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RESOLUTION 50-21
8-4-50

WHEREAS The Charter of the City of Newberg, Oregon, was enacted February 10, 1893, and has been subsequently amended and is cumbersome and outdated and not appropriate for conducting the affairs of a modern city; and

WHEREAS the Common Council of said city and numerous civic groups therein have collaborated during a period of approximately two years in preparing certain amendments to said Charter and repealing certain portions thereof in order to provide said city with an efficient basis for its government and operation; and

WHEREAS said amendments have been presented to said Common Council and examined and considered by said Council and are hereinafter set forth; now, therefore,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEWBERG, YAMHILL COUNTY, STATE OF OREGON, that the following proposed amendments and repeals to the Charter of the City of Newberg be, and the same hereby are, proposed for submission to the legal voters of said city for their adoption or rejection at a special city election to be held on the 4th day of August, 1950, as in this Resolution provided:

CHARTER AMENDMENT
SUBMITTED TO THE VOTERS
BY THE COUNCIL

AN ACT

To amend the Charter of the City of Newberg, Yamhill County, Oregon, entitled: "An act to incorporate the City of Newberg, in Yamhill County, State of Oregon, and to repeal an act entitled 'An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate and define the powers thereof', filed in the office of the Secretary of State, February 21, 1889, and all acts or parts of acts in conflict herewith" enacted by the Seventeenth Regular Session of the Legislative Assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893 and as subsequently amended by the Legislative Assembly and by the voters of Newberg, Oregon;

BE IT ENACTED BY THE PEOPLE OF THE CITY OF NEWBERG, YAMHILL COUNTY, OREGON, that the Charter of Newberg, Yamhill County, Oregon, entitled "An act to incorporate the City of Newberg, in Yamhill County, State of Oregon, and to repeal an act entitled "An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate and define the powers thereof", filed in the office of the Secretary of State, February 21, 1889, and all acts or parts of acts in conflict herewith" enacted by the Seventeenth Regular Session of the Legislative Assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893 and as subsequently amended by the Legislative Assembly and by the voters of Newberg, Oregon, be and the same hereby is amended to read as follows:

CHAPTER I

REPEALING CLAUSE, NAME AND BOUNDARIES

Section 1: REPEALING CLAUSE. The following Chapters of said Charter, with exceptions noted, are hereby repealed: Chapter I, except Section 2 thereof; Chapters II, III, IV, V, VI, VII, and VIII; Chapter IX except Sections 132, 139 and 144 thereof; Chapters X, XI, XII and XIV. Some sections not repealed have been revised as hereafter indicated.

Section 2: NAME. The City of Newberg, Yamhill County, Oregon, shall continue to be a municipal corporation with the name "Newberg".

Section 3: BOUNDARIES. The corporate limits of the City of Newberg shall be as follows, to-wit:

Beginning at the northeast corner of the Joseph B. Rogers Donation Land Claim, notification 1473, claim no. 55, in Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon, thence south no degrees 24 minutes west 2783 feet to an iron pipe, from which an oak twelve inches in diameter bears South 10 degrees east 659 feet; thence south 89 degrees 20 minutes west 771 feet to the west line J. T. Boothby's land; thence south 1148 feet to the southeast of the James Bean land; thence west 1879 feet to the east line of Jesse Edwards' land; thence north 1126 feet along the east line of said Edwards' land to a cedar stake; thence south 89 degrees 20 minutes west 2520 feet to a stone marked "N" on the west boundary line of the J. B. Rogers donation land claim; thence north 500 feet along the west line of the J. B. Rogers donation land claim; thence west 326 feet to the center of the county road leading from Newberg to Dayton; thence north 873 feet to the south line of A. P. Oliver's land; thence west 261 feet; thence north 190 feet to the south line of a 30-foot lane running west from Fifth Street; thence west 550 feet along south line of said lane; thence north 660 feet to the south line of Third Street; thence north 79 degrees west 908.5 feet to the west line of James Hamnett's land; thence north 3 degrees 30 minutes east 246 feet to the south line of the county road running westerly from Third Street; thence north 74 degrees and 45 minutes east 34 feet along south line of said county road; thence north 54 degrees 20 minutes east 134.5 feet along the south line of said county road; thence north 66 degrees 5 minutes east 232 feet along south line of said county road; thence north 60 feet to the north line of Third Street; thence east 310 feet along the north line of Third Street to the west line of Cornell's land; thence north 348 feet along the west line of Cornell's land; thence north 34 degrees east 303 feet to the north line of Sheridan Street; thence north 23 degrees east 730.7 feet to the southwest corner of I. F. Holt's land; thence north 29 degrees east 1107.7 feet along the west line of said I. F. Holt's land to the south line of the county road, known as West Chehalem Road; thence south 43 degrees 30 minutes east 220 feet along the south line of said county road; thence north 340 feet to a stone and stake marked "N"; thence east 4790.4 feet to a point 20 feet west of the east line of the D. D. Deskins donation land claim; thence south on the west line of the county road 2032 feet to the north line of the county road leading from Newberg to Portland; thence south 59 degrees west 518.3 feet along the north line of said county road; thence south 77 degrees west 285 feet and 9 inches; thence south 72 degrees and 45 minutes west 135 feet to a point where the north

line of First Street in said city, if prolonged east, would intersect the north line of said Portland road; thence west 543 feet to the east line of River Street in said city; thence south along the east line of River Street 230 feet to the south line of the said Portland road; thence north 72 degrees 45 minutes east 698 feet and 8 inches; thence north 77 degrees east along the south line of said Portland road 285 feet and 9 inches; thence north 59 degrees east 849 feet; thence north 65 degrees east 374 feet to an iron pipe; thence south no degrees 24 minutes west 628.7 feet to the place of beginning. (Section 2 of Charter of February 10, 1893, as amended by the Legislative Assembly, Laws of Oregon, 1905.)

CHAPTER II

POWERS

Section 4: POWERS OF THE CITY. The city shall have all the rights, powers, privileges, and immunities which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, including those rights, powers, privileges, and immunities which a city can exercise upon specifically accepting them or upon being granted the power to exercise them by the people of the city or the legislature of the state, as fully as though this charter expressly stated each of those rights, powers, privileges, and immunities, and as though each of them had been specifically accepted by the city or granted to it by the people of the city or by the legislature of the state.

The following shall be deemed a part of the powers conferred upon the city by this charter:

- (1) Property. To acquire property within or without the corporate limits of the city for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation; and to sell, lease, mortgage, hold, manage, and control such property as the interests of the city require.
- (2) Indebtedness. To borrow money within the limits prescribed by general laws.
- (3) Public Services. To purchase, hire, construct, own, maintain, and operate or lease local public utilities as herein defined, but only after having first obtained the consent of a majority of the qualified electors of the city to do so, except as provided in sub-divisions

1 to 7, inclusive, of sub-section (a) of Section 43 of this Charter; to furnish all local public services, either within or without the corporate limits of the city; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general laws for the protection of other communities; and to grant local public utility franchises, and to regulate the exercise of such franchises. The term "public utilities" as used in this Charter shall mean and include any plant, equipment or organization used or intended to be used to produce, transmit, deliver or furnish heat, light, water or power or any or all of them, directly or indirectly to or for the public.

- (4) Bonds. To issue and sell bonds on the security, in whole or in part, of any excess property owned by the City or of any public utility owned by the City or of the revenues thereof, or of both, including, in the case of a public utility, as herein defined, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the utility.
- (5) Police, Licensing and Taxing Power. To adopt and enforce within the corporate limits of the city, local police, sanitary and other similar regulations not in conflict with the general laws, and to license, tax, and regulate for the purpose of city revenue all such businesses, callings, occupations, trades and employments as the city Council may require to be licensed or taxed and as are not prohibited by the laws of Oregon, including taxation of admissions to places of entertainment or amusement.

