at any election held under this Charter who has been a resident of the City for six months next preceding such election, and who possesses the qualifications of a legal voter in this state; provided, however, that all persons who have resided within the corporate limits of the City of Salem for the period of six months next preceding the first election to be held under the provisions of this Charter and possess the qualifications of a legal voter in this state shall be qualified to vote at said election.

ARTICLE III.
RECALL, INITIATIVE AND REFERENDUM.

Sec. 32. State Laws—The powers of the people as to recall, initiative and referendum shall be exercised as defined by the laws of the State of Oregon.

Sec. 33. Candidacy—Any officer sought to be removed may be a candidate to succeed himself.

Sec. 34. Time of Incumbency—The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the balance of his term. If not then elected he shall be deemed to be removed upon the qualification of his successor, who shall hold office during the unexpired term.

Sec. 35. Incapacity of Recalled Officer—No person who has been removed from any office by recall, or who has resigned from such office while recall proceedings were pending against him shall be appointed to any office within two years after such removal by recall or resignation.

Sec. 36. Further Regulations—The Board may by ordinance make in regard to recall, initiative and referendum, such further regulatons as may be necessary to carry out the exercise of the rights of the people.

ARTICLE IV.

Sec. 37. Commissioners—The elective officers of the City shall consist of three Commissioners, and shall be known as the Board of Commissioners, one of whom shall be the Commissioner of Department No. 1 and Mayor; one shall be Commissioner of Department No. 2, and one Commissioner of Department No. 3.

Each Commissioner shall be elected directly to his department by the people.

Sec. 38. Division—Department No. 1 shall have charge of:

Public Affairs.
Finance.
Police.
Municipal Court.
Public Buildings.
Parks and Library.
General Supervision.

Department No. 2 shall have charge of:

Streets and Bridges.
Sewers.

Department No. 3 shall have charge of:

Public Utilities.
Fire.
Sanitation.
Lighting.

Sec. 39. Officers, Terms—The term of all elective officers shall commence as provided in section 5 of this Charter, and shall be for four (4) years each; provided, that the two (2) Commissioners first elected under this Charter shall be elected for two (2) years only, at the expiration of which time and every four (4) years thereafter, there shall be elected two (2) Commissioners to serve for four (4) years. The Mayor Commissioner first elected under the provisions of this Charter shall be elected for four (4) years and every four (4) years thereafter shall be an election held for the purpose of electing the Mayor Commissioner.

Sec. 40. Qualification—No person shall be eligible to the office of Commissioner unless he is a qualified elector, and shall have been for three years immediately preceding such election, a citizen of Salem and for two years immediately preceding such an election, shall have paid city taxes.

Sec. 41. Officers, Salaries—The Mayor Commissioner shall receive a salary of $2400.00 per annum, and each of the other two Commissioners shall receive $1800.00 per annum.

Sec. 42. No Further Compensation—None of any such Commissioners shall receive any further compensation for any service he may render the City, other than his salary as Commissioner.

Sec. 43. Vacancy—If a vacancy occur in the office of Mayor or Commissioner, the Board shall appoint an eligible person to fill such vacancy until the next general municipal election. Any vacancy shall be then filled by election for the unexpired term.

Vacancy shall exist when an elective officer fails to qualify for thirty days after notice of his election, dies, resigns, is removed from office, removes from the city, absent himself continuously therefrom for more than three months, is convicted of a felony or judicially declared a lunatic as defined by statute.

When a Commissioner, or an officer, or an employe of the City, is absent from his post of duty more than fifteen days for any other cause but sickness, the Board of Commissioners shall appoint temporarily a Commissioner, officer, or employe to take his place, and the salary of said absent Commissoiner, officer or employe shall cease from the date of appointment of his temporary successor, until he again assumes the duties of his office.

Sec. 44. Bonds of Commissioners—No Commissioner shall be deemed qualified for his office until he has filed his bond conditioned that he will faithfully and impartially perform the duties of his office or employment and the same has been approved by three disinterested taxpayers of the City of Salem, the said taxpayers to be appointed by the Judge of the Circuit Court in which said City is situate, and in his absence by the County Judge of Marion County, Oregon.

The Mayor Commissioner shall furnish a security bond in the sum of $25,000.00.

