

RESOLUTION NO. IV

A RESOLUTION PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF WILSONVILLE, CLACKAMAS AND WASHINGTON COUNTIES, OREGON, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED LEGAL VOTERS OF SAID CITY THE SEPARATE QUESTIONS OF (1) ENACTING A NEW CITY CHARTER AND (2) AMENDING THE CHARTER, IF ENACTED, TO GRANT THE CITY COUNCIL POWER TO ACQUIRE, CONSTRUCT, OWN AND OPERATE A WATER UTILITY SYSTEM AND TO PAY THE COSTS OF SAID IMPROVEMENTS BY ISSUING AND SELLING GENERAL OBLIGATION BONDS OF THE CITY IN THE SUM OF \$650,000.00.

BE IT RESOLVED that a special election be and the same is hereby called to be held in the City of Wilsonville, Clackamas and Washington Counties, State of Oregon, on Monday, August 18, 1969, at which time there will be submitted to the qualified legal voters of said City the question of enacting a new City Charter and also the question of amending the Charter, if enacted, to provide for the construction, ownership and operation of a City water utility system, and to pay the costs thereof by issuing and selling general obligation bonds of the City in the sum of SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00). The two (2) measures shall be separately proposed and stated on the ballot.

BE IT FURTHER RESOLVED that the first measure shall be the question of enacting a new City Charter, and that the proposed Charter is attached hereto entitled "CHARTER OF THE CITY OF WILSONVILLE" and by this reference and its annexation hereto is hereby made a part of this Resolution as though it were fully set forth herein.

BE IT FURTHER RESOLVED that the second measure shall be the question of amending the new City Charter, if enacted, by adding to Chapter XI entitled "PUBLIC IMPROVEMENTS" the following two (2) new Sections:

Section 6. Authorization for construction of water utility system: In addition to the other methods provided by Charter, the Council may when in its discretion it is deemed advisable provide by Resolution for the construction or reconstruction, either by contract or City construction method or the combination of both, and for the ownership, maintenance, improvement, extension, operation or enlargement of all or any part of a City water utility system, including though not exclusively wells, pumping stations, storage tanks, treatment plants, pipe lines or other similar facilities, together with all appurtenances

necessary, useful or convenient for the production, storage, collection, distribution and treatment of water; and for such purpose may acquire by gift, purchase, grant or condemnation the necessary land and rights of way therefor, either within or without the corporate limits of the City of Wilsonville, all or any part of the foregoing being hereinafter referred to as the "facilities".

Section 7. Construction of facilities: The City Council may construct any part of the foregoing facilities as an entire unit or as separate units in order to provide the City of Wilsonville with an adequate water supply and distribution facilities. To pay the costs thereof, the City Council is hereby authorized to issue and sell general obligation bonds of the City of Wilsonville in the sum of SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00) for the purpose of the construction, reconstruction and installation of water supply lines, a water distribution system, storage facilities, to obtain sources of water supply, and to acquire necessary equipment and other property appurtenant thereto, to acquire rights of way and to pay engineering and legal services in connection therewith.

The provisions of this Chapter of the Charter shall be construed as conferring separate and additional powers as herein set forth and shall be deemed full authority for the acquisition, ownership, improvement, extension, maintenance and operation of a City water utility system and for the issuance and sale of the general obligation bonds hereby authorized, any other provisions of this Charter to the contrary notwithstanding.

Any debt limitation contained in the Charter of the City of Wilsonville, Oregon, shall not apply to the bonds hereby authorized.

BE IT FURTHER RESOLVED that the ballot title under which the first measure shall appear on the ballot is as follows:

CHARTER SUBMITTED TO THE VOTERS BY THE COMMON COUNCIL

PURPOSE: To enact as a new Charter for the City of Wilsonville the Charter proposed by Council Resolution No. IV adopted by the Wilsonville City Council July 21, 1969.

Mark a (✓) or an (X) in the box between the number and the answer voted for.

Vote YES or NO.

100 NEW CHARTER YES

101 NEW CHARTER NO

BE IT FURTHER RESOLVED that the ballot title under which the second measure shall appear on the ballot is as follows:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE
COMMON COUNCIL

PURPOSE: To amend, if enacted, the new City Charter proposed by Council Resolution No. IV to grant to the City Council power to construct, own and operate a City water utility system for the production, storage, distribution and furnishing of water; and also granting power to the City Council to pay the costs thereof by issuing and selling general obligation bonds of the City in the sum of \$650,000.00.

Mark a (✓) or an (X) in the box between the number and the answer voted for.