Section 5: CONSTRUCTION OF CHARTER. In this charter no enumeration or reference to particular rights, powers, privileges or immunities shall be construed to be exclusive or to restrict the scope of the rights, powers, privileges or immunities which the city would have if the particular right, power, privilege or immunity was not mentioned. This charter shall be liberally construed to the end that the city shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the laws and to the municipal home-rule provisions of the Constitution of the state.

Section 6: EXERCISE OF POWER. The manner in which the city shall exercise a right, power, privilege, or immunity, where not prescribed by this Charter, shall be in the manner prescribed by ordinance, and where not prescribed by this Charter or by ordinance, then in the manner prescribed by the statutes of the State of Oregon.

CHAPTER III.

FORM OF GOVERNMENT

Section 7: WHERE POWERS VESTED. Except as this Charter provides otherwise, all powers of the city shall be vested in the Council.

Section 8: COUNCIL. The council shall be composed of eight (8) councilmen elected from the city at large.

Section 9: COUNCILMEN. The term of office of each councilman in office when this charter is adopted shall continue until the beginning of the first odd-numbered year after that time. At the first biennial general election after the Charter is adopted eight(8) councilmen shall be elected. Of the eight (8) the four (4) receiving the four (4) highest numbers of votes shall each hold office for four years and the four (4) receiving the next four (4) highest numbers of votes shall each hold office for two years. At each subsequent biennial general election four (4) councilmen shall be elected, each for a term of four years.

Section 10: MAYOR. At each biennial general election a mayor shall be elected for a term of two years.

Section 11: TIE VOTES. In the event of a tie in the vote cast

for the candidates for an elective office under this Charter the successful candidate shall be determined by drawing lots. The manner of drawing lots shall be as provided by Ordinance.

Section 12: OTHER OFFICERS. Additional officers of the city shall be a municipal judge, a recorder and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. By Resolution the council may combine any of these offices. By Resolution the council may also provide that any person whom it designates may supervise any appointive officer except the municipal judge in the exercise of his judicial functions.

Section 13: SALARIES. The compensation for the services of each city officer and employe shall be whatever amount the council fixes. No increase in the compensation of councilmen, however, shall take effect until the first of the odd-numbered year immediately following the first biennial general election after the increase is ordered.

Section 14: QUALIFICATIONS OF OFFICERS. No person shall be eligible to fill an elective office of the city unless at the time of his election he is a qualified voter within the meaning of the state constitution, has resided in the city for at least one year immediately preceding the election, and is a freeholder therein.

CHAPTER IV

COUNCIL

Section 15: MEETINGS. The council shall hold a regular meeting at least once each month at a time and at a place in the city which it designates and shall adopt rules for the government of its members and proceedings. The mayor upon his own motion, may, or at the request of four (4) 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 nor later than 48 hours after the notice is given.

Section 16: QUORUM. A majority of the members of the council

shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 17: JOURNAL. The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 18: MEETINGS TO BE PUBLIC. All deliberations and proceedings of the council shall be public.

Section 19: MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The mayor shall be chairman of the council and preside over its deliberations. He is not entitled to vote except in case of a tie vote of the members of the council present and voting. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 20: PRESIDENT OF THE COUNCIL. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council, by ballot, shall elect a president from its membership. In the mayor's absence from a council meeting the president shall preside over it. Whenever the mayor is unable, on account of absence, illness, or other cause, to perform the functions of his office, the president of the council shall act as mayor.

Section 21: VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 22: MAYOR. The mayor shall appoint the committees provided for under the rules of the council. He shall sign all approved records of proceedings of the council and countersign all orders on the treasury. He shall have no veto power and shall sign all ordinances

passed by the council within three days after their passage. Upon the approval of the council he shall endorse all bonds of officers of the city and all bonds for licenses, contracts, and proposals.