The two other Commissioners shall each furnish a security bond in the sum of $20,000.00.

A reasonable charge by a surety company for qualifying upon such bond shall, when approved by the Board, be paid by the City. The County Clerk or County Treasurer of Marion County, Oregon, shall be the custodian of said bonds, and said bonds shall be filed with either of said officers.

ARTICLE V.
THE BOARD OF COMMISSIONERS.

The term "Board" whenever used in this Charter shall be construed as the Board of Commissioners.

Sec. 45. Legislative Powers—The Board of Commissoiners shall be vested with all the legislative powers of the City, except as otherwise provided by this Charter.

Sec. 46. President and Vice President of the Board—The Mayor shall be president of the Board. The Board shall elect one of its number to be vice president, who during the absence or disability of the Mayor shall possess all the powers and perform all the duties of the Mayor Commissioner.

Sec. 47. Judge of Their Elections—The Board shall be the judge of the election and qualifications of its own members, subject to review by the courts in case of contest.

Sec. 48. Restrictions Upon Members of the Board—No member of the Board shall hold any other remunerative public office or engage in any other employment. No person shall be elected or appointed to any office, position or employment the compensation of which was increased or fixed by the Board while he was a member thereof, until after the expiration of one year from the date when he ceased to be a member of the Board.

Sec. 49. Rules of the Board—The Board shall determine its own rules of procedure, may punish its members for disorderly conduct and may compel their attendance at Board meetings. It shall provide in said rules for penalties which shall be inflicted upon any of its members in case of misconduct or wilful neglect in the performance of the duties of his office without prejudice to the right of recall by the people.

Sec. 50. Meetings—The Board may prescribe the time of holding its meetings, and the manner in which special meetings thereof may be called; provided, all meetings must be held at the City Hall. The City Clerk shall be the clerk of the Board and shall with the Mayor, sign and attest all ordinances and resolutions. A majority of all the members shall constitute a quorum to do business. The Board shall sit with open doors at all legislative sessions and shall keep a journal of its proceedings which shall be a public record.

Sec. 51. Ordinances and Resolutions—At legislative sessions the Board shall act only by ordinance, resolution or motion.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of its proceedings; upon the request of any member, the ayes and noes shall be taken and recorded upon any motion. Every member when present must vote, and every ordinance or resolution shall require, on final passage, a majority vote.

Any ordinance or resolution may be introduced and passed at any one meeting of the Board, saving and excepting ordinances granting franchises, and except as otherwise provided in this Charter. All ordinances shall be read three times; provided, however, the Board may dispense with the second or third reading upon a majority vote of the members present.

No ordinance shall be passed finally on the date it is introduced, except in the case of public emergency, and then only when requested by the Mayor in writing and by unanimous vote. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

The enacting clause of all ordinances passed by the Board shall be as follows: "Be it ordained by the City of Salem."

The Board of Commissioners may, in its discretion cause any ordinance to be published in a daily newspaper of the city.

Sec. 52. Record of Ordinances—A true copy of every ordinance shall be numbered and kept in a book marked "Ordinance Record," and authenticated by the signatures of the Mayor and City Clerk, and the ordinances initiated by the people shall be recorded in a separate book.

Sec. 53. Approving of Ordinances—Upon the passage of any ordinance it shall be attested by the City Clerk, and signed by at least two members of the Board approving the same.

Sec. 54. Publication of Charter and Ordinances—The Board shall, as speedily as may be, and in any event within one year from the time of its organization under this Charter, and from time to time thereafter and not less than once in four years, cause all ordinances at such times in force to be classified under appropriate heads, and to be published in book form, together with or separate from the Charter and such provisions of the Constitution and Laws of the State as the Board may deem expedient.

Sec. 55. Power to Create Offices and to Remove—The Board shall have power from time to time to create, fill and discontinue offices, and employments other than herein prescribed, according to their judgment of the needs of the City, and may by majority vote of all the members remove any such officer or employe except as otherwise provided for in this act; and may by resolution or otherwise prescribe, limit or change the compensation of such officers or employes.

Sec. 56. Appointment—The Mayor appoints the heads of each department, and all other employes in the service of the City, but only upon the recommendation of the Commissioner of the appropriate department. In case of appointment to offices in his own department, the Mayor shall submit his appointments to the vote of the Board.

