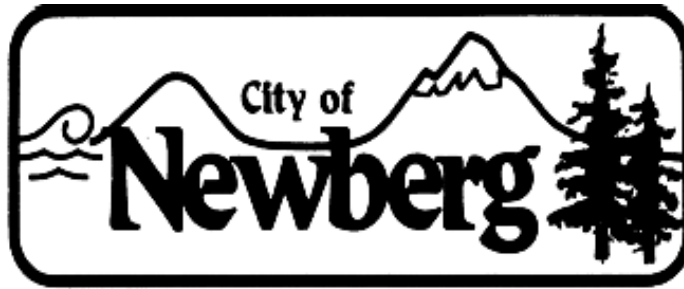


CITY OF NEWBERG CHARTER

**Approved November 2, 1982
Amended and Approved May 21, 1996, November 3, 1998 and May 16, 2006
by the Voters of the City of Newberg**



MAYOR
BOB STEWART

COUNCIL MEMBERS		
NAME	DISTRICT	EXPIRATION OF TERM
ROBERT SOPPE	1	12/31/08
ROGER CURRIER	2	12/31/08
MIKE BOYES	3	12/31/08
BART RIERSON	4	12/31/06
DAWN NELSON	5	12/31/06
BOB ANDREWS	6	12/31/06

HISTORY

An act incorporating the town of Newberg, in Yamhill County, State of Oregon, was filed with the Office of the Secretary of State on February 21, 1889. An act incorporating the City of Newberg and repealing the act incorporating the town of Newberg, Yamhill County, State of Oregon, was filed in the Office of the Secretary of State on February 10, 1893. The Newberg Charter of 1893 was revised in 1950. The Newberg Charter of 1893 was substantially revised in 1982 and was approved by the people in November 1982. The revision provided for the Mayor/Council /Manager for of government. It took effect on January 1, 1983. The Newberg Charter was amended by an initiative on May 21, 1996. It provided for a vote on all annexations and electing the City Council from districts.

CHAPTER I

Revision Clause; Name and Boundaries

Section 1. *Revision Clause.* The sections of the Charter 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 include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of the voters. Unless mandated by State Law, annexation, delayed or otherwise, to the City of Newberg, may only be approved by a prior majority vote among the electorate. The City Recorder shall keep in the office at City Hall at least two copies of this Charter in each of which the City Recorder shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the City Recorder. (As amended by initiative measure voted on May 21, 1996)

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 implied 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 Subdivisions A-G, of Section 49 of this Charter; to furnish all local public services, either within or without the corporate limits of the City; to provide for a public library; 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, but not be limited to, any plant, equipment or organization used or intended to be used to produce, transmit, deliver or furnish heat, light, water, power, transportation, communications, sewerage or sewage treatment or garbage services, 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 consist of a Mayor nominated and elected from the city at large and six Council members nominated by districts within which they reside and elected by the City at large. (As amended by Council referral voted on May 16, 2006)

Section 9. *Council members.* The terms of office of each Council member in office, when this Charter section is adopted shall continue for their full elected term. At each subsequent biennial general election, three Council members, one from each district, shall be elected, each for a term of four years. (As amended by initiative measure voted on May 21, 1996)

Section 10. *Mayor.* The term of the Mayor in office when this Charter amendment is adopted continues to the beginning of the first odd numbered year after adoption. At every other general election after the adoption, the Mayor will be elected to a four-year term. (As amended by Council referral voted on May 16, 2006)

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 City Recorder or his or her designate shall prepare lots consisting of slips of paper each containing the name of one candidate involved in a tie vote. The Recorder or designate shall fold each slip separately and place the same in a receptacle and shall cause the City Chief of Police or his or her designate to draw therefrom one slip of

paper. The candidate whose name is on that slip of paper shall be deemed elected.

Section 12. *Other Officers.* Additional officers of the City shall be a City Manager, and may be Municipal Judge, City Attorney to provide or assist in providing legal advice and representation to the City, and 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 City Manager, City Attorney and the Municipal Judge in the exercise of the Municipal Judge's judicial functions.

Section 13. *Salaries.* The compensation for the services of each City officer and employee shall be whatever amount the Council fixes. No increase in the compensation of Council members, 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. *Qualification of Officers, Districts and Conflicts of Interest.* (As amended by initiative measure voted on May 21, 1996.)

(a) *Qualifications of Officers.* No person shall be eligible to fill an elective office of the City unless at the time of the election such person is a qualified voter within the meaning of the state constitution and resided in the City for at least one year immediately preceding the election. For the purposes of this section, City shall mean any area included in the corporate limits as of the date of the election.