Section 23: MUNICIPAL JUDGE. 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 Newberg, Yamhill County, Oregon. Except on nonjudicial days, the court shall be open for the transaction of judicial business. 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 ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance 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. Provided however, that the right to appeal from the decisions of said municipal court shall not be restricted by ordinance. Trials in the municipal court of cases for violation of city ordinances shall be had without juries.

Section 24: RECORDER. The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings in a book provided for that purpose, and sign all orders on the treasury. In his absence from a council meeting 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 VI

ELECTIONS

Section 25: REGULAR ELECTIONS. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with the applicable state election laws.

Section 26: 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 at, the ballot title of each measure to be voted upon, and the time and place of, the election.

Section 27: SPECIAL ELECTIONS. The council shall provide the times, manner, and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election.

Section 28: REGULATION OF ELECTIONS. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 29: CANVASS OF RETURNS. In all elections held in conjunction with state and county elections the state laws governing the filing of returns by the county clerk shall apply. On or before noon of the day following each special city election the returns therefrom shall be filed with the recorder and not later than five days after the election the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council, which shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed the recorder shall make and sign

a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it, except that the council shall be the final judge of the qualifications and election of its own members, subject, however, to review by any court of competent jurisdiction.

Section 30: COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected to an office at a regular city election shall commence the first of the year immediately following the election.

Section 31: OATH OF OFFICE. Before entering upon the duties of his office each officer shall take an oath that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 32: NOMINATIONS. The council shall provide by ordinance the mode for nominating elective officers.

CHAPTER VII

VACANCIES IN OFFICE

Section 33: WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for his office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for his term of office to commence; and in the case of mayor or councilman, upon his absence from meetings of the council for 60 days or absence from the city for 30 days without the consent of the council, or in the case of an appointive officer, upon his removal from office.

Section 34: FILLING OF VACANCIES. Vacancies in elective offices of the city shall be filled by appointment by a majority of the entire membership of the council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary

disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem. in the manner provided for filling vacancies in office permanently

CHAPTER VIII

ORDINANCES

Section 35: ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted by the council shall be, "The City of Newberg ordains as follows:"

Section 36: INTRODUCTION, READING, AND PASSAGE. Every ordinance shall be fully and distinctly read in open council meeting previous to being put upon its final passage. Upon the vote on any ordinance the ayes and nays of the members of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall endorse it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date, his name, and the title of his office. The concurrence of a majority of the entire membership of the Council shall be required for the passage of an ordinance.

Section 37: WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect and, in case of an emergency, it may take effect immediately, or at any time therein specified.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 38: 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 is to be devoted.

Section 39: ACQUISITION AND DISPOSTION OF PROPERTY. The city shall have power to acquire by purchase, gift, devise, or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of protecting, preserving, or facilitating any improvement, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The city shall also have power to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent public improvements. The city shall have power to provide for the payment of any part or all of the cost of land or other property acquired for public use, of the cost of constructing, reconstructing, repairing, operating, or maintaining any structure or work in the nature of a public facility or improvement, including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specially benefited thereby.

Section 40: IMPROVEMENTS. The procedure for making street, sidewalk, sewer, and other public improvements and for establishing, vacating, altering, or abandoning streets and other public improvements shall be governed by ordinance or the applicable general laws of the state in the absence of ordinance.

Section 41: SPECIAL ASSESSMENTS. The procedure for determining the amounts of special assessments, their apportionment to various parcels of property, and the property upon which they are to be levied; for giving notices to property owners and other interested parties; for hearings on and levy of the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments shall be governed by the applicable laws of the state relating to special assessments or by general ordinances enacted by the council.

Section 42: BIDS. A contract in excess of \$500.00 for a public improvement to be made by a private contractor shall be let to the

lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 43: OTHER PROVISIONS OF PRIOR CHARTER RETAINED.