Sec. 57. Quarterly Statement—The Board shall cause to be printed quarterly in newspapers or pamphlet form, a statement of all receipts and expenditures of the City, and a short summary of its proceedings during the precedaig months, and furnish printed copies thereof to the public library and to persons who shall apply therefor at the office of the Clerk.

Sec. 58. Leases and Sales—The Board shall have no power to make any lease of City property, the operation of which will extend over two years, nor shall it have any power to sell, abandon, grant or otherwise dispose of any right or title of the City the consideration of wheih shall exceed the sum of $2000.00, without referring same to a vote of the people at a spelcal or general official election.

ARTICLE VI.
THE MAYOR.

Sec. 59. Duties, Authority, Powers—The Mayor Commissioner shall be the chief executive officer of the City and president of the Board.

He shall take care that this Charter and the ordinances of the City are duly enforced withtn the City and its jurisdiction.

He shall sign all contracts, bonds or other instruments requiring the assent of the City and take care that the same are duly performed. All legal process against the City shall be served upon the Mayor or Acting Mayor, as per section 46.

He shall be charged with the general oversight of all departments, boards and commissions of the City.

He shall be ex-officio a member of each board, commission or body created or authorized by this Charter, or by any ordinacne of the City.

He shall have the right to vote on all questions coming before the Board of Commissioners.

He shall have power to appoint experts to examine the affairs of any officer or department of the City, whenever he shall deem it necessary.

He may require any officer or employe of the City to exhibit his books and papers. Failure or refusal to exhibit books or papers so required shall be ground for removal.

He shall have and exercise such powers, prerogatives and authority as are conferred by the provisions of this Charter, or as may be not inconsistent with the general purposes and provisions of this Charter, but shall not have the power to veto any ordinance or measure passed by the Commissioners.

At the end of the fiscal year, and six months thereafter, he shall employ an accountant at a stipulated compensation, who shall examine the books, records and reports of all officers and employes who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and make triplicate reports thereof, and present one each to the Mayor and vice president, and file one with the Clerk. Such accountant shall have unlimited privilege of investigation to examine under oath or otherwise all officers, clerks and employes of the City, and every such officer, clerk and employe shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be ground for removal. The Board shall provide for the payment of the services of such accountant.

ARTICLE VII.
EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

Sec. 60. Distribution—The executive and administrative powers, authority and duties of the city, not otherwise herein provided for, shall be distributed among three departments, as per section 37 and section 38.

Sec. 61. Board Assign Duties—The Board shall determine and assign the duties of each Commissioner in his department; shall prescribe the duties of officers and employes; may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments, and may make such other rules and regulations as may be deemed necessary or proper for the efficient and economical conduct of the business of the City.

Sec. 62. Powers of Commissioner—The Commissioner for each of the departments shall have the supervision and control of all the affairs and property belonging to such department, except as otherwise provided in this Charter, or by ordinance, subject to such regulations as may be prescribed by the Board. He may employ, and discharge or delegate to any subordinate the power to employ and discharge day laborers and unskilled workmen.

Sec. 63. Office Hours—It shall be the duty of each [illegible] regular hours at the City Hall, and personally superintend the affairs of his department.

Sec. 64. Publicity Records and Reports—Each of said Commissioners shall keep a record book in which shall be recorded a brief but comprehensive record of all department affairs under his charge, and make quarterly reports as provided in section 57. Each Commissioner shall also make and keep a complete inventory and permanent record of all the personal property of his department and what disposition, if any, has been made of the same.

Sec. 65. Newspaper and Publication Fees—All printing of any kind relating to publicity affairs or publications required or authorized by this Charter, or by general law or by any ordinance or resolution, shall be paid for only at the lowest business rates.

Sec. 66. Inventory—The Board shall prepare at the end of each fiscal year a full inventory of all real estate and personal property of the City, showing to date all improvements and increase of value of said real and personal property in each service. The operating expenses of the year must be balanced by a special account.

ARTICLE VIII.
DEPARTMENT No. 1—PUBLIC AFFAIRS.

Sec. 67. The Mayor Commissioner shall have charge of all public affairs of the City which shall not be specially defined in this Charter and represent the City at large for all questions pertaining to its welfare.

