

RESOLUTION NO. LXXII

A RESOLUTION PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, ON THE 28TH DAY OF MAY, 1968, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED LEGAL VOTERS OF SAID CITY THE QUESTION OF ENACTING A NEW CITY CHARTER.

BE IT RESOLVED, That a special election be and the same is hereby called to be held in the City of Canby, Clackamas County, State of Oregon, on Tuesday, May 28, 1968, between the hours of 8:00 o'clock a.m. and 8:00 o'clock p.m., Oregon Daylight Saving Time, for the purpose of submitting to the qualified legal voters of said City, pursuant to the City's Charter and Ordinance No. 380 (Initiative and Referendum Ordinance), the question of enacting a new City Charter as proposed by the Canby City Council, a copy of which is attached hereto and marked for identification purposes as "EXHIBIT A".

BE IT FURTHER RESOLVED, That the Special City Charter Election hereby called to be held Tuesday, May 28, 1968, shall be held concurrently with the Statewide Primary Election to be held on the same date, and the Special City Charter Election shall be handled by the same election board or boards that handle the Statewide Primary Election in the election precincts in which the City of Canby is located at the State Primary Election to be held on Tuesday, May 28, 1968. Such election board or boards hereby are designated as the election boards for the Special City Charter Election and shall hold their respective offices as designated for the State Primary Election, but such election board or boards shall not count the ballots cast in the Special City Charter Election.

BE IT FURTHER RESOLVED, That the polls for the Special City Charter Election shall be opened in each of the voting precincts at the same hour and shall be kept open until the same hour as the polls are opened and closed for the State Primary Election that will be held on the same day; and that the election

boards handling the election shall permit only those electors to vote on the question of enacting a new City Charter for the City of Canby who are otherwise qualified to vote at the State Primary Election and who reside within the boundaries of the City of Canby.

BE IT FURTHER RESOLVED, That the City Recorder be and he is hereby ordered and directed to prepare and publish a notice of this election by posting a notice in six (6) public and conspicuous places within the City of Canby at least ten (10) days prior to the date of said election, and which said notices shall set forth the time, place and purpose of said election but need not contain the full proposed measure; and in addition the Recorder shall publish the proposed new Charter with the ballot title and number in full in the Canby Herald, a newspaper published and of general circulation in the City of Canby, once each week for two (2) successive weeks, the first publication to be not less than fifteen (15) days prior to said election when said measure is to be voted on. The election Notice to be posted and published shall be in substantially the following form:

NOTICE OF SPECIAL CITY CHARTER ELECTION

On Tuesday, May 28, 1968, in the City of Canby, Clackamas County, Oregon, between the hours of 8:00 o'clock a.m. and 8:00 o'clock p.m., Oregon Daylight Saving Time, a special election will be held for the purpose of submitting to the qualified legal voters of the City of Canby the question of enacting a new City Charter as proposed by Resolution No. LXXII adopted by the Canby City Council at a regular meeting thereof on Monday, April 15, 1968. The proposed measure and ballot title shall be submitted as follows:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS  
BY THE COMMON COUNCIL

Shall a new Charter for the City of Canby as proposed by Resolution No. LXXII adopted by the Canby City Council on April 15, 1968, be enacted as a new City Charter for the City of Canby?

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The voter shall place a cross (X) in the box between the words "New Charter" ☒ "Yes", or in the box between the words "New Charter" ☒ "No" to signify his choice.

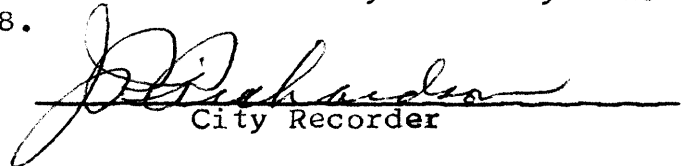
100 New Charter ☒ Yes  
101 New Charter ☒ No

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The polling places in the City of Canby for the Special City Charter Election will be held at the same places as provided by Clackamas County for the State Primary Election to be held on the same day, May 28, 1968, and to such places as the election boards may legally adjourn.

The Canby City Council by Resolution has appointed the identical officers appointed by the County Court of Clackamas County, Oregon, for the State Primary Election as the election officers of the Special City Charter Election to serve in each of the polling places in the respective precincts to which they are appointed by the County Court of Clackamas County.

