

ORDINANCE No. 501

Relating to providing for Special Election

Ord No.
501
Relating
to providing
for special
elections
Rep 1506

Now Ordinance providing for the holding of a Special Election on the 2nd day of May 1910 for the purpose of permitting to the legal voters of Albany, Oregon, for their adoption or rejection, a proposed amendment to the Charter of said City, which amendment authorizes and directs the purchase or other acquisition of a site upon which to construct, and the construction thereon of a City Hall; and providing for the issuance of negotiable interest bearing bonds in a sum not to exceed forty thousand dollars, authorize the construction of said hall to be made either with or without contract in whole or in part, designates and appoints the Officers of said Special Election, and provides the manner and places of holding same in said City, and prescribes the manner of making return of the result of said election, and if favorable to said amendment, prescribes when the same shall be effective,

The People of the City of Albany do ordain as follows:

Section 1. That in the manner provided by law, and as hereinafter provided, and for the purposes hereinafter set forth, a special Election shall be held on Monday the 2nd day of May A. D. 1910, in the said City of Albany, Oregon, commencing at nine o'clock in the morning and continuing until six o'clock in the evening of the same day without closing the polls.

Section 2. That said Special Election shall be conducted, except as herein otherwise provided, in the same manner as general elections in said City are conducted.

Section 3. That the following places are hereby designated as polling places for holding said special Election therein, in the several wards of the City as follows:-

At County Recorder's Office. for the First Ward
 " City Council Chambers. for the Second Ward, and
 Room of Chemical Engineer No. 2, for the Third Ward,

Section 4. That the following persons are hereby designated and appointed Judges and clerks of said Election in the several wards respectively, as follows:-

ORDINANCE No. 501

O. W. Warren, E. Washburn & J. C. Turner, Judges for the First ward,
 H. S. Merrill & J. A. Rudd, Clerks for the First ward,

S. A. Dawson, J. H. Steed & W. C. Sawdale, Judges for the Second ward,
 M. Sanders & W. F. Pfeiffer, Clerks for the Second ward,

N. D. Connor, W. H. McElmurry & John Livingston, Judges for the Third ward,
 A. W. Rowner & W. M. Parker, Clerks for the Third ward,

Section 5, That previous to entering upon the discharge of their duty, said Judges and Clerks shall take and subscribe an oath in the following form to-wit:

"I do solemnly swear (or affirm) that I will perform the duties of a Judge (or Clerk as the case may be) of election according to Law and the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same."

Said oath to be administered to the Judges and Clerks by an Officer authorized by law to administer oaths, and in the absence of any such officer, one of the persons chosen to act as Judge is hereby empowered to administer the oath to the Judges and Clerks of said Election, and the person administering the oath shall cause an entry thereof to be made and subscribed by him and prefixed to the poll books.

Section 6, That if any Judge of said Special Election as above named shall fail to attend and serve at said Election, the voters of the Ward present may elect another in his place; and if any Clerk above named shall fail to attend and serve at said Election, the Judges of Election may appoint another in his place.

Section 7, The City Recorder shall give ten days notice by posting or causing to be posted in the several wards of the City of Albany, printed hand bills setting forth the time when said Election is to be held, the ballot title as hereafter determined in the manner provided by law of said proposed amendment to said Charter as hereinafter provided, and the form in which the same will appear upon the official ballot, the purpose for which the same is to be held, the place designated for each ward for holding the election therein, and the names of the Judges and Clerks hereinabove

Relating to providing for special Election.

set forth and appointed to conduct said Election.

Section 8, That all persons entitled to the privileges of an elector in the City of Albany, Oregon, according to the laws of the State of Oregon, and the Constitution of the State of Oregon shall be qualified to vote at said special Election.

