

In the matter of submitting proposed Charter amendments to the voters of the City of Lebanon authorizing the construction of a sewage disposal plant and the issuance and sale of bonds for the cost thereof, creating a municipal court, amending Section 37 of the Charter, and submitting to the voters a proposal for the authorization of a special 5 mill tax levy.)

RESOLUTION NO. 13

FOR 1952

WHEREAS because the increase in the population of the City of Lebanon and consequent burden on its present sewer system, has created a critical pollution problem, and

WHEREAS, an order has been issued by the State Sanitary Authority of Oregon ordering the City of Lebanon to abate the pollution of the water in the Santiam River on or before July 1, 1953, and in order for this to be done it is necessary that a sewage disposal plant be constructed for the purpose of treating the city sewage, and

WHEREAS, the firm of Cornell, Howland, Hayes, and Merryfield have submitted to the City of Lebanon, tentative plans, specifications, and estimated costs of construction of a sewage disposal plant the said cost being \$230,000.00 and the city has now on hand for the construction of said plant an estimated \$175,000.00 and it is necessary that an additional \$60,000.00 be available for such construction, and

WHEREAS, it is necessary, expedient, and advisable that the Council submit to the voters of the City of Lebanon at a special election to be held at the same time as the general election of November 4, 1952, for their approval or rejection, a proposed amendment to the City Charter authorizing the City Council to construct a sewage disposal plant and to issue and sell general obligation bonds in such amount as will be sufficient to provide the necessary additional amount for required construction of said sewage disposal plant, and

WHEREAS, since the adoption of the present charter of the City of Lebanon, because of the growth of the city, and because of changing conditions which have arisen since its adoption, it is necessary, expedient, and advisable that certain portions of the charter be amended, and a tax levy outside the 6% limitation be authorized.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Lebanon that there be submitted to the legal voters of said city, for their approval or rejection, at a special election to be held simultaneously and contemporaneously with the general election on November 4, 1952, the following proposed charter amendments, and act authorizing a special tax levy.

I

A CHARTER AMENDMENT Authorizing the Construction of a Sewage Disposal Plant and the Issue and Sale of General Obligation Bonds.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

That the Charter of said city be amended by adding thereto a new chapter to read as follows:

Section 1. That the City of Lebanon, Linn County, Oregon, acting by and through its City Council is hereby authorized and empowered to construct a sewage disposal plant of such portion, unit, or units thereof as the City Council shall deem expedient or necessary either within or without said City, including all necessary sewer lines required in flowing the sewage of the city of Lebanon into the sewage disposal plant and flowing the waste from the plant after treatment, and to operate and maintain such plant after its completion, to secure by purchase, condemnation, or otherwise within or without the said city all real estate, rights of way, property, water rights, easements, and licenses necessary or convenient to said construction and operation and to purchase, construct and install any and every unit, equipment, structure and appliance reasonable and necessary therefor.

Section 2. For the purposes of providing sufficient funds for the payment of the cost of the construction of said sewage disposal plant and other purposes set out in Section 1 hereof, the Common Council of the City of Lebanon is hereby authorized, empowered and directed to issue and sell as shall be deemed expedient, convenient, and necessary, negotiable bonds of the City of Lebanon, Linn County, Oregon, in the amount of \$60,000.00, or so much thereof as shall be deemed necessary to be used with other available funds for the purposes set out in said Section 1.

Section 3. The bonds hereby authorized shall be general obligation bonds of the said City, and shall mature at such time or times, and may be in such form and of such denomination, due date, interest payable date, place of payment, and bear such callable features and provisions as the Common Council may deem most likely to enhance their value and insure their saleability. Said bonds shall bear a rate of interest not greater than 4% per annum, and shall be sold for not less than 98 per centum of their par value and accrued interest.

Section 4. The Common Council is hereby authorized and directed to issue and sell said bonds from time to time as they may be needed for the purposes herein specified, but before any of said bonds shall be sold they shall be advertised for sale in the manner provided by law.

Section 5. That the money derived from the sale of said bonds, or any portion thereof, shall constitute a special fund for the construction, operation, and maintenance of the sewage disposal plant as aforesaid, and shall be used for no other purpose than herein specified.

Section 6. The indebtedness authorized by this amendment to the Charter of said city is in addition to all indebtedness authorized by the Charter of the City of Lebanon.