Vote YES or NO.

Shall the amendment be adopted?

102 YES

103 NO

BE IT FURTHER RESOLVED that at said special election there shall be one polling place and the same shall be at the Wilsonville Grade School, and said polling place shall be open from 8:00 o'clock a.m. to 8:00 o'clock p.m., Oregon Daylight Saving Time, and the City Recorder is hereby authorized and directed to appoint a Judge and four (4) Clerks as an Election Board to receive and count the votes cast at said election, and the said Board shall qualify in the manner provided by law.

BE IT FURTHER RESOLVED that the City Recorder be and he is hereby ordered and directed to prepare and publish a Notice of this election by posting the proposed new Charter and proposed Charter Amendment with the ballot titles and numbers in full in three (3) public, conspicuous and widely separated places in the City of Wilsonville for a period of two (2) weeks prior to said election. The Election Notice to be posted shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

On Monday, August 18, 1969, at the Wilsonville Grade School in the City of Wilsonville, Clackamas and Washington Counties, Oregon, between the hours of 8:00 a.m. and 8:00 p.m., Oregon Daylight Saving Time, a

special election will be held for the purpose of submitting to the qualified legal voters of the City of Wilsonville the separate questions of (1) enacting a new City Charter and (2) amending the Charter, if enacted, to grant the City Council power to acquire, construct, own and operate a water utility system, and to pay the costs of said improvements by issuing and selling general obligation bonds of the City in the sum of \$650,000.00. The proposed new City Charter and proposed Amendment to the Charter, if enacted, are fully set forth in Resolution No. IV of the Wilsonville City Council adopted July 21, 1969, a copy of which is attached hereto and thereby made a part of this Notice.

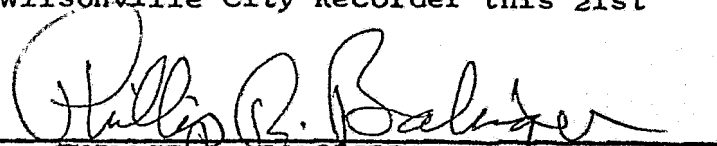
WITNESS my hand and seal in the City of Wilsonville this 21 day of July, 1969.



City Recorder

BE IT FURTHER RESOLVED that the City Recorder shall prepare and furnish to the Election Board handling the special City election prior to 8:00 o'clock a.m. on Monday, the 18th day of August, 1969, ballots and ballot box or boxes and such other paraphernalia and election supplies as may be required by the Election Board; and after the polls are closed, the Election Board shall count the ballots and make a Certificate and Report of the Election Results to the Wilsonville City Council.

Adopted by the Wilsonville City Council this 21st day of July, 1969, and filed with the Wilsonville City Recorder this 21st day of July, 1969.



PHILLIP R. BALSIGER - Mayor

ATTEST:



City Recorder

CHARTER OF THE CITY OF WILSONVILLE

CHAPTER I

NAME AND BOUNDARIES

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

Section 2. Name of City: The City of Wilsonville in Clackamas and Washington Counties, Oregon, shall continue to be a municipal corporation with the name, "CITY OF WILSONVILLE".

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

Beginning at the Northeast corner of Section 13, T3S, R1W, W.M., Clackamas County, Oregon; thence North crossing into Section 12, said Township and Range, on the East line of Section 12, 30 feet to a point on the North line of Roberts Road #80 extended Easterly to the East line of Section 12; thence West along the Easterly extension and North line of said road to a point in the Westerly line of a tract of land described in Deed Book 692 page 21, Deed Records, Clackamas County, said point being on the North line of said Roberts Road and bears West 2866 feet, more or less, and North 19° W 30 feet, more or less, from the Southeast corner of Section 12, T3S, R1W; thence North 19° W along the West line of said tract 729 feet, more or less to an angle point in said tract; thence along the following courses and distances: N 6° West 318.8 feet; N 12°45' East 435.6 feet; N 61° 30' E 165 feet; N 49°44' E 461.8 feet; thence North 154.5 feet to an angle point in the South line of a tract of land described in deed Book 237 page 307, Deed Records, thence crossing through said tract, North 675 feet, more or less to the Southeast corner of a tract of land described in Deed Book 689 page 116, Deed Records, said point being in the center of Section 12; thence North along the East line of said tract, said line also being the North-South quarter line of said Section 12 to the Southwest corner of the Jane Painter Donation Land Claim; thence continuing North along said North-South quarter line and the West line of said DLC line to a point in the North line of Section 12, said point being on the section line between Clackamas and Washington Counties; thence continuing North and crossing into Washington County and into Section 1, T3S, R1W, and along the West line of the Jane Painter DLC line approximately one quarter (1/4) mile to a point in a southerly angle corner of Elligsen Road; thence West along the North line of Elligsen Road 225 feet, more or less, to a point 20 feet North of the Northeast corner of a tract of land described in deed Book 410, page 161, Deed Records, Washington County; thence leaving the North line of said road, South 20 feet to the Northeast corner of said tract which point is in the center of said road; thence South 123.7 feet to a