Section 9. That at said Special Election, the following proposed amendment to the Charter of the said City of Albany Oregon, shall be submitted to the legal voters of said City of Albany, for their adoption or rejection, to-wit:

An Act Amending the Charter of the City of Albany Oregon by providing for and authorizing the selection, purchase, or other acquisition by said City, of a site for a City Hall &c

Be it enacted by the legal voters of the City of Albany Oregon, The People of the City of Albany, do ordain as follows, to-wit:

Section 163. That an act entitled "an act to incorporate the City of Albany, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith" passed by the Legislature Assembly of the State of Oregon, and approved February 16, 1901. (as amended by an act entitled "An Act to amend section 34 of Chapter IV, and sections 43 and 34 of Chapter V1, of an act entitled "An Act to incorporate the City of Albany, and to provide a charter therefor, and to repeal all acts and parts of acts in conflict therewith" passed by the Legislature Assembly of the State of Oregon, and approved February 24, 1903, be and the same is hereby amended by adding thereto the following, to-wit:

Chapter XV.

Section 164. The City of Albany, by and through its Common Council shall have the power and authority, and is hereby authorized and directed to purchase or otherwise acquire or provide a suitable site upon which to erect, build, construct and maintain a City Hall, and to thereupon, and hereafter erect, build, construct and maintain thereon such City Hall, the total expense for which shall not exceed the sum of forty thousand dollars (\$40,000.00).

Section 165. That said site for said City Hall may be property now owned by the City of Albany or other property, which the City Council buy

74- the engine, construction equipment and maintenance by said City of a City Hall thereon the engine, and scale by said City of registered income taxing bonds in the amount of \$100,000.00 to defray the expense of the site or maintenance of the property of said City, all the disposal of the proceeds thereof.

ORDINANCE NO.

Ordinance may select, and the City Council is hereby authorized and empowered to make selection by Ordinance of such site for said City Hall, and if it deems expedient to convert any realty now owned by said City to said use.

Section 166. For the purpose of carrying the provisions of this Chapter into effect, the Common Council shall have ^{power and authority} and is hereby expressly authorized and directed to issue negotiable interest bearing bonds to the amount or sum of forty thousand dollars (\$40,000.00), to defray the expenses of building and constructing such City Hall, and providing purchasing or otherwise acquiring a suitable site in the said City of Albany, Oregon, therefor, (said bonds to be in addition to the present bonded debt of said City,) said bonds to bear such rate of interest, and to be payable at such times and in such amounts as the Council may by Ordinance determine, said bonds to bear interest not to exceed five per centum per annum and to be sold for not less than par, and to run not more than 20 years, said bonds shall be issued under the corporate seal of the City of Albany, signed by the Mayor, and countersigned by the City Recorder of said City of Albany.

Section 167. The Common Council of the City of Albany shall have the power and authority, and it is hereby expressly authorized to submit and award any and all contracts necessary or expedient for the construction and erection of said City Hall or any part thereof, or to proceed to the construction and erection of the same or any part thereof without contract, and to this end the Common Council is hereby empowered and authorized to employ, hire, retain, contract with, pay and discharge all such agents, architects, surveyors, builders, contractors, workmen, laborers, servants and other persons, firms and corporations, and purchase such material as it may deem necessary or convenient or proper in the erection and construction of said hall, and the purchase, acquisition, selection and establishment of said site therefor and said Common Council is hereby authorized to provide by resolution for receiving bills for the construction of any portion of said City Hall, or for either labor or

Relating to providing for Special Election

material entering into the same, and for the award of contracts therefor, imposing such conditions upon bidders with regard to bids and securities and guaranties for the good faith and responsibility of bidders, and for insurance of the faithful completion of the work in accordance with the plans and specifications therefor as it may deem advantageous to the City,

Such contract or contracts shall be let to the bidder or bidders whose bid or bids the Common Council shall in its discretion deem most advantageous to the City.

The Council shall have the right to reject any and all bids received and without or advantage let a contract for the whole or any part of the construction of said City Hall as deemed by said Council most advantageous to the City.