(a) 1. The city of Newberg is authorized and empowered to own, acquire, develop, construct, equip, operate, and maintain either within or without the statutory or corporate limits of said city, in whole or in part, any and all works, plants, and systems necessary or pertinent to the generation and/or distribution of electrical energy for the use and benefit of the people of said city and vicinity thereof, and for profit.

2. The city of Newberg is authorized and empowered to control, use, generate, transmit, distribute, sell, and/or dispose of electric energy.

3. The city of Newberg is authorized and empowered to contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, or with any private person or corporation, for the purchase of electrical energy for use, transmission, distribution, sale, and/or disposal thereof.

4. The city of Newberg is authorized and empowered to acquire, construct, lease, maintain, and/or operate, separately or in conjunction with the United States, with any state or states, or political subdivision thereof, or with any political subdivision of this state, or with any private person or corporation, transmission and distribution lines.

5. The city of Newberg is authorized and empowered to fix rates and charges for the sale and/or disposal of electric energy.

6. The city of Newberg is authorized and empowered to issue, sell, and otherwise dispose of either public utility certificates, general obligation, limited obligation, or self-liquidating bonds of said city, after approval thereof by a majority of the legal voters

of said city voting thereon at any general or special election called for said purpose, in order to provide funds to carry out the provisions of this act.

7. The city of Newberg is authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

(Chapter XIII, Charter of February 10, 1893, as added by special election October 24, 1933.)

(b) 1. For the purpose of procuring funds in an amount sufficient to defray the cost of providing a sanitary sewage disposal plant and system for the City of Newberg; providing for a more adequate and sufficient sanitary sewage system and storm water drainage system for said city; and in general providing for the repair, improvement, replacement, and construction of sewage disposal and drainage facilities of the City of Newberg, and for the acquisition of sites and real property where necessary or desirable for the purposes hereinabove set forth, and for all other purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the Council of the City of Newberg is hereby authorized and empowered to issue and dispose of General Obligation Bonds of the said city in the sum of Ninety Thousand and no/100ths (\$90,000.00) Dollars.

2. The purchaser of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The debt limitations contained in the Charter of said city shall not apply to the bonds hereby authorized.

4. The Council shall, each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue, and to retire the principal thereof at maturity.

(Chapter XV, Charter of February 10, 1893, as added by special election held February 25, 1946.)

(c) 1. For the purpose of procuring funds in an amount sufficient to defray the cost of providing for the development and improvement of existing and new sources of water supply for the City of Newberg; and the location and acquisition of such new sources;

providing for more adequate and efficient storage, transmission and distribution of water for said City of Newberg; and in general providing for the repair, improvement, and replacement of the water system of the City of Newberg, and for the acquisition of sites and real property where necessary or desirable for the purposes hereinabove set forth, and for all other purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the Council of the City of Newberg is hereby authorized and empowered to issue and dispose of General Obligation Bonds of the said city in the sum of One Hundred Ten Thousand and no/100ths (\$110,000.00) Dollars.

2. The purchaser of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The debt limitations contained in the Charter of said city shall not apply to the bonds hereby authorized.

4. The council shall, each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue, and to retire the principal thereof at maturity.

(Chapter XVI, Charter of February 10, 1893, as added by special election held February 25, 1946.)

Section 44: The city of Newberg shall not in any event be liable in damages to any person for an injury caused by any defect or dangerous place, at or in any sidewalk, crosswalk, street, or alley, bridges, public grounds, public buildings, sewer, drain, gutter, or way, unless said city shall have had actual notice of such defect or dangerous place, and had a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of such accident or injury, and in no case shall more than one hundred dollars be recovered as damages from the city for such accident or injury. (Section 144 of Charter of February 10, 1893.)

Section 45: No person paying a license to the city of Newberg in order to carry on any business or avocation within the city limits for which a license is required by this act or by any ordinance shall be required to pay a license tax to the county authorities of Yamhill

County, Oregon, for the same purpose; and the city council shall have exclusive control of all licenses, and no part of the income derived therefrom shall go to said county. (Section 132 of Charter of February 10, 1893.)