WITNESS my hand and seal in the City of Canby this 1st day of May, 1968.

  
City Recorder

BE IT FURTHER RESOLVED, That the following is the ballot title and form in which the question shall be printed and submitted on the official ballot:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE  
COMMON COUNCIL

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Shall a new Charter for the City of Canby as proposed by Resolution No. LXXII adopted by the Canby City Council on April 15, 1968, be enacted as a new City Charter for the City of Canby?

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The voter shall place a cross (X) in the box between the words "New Charter" ☒ "Yes", or in the box between the words "New Charter" ☒ "No" to signify his choice.

100 New Charter ☒ Yes  
101 New Charter ☒ No

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BE IT FURTHER RESOLVED, That the City Recorder shall prepare and furnish to the election boards handling the Special City Charter Election prior to 8:00 o'clock a.m. on Tuesday, May 28, 1968, ballots and ballot boxes and such other paraphernalia and election supplies as may be required by the boards for the

Special City Charter Election, and the ballots for the Special City Charter Election shall be deposited in the ballot boxes provided by the City. After the polls are closed on May 28, 1968, the election boards shall lock the ballot boxes containing the ballots for the Special City Charter Election without counting such ballots, and shall deliver the ballot boxes to the City Recorder, and said ballot boxes shall remain securely locked until opened by the City Recorder as next provided in this Resolution.

BE IT FURTHER RESOLVED, That the City Recorder appoint a Judge and four (4) Clerks as a counting board of five electors who are residents of the City of Canby who can read and write the English language and who are not City officials, and they shall meet with the City Recorder at an hour to be agreed upon by a majority of them, but not later than 12:00 noon on May 29, 1968, at the Canby City Hall, and shall open the ballot boxes and proceed to count the ballots. The provisions of O.R.S. 250.461, 250.471, 250.510 and any other provisions of the State General Election Laws so far as they are applicable shall be observed in the counting of the ballots. The City Recorder shall provide the counting board with election return forms which shall be filled out and signed by the counting board after the counting has been completed. Each person who serves as Judge or Clerk for the Special City Charter Election to be held on May 28, 1968, or as a member of the counting board shall be paid by the City of Canby the sum of \$1.50 per hour for such service.

Adopted by the Canby City Council this 15th day of April, 1968, and filed with the Canby City Recorder this 15th day of April, 1968.

ATTEST:

  
J. R. RICHARDSON - City Recorder

  
LAWRENCE J. HOUSEN - Mayor

EXHIBIT A

CHARTER OF THE CITY OF CANBY

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment: This enactment is referred to as the Canby Charter of 1969, and shall become effective January 2, 1969.

Section 2. Name of City: The City of Canby, Clackamas County, Oregon, shall continue to be a municipal corporation, with the name, "CITY OF CANBY."

Section 3. Boundaries: The City of Canby shall include all territory in Clackamas County, State of Oregon, now bounded and described as follows, and any territory hereafter annexed, to-wit:

Beginning at a point in the section line between Section 29 and 32 in Township 3 South, Range 1 East of the Willamette Meridian in the center of the main channel of the Molalla River; thence East to the point of intersection of said section line with the South line of Territorial Road; thence North-easterly along the South line of Territorial Road to a point in the West line of Riverside Road, also known as Ferry Road; thence South along the West side of Riverside Road, also known as Ferry Road, to a point in the section line between Sections 28 and 33 in Township 3 South, Range 1 East of the Willamette Meridian; thence East along said section line to the Southwest corner of Lot 48, CANBY GARDENS; thence North along the West line of said Lot 48 and along the West line of Lots 47 and 46, CANBY GARDENS, and the northerly extension of the west line of said Lot 46, CANBY GARDENS, to a point in the north line of Territorial Road, which point is also the southwest corner of Lot 56, PRUNELAND; thence continuing north along the westerly boundaries of Lots 56, 55 and 54, PRUNELAND, to the northwest corner of Lot 54, PRUNELAND; thence east along the north boundary of Lot 54, PRUNELAND, to the northeast corner thereof; thence east 20 feet, more or less, to a point in the west line of that tract conveyed to Mary L. Collins, et al by Deed recorded September 26, 1964, in Deed Book 377, Page 429, Records of Clackamas County, Oregon; thence north along the west line of said Collins tract to an angle corner on the west line of said Collins tract; thence North  $2^{\circ} 30'$  East 654 feet more or less to an iron pipe at the most westerly corner of the tract conveyed to Crown Zellerbach Corporation by Deed recorded May 23, 1946, in Book 368, Page 33, Clackamas County Deed Records; thence South  $45^{\circ} 26'$  East along the South line of said Crown Zellerbach tract to an intersection with the Southerly line of the Molalla Forest Road as said roadway is described in Deed Book 358 at Page 92, Clackamas County Deed Records; thence Southeasterly and Southerly along said right-of-way line to an intersection of said line with the center line of Territorial Road; thence South  $68^{\circ} 45'$  West along the said centerline to a point which is due North of the Northeast corner of Lot 50, CANBY GARDENS; thence thence South to the Northeast corner of said Lot 50; thence