Section 168. The Common Council of the said City of Albany is also Authorized and empowered as follows:

1. To make all needful rules and regulations for the use, occupancy, maintenance and care of said City Hall.
2. - To assign the various rooms therein, or such thereof as may be necessary, convenient or proper to the respective Officials of said City for use, or occupancy, as such Officers.
3. - To fix the compensation to be derived from, and to establish suitable terms and regulations for the use of any part of said City Hall for any purpose not otherwise directly in the interest of and for the benefit of the City of Albany, and by Ordinance or resolution, by suit, action, or otherwise to enforce the collection of such compensation, provided such use is made of the same.

4. To furnish, equip, maintain, repair, care for and control said City Hall, and to improve, beautify, ornament, maintain, care for and protect the grounds upon which the same is situated, and to expend such sum or sums of money as it may deem expedient, proper or necessary therefor, and for furniture, apparatus, equipments, maintenance and

ORDINANCE No. 501

repair therefor

5. - To require the respective City Officers or other persons, firms or corporations occupying any part of said hall, to strictly account for at the termination of their official or other occupancy thereof, any and all furniture, apparatus or equipment belonging to the City of Albany, or failing so to do, to enforce the collection of all damage to said City occasioned by such failure, and to provide for punishment therefor. And for any trespass, injury or nuisance committed upon or damage to the said City Hall or upon the grounds upon which said hall is situated, or its ornaments, improvements, equipment or apparatus, said punishment to be by fine or imprisonment or both fine and imprisonment.

6. - To do any and all other acts and things necessary, convenient or proper for the conduct of the business of locating, establishing, building, constructing, maintaining, equipping, furnishing, repairing, using, improving, ornamenting, occupying and caring for said City Hall and the grounds and premises upon which the same may be built and constructed;

Section 169. That the Common Council of the City of Albany is hereby authorized and empowered to sell, encumber or otherwise dispose of any and all real property now owned by the City of Albany, if in its judgment the interests of the City will thereby be beneficially served; and to make use of its proceeds derived therefrom by applying such proceeds or any part thereof upon the purchase price of said site for said City Hall, or by applying the same or any part thereof to the payment of the expense of the construction of said hall, or by applying the same or any part thereof to the expense of equipping and furnishing said hall, or improving the grounds upon which said hall may be built, or by placing said proceeds or any part thereof in the general fund of said City, as in the judgment of the Council expressed by ordinance duly enacted, or resolution duly passed, may be proper.

Section 10. That not later than thirty days next before said Special Election, the City Recorder shall cause to be printed in pamphlet form a true copy of the title and text of said proposed amendment to said Charter, with the number and form in which the ballot title will be printed on the official ballot as then provided.

ORDINANCE No. 501

Relating to providing for Special Election.

Arguments advocating or opposing said amendment to said Charter, may be filed by any person, committee or organization with the City Recorder, provided that arguments supporting said amendment shall be filed not less than thirty days, and opposing arguments shall be filed not less than twenty days next before said Special Election; and provided further that in every case the person or persons offering such arguments for printing and distribution shall pay to the City Recorder sufficient money to pay all the expenses for paper and printing to supply one copy with every copy of the said amendment to be printed by the City, and the City Recorder shall forthwith notify the persons offering the same of the amount of money necessary.

The City Recorder shall cause one copy of each of said arguments to be bound in the pamphlet copy of said proposed amendment to said Charter, all the printing of said pamphlets shall be done in the same manner that other municipal printing is done by the City, and the pages of said pamphlet shall be numbered consecutively from one to the end.

The pages of said pamphlet shall be six by nine inches in size, and the printed matter thereon shall be set in eight point Roman faced type, single leaded and twenty-five lines in width, with appropriate heads, and printed on sized and super-calendered paper, twenty-four by thirty-eight inches, weighing fifty pounds to the ream.

The title page of each argument shall show by what person or organization it is issued.

Distribution of said pamphlets shall be made to every voter in the City of Albany, so far as possible, by the City Recorder, either by mail or carrier, not less than ^{eight} days before said special election.

Section 11. The City Recorder shall cause to be published a copy of said proposed amendment at least for one issue in each of the two papers published in Albany, to-wit: The Albany Herald, and the Albany Democrat, not less than ten days prior to the date of said special election.