(b) *Districts.* The City shall be divided into six geographical areas representing as near as practical, the same number of electors. When this Charter section is adopted, the current six City precinct boundaries shall be the six district boundaries. The districts shall be reapportioned thereafter whenever the United States census is taken and within a reasonable time after the data is available, or when the City so orders. Whenever the districts are reapportioned, the Council member in office, shall not lose their qualification for office by reason of the boundary change for the remainder of their term, unless otherwise disqualified. In addition to the other qualifications, the Council member must have and maintain their residence in the district from which they were nominated during the term of their office, except as provided for in reapportionment.

(c) *Conflicts of Interest.* In order to avoid conflicts of interest and to provide a fully effective office holder, a person is ineligible to hold elective office of the City if employed by the City unless the employment is substantially volunteer in nature. The determination of whether employment is substantially volunteer shall be made by the Municipal Judge. For all other matters under this section the Council shall be final judge of the qualifications and election of its own members.

(Complete Section amended by initiative measure voted on May 21, 1996)

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 the Mayor's own motion may, or at the request of four 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 record of the vote entered in the journal.

Section 18. *Meetings to be Public.* No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

Section 19. *Mayor's Functions at Council Meetings.* The Mayor shall chair the Council and preside over its deliberations. The Mayor is a voting member of the Council. The Mayor shall have authority to preserve order, enforce the rules of the Council and determine the order of business under the rules of the Council. (As amended by Council referral voted on May 16, 2006)

Section 20. *President of the Council.* At its first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it. When the Mayor is unable, on account of absence, illness or other causes to perform the functions of the Mayor's 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. The Mayor shall sign all approved records and proceedings of the Council and countersign all orders on the treasury. The Mayor 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, the Mayor shall endorse all bonds of officers of the City and all bonds for licenses, contracts and proposals.

Section 23. *City Manager.*

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

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

(c) Powers and Duties. The powers and duties of the Manager shall be as follows:

(1) The Manager shall devote full-time to the discharge of the Manager's official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all affairs and departments of the City.

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

(3) The Manager shall designate a City Recorder and shall appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The Manager shall have no control, however, over the Council, over the Mayor, over the City Attorney, or over the judicial activities of the Municipal Judge.

(4) The Manager shall act as purchasing agent for all departments of the City. All purchases shall be made by requisition signed by the Manager or his designate.

(5) The Manager shall be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as that body requests.

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

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

(e) Manager Pro Tem. Whenever the Manager is absent from the City, is temporarily disabled from acting as Manager, or whenever the office becomes vacant, the Council shall appoint a Manager pro tem, who shall possess the powers and duties of the Manager. No Manager pro tem, however, may appoint or remove a City officer or employee except with the approval of three-fourths of the members of the Council. No Manager pro tem shall hold the position as such for more than six months, and no appointment of a Manager pro tem shall be consecutively renewed.

(f) Ineligible Persons. Neither the Manager's spouse nor any person related to the Manager or the Manager's spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the City.

Section 24. *Municipal Judge.* The Municipal Judge, when appointed, shall be the judicial officer of the City and shall hold within the City a court known as the Municipal Court for the City of Newberg, Yamhill County, Oregon. Except on non-judicial days, the court shall be open for the transaction of judicial business. All areas 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. The Municipal Judge 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 to bail pending trial, to issue subpoenas to compel witnesses to appear and testify in court on the trial of any cause before the Judge, 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 rights 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 25. *City Recorder.* The City Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Mayor, keep an accurate record of its proceedings in a book provided for that purpose, and have authority to sign all orders on the treasury. In the Recorder's absence from the Council meeting, the Mayor shall appoint a clerk of the Council pro tem, who, while acting in that capacity, shall perform the duties of the Recorder.

CHAPTER VI

Elections

Section 26. *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. The City Recorder shall give such notice to the county elections officer as required by the applicable state election laws.

Section 27. *Notice of Regular Elections.* The Recorder, pursuant to directions from the Council, shall give such notice as required by state law. 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 28. *Special Elections.* The Council shall provide the times, manner and means for holding any special election. The Recorder shall give at least 10 days notice of each special election in the manner provided by the action of the Council ordering the election.

Section 29. *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 30. *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 second 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 and 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.

Section 31. *Commencement of Terms of Office.* The term of office of a person elected to an office at a regular City election shall commence on the first day of the year immediately following the election.

Section 32. *Oath of Office.* Before entering upon the duties of office, each officer shall take an oath supporting the constitution and laws of the United States and of Oregon and the ordinances of the City and promising faithfully to perform the duties of office.