FINANCE.

Sec. 68. Fiscal Year—The fiscal year of the City shall commence on the first day of January and end on the last day of December of each year. The cash balances of the City shall be kept on deposit in such banks doing business in the City of Salem as the Board from time to time shall direct, provided that such fund shall not be deposited in any bank established less than three (3) years prior to making such deposits.

No demand for money against the City shall be approved, allowed, audited or paid unless it shall be in writing, dated, and sufficiently itemized to identify the expenditure and shall first be audited by the Commissioner at the head of the department creating the same, and approved by the Board.

All payments shall be made by warrants which shall be signed by the Mayor and one Commissioner.

Sec. 69. Supplies—Each Commissioner shall procure all supplies needed by its department. Such requisition shall be in writing and duplicate kept of same by carbon copy. In case of emergency where the estimated cost exceeds two hundred (200 dollars, such requisition shall have the indorsement of one other Commissioner. If no emergency exists, a requisition for supplies, the estimated cost of which is above one hundred (100) dollars shall first be approved by the Board. Whenever he considers it practical and advantageous the Commissioner shall advertise by circular letter or otherwise for competitive proposals.

Sec. 70. Annual Estimate of Probable Expense—On or before the first Monday in December in each year, the Commissioners and the appointed boards and appointed commissioners of the City, shall furnish to the Mayor estimates in writing of the probable expense to be incurred in their several departments for the ensuing fiscal year, specifying in detail such probable expenditures, including a statement of the salaries of their subordinates. These statements shall include the amount required to meet the interest, sinking fund and maturing bonds of the outstanding indebtedness of the City, and also an estimated statement of the amount of revenue from all sources, including tax levy.

Sec. 71. Annual Budget—From such estimates the Mayor shall, on or before the third Monday in December of each year, and prior to the time for fixing the county tax levy, make a budget of the estimated amounts required to pay the expenses of conducting the business of the City government for the next ensuing year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board, or commissoin, as the Board may deem advisable.

The Board shall on receipt of the budget, consider and adopt the same with such amendments as the Board may direct.

The Board shall also in adopting the said budget, estimate and declare the amount of money necessary to be raised by tax levy, taking into account the amounts, available from other sources to meet the expenses of the City for the ensuing fiscal year, based on the budget so adopted. Said budget and estimate as finally adopted shall be signed by the Mayor and Clerk and kept on file.

Sec. 72. Appropriations—Upon the basis of the budget as adopted and filed the several sums shall forthwith be appropriated by ordinance to the several purposes therein named for the ensuing fiscal year. Said ordinance shall be adopted not later than the thirty-first day of December in each year, and shall be entitled "The Annual Appropriation Ordinance."

Sec. 73. Levy—The Board shall forthwith proceed to make by ordinance the proper levy not to exceed 10 mills upon each dollar of the assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for all properly authorized demands upon the City. The Board shall thereupon cause the total levy to be certified by the City Clerk to the county clerk, who shall extend the said tax in a proper column upon the county tax roll, and the same shall be collected by the officer collecting the county tax and shall be by him turned over to the City Treasurer within ten (10) days after he has collected the same; provided, that the tax levy as certified up to the County Clerk shall be in one sum and shall be entered in a column headed "Salem Tax." Neither the Sheriff, nor the Tax Collector of Marion County, nor said county shall receive fees or compensation for collecting such taxes.

If the Board fail in any year to make said tax levy as above provided, then the rate last fixed shall be the rate fixed for the ensuing fiscal year.

The amount required to make payment of any interest, sinking fund or principal of bonded indebtedness may be included in and met by tax levy, except as otherwise provided for in this Charter.

The taxing power shall be used for municipal purposes only, and no donations, subsidies, or bonuses shall be granted from the people's money.