That the Ballot Title of said proposed amendment submitted, by the City Attorney is hereby approved and shall be as follows:

BALLOT TITLE

Shall the Charter of the City of Lebanon, Linn County, Oregon be amended by adding a new ~~section~~ ^{Chapter} thereto authorizing the City of Lebanon through its Common Council to construct a sewage disposal plant, unit or units thereof, within or without the city, to operate the sewage disposal plant, to purchase land, water rights, easements, licenses, and to issue and sell general obligation negotiable bonds of the City of Lebanon in the amount of \$60,000.00 to provide funds for the cost of the sewage disposal plant.

II

AN ACT Authorizing a Special Tax Levy for Streets, Bridges, Sewer System and Sewage Disposal Plant

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

That the City of Lebanon, Linn County, Oregon, by and through its City Council, be and it is authorized and empowered to levy a 5 mill tax against all taxable property within the corporate limits of said city, outside the limitations imposed by Article XI, Section II, of the Constitution of the State of Oregon for each of the 5 tax years beginning with the fiscal tax year 1953-54 to and including the fiscal tax year of 1957-58 for the purpose of providing funds for the construction, grading, and repair of city streets, for the construction, and repair of bridges, and for the operation, maintenance, and repair of the sewer system and sewage disposal plant of the City of Lebanon and for all or any one or combination of such purposes, and to use the funds derived from such tax for such purposes and no other.

That the Ballot Title of said proposed proposition submitted by the City Attorney is hereby approved and shall be as follows:

BALLOT TITLE

Shall the City of Lebanon, Linn County, Oregon, by and through its City Council be authorized to levy, for the purpose of providing and using funds for constructing, grading, and repairing city streets, constructing and repairing bridges, operating, maintaining and repairing sewers and sewage disposal plant of said city, a 5 mill tax against all taxable property within the limits of said city outside the constitutional 6 per cent ^{tax} limitation of the State of Oregon for each of the five fiscal years 1953-54 to 1957-58 both inclusive.

III

A CHARTER AMENDMENT Establishing a Municipal Court and Repealing Chapter V of the City Charter.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

That the Charter of the City of Lebanon, Linn County, Oregon, be amended by adding a new chapter thereto to read as follows:

SECTION I. ESTABLISHING A MUNICIPAL COURT

There is hereby created a municipal court for the city of Lebanon, which shall consist of two departments, to be known as the Municipal Court of the City of Lebanon, Department No. 1 and Department No. 2. The persons to preside over and act as judges of said Municipal Court shall be appointed and their term of office and salaries shall be set by the City Council in the same manner as other non-elective officers of the city. If only one person is appointed by the Council, he shall preside over and act as the Judge of Department No. 1, and until the appointment of a person to act as Judge of Department No. 2, shall have the exclusive jurisdiction of all cases coming before the court. The assignment of cases and other matters coming before the court shall be made in the manner provided by ordinance of the City Council.

SECTION 2. PROVIDING FOR JUDGES, PRESCRIBING PROCEDURE OF COURT, AND DEFINING JUDGE'S AUTHORITY.

The person or persons appointed by the Council to act as Judge or judges of the Municipal Court shall be known as Municipal Judge and shall be a judicial officer of the city. The court shall be open for transaction of judicial business at time specified by the Council. All area within the city shall be within the territorial jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city and all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. The Judges of both departments of the municipal court 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 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's Courts.

SECTION 3. PROVIDING FOR JURY TRIALS

In all proceedings coming before the Municipal Court of the City of Lebanon, the same shall be tried by the court without a jury unless a jury be requested. If a request for a jury is made by the defendant he shall be entitled thereto if such request be made more than 48 hours prior to the date set for the trial and if he shall have tendered to the court such sum of money as the city council may, by ordinance prescribe, to pay the cost of a jury. If the City of Lebanon request a jury trial it shall be entitled thereto if such request be made more than 48 hours prior to the date set for the trial. The jury so selected shall consist of 3 persons who shall have the qualifications provided for in Sections 28-325, O.C.L.A. for jurors of Justice's Courts except that there shall be substituted therein for the word "precinct" the word "city", and the jury shall be selected in the manner provided for in Sections 28-501, 28-502, 28-504, 28-506, 28-508, 28-509, Page 4, Resolution No. 13

