

Revised

RESOLUTION NO. 55

A RESOLUTION PROPOSING THE SUBMISSION TO THE LEGAL VOTERS OF THE CITY OF BROOKINGS, OREGON, AMENDMENTS TO THE CHARTER OF SAID CITY BY AMENDING SECTIONS 10 AND 20 THEREOF AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 20-A PROVIDING FOR THE APPOINTMENT OF A CITY MANAGER OF THE CITY AND DEFINING HIS DUTIES, AND REPEALING ALL OTHER PROVISIONS OF SAID CHARTER IN CONFLICT HEREWITH, AND FURTHER AMENDING THE CHARTER BY ADDING A NEW AND ADDITIONAL CHAPTER TO BE KNOWN AS CHAPTER XII AUTHORIZING THE COUNCIL OF SAID CITY TO ISSUE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED \$30,000.00 TO PROVIDE FUNDS WITH WHICH TO CONSTRUCT AND EXTEND SANITARY SEWERS IN SAID CITY, PROVIDING THAT THE DEBT LIMITATION OF SAID CHARTER SHALL NOT APPLY TO SAID BONDS, TO PROVIDE FOR THE PAYMENT OF SAID BONDS, BOTH AS TO PRINCIPAL AND INTEREST, FROM TAXES, AND FURTHER PROPOSING THE SUBMISSION TO THE LEGAL VOTERS OF THE CITY THE PROPOSITION OF AUTHORIZING THE COUNCIL OF THE CITY OF BROOKINGS TO LEVY A TAX OF \$30,000.00 FOR THE PURPOSE OF GENERAL GOVERNMENT OF THE CITY, WHICH TAX WILL BE OUTSIDE THE LIMITATION ON TAXATION SET FORTH IN ARTICLE XI IN SECTION 11 OF THE CONSTITUTION OF THE STATE OF OREGON,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKINGS, OREGON:

That the following Charter amendments to the Charter of the City of Brookings be and the same hereby are proposed for submission to the legal voters of said City for their adoption or rejection. The same shall be filed with the City Recorder upon its adoption by the Council and approval by the Mayor:

CHARTER AMENDMENT

SUBMITTED AND REFERRED TO THE LEGAL VOTERS OF THE

CITY OF BROOKINGS, OREGON

AN ACT

To amend the Charter of the City of Brookings, Oregon, which was adopted by a vote of the people on August 7, 1954, for the amendment of Sections 10 and 20 of said Charter and by adding thereto a new section to be known as Section 20-A providing for the appointment of a City Manager and defining his duties, and repealing all provisions of the Charter in conflict herewith and making said amendments effective the 1st day of July, 19 60.

BE IT ENACTED by the City of Brookings, Oregon:

Effective the 1st day of July, 1960, the Charter of the City of Brookings be and the same hereby is amended by amending Sections 10 and 20 of said Charter so as to read as herein-after stated, and further amended by adding a new and additional section to be known as Section 20-A, all to read as follows:

"Section 10. Other Officers: The appointive officers of the City shall be a city manager, a city recorder, a municipal judge, a city attorney, a city engineer, a police chief, a fire chief, and such other officers as the Council deems necessary. The Council may consolidate any two or more appointive offices and may require any appointive officer to fill two or more of such offices simultaneously.

"The Council shall appoint and remove the city manager, the municipal judge and the city recorder. All other appointive officers and employees of the City shall be appointed and removed by the City Manager. The tenure of office for all appointive officers shall be for an indefinite term and they are subject to removal at the pleasure of the appointing body or officer. The Council may by ordinance delegate to the city manager authority to make any of the appointments herein provided to be made by the Council and to remove such appointees.

"Section 20. Mayor: The mayor shall appoint the committees provided by the rules of the Council. He shall sign all approved records or proceedings of the Council. He shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After approval by the Council, he shall sign in behalf of the City all contracts, bonds, obligations, deeds and other such documents.

"Section 20-A. City Manager.

"(a) Qualifications: The City Manager shall be the administrative head of the government of the City. He shall be chosen by the Council without regard to political considerations and solely with reference to his executive and administrative qualifications. He need not be a resident of the city or of the state at the time of his appointment. Before taking office, he shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City.

"(b) Term: The city manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of the city manager after the first appointment pursuant to this Charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another city manager. Not

later than four months after adopting the resolution, the Council shall appoint a manager to fill the vacancy.

"(c) Powers and Duties: The powers and duties of the city manager shall be as follows:

"(1) He shall devote his entire time to the discharge of his official duties, attend all meetings of the Council unless excused therefrom by the Council or the mayor, keep the Council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the city.

"(2) He shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.