continuing South along the East line of Lots 59, 58 and 57, CANBY GARDENS, to the Southeast corner of Lot 57, CANBY GARDENS; thence East to the Northeast corner of Section 33, Township 3 South, Range 1 East of the Willamette Meridian; thence South along the section line dividing Sections 33 and 34 which is also the centerline of Neff Road a distance of 150 feet to a point in the westerly line of Lot 74, CANBY GARDENS; thence East parallel with the north line of said Lot 74 a distance of 510 feet to the westerly boundary of the Molalla Forest Road; thence South along the west boundary of the Molalla Forest Road a distance of 510 feet to a point in the south boundary of Lot 73, CANBY GARDENS, which point is 50 feet West of the Southeast corner of said Lot 73; thence West along the south boundary line of said Lot 73 a distance of 510 feet to the section line and centerline of Neff Road; thence South to the Northwest corner of Lot 71, CANBY GARDENS; thence East along the north line of said Lot 71 a distance of 590.0 feet; thence South and parallel with east line of said Lot 71, a distance of 330.00 feet to a point in the north line of Lot 70, CANBY GARDENS; thence South  $10^{\circ} 18'$  East 335.4 feet to a point in the north line of Lot 69, CANBY GARDENS; said point being 130.0 feet west of the northeast corner of said Lot 69; thence West along said north line 134.5 feet to the northeast corner of that tract conveyed to Dora Higginbotham by Clackamas County Deed Book 451, Page 137; thence South along the east line of said Higginbotham tract a distance of 174.0 feet to the southeast corner thereof; thence West along the south line of said Higginbotham tract and said line extended 395.5 feet to a point in the west line of Lot 69; thence South to the Southeast corner of the Northeast Quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian; thence West 60 chains to the angle corner in L. D. Cross Claim; thence South 20 chains; thence West to the center of the main channel of the Molalla River; thence down the center of the main channel of said River to the place of beginning.

## CHAPTER II

### POWERS

Section 1. Powers of the City: The City shall have all powers which the Constitutions, statutes and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers.

Section 2. Construction of Charter: In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the State

Laws and to the Municipal Home Rule provisions of the State Constitution.

Section 3. Power to License, Tax and Regulate: The City Council shall have power to license, tax and regulate for the purpose of City revenue, all such business, callings, trades, employments and professions as the Council may require to be licensed, and as are not prohibited by the laws of the State of Oregon.

### CHAPTER III

#### FORM OF GOVERNMENT

Section 1. Where Powers Vested: The power and authority given the municipal corporation of the City of Canby by this Act, is vested except as hereinafter provided in a Mayor and Council and their successors in office to be exercised in the manner hereinafter prescribed.

Section 2. Council: The Council shall be composed of six Councilmen elected from the City at large. The term of office of each Councilman in office when this Charter becomes effective shall continue to the completion of his term of office. Three Councilmen shall be elected at each biennial general election, each for a term of four years.

Section 3. Quorum: A majority of the members of the Council shall constitute a quorum for it to do business. A majority of the members of the Council at any meeting of the Council at which a quorum is present shall be sufficient to determine questions or matters other than the final passage of an Ordinance or the appointment of an officer by the Council, which shall require the vote of a majority of all members then constituting the Council.

Section 4. Rules of Proceedings: The Council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of the proceedings and on call of any two of its members must cause the yeas and nays to be taken and entered in its journal upon any question before it. Its

deliberations, proceedings and records thereof must be public.