Section 33. *Nominations.* The Council shall provide by ordinance the method for nominating elective officers.

CHAPTER VII

Vacancies in Office

Section 34. *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 the office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for the term of office to commence; and in the case of Mayor or Councilman, upon the absence from meetings from the Council for 60 days or absence from the City for 30 days without consent of the Council; or in the case of an appointive officer, upon removal from office.

Section 35. *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 appointment and shall continue throughout the unexpired term. During the temporary disability of any officer or during absence temporarily from the City for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

Ordinances

Section 36. *Enacting Clause.* The enacting clause of all ordinances hereafter enacted by the Council shall be "The City of Newberg ordains as follows:".

Section 37. *Introduction, Reading and Passage.*

(A) Except as the second paragraph of this section provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be fully and distinctly read in open Council meeting.

(B) The reading may be by title only if no Council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection in the office of the City Recorder no later than one week before the reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(C) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the Council shall

be required for the passage of an ordinance. (As amended by Council referral voted on May 16, 2006)

(D) Upon enactment of an ordinance the Recorder shall sign it with the date of its passage and the Recorder's name and title of office, and within three days thereafter the Mayor shall sign it with the date of signature, name and title of office.

Section 38. *Effective Date of Ordinances.* An ordinance enacted by the Council shall take effect on the 30th 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 39. *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 40. *Acquisition and Disposition 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 benefitted thereby.

Section 41. *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 42. *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.

CHAPTER X

Hospitals, Infirmaries or Clinics

Section 43. The City of Newberg is authorized and empowered to own, acquire, complete, construct, improve, equip, supply, operate, maintain and repair, lease and rent any and all hospitals, infirmaries or clinics necessary or convenient for the care and housing, treatment, comfort and welfare of inhabitants of said City who are sick or injured or suffering from physical or mental ills or diseases, and to provide for the departments of obstetrics, pediatrics and geriatrics and such other departments and services as may be determined to be necessary for the prevention of ills and diseases and for training and instruction of persons in all matters appertaining to the foregoing. The City of Newberg is further hereby authorized to admit, care for and treat in any and all of the establishments and facilities in this section described persons who are not inhabitants of said City, when such establishments and facilities have available space that is not needed for the accommodation of inhabitants of said City.

Section 44. The City of Newberg is authorized and empowered to acquire, establish, construct, operate, maintain, manage or lease training schools and housing for nurses and other persons engaged in the operation of the establishments and facilities in this chapter described, and to provide for and conduct scientific studies, research and experiments relative to the prevention, care and treatment of diseases, injuries, illnesses and other mental and physical conditions hereinabove referred to, publishing and disseminating literature and information relative thereto. The City of Newberg is hereby authorized and empowered to provide generally for the comfort and welfare of all such nurses and other employees or trainees and to issue diplomas and certificates of proficiency evidencing the qualifications of such persons when appropriate.

Section 45. The City of Newberg is authorized and empowered to provide for the management and operation of all such hospitals, infirmaries and clinics or other establishments or facilities as are described in Section 43 of this chapter, either by it's officers, agents and employees or by leasing the same to other persons, firms or corporations or by agency or management contracts or in such other manner or manners as the Council of the City of Newberg shall see fit. The City of Newberg may also, for the purposes of carrying out the provisions of this section and this Charter, appoint a City Hospital Commission whose powers and duties shall be established by ordinance. The City of Newberg is authorized and empowered to contract with the United States, any state or states, any other governmental unit or municipal corporation, or with any private person, firm or corporation for the purposes in this chapter set forth.

Section 46. The City of Newberg is authorized and empowered to sell the services and related materials and conveniences described in Section 43 of this chapter; to fix rates and charges for the same and for any materials, supplies or other matters appertaining thereto or furnished therewith; and to charge and collect the same in any manner authorized by law. The Council of the City of Newberg is further authorized to provide for the payment of all expenses, costs and charges arising from any of the operations, activities and facilities in this chapter described, including maintenance, improvements and repairs and reserves therefor and for depreciation, either from the income therefrom or from the proceeds of any bond issue or other loan to said City or from any other funds of said City or from general taxation, and to borrow money or pledge the credit of said City for such purposes.

Section 47. The City of Newberg is authorized and empowered to receive and accept donations and gifts of money or property or both for the purposes in this chapter set forth.

Section 48. The City of Newberg is authorized and empowered to do any or all things necessary or convenient to carry out the provisions and purposes of this act.