Sec. 74. No Liability Without Appropriation—Neither the Board nor any of ficer or employe of the City shall have authority to make any contract involving the expenditure of public money, or impose upon the City any liability to pay money unless and until a definite amount of money shall have been appropriated for the liquidation of all pecuniary liability of the City under such contract or in consequence thereof to mature during the period covered by the appropriation. Such contract shall be "ab initio" null and void as to the City for any other or further liability; provided, first, that nothing herein contained shall prevent the Board from contracting liability for payment of any expense, the necessity of which is caused by any casualty, accident or unforseen contingency arising after the passage of the annual appropriation ordinance; provided, that the total amount of such expense shall not exceed the sum of $10,000 during any one fiscal year. This section shall not apply to contracts or liabilities for the making of any improvements the cost of which shall be assessed upon the property especially benefited by said improvement. Provided, further, the Board may make such special appropriation as may be necessary to pay the salaries and defray the expenses of all departments, officers and employes of the City during the year 1912, and may cause to be issued warrants for the payment thereof, and may make such appropriations of the general funds of the City for said year as they may deem expedient and any actual necessary expenses either for payment of officers salaries, employes or agents, of the City, during said year shall not be deemed and considered within the limitations of indebtedness herein provided.

Sec. 75. Limitation of City Indebtedness—Except as herein otherwise provided, no indebtedness shall be incurred, nor bonds issued for the purpose of making any improvement, until the question of incurring such indebtedness, making such improvement and the issuance of bonds therefor shall be submitted at a general or special election called for such purpose, to the qualified electors of said City, and no such indebtedness shall be incurred, nor any such bonds be issued unless at such election two-thirds (2-3) of the qualified electors voting at such election shall vote in favor thereof.

The Commissioners may, whenever deemed necessary, call a special election for the purpose of submitting to the qualified electors of the City the question of incurring an indebtedness, or making any improvement and the issuance of bonds for the purpose of raising funds to meet such indebtedness or make said improvement, and the Commissioners shall, upon petition of the number of qualified electors of the City as required by the general ordinances of the City regulating such matters, call a special election to submit the question of incurring an indebtedness, or making improvements, or for the issuance of bonds to pay for the same.

Sec. 76. The City shall not become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed four (4) per cent of the assessed valuation of the taxable property within the City, as shown by the last preceding assessment for City purposes; provided, however, that in determining the limitation of the City's power to incur indebtedness there shall not be included bonds issued for the acquisition, construction or repair of water, light or other public utilites, works or ways from which the City does or will derive a revenue, nor any special assessments for improvements of streets, sewers, etc., for which the property specially benefited thereby shall be responsible as provided in section 87, nor to bonds issued under what is known as the Bancroft Bonding Act, nor to refunding bonds.

Sec. 77. Refunding Bonds—For the purpose of funding any bonded indebtedness of the City of Salem, the City of Salem is authorized and empowered to issue and dispose of bonds of the City, of denominations of from one hundred to one thousand dollars, as the purchaser may desire, under the seal of the City of Salem, with the interest coupons attached thereto—with the signatures of the Mayor Commissioner and at least one of the other Commissioners engraved thereon, and having attached thereto the seal of said City of Salem whereby the City shall be held and considered, in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of twenty years from the date thereof, the sum named therein, in gold coin of the United States, together with interest thereon in like coin, at a rate not greater than five (5) per cent per annum (the rate of interest to be fixed by the Board), payable half yearly as provided in said coupons. Before such refunding bonds can be sold, the Board shall cause to be inserted for two weeks, in a newspaper published in the City of Salem and at least one paper in New York City making a specialty of such matter, an advertisement inviting sealed bids for the purchase of said refunding bonds. Such refunding bonds shall be sold only to the highest bidder for cash, and shall not be sold for less than their par value. All bonds issued and disposed of under this provision shall be exempt from taxation.

Sec. 78. Sinking Fund—The Board of Commissioners shall provide in each department of the City for a sinking fund to redeem all existing indebtedness. Said sinking fund not to exceed five per cent per annum of the original bond issues, and such fund shall be invested whenever practicable in bonds of the City of Salem, State or United States Bonds.

POLICE AND POUND.

Sec. 79. Board Established Police and Pound—The Board shall, by ordinance, provide for the establishment and maintenance of a Police Department and Pound, consisting of such employes as it may deem necessary.

This department shall be under the supervision of the Mayor.

MUNICIPAL COURT.

Sec. 80. Establishment—There is hereby established within the City of Salem a Municipal Court, and the City Clerk shall be by virtue of his office, Municipal Judge, and shall act as such, assisted by the City Attorney whenever necessary. And in case of the absence of the City Clerk the Board shall appoint some suitable person to act and serve as Municipal Judge.