Section 5. Control of Conduct: The Council may reprimand any member for disorderly conduct at any meeting or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a five-sixths vote expel a member for good cause.

Section 6. Organization of Council: At the first regular meeting of the Council each odd numbered year, or as soon thereafter as practicable, the Council shall choose by ballot, one of its members to preside over the Council in the absence of the Mayor, and perform the duties of Mayor in the absence of that officer. He shall be designated as President of the Council; and in the absence of the Mayor from the City, or in cases of his inability to act, said President of the Council shall have and exercise the powers and perform the duties of the Mayor.

Section 7. Meetings: The Council shall hold regular meetings at least once each month at a time and place in the City which it designates. The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than three hours after the notice is given.

Section 8. Mayor: At each biennial general election a Mayor shall be elected for a term of two years and shall hold his office until his successor is elected and qualified.

Section 9. Other City Officers: There shall be appointed by the Council a Treasurer, Recorder, Municipal Judge, Attorney, Superintendent of Public Works, City Engineer, Chief of Police and Fire Chief, who shall be officers of this municipal corporation. The Council may combine any two or more appointive City offices. The Council may designate the appointive officer to supervise any other appointive officer except the Municipal Judge in the exercise of his judicial functions. Appointed officers shall hold their



office during the pleasure of the Council or until their successors are appointed and qualified. They are subject to removal at any time by the Council for malfeasance, inattention or incompetency. The Council may from time to time appoint such other subordinate officers as they deem necessary and proper, who shall hold their office at the will of the Council. The duties of all officers not defined in this Charter may be prescribed by the City Council.

Section 10. Qualifications for Elective Office: Any person who is a qualified elector and an owner or contract purchaser of real property within the City of Canby, and who has resided in Canby not less than twelve (12) months immediately preceding the election shall be eligible for any elective City office.

Section 11. Salaries: The compensation for the service of each City officer and employee shall be whatever amount the Council fixes.

#### CHAPTER IV

##### ELECTIONS

Section 1. Regular Elections: Regular City elections shall be held at the same times and places as biennial general State elections in accordance with applicable State election laws. All officers elected at a regular biennial election after adoption of this Charter shall assume the duties of their respective offices and qualify on the first regular business day of January following such election.

Section 2. Notice of Regular Elections: The Recorder, pursuant to directions from the Council, shall give at least ten days' notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall and in one public place in each voting precinct of the City. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon and the time and place of the election.

Section 3. Special Elections: By resolution, the Council may call and provide for special elections. The Recorder shall

give at least ten days' notice of each special election in the manner provided by the Resolution of the Council ordering the election.

Section 4. Qualifications of Electors: No person shall vote at any City election unless he is a qualified elector of the State and a resident of the City at least thirty days next preceding the election.

Section 5. Canvass of Election Returns: In all City elections held in conjunction with the State and County elections, the State laws governing the filing of returns shall govern. On or before noon of the first business day following the election, the returns thereof must be filed with the Recorder and on the second day after the election, the Council shall meet in regular or special session and shall then canvass the returns of the election.

Section 6. Results of Election: The results of the election shall be made a matter of record in the journal of the proceedings of the Council, which must contain a statement of the whole number of votes cast at such election, and the number of votes cast for each person for any office, or for any measure, and the names of the persons elected, and to what office, or the measure adopted.

Section 7. Certification: Immediately after the completion of the canvass, the Recorder must make and sign a Certificate of Election of each person declared thereby to have been elected, and deliver the same to him within one day thereafter.

Section 8. Determination of Qualifications: The Certificate of Election is primary evidence of the facts therein stated; but the Council is the judge of the qualifications and election of the Mayor and its own members, and of all officers or officials of the City; and in case of a contest between two persons claiming to have been elected to the same office, must determine the same, subject, however, to review of any Court of competent jurisdiction.

Section 9. Commencement of Terms of Office: The term of office of each person elected to office under this Charter shall commence on the first regular business day of January after the

election; and each person must qualify therefor by taking and filing an Oath of Office and giving such official undertaking for the faithful performance of his duties as may be required not later than midnight of the first regular business day of January, or he shall be deemed to have declined the office.