28-510, 28-511, 28-512, O.C.L.A., for the selection of juries in Justice's Courts except that Section 28-501 shall read as follows: "During the month of January in each year the Municipal Judge of Department No. 1, shall, with the aid of two free holders in the City of Lebanon, selected by the City Council, proceed to select and make from qualified persons a jury list for the following year or until another is selected", except, also, that in any of said Sections, except Section 28-501, wherever the word, words, or figures hereinafter mentioned appear the following substitutions shall be made, to-wit: for the word "justice" and "justice of peace", the word "municipal judge",; for the word "twelve", the word "seven"; for the word "three", the word "two"; for the word "six", the word "three"; for the word "fifty", the word "twenty-five"; for the figure "250", the figure "125"; for the words in Section 28-505, "on the first Monday of any month following", the words "at any time thereafter during the calendar year"; and there shall be omitted from said Section 28-505, the words "on the first Monday" appearing on lines 2 and 3 thereof.

SECTION 4. APPEAL

There shall be a right of appeal in the cases tried by the Municipal Judge except in cases where the sentence or fine be for imprisonment in the city jail for a period of 3 days or less or for a fine of less than \$20.00. Provided, that in all cases where a license, right, or privilege granted by the laws of the State of Oregon is impaired, cancelled or revoked, by such decision, there shall be a right of appeal notwithstanding the sentence or fine.

SECTION 5 DISPOSITION OF FINES AND PENALTIES

All fines and penalties recovered from, and all costs, taxed against or received from any defendant before said court or Judge thereof for the violation of a city ordinance when received or collected, shall be paid by said Judge to the Treasurer of the City of Lebanon who shall give duplicate receipts therefore.

SECTION 6 REPEALING CHAPTER V OF THE CITY CHARTER

That Chapter V Sections 116 through to and including Section 124 of the City Charter of the City of Lebanon and all other sections or portions of sections of said Charter in conflict with this act be and the same are hereby repealed.

That the Ballot Title of said proposed amendment submitted by the City Attorney is hereby approved and shall be as follows:

BALLOT TITLE

Shall the Charter of the City of Lebanon, Linn County, Oregon be amended by adding a new chapter creating a Municipal Court, with two departments, providing for appointment of judges by the Council, providing for jurisdiction of crimes, offenses, forfeitures and penalties defined by ordinance, prescribing the authority of the judges prescribing court procedure shall be as provided by law for Justice's Courts, providing for jury trials, for appeals to Circuit Courts, for disposition of fines and penalties; and repealing Chapter V being Sections 116 to 124, inclusive, of the City Charter.

IV

AN AMENDMENT Amending Section 37 of the City Charter relating to Qualifications of Officers

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

That Section 37 of the Charter of the City of Lebanon, Linn County, Oregon, be amended to read as follows:

SECTION 37; QUALIFICATION OF OFFICERS:

No one, who is elected by the voters of the City of Lebanon to fill any office within the municipality, shall be eligible for such office, who at the time of his election is not entitled to the privileges of an elector according to the laws of the State of Oregon and who has not resided in the City of Lebanon for three months next preceding the election. In addition to the foregoing qualification, to be elected to the office of councilman, the person must be a resident of the ward from which he is elected for a period of ninety days prior to the election. The City Attorney must be an attorney admitted to practice before the Supreme Court of the State of Oregon. The City Council, shall, by ordinance, prescribe the qualifications of all other officers and employees of the City.

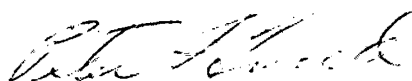
That the Ballot Title of said proposed amendment submitted by the City Attorney is hereby approved and shall be as follows:


BALLOT TITLE

Shall Section 37 of the Charter of Lebanon, Linn County, Oregon be amended by providing that officers of the city elected by the voters must be entitled to the privileges of an elector of the State of Oregon; must reside in Lebanon 3 months next preceding the election, and if elected to the office of councilman, must have resided in the ward where elected 90 days prior to the election; that City Attorney must be admitted to practice before the Oregon Supreme Court; that the qualifications of all other officers shall be prescribed by ordinance of the City Council.

BE IT FURTHER RESOLVED That the foregoing proposed act authorizing a special tax levy and amendments to the City Charter be forthwith filed with the City Recorder for submission by her to the legal voters of the City of Lebanon at a special election called for the purpose of voting on said act and amendments at the same time as the general election on November 4, 1952.

Passed by the Council and approved by the Mayor on this 1st day of October, 1952.


Peter T. Tweed
Mayor

ATTEST:

Ilda Unger
City Recorder