Sec. 81. Jurisdiction—Said Municipal Court shall have jurisdiction over all violations of City Ordnances and may hold to bail, fine or commit persons found guilty thereof, and the law governing the practice of justice's courts in the State of Oregon shall apply as far as applicable to all proceedings in such court. All persons accused of violating city ordinances shall be tried without a jury, unless the defendant on demanding a jury shall deposit in court a sum sufficient to pay the per diem of such jury for one day. Witnesses in said court shall be entitled to no compensation for their attendance, unless the commissoiners by ordinance shall otherwise provide.

The Municipal Judge shall have power to punish witnesses and others for contempt by a fine not to exceed $25.00, or in default of the payment of such fine, by imprisonment in the city jail one (1) day for each $2.00 of such fine.

PUBLIC BUILDINGS.

Sel. 82. The Mayor shall have the supervision and control of all the public buildings.

There shall be appointed in the manner provided in this Charter all such assistants and employes as may be or become necessary to the efficient administration of this department of the City's government.

Sec. 83. Inspection of Places of Amusement—Whenever the Board grants any license or authorization to the owner or lessee of any theater, show, circus, or buildings erected or occupied for amusements or gathering of the public, said license or authorization shall be given subject to an inspection as to the safety of such buildings or places of gathering made by the commissoiner of buildings or his deputy. The Mayor shall enforce this section.

PARKS AND LIBRARY.

Sec. 84. The Mayor shall have the supervision and control of the parking and shade trees of the City, and all matters referring to parks and library and subject to the provisions of the laws of the State of Oregon.

GENERAL SUPERVISION.

Sec. 85. The Mayor shall have general supervision of all other officers and affairs not now defined.

ARTICLE IX.
DEPARTMENT No. 2—HIGHWAYS AND SEWERS.

Sec. 86. The Commissoiner of Department No. 2 shall have the supervision and control of all streets, highways, lanes, alleys, municipal works, sewers, drains, river's dams and pilings and bridges, and all improvements concerning the same, except buildings and as otherwise provided in this Charter or by ordinance.

There shall be appointed in the manner provided in this Charter, all such assistants and employes as may be or become necessary to the efficient administration of this department of the City's government.

Sec. 87. Improvements and Assessments—The term "street" as used in this Charter, shall be construed to mean any street, avenue, boulevard, alley, lane or thoroughfare which is now or may hereafter be opened, established or dedicated to public use.

(a) The term "improve" or "improvement" as used in this article shall be construed to mean and include any and all grading, paving and all manner of public improvements of similar kind or nature, and including sewers, storm sewers, the changing, establishing, vacating or opening, laying out, widening, altering, extending, or closing of any street, lane, alley or boulevard.

(b) The Board of Commissioners, whenever it may deem it expedient or necessary that any improvement be made, is hereby authorized and empowered to order and cause such improvemnt or improvments to be made; to determine the kind, character and extent thereof, to levy and collect assessments upon all lots and parcels of land specially benefited by such improvement, to defray the whole or any portion of the cost and expense thereof, and to determine what land or lots or parts thereof are specially benefited by such improvement, and the amount to which each lot or parcel of land is so benefited, and to fix and determine the district upon which such assessment shall be levied.

(c) The procedure in ordering and carrying to completion any and all improvements the cost of which shall be assessed against the property benefited thereby, and the manner of collecting assessments shall be determined by the Board of Commissioners, except as herein otherwise provided; provided, however, that not less than ten days prior to the commencement of construction of any proposed improvement for the cost of which any special assessment shall be levied said Board shall cause notice of such proposed improvement to be published for a period of not less than five days in a daily newspaper in said City of Salem, which notcie shall substantially describe the proposed improvement, the extent thereof, the probable total cost as theretofore estimated, and a description of the lots or parcels of land, or assessment district to be affected thereby. Any irregularity, misprint, or like mistake happening through inadvertance and not of itself operating to any material or substantial injury of any one shall not invalidate any such procedure.