Section 10. Oath of Office: Each officer, before entering upon the duties of his office, shall take an Oath that he will support the Constitution and laws of the United States and of the State of Oregon, and that he will faithfully perform the duties of his office.

Section 11. Vacancies in Office: An office shall be deemed vacant upon the death or resignation of the incumbent, or upon such incumbent ceasing to possess the qualifications of an elector, or upon the failure of a person elected to qualify for the office as required by the foregoing Section 9. The office of Mayor shall be deemed vacant whenever the incumbent thereof shall be absent from the City for a period of thirty days without the consent of the Council; provided the Council may grant to the Mayor leave of absence not to exceed sixty days. The office of Superintendent of Public Works shall be deemed vacant whenever the incumbent thereof shall be absent from the City for a period of ten days without consent of the Council; provided that the Council may grant said officer leave of absence for a period of not exceeding thirty days; the offices of the Recorder and Treasurer shall be deemed vacant whenever the incumbent shall be absent from the City for a period of thirty days, without leave of the Council; and the office of any Councilman shall be deemed vacant when the incumbent thereof shall cease to be a resident of the City, or shall fail to attend four consecutive regular meetings of the Council, unless absence on leave of the Council is first obtained.

Section 12. Filling Vacancies in Offices: A vacancy in any office caused by the failure of any person elected to qualify therefor as prescribed in Sections 9 and 10, or made by or conse-

quent upon the judgment of any Court, or consequent upon the failure to elect, must be filled by appointment of the Council to continue until the first regular business day of January following the next biennial election; and if the term of office does not then expire, the remainder thereof shall be filled by election at such biennial election.

Section 13. Nominations: A qualified elector who has resided in the City during the twelve months immediately preceding the election and who is an owner or contract purchaser of real property within the City of Canby may be nominated for an elective City office. Nominations for elective City offices may be made at a mass meeting of the electors of the City, called by the Mayor to be held in the City not more than ninety nor less than seventy days before the next regular election. Notice of such mass meeting shall be given by the City Recorder posting notice thereof at least ten days prior to said meeting in three public and conspicuous places in the City. At such mass meeting of the electors, the Mayor shall preside over the meeting until a meeting Chairman and Secretary shall have been selected by the electors present. The Chairman of such meeting shall preside over the meeting, and the Secretary shall keep a record of the deliberations and determinations and a record of the nominations for City offices. Upon conclusion of such mass meeting, the Chairman and Secretary thereof shall certify to the City Recorder the names and addresses of all persons nominated for elective City offices, and the position to which each nominee is nominated. All nominations made at such mass meeting of the electors and subsequently certified by the Chairman and Secretary to the City Recorder shall be included on the ballot at the next regular City election, providing that each of said nominees shall first file with the City Recorder a signed statement of acceptance of the nomination. The signed acceptance of nomination shall be filed with the City Recorder not less than sixty-five days before

the election. The name of any nominee for an elective City office who neglects or fails to file his notice of acceptance within the period required, shall not be included on the ballot.

Nominations for elective City positions may also be made by petition specifying the position sought, and the form of the petition shall be prescribed by the Council. Such petition shall be signed by not fewer than one hundred electors, and all nominating petitions shall be filed with the City Recorder at least sixty-six days prior to the election. No elector shall sign more than one petition for each vacant position. If he does so, his signature shall be valid only on the first sufficient petition filed for the position. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence, identified by his street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the Recorder as one instrument. At the time of the filing of all nomination papers, a signed consent for nomination shall be filed for each nominee and the failure of any nominee to sign the consent to nomination shall invalidate his nomination, and his name shall not be included on the ballot. The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed

again as a new petition, or a substitute petition for the same candidate may be filed within the regular time for filing nomination petitions. Upon the receipt of a sufficient nominating petition and the signed acceptance of the nominee, the Recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election and also the minutes of the mass meeting of electors called for nominating candidates to elective City offices shall be preserved in the office of the Recorder until the term of office for which the candidate is elected expires.

Section 14. Initiative and Referendum Powers: The power to enact or amend the Charter of the City of Canby and all other rights guaranteed to the people of this City under the Initiative and Referendum Provisions of Section I-a, Article IV of the Constitution of the State of Oregon are hereby reserved and guaranteed to the people of the City of Canby by this Charter and the Council shall provide the method of carrying into effect the initiative and referendum power of the people.