Section 12. That immediately upon the passage of this Ordinance, the City Recorder shall transmit to the

ORDINANCE No. 507.

City Attorney, a copy of said proposed amendment to said City Charter as hereinbefore set forth, and within ten days thereafter the Attorney shall provide and return to the Recorder a ballot title of said measure.

The ballot title may be distinct from the legislative title of the measure, and shall express in not exceeding one hundred words the purpose of the measure.

The ballot title shall be printed with the numbers of the measure on the official ballots. In making such ballot title, the City Attorney shall to the best of his ability, give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be intentially an argument, or likely to create prejudice either for or against the measure.

Unless an appeal is taken as provided by Law from the decision of the City Attorney on the ballot title of said proposed amendment, such ballot title so provided and returned by said City Attorney, shall be placed upon the Official Ballot; and in case of an appeal from the decision of the City Attorney on said ballot title, the ballot title certified by the Circuit Court on said appeal as provided by Law shall be printed on said Official ballot.

Section 13. That the City Recorder shall cause to be printed and shall supply a sufficient number of ballots, copies thereof, poll books, ink pencils, pens, stationery and other necessary and proper supplies for said Election, and the City Marshal shall install the voting booths, and deliver the ballots, ballot boxes and other supplies to the said Judges and Clerks of Election at the said polling places in due time for their use by the Voters, Judges, Clerks and others interested in said special Election at said time of holding the same.

Section 14. That on or before the second day after said special Election the returns thereof must be filed with the Recorder, and on the fourth day after the Election, or sooner, if the returns of all the wards arrive, the Recorder shall call to his assistance the Mayor of the City of Albany, and they shall canvass the returns of the Election.

ORDINANCE NO. 501

Relating to providing for Special Election.

Section 15. That a written statement of the canvass shall be made and signed by the canvassers, and filed with the Recorder within the time appointed to complete the canvass; and the Mayor shall forthwith issue his proclamation, and file the same with the City Recorder, giving the whole number of votes cast in the City for and against said question, and if a majority of all the votes cast be shown to be in favor of the adoption of said Amendment, then the Mayor in his proclamation shall declare said amendment to be in full force and effect as a law, and the said Chapter shall thereupon be deemed to be and shall thereby be so amended.

Section 16. Inasmuch as the City of Albany has no city hall, and is without adequate or convenient quarters within which to conduct the business of said City, and the Police Department, Street Cleaning Department, Health Department and all other branches of its public service are therefore prevented and hindered in affording appropriate and needed protection, care and safety to the health and property of its citizens, and by reason of the want thereof the peace, health and safety of the inhabitants of said City is in danger, this Ordinance is and the same is hereby declared to be a measure necessary for the immediate preservation of the public peace, health and safety of the City of Albany, and for the reasons stated in this Section thereof, it is necessary that this Ordinance should become immediately operative; and an emergency is therefore declared to exist, and this Ordinance shall take effect and be in full force from and after its approval by the Mayor, and the same is hereby excepted from the effect of the referendum.

Passed the Council, February 23rd 1910

Approved, Feby. 25th 1910.

J. P. Wallace,
Mayor.

Attest.

F. M. Redfield
Recorder of the City of Albany.

CITY RECORDER'S CERTIFICATE.

STATE OF OREGON, }
COUNTY OF LINN. } ss.

I, F. M. REDFIELD, Recorder of the City of Albany, in Linn County, and State of Oregon, do hereby certify that the foregoing ~~and annexed copy of~~

Ordinance No. 501

has been by me carefully compared with the original *Ordinance bill No. 54. 3*

now on file in my office, and that it is a true and correct copy of all and the whole of said *Ordinance bill No. 54. 3 as passed by the Council of the City of Albany Oregon, February 23, 1910*

WITNESS, my hand and official signature and the seal of the City of Albany, this *25th* day of *February* 19*10*

F. M. Redfield
Recorder of the City of Albany.