(d) Within 20 days after the first publication of such notice the owners of property to be affected by such improvement may file in the office of the Clerk written objections or remonstrances against said proposed improvement, which objections shall be considered and determined by said Board, and if such remonstrance is not so filed within said time by the owners of more than two-thirds (2-3) in area of the property within such assessment district, all proceedings therein had shall be deemed conclusively due and regular, and said Board shall be deemed to have acquired jurisdiction, with power to complete said improvement and to levy and collect the assessment for the cost and expenses thereof; and if such remonstrance shall be so filed by the owners of two thirds (2-3) or more of such property, such improvement shall not be made at the expense of the lots or parcels of land to be assessed for the cost of said improvement. If such remonstrance shall be filed as aforesaid, the same shall be a bar to any further proceedings in the making of said improvement for a period of four months, unless the owners of two thirds (2-3) or more of the property affected as aforesaid shall subsequently petition therefor; provided, however, that where the proposed improvement is the construction or repair of any sewer or drain, the Board may by unanimous vote order the construction or repair of such sewer or drain notwithstanding such remonstrance.

(e) There shall be also created a docket of city liens.

(f) Whenever the cost of an improvement which is to be assessed upon the property specially benefited thereby is definitely known and determined, the Board of Commissioners shall apportion the cost and expenses of such improvement in accordance with the special benefits derived by each lot or parcel of land, and shall set a time for hearing and determining the levying of such assessment and shall cause notice to be given by publication in a newspaper in the City of Salem at least five days, which notice shall state the approximate total cost of the entire improvement, and the amount of the assessment, proposed to be made on each lot or parcel of land, describing the same, and the time when the same will be considered by the Board. After the first publication of such notice, and until the date of such hearing, the owner of the property affected by such assessment may file objections, and may be present at such hearing and present such objections. The Board may, whenever it deems it expedient, provide for other notice to be given, provided, however, that notice by publication as aforesaid shall be deemed due and legal notice.

After the time specified by said notice has elapsed, the Board shall consider said proposed assessment and acceptance, and all objections made thereto, and shall have power at its discretion and without further notice to consider, ascertain and determine the same and the amount of the special and peculiar benefits accruing to each lot or parcel of land so assessed by reason of such improvement and shall declare the same by ordinance.

Each lot or part thereof, or parcel of land shall be deemed to be benefited by such improvement to the full amount of the assessment levied thereon.

(g) No assessment shall be held invalid by reason of failure to enter the name of the owner of any lot, part thereof or parcel of land so assessed, or by any mistake in the name of the owner or the entry of a name other than the owner of the owner in such assessment, or in any act or proceeding connected therewith, and no delay, mistake, error or irregularity in any act or proceeding in the improvement shall impair or invalidate any final assessment, but the same may be remedied by subsequent or amended acts or proceedings.

(h) Whenever any assessment for any improvement has been or may be set aside, annulled, or rendered void, or its enforcement refused by any court of competent jurisdiction, or whenever the Board may be in doubt as to the validity of any such assessment, the Board shall have and are hereby granted the power to re-apportion the costs and expenses of any such improvement and to re-assess the property benefited by such improvement.

(i) From the date of entry of any assessment in said docket of city liens, the sum as therein entered is hereby declared to be a tax levied and a lien upon the lot or parts thereof or tract of land therein set forth, and said lien shall have priority over all other liens and incumbrances whatsoever thereon, and the sum or sums assessed for any local improvement entered upon such lien docket shall be due and payable from the date of such entry, and if not paid or bonded as provided by law, within ten days from the date of such entry the same shall thereafter be deemed delinquent, and shall bear interest at the rate of six per cent per annum.

(j) The Board of Commissioners are hereby empowered and authorized to enforce payment or collection of any and all assessments or taxes levied under the provisions of this Charter, and, except as herein otherwise provided, said Board shall provide the procedure, means and manner of enforcing payment or collection of such assessments or taxes.

(k) When any assessment upon any lot or part thereof or parcel of land becomes delinquent, any person having any valid lien thereon may at any time before sale of such lot or part thereof, or tract of land pay the same, and such payment shall discharge the property from the effect of such assessment and all accruing costs and charges, if any when so paid, are thereafter to be deemed a part of such lien, creditor's lien, whether the same be by judgment, decree, mortgage or otherwise; and shall bear interest and be enforced and collected as a part thereof.