"(3) He shall appoint and may remove appointive city officers and employees except as this Charter otherwise provides, and he shall have general supervision and control over them and their work with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the most efficiency in each of them. He shall have no control, however, over the Council or over the judicial activities of the municipal judge.

"(4) He shall act as purchasing agent for all departments of the City. All purchases shall be made by requisition signed by him.

"(5) He shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

"(6) He shall supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all city property.

"(d) Seats at Council Meetings: The city manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The city manager may take part in all council discussions.

"(e) Manager Pro Tem: In case of the city manager's absence from the City, temporary disability to act as city manager, discharge by the Council or resignation, the Council shall appoint a city manager pro tem who shall possess the powers and duties of the city manager. No city manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three-fourths of the members of the Council. No city manager pro tem shall hold his position as such for more than four months, and no appointment of a city manager pro tem shall be renewed.

"(f) Interference in Administration and Elections: No member of the Council shall, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the city

manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any city office or employment. A violation of the foregoing provisions of this section shall forfeit the office of the offending member of the Council. Nothing in this section shall be construed, however, as prohibiting the Council, while in open session, from fully and freely discussing with or suggesting to the city manager anything pertaining to city affairs or the interests of the City. Neither the city manager nor any person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office.

"(g) Ineligible Persons: No person related to the city manager or his spouse, by consanguinity or affinity within the third degree, or the spouse, shall hold any appointive office or employment with the City.

"Repeal Clause: Any and all provisions of the Charter of the City of Brookings in conflict with the foregoing amendments be and the same hereby are repealed."

BE IT FURTHER RESOLVED that the aforesaid Charter amendments shall be filed with the City Recorder of the City of Brookings for submission to the legal voters of said City.

BE IT FURTHER RESOLVED that a special city election be held in the City of Brookings on the ^{21st}~~14th~~ day of June, 1960, for the submission to the legal voters of the City of Brookings the above proposed Charter amendments for adoption or rejection.

BE IT FURTHER RESOLVED that for the hereinabove proposed Charter amendment the following ballot title be and the same hereby is adopted by the Council:

CITY MANAGER CHARTER AMENDMENT

A Charter amendment submitted and referred to the legal voters of the City of Brookings, Oregon, by the Council of said City.

AN ACT

To amend the Charter of the City of Brookings, Oregon, by the amendment of Sections 10 and 20 of said Charter and adding thereto a new section to be known as Section 20-A

providing for the appointment of a city manager and defining his duties, and repealing all provisions of the Charter in conflict herewith.

BE IT FURTHER RESOLVED by the Council of the City of Brookings, Oregon:

That the following Charter amendment to the Charter of the City of Brookings be and the same hereby is proposed for submission to the legal voters of said City for their adoption or rejection. The same shall be filed with the City Recorder of said City upon its adoption by the Council and approval by the Mayor:

CHARTER AMENDMENT

SUBMITTED TO AND REFERRED TO THE LEGAL VOTERS OF THE
CITY OF BROOKINGS, OREGON

AN ACT

TO amend the Charter of the City of Brookings, Oregon, which was adopted by a vote of the people on August 7, 1954 to provide for the issuance and sale of bonds of the City of Brookings in an amount not to exceed \$30,000.00, which bonds shall be payable as to both principal and interest from taxes levied on taxable property within the City for the purpose of providing funds with which to construct and extend sanitary sewers for said City of Brookings, and providing that the debt limitation of said City shall not apply to any of said bonds.

BE IT ENACTED by the City of Brookings, Oregon:

That the Charter of said City of Brookings be and the same hereby is amended by adding a new and additional chapter to be known as Chapter XII to read as follows:

CHAPTER XII

Section 51. For the purpose of providing funds with which to construct and extend sanitary sewers for the City

of Brookings and for the purposes, necessities, uses and conveniences of said City of Brookings and the inhabitants thereof, the Council of the City of Brookings is hereby authorized and empowered to issue and sell bonds of said City in an amount not to exceed \$30,000.00, notwithstanding any debt limitation or restriction now contained or provided in or by the Charter of the City of Brookings, or any amendments thereof. The debt limitations or restrictions contained or provided by the Charter of said City, or amendments thereof, limiting or restricting the total indebtedness that said City may incur, or any provision or amendment of said Charter, regulating the issuance or sale of bonds, shall not apply to the bonds hereby authorized or the indebtedness created by the issuance of such bonds.