Section 46: The city of Newberg, as created by this act, shall have full power to lay out, open, work, change, and control all the highways and roads within the corporate limits thereof, and the power and authority given by the general laws of the state of Oregon to the county court of Yamhill County, to divide said county into road districts, to appoint road supervisors, to lay out and work highways, and to levy a tax upon all taxable property of said county to be used in building and improving the public or county roads shall not apply or extend to the territory within the limits of said city of Newberg; but said territory and the inhabitants thereof are hereby excepted out of the jurisdiction of said court upon said subject. (Section 139 of Charter of February 10, 1893, as amended by Laws of Oregon, 1903, revised.)

Section 47: DEBT LIMIT. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed a sum equal to one per cent of the current assessed valuation of taxable property within the corporate limits of the city. For 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. 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 48: CONTINUATION OF RIGHTS AND LIABILITIES. No right or liability of the city existing at the time this charter takes effect shall be impaired or discharged by passage of this act, except as this act otherwise provides.

Section 49: OUTSTANDING BONDS. All outstanding general obligation bonds of Newberg shall continue to be general obligations of Newberg though not otherwise mentioned herein, and the Council shall, each year, at the time of making the annual tax levy for city purposes

include in such levy a sum sufficient to pay the interest due on such outstanding bonds and to retire the principal amounts thereof as the same shall mature.

Section 50: EXISTING ORDINANCES CONTINUED. All ordinances of the City consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 51: TIME CHARTER AMENDMENT EFFECTIVE: This act amending the Charter of Newberg of February 10, 1893, as amended, shall take effect on the 8th day of August, 1950.

BE IT RESOLVED FURTHER that the following Ballot Title and Ballot Numbers be, and the same hereby are, adopted for the Charter Amendments and Repeals hereinabove set forth, to-wit:

CHARTER AMENDMENT SUBMITTED
TO THE VOTERS BY THE COUNCIL

An Act

To amend the Charter of Newberg enacted by the Legislative Assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893, and as subsequently amended by the Legislative Assembly and the voters of Newberg, by retaining certain specific portions thereof, repealing other portions thereof and adding certain new sections thereto; and providing for a Mayor-Council form of government.

Shall the above act be adopted?

300 _____ Yes. I vote for the proposed Charter Amendment.

301 _____ No. I vote against the proposed Charter Amendment.

BE IT RESOLVED FURTHER that this Resolution for the foregoing proposed Charter Amendments submitted to the voters by the Council be filed with the Recorder of the City of Newberg for submission to the legal voters of said city at a special city election to be held August 4, 1950, and such special city election is hereby called to be held on said date. The polling place for said election is the Council Chambers in the City Hall of the City of Newberg, County of Yamhill, Oregon. The polls for the receipt of ballots shall be open between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M., Pacific Daylight Saving Time on said date.

The following named persons are hereby appointed as Judges and Clerks for said election:

<u>Voting Board:</u>	<u>Judges:</u>	Frank Baldwin, Chairman Eva Frink
	<u>Clerks:</u>	Mrs. Mary Baird Mrs. Janice Frost MAE HOLLINGSWORTH Mrs. Iva Strevey
<u>Counting Board:</u>	<u>Judges:</u>	C. V. Jones, Chairman Mrs. Mildred Colcord
	<u>Clerks:</u>	Mrs. Margaret McKinney Mrs. Ella Deiner Mrs. Dorothy Wanner

ADOPTED by the Council of the City of Newberg on the 3rd day of July, 1950, by the following votes:

Ayes: 5
Nays: 0
Absent: 3

Submitted to the Mayor on the 3rd day of July, 1950.
Approved by the Mayor on the 3rd day of July, 1950.

Thomas Hester
Mayor

(seal)

ATTEST:

Thomas Besty
Recorder