(l) The Board of Commissioners shall have power to order or provide for the sale of any property for any unpaid assessment or tax. In case of sale, each lot or parcel of land shall be sold separately, and for a sum not less than the unpaid assessment thereon, and the interest and cost of advertising and sale, and where there shall be more than one bid, the land shall be sold to the bidder offering to take the same for the least amount of penalty and interest. A sale of real property under the provisions of this Charter conveys to the purchaser, subject to redemption, all estates, interests, liens or claims therein or thereto, of any person or persons whomsoever, together with all rights and appurtenances thereunto belonging. No levy upon such lot or parcel of land shall be required except that a notice shall be posted four weeks before such sale upon every lot or parcel of land when the assessment is to an unknown owner.

(m) All unpaid assessments for any one improvement may be included in one advertisement and notice of sale.

(n) The Board shall provide for the manner of keeping due and correct record of all such sales and the names of purchasers and the manner of issuing certificate of purchase and the form thereof.

(o) All sales for or to satisfy any delinquent assessment must be sold for lawful money of the United States. In case any property remain unsold upon any sale, the same may again at the discretion of the Board, be offered for sale.

(p) The owner, or his legal representatives or successors in interest, or any person having a lien by judgment, decree, mortgage or owner of any tax lien upon any property so sold, may redeem the same upon conditions provided as follows: Redemption of any real property sold for delinquent assessment may be made at any time within three years from the date of the certificate of sale by paying to the offcier appointed for that purpose by the Board the purchase price, and ten per cent thereof as penalty, and interest on the purchase price at the rate of ten per cent per annum from the date of such certificate. Where redemption shall be made by the holder of a tax lien he shall have the right to have such redemption noted upon the record of his lien. Provided, however, that if redemption is made within three months from the date of sale, the penalty to be paid shall be five per cent. Such redemption shall discharge the property so sold from the effect of such sale, and if made by a lien creditor, the amount paid for the redemption shall thereafter be deemed a part of his lien, and shall bear like interest and may be enforced and collected as a part thereof.

(q) After the expiration of three years from the date of such certificate of purchase, if no redemption shall have been made, the Board of Commissioners shall execute to the purchaser, his heirs or assigns, a deed of conveyance, containing a description of the property sold, the date of the sale, a statement of the amount bid, of the improvement for which the assessment was made, of the year in which the assessment was levied, that the assessment or tax was unpaid at the time of the sale and no redemption has been made, and such deed shall not need to contain any further recital of the proceedings prior to the sale. The effect of such deed shall be to convey to the grantee therin named the legal and equitable title in fee simple to the property in such deed described, and such deed shall be prima facie evidence of title in such grantee, and that all proceedings and acts necessary to make such deed in all respects good and valid have been had and done, and such prima facie evidence shall not be disputed or overcome or rebutted or the effect thereof avoided except by satisfactory proof of either—

1. Fraud in making the assessment or in the collection of the tax.

2. Payment of the assessment or tax before the sale, or redemption after the sale; or

3. That payment or redemption was prevented by fraud of the purchaser; or

4. That the property was sold for an assessment or tax for which neither said property, nor the owner thereof, at the time of the sale was liable, and that no part of the assessment or tax was assessed or levied upon the property sold.

5. Every action, suit or proceeding which may be commenced for the recovery of land which shall have been sold for an assessment or tax, or to quiet title of the former owner, or his successors in interest against such sale, or to remove the cloud thereof (except in cases where the assessment or tax for which the land has been sold was paid before the sale, or the land redeemed as provided by law) shall be commenced within three years from the time of recording of the deed, and not thereafter; and in any such action, suit or proceeding the party claiming to be the owner, as against the party claiming under such sale, must tender with his first pleading the amount of the purchase price for which the land was sold by said City, together with penalties prescribed by law in such cases, and all taxes and assessments levied and made against or upon the land or any part thereof, which shall have been paid after such sale by the purchaser at such sale, or his heirs or assigns, together with interest thereon at the rate of ten per cent per annum from the respective times of the payment of such purchase price, taxes and assessments by such purchaser or his heirs or assigns, up to the time of filing such pleadings to be paid such purchaser, his heirs or assigns, [illegible] title of such purchaser at such sale shall fail in such action, suit or proceeding.

6. Neither the City of Salem nor any offcier thereof, shall be liable for any portion of the costs or expenses of any street work or improvement or the construction or repair of any sewer or drain which is

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