Section 52. Said bonds shall be payable as to both principal and interest from taxes levied upon the taxable property within the corporate limits of the City of Brookings. The bonds to be issued hereunder shall be known as "City of Brookings Sanitary Sewer Bonds, Series of 1960". Said bonds shall be negotiable in form. The Council shall prescribe, fix and determine the form, date or dates, denomination or denominations, date or dates of maturity, rate of interest, time and place of principal and interest, and all other matters not herein provided for respecting said bonds. Said bonds shall be general obligations of the City of Brookings and shall be signed by the Mayor and countersigned by the City Recorder under the corporate seal of the City of Brookings and shall be sold by the Council from time to time in such amounts as the Council may, in its judgment, determine to be necessary to provide funds for the purpose for which said bonds shall be issued. The interest coupons shall bear facsimilie signatures of the Mayor and the City Recorder.

Section 53. The proceeds from the sale of said bonds shall be deposited by the City Recorder in a special fund to be known as "Brookings Sanitary Sewer Construction Fund" and shall be used for no purpose other than to construct, build and extend, within and without the corporate limits of the City of Brookings, in whole or in part, sanitary sewers for the use and benefit of the inhabitants of the City of Brookings, and to acquire rights of way, easements, personal and real property within and without the City for said purposes, necessities, uses and for legal and engineering expense in connection therewith.

Section 54. The Council of the City of Brookings is hereby authorized to adopt plans and specifications for the construction and extension of such sanitary sewer lines and to enter into such contracts as shall be necessary and proper to carry on such work or to do said work, or any part thereof, with city forces and employees and equipment; to do any and all acts or things necessary or requisite to be done to that end, and to order the cost and expense thereof to be paid from said construction fund.

Section 55. The Council is hereby authorized and required at the time of making the annual tax levy for city purposes each year to levy, in addition to all other taxes,

upon taxable property of said City, such sum as shall be necessary to meet and pay the interest on said City of Brookings Sanitary Sewer Bonds, Series of 1960" and the principal on said bonds as it matures.

BE IT FURTHER RESOLVED that for the hereinabove proposed Charter amendment the following ballot title be and the same hereby is adopted by the Council:

CITY OF BROOKINGS BOND AMENDMENT

A Charter amendment submitted and referred to the legal voters of the City of Brookings, Oregon, by the Council of said City:

AN ACT

To amend the Charter of the City of Brookings, Oregon, by adding thereto a new Chapter XII authorizing the issuance and sale of not to exceed \$30,000.00 in bonds of said City, to provide funds with which to construct and extend sanitary sewers in said City, providing that the debt limitation of said Charter shall not apply to said bonds, providing for the repayment of principal and interest of said bonds from taxes.

BE IT FURTHER RESOLVED that the aforesaid Charter amendment shall be filed with the City Recorder of the City of Brookings, Oregon, for submission to the legal voters of said City.

BE IT FURTHER RESOLVED that a special city election be held in the City of Brookings on the ^{21st}~~14th~~ day of June, 1960, for submission to the legal voters of the City of Brookings the above proposed Charter amendment for adoption or rejection.

BE IT FURTHER RESOLVED that the following tax levy be and the same hereby is proposed for submission to the legal voters of the City of Brookings, Oregon, for their approval or rejection:

In the fiscal period beginning July 1, 1960 to June 30, 1961, both dates inclusive, the Council of the City of Brookings, Curry County, Oregon, is authorized to levy a tax of

\$30,000.00 for the purpose of providing more adequate police and fire protection and to meet the generally higher costs of city government, which tax is to be outside the limitation on taxation as set forth in Article XI, Section 11, of the Constitution of Oregon.

BE IT FURTHER RESOLVED that a special election be held in the City of Brookings, Oregon, on the 21st day of June, 1960, for the submission to the legal voters of the City of Brookings, Oregon, the above proposed proposition for a special tax levy for approval or rejection.

BE IT FURTHER RESOLVED that for the proposed tax levy, as above set forth, and outside the limitation on taxation set forth in Article XI, Section 11, of the Constitution of the State of Oregon in the amount of \$30,000.00 to be so submitted to the legal voters and as the same shall appear on the ballot at said election is as follows:

SPECIAL TAX LEVY

In the fiscal period beginning July 1, 1960 to June 30, 1961, both dates inclusive, the Council of the City of Brookings, Curry County, Oregon, is authorized to levy a tax of \$30,000.00 for the purpose of providing funds for street improvement, City Manager, one extra patrolman, and to meet the generally higher costs of city government, which tax is to be outside the limitation on taxation as set forth in Article XI, Section 11, of the Constitution of the State of Oregon.

ADOPTED by the Council of the City of Brookings, Oregon, this 31st day of May, 1960.

SUBMITTED to and approved by the Mayor of the City of Brookings, Oregon, this 31st day of May, 1960.

C. Campbell
Mayor

ATTEST:

R. B. Cowens
City Recorder