Section 15. State Election Laws to Apply: All laws of the State regulating and governing elections and proceedings and matters incidental thereto shall apply to and govern elections under this act, except as herein otherwise provided; provided, however, that all matters and things required in such general laws to be done by the Secretary of State and County Clerk shall be done and performed by the Recorder; and all matters and things therein required to be done by the Sheriff shall be done and performed by the Chief of Police; and all matters and things therein required to be done by the County Court shall be done and performed by the City Council; and all matters and things therein required to be done by the Governor shall be done and performed by the Mayor; and all matters and things therein required to be done by the Attorney General shall be done and performed by the City Attorney.

Section 16. Terms of Appointment: An officer appointed to fill a vacancy must, within five days from the date of such

appointment, qualify therefor as in the case of any officer elected, or he shall be deemed to have declined, and the office shall be considered vacant.

## CHAPTER V

### ORDINANCES

Section 1. Enacting Clause: The enacting clause of all Ordinances hereafter enacted by the Council shall be, "THE CITY OF CANBY ORDAINS AS FOLLOWS."

Section 2. Limitations: The Council shall not pass any Ordinance repugnant to the Constitution of the United States, or the Constitution of the State of Oregon, nor the laws thereof.

Section 3. Mode of Enactment: All Ordinances shall be read at two meetings of the Council. The second reading may be by title only unless any person present requests to have the Ordinance read in full. Immediately following the first reading of the proposed Ordinance, it shall be published at full length in some newspaper printed and published in Canby once a week for a period of two consecutive weeks prior to the passage of such Ordinance; provided, however, that the Council may order, instead, that the proposed Ordinance be posted in three public and conspicuous places in said City for a period of two full calendar weeks prior to the passage of said Ordinance. It is further provided that two full calendar weeks shall intervene between the time of the first publication or posting and the final reading and passage of such Ordinance. Whenever the Council proposes to take final action on any proposed Ordinance at a special meeting, notice thereof, giving the time of such meeting, shall be published or posted along with the Ordinance. In any event, before final action has been taken on any proposed Ordinance, there shall be filed with the Recorder proof of the publication or posting of the proposed Ordinance as follows:

(1) If the same has been published, proof shall be made by an Affidavit of the printer, publisher, foreman or principal

clerk of the newspaper, annexed to a copy of the proposed Ordinance, specifying the time when the publication was made.

(2) If the same has been posted by the Recorder, as provided herein, the proposed Ordinance, or a true copy thereof as posted, shall have attached to it an Affidavit of the Recorder that he posted the Ordinance in three public and conspicuous places for a period of two full calendar weeks prior to final passage.

Section 4. Requirement to Pass Ordinances: It shall require the majority vote of all members of the Council as then constituted to pass an Ordinance on its final reading.

Section 5. When Ordinances Take Effect: An Ordinance enacted by the Council shall take effect on the 30th day after its enactment; however, when the Council deems it advisable, an Ordinance may provide a different time for it to take effect, and, in case of an emergency, it may take effect immediately.

## CHAPTER VI

### THE OFFICE OF MAYOR

Section 1. Duties: The Mayor is the executive officer of the City. It is his duty to communicate annually by message to the Council a general statement of the conditions and affairs of the municipal corporation, and to recommend the adoption of such measures as he deems proper and expedient, and to make such special recommendations to the Council from time to time as he may think proper and useful. Upon assumption of his office, he shall organize the Council by appointing committees as he deems necessary. A Councilman appointed to head a committee may be called a "Commissioner", and any appointment of the Mayor shall be subject to approval by a majority of the Council. The Mayor shall have no vote in the Council except in case of a tie, and shall preside at all meetings of the Council. The Mayor shall sign all bonds, undertakings, contracts, ordinances, resolutions and other official documents which are approved by the Council; and he shall perform such other duties and exercise such other authority as may be prescribed by



this Charter, any City Ordinance or any law of the United States or of the State of Oregon.

## CHAPTER VII

### THE OFFICE OF RECORDER

Section 1. Duties: The Recorder shall attend all meetings of the Council unless excused therefrom by the Council, keep an accurate record of its proceedings in a book provided for that purpose, file and keep all books, papers, records and other documents connected with the business of the Council or which may be the property of the City. It shall be his duty to submit to the Council at the end of the fiscal year a statement which shall set forth the condition of the City's finances. He shall issue all licenses authorized by City Ordinances upon payment to him of the license fee, and shall keep a register showing to whom, for what and the period for which the license is issued. In the Recorder's absence from Council meetings, the Mayor shall appoint a Clerk of the Council pro tem, who while acting in that capacity shall have all the authority and duties of the Recorder.