CHAPTER XI

Miscellaneous Provisions

Section 49. *Energy Utilities.*

- (a) 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.
- (b) The City of Newberg is authorized and empowered to control, use, generate, transmit, distribute, sell and/or dispose of electrical energy.
- (c) The City of Newberg is authorized and empowered or 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.
- (d) 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.
- (e) The City of Newberg is authorized and empowered to fix rates and charges for the sale and/or disposal of electric energy.
- (f) 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.
- (g) 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.

Section 50. *Liability for Injury.* The City of Newberg shall not in any event be liable in damages to any person for any 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 \$500.00 be recovered as damages from the City for such accident or injury.

Section 51. *Business License Tax.* No person paying a license to the City of Newberg in order to carry on any business or a vocation 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 shall have exclusive control of all licenses; and no part of the income derived therefrom shall go to said county.

Section 52. *Highways and Roads.* 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 53. *Debt Limit.* Except by consent of the voters, the City's voluntary floating indebtedness shall not exceed a sum equal to 1 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 54. *Use of Public Parks.* Notwithstanding any other provisions of this Charter, all areas now or hereafter dedicated to or used for public park purposes are reserved forever to the use of the public; and no such area shall be sold or otherwise disposed of, or used for other than public park and recreation purposes, without prior approval thereof by a majority of the votes cast thereon by the people of the City.

Section 55. *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 56. *Outstanding Bond and Other Provisions of Prior Charter Retained.* 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 mature. The following Subsections A through J and any subsections added in the future shall be automatically deleted from this Charter when the principal and interest of said bond issues are paid in full and the bonds retired.

A. *Water Reservoir Bonds.*

1. Bonds in the amount of \$491,000 were approved by special election held on February 20, 1960. These bonds were retired in their entirety on April 1, 1984.

B. *Sewage Treatment Plant Bonds.*

1. Bonds in the amount of \$262,000 were approved by special election held on February 20, 1960. These bonds were retired in their entirety on April 1, 1984.

C. *Swimming Pool Bonds.*

1. Bonds in the amount of \$38,000 were approved by special election held on February 20, 1960. These bonds were retired in their entirety on April 1, 1984.

D. *Newberg City Hall Bonds.*

1. Bonds in the amount of \$125,000 were approved by general election held on November 5, 1968. These bonds were retired in their entirety on May 1, 1983.

E. *Sewer Improvement Bonds.*

1. Bonds in the amount of \$700,000 were approved by special election held on December 9, 1969. These bonds were retired in their entirety on September 1, 1985.

F. Water Improvement Bonds.

1. Bonds in the amount of \$700,000 were approved by special election held on December 9, 1969. These bonds were retired in their entirety on September 1, 1985.

G. Sewer Improvement Bonds.

1. Bonds in the amount of \$900,000 were approved by special election held on February 20, 1960. These bonds were retired in their entirety on April 1, 1984.

H. Hospital Improvement Bonds.

1. Bonds in the amount of \$3,400,000 were approved by special election held on May 22, 1979. These bonds were retired in their entirety on June 30, 1994.

I. Public Library of the City of Newberg Bonds.

1. For the purpose of procuring funds in amount sufficient to provide and pay for the construction and installation of improvements, additions, and expansion of the public library of the City of Newberg, Oregon, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the Council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said City in the sum of \$967,428, in denominations of \$5,000 dollars each, bearing interest at the lawful rate per annum.

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

3. 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.

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

(As added by special election held November 8, 1983.)

J. Sewage Treatment Plant of the City of Newberg Bonds.

1. For the purpose of procuring local funds in an amount sufficient to provide the local match to grant funds to pay for the construction and installation of a new sewage treatment plant and associated improvements, additions, conversion of existing plant to a flow equalization facility, placement of necessary mains, pump stations, gravity sewer, force mains and outfall relating to a new sewage treatment plant of the City of Newberg, Oregon, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the City Council is hereby authorized and empowered to issue and dispose of general obligation bonds of said City in the sum of \$9,100,000, in denominations of \$5,000 each bearing interest at the lawful rate per annum.

2. The purchaser or purchases of said bonds shall in no way be required to see to the proper application of the purchase money therefor.
3. 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.
4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

(As added by general election held on May 15, 1985.)

Section 57. *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.

Sections 58 through 69 (Reserved for Expansion.)

Section 70. *Time Charter Amendment Effective.* This act amending the Charter of Newberg of February 10, 1893, as amended, shall take effect on January 1, 1983.

(Further amended by the vote of the people on May 21, 1996).

(Further amended by Council referral voted on May 16, 2006).

Updated 07/07/2006