## CHAPTER VIII

### THE OFFICE OF TREASURER

Section 1. Duties: It shall be the duty of the City Treasurer to receive all moneys that shall come to the City by taxation or otherwise, and to keep the same in separate funds, as may be directed by Ordinance, and to pay out the same as provided by this Charter; and at the close of each quarter, during his term of office, make out and present to the Council, a fair and accurate itemized statement of the receipts and disbursements of the various City funds in his care during the quarter; and at the end of the fiscal year, he shall present a statement, the same being a summary of his quarterly statements, which last mentioned statement shall be published in some newspaper, or posted in three conspicuous places in the City. The books and accounts of the

Treasurer shall at all times be opened to the inspection of any member of the Council.

## CHAPTER IX

### OFFICE OF THE CITY ATTORNEY

Section 1. Duties: The City Attorney is a legal advisor of the officials of the City of Canby. It shall be his duty to attend all regular Council meetings and such special meetings as may be required unless excused therefrom by the Council. He shall attend to all suits, actions at law and all matters and things in which the City of Canby may be legally interested and shall give his advice and opinion in writing when so required by the Mayor or City Council upon any matters in which the City Council is interested. He shall prosecute in the Municipal Court all offenders violating any City Ordinance.

## CHAPTER X

### MUNICIPAL JUDGE

Section 1. Duties: The Municipal Judge shall be the judicial officer of the City. He shall hold within the City a Court known as the Municipal Court for the City of Canby, Clackamas County, Oregon. The Court shall be open for the transaction of judicial business at times specified by the Council. All area within the City shall be within the territorial jurisdiction of the Court. The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by the Ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by Ordinances of the City. He shall have authority to issue process for the arrest of any person accused of an offense against the Ordinances of the City, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in Court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any

process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of the Court. When not governed by Ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City Ordinance shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Courts. Trials in the Municipal Court of cases for violation of City Ordinances may be had before a jury, and trials and proceedings before the Municipal Court shall be governed by Ordinance or otherwise by the provisions of State law regulating such actions and proceedings before Justice Courts, insofar as the same are or can be made applicable in the general cases arising before the Municipal Court. When Ordinances of the City of Canby provide for different procedure in the Municipal Court in any case or proceedings, the provisions of such Ordinance or Ordinances shall control, but in all cases there shall be a right of trial by jury. In case the Municipal Judge shall be absent from the City or otherwise unable or disqualified to act as Judge of the Municipal Court, his duties shall be performed by a Pro Tem Judge appointed by the Mayor and approved by the Council.

## CHAPTER XI

### PUBLIC IMPROVEMENTS

Section 1. Condemnation: Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by a Resolution of the Council describing the property and stating the uses to which it shall be devoted.

Section 2. Improvements: The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general Ordinance or, to the extent not so governed, by the applicable general laws of the State. Action on any proposed public improvement, except a sidewalk or curb or except an improvement unanimously declared by the Council as then constituted to be needed at once because of an emergency, shall be suspended for six months

upon a remonstrance thereto by the owners of two-thirds of the property to be specially assessed therefor. The Council may take immediate action on any proposed sidewalk, curb or other improvement project unanimously declared by the Council as then constituted to be needed at once because of an emergency. For the purpose of this Section, "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded Land Sale Contract or according to a verified writing by the record holder of legal title to the land filed with the City Recorder, the said purchaser shall be deemed the "owner".

Section 3. Special Assessments: The procedure for levying, collecting and enforcing the payment of special assessments for public improvements, or other services to be charged against real property, shall be governed by general Ordinance.

Section 4. Bids: A contract in excess of \$2,000.00 for a public improvement to be made by a private contractor and paid for by tax money or other public funds shall be let to the bidder whose bid, in the judgment of the Council, best serves the interest of the City. Such contract shall be done in accordance with plans and specifications approved by the Council.

Section 5. 1954 Amendment for Sewer Construction: In addition to the other methods provided by Charter, the Council may, when in its discretion it is deemed advisable, provide by Ordinance for the construction either by contract or City construction method or the combination of both and for the maintenance, extension, operation or enlargement of sewer, sewer systems, pumping stations, sewage treatment or disposal plant together with all appurtenances necessary, useful or convenient for the collection, treatment and disposal of sewage and for such purposes may acquire by gift, purchase, grant or condemnation, the necessary lands and rights of way therefor, either within or without the corporate limits of the City of Canby, all or any part of the foregoing being hereinafter referred to as the facilities.

Section 6. 1954 Amendment for Sewer Bond Issue: The City Council may construct that part of the foregoing facilities consisting of a treatment plant, outfall sewers, trunk sewers, main sewers and pumping plants as an entire unit or as separate units in order to provide the City of Canby with a basic sanitary sewage system; and the Council may provide that the same or that part so constructed will be paid for by all the residents of the City or property owners therein, regardless of whether their property is to be actually connected with or presently served by said systems or units. To pay the cost thereof, the City Council is hereby authorized to issue, not exceed \$165,000.00 in bonds, which are to be paid by a 5-mill real property tax levy, and a sewer service charge as may be prescribed by the Council of the said City of Canby, which charge is to be added to and collected as a part of the water bill of each water user within the said City and is to continue so long as any of the bonds issued remain unpaid and so long as such service charge is required for the operation and maintenance of the facilities. The debt limitation contained in the Charter of the City of Canby, Clackamas County, Oregon, shall not apply to the bonds hereby authorized.

## CHAPTER XII

### MISCELLANEOUS PROVISIONS

Section 1. Debt Limit: Except for bonds heretofore or hereafter authorized, the City's voluntary floating indebtedness shall not exceed \$25,000.00. For the purposes of calculating the limitation, however, the legally authorized debt of the City in existence at the time this Charter takes effect shall not be considered, and all bonds of the City heretofore issued and unpaid at the time this Charter takes effect shall remain and continue to be the obligation of the City of Canby until the same are paid. All City officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 2. Street Development Plan: To provide for the orderly development and expansion of the system of thoroughfares and connecting streets and to prevent blocking of present or proposed or projected thoroughfares or streets by the construction of buildings or other improvements, a street development plan shall be established by Ordinance showing the present thoroughfares and connecting streets and the planned continuations of the same within the corporate limits of the City of Camby. No person, firm or corporation shall erect a structure or other improvement which might block or otherwise interfere with the street development plan as established.

Section 3. Existing Ordinances Continued: All Ordinances and regulations heretofore passed by the Council and in force when this Charter takes effect, if not inconsistent with it, shall remain in full force until they are amended or repealed by the Council.

Section 4. Contractual Obligations: Except gifts of money to the City for specified purposes, expenditures of sums not budgeted and expenditures of budgeted funds for a single purchase or contract in excess of \$5,000.00 shall be authorized by an Ordinance; and the City shall not be bound by any Contract unless the same is in writing and signed by the Mayor and Recorder in behalf of the City.

Section 5. Emergency Purchases and Contracts: In cases of emergency and where the interest or property of the City probably would suffer material injury by delay or would be materially benefited by immediate purchase or contract, the City Council by unanimous declaration of such fact entered in the record of Council proceedings may make such immediate purchase or contract without first advertising for bids.

Section 6. Torts: In no event shall the City be liable in damages for an injury to person, a damage to property, or a death caused by a defect or a dangerous condition in a sidewalk, street, alley, sewer, public ground, public building, drain gutter, ditch, or other type of public thoroughfare, site or facility unless the

City has had actual notice prior to the injury, damage or death that the defect or condition existed and the City has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$1,000.00 be recovered as damages for injury, damage or death resulting from such a defect or dangerous place. No action shall be maintained against the City for damages growing out of such injury, damage or death unless the claimant first gives written notice to the Council within thirty days after the injury, damage or death is sustained, stating specifically the time when, the place where and the circumstances under which it was sustained, and that he will claim damages of the City in an amount which he specifies. But in no event shall the action be started until thirty days have elapsed after the presentation of this notice to the Council.

Section 7. Repeal of Prior Charters and Charter Amendments:

All Charters and Charter Amendments of the City enacted prior to the time this Charter takes effect are hereby repealed.