point; thence West 189.75 feet to a point; thence South 90.75 feet to a point; thence West 396 feet to a point; thence North 214.5 feet to the Northwest corner of said tract, which point is in the center of Elligsen Road; thence North 20 feet to the North line of said road; thence West along the North line of said road and its Westerly extension thereof, crossing into Section 2, T3S, RLW, approximately seven-tenths (7/10) mile to a point in the West line of the R. H. Baldock Freeway; thence Southerly along the Westerly line of said Freeway approximately one-quarter (1/4) mile to a point on the South line of said Section 2, said point being on the Section line between Washington and Clackamas Counties; thence continuing South on the West line of said Baldock Freeway and crossing into Section 11, T3S, RLW, and into Clackamas County approximately seven eighths (7/8) mile a point 660 feet, more or less, North of the South line of Section 11; thence continuing South along the West line of said Highway 245.96 feet to the most Northerly corner of a tract of land deeded to the State of Oregon in Deed Book 467, page 87, Deed Records; thence S 34°19' W 443.10 feet along the Westerly line of said tract to a point; thence West 350 feet to a point; thence South 30 feet to a point on the North line of a tract of land deeded to Clackamas County for road purposes in Deed Book 134, page 423, Deed Records; thence West along the North line of said County Tract to a point in the North-South quarter line of Section 11; thence South to the quarter corner between Sections 11 and 14; thence West approximately one-half mile to the Northwest corner of said Section 14; thence South along the West line of said Section 14 to a point in the Southwesterly line of a tract of land described in parcel III, Deed Book 547, page 104, Deed Records; thence along the following courses and distances as follows: S 52° E 51.48 feet; S 28° E 116.82 feet; S 14° E 198 feet; S 10°30' W to a point which is the most Southerly corner of said Parcel III; thence N 72°16' E 195.95 feet to the most Westerly corner of a tract of land described in Deed Book 319 page 427, Deed Records; thence along the Southwesterly line of said tract S 26°20' E 604.68 feet to the most Westerly corner of a tract of land described in Parcel I in Deed Book 393 page 464, Deed Records; thence Northeasterly 481.8 feet to the most Northerly corner thereof; thence along the following courses and distances as follows: S 20°30' E 505.56 feet; S 5° W 188.1 feet; S 7° W 346.5 feet to a point on the North line of the Robert V. Short Donation Land Claim, which point is 82.5 feet West of the Northeast corner of said DLC; thence West along the North line of said DLC 3450 feet, more or less, to the Northwest corner of a tract of land described in Deed Book 512, page 652, Deed Records, thence South 3350 feet, more or less, to the Northwesterly line of Market Road No. 6; thence S 63°45' W along the Northwesterly line of said road to a point approximately 30 feet Northwesterly from the most westerly corner of a tract of land described in Deed Book 683, page 746, Deed Records; thence Southeasterly approximately 30 feet to the said most Westerly corner, said point being in the center of Market Road No. 6; thence S 22°41' East 1518 feet to an angle point in said R. V. Short DLC; thence South on said DLC line to an iron pipe on the North bank of the Willamette River; thence South to the centerline of the Willamette River; thence following the centerline of the Willamette River downstream approximately two and three-quarters (2 3/4) miles to a point in the East line of Section 24, T3S, RLW, thence North to the North Bank of the Willamette River; thence North 617.36 feet, more or less, to the Northeast corner of Section 24; thence continuing North, crossing

into Section 13, T3S, R1W and along the East line of said Section 13, approximately one (1) mile to the Northeast corner of said Section 13, and the true place of beginning.

CHAPTER II

POWERS

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

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

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

CHAPTER III

FORM OF GOVERNMENT

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

Section 2. Council: The Council shall be composed of five (5) Councilmen elected by the City at large. The term of office of each

Councilman in office when this Charter becomes effective shall continue to the completion of his term of office. Three (3) Councilmen shall be elected at each biennial general election, and the candidates who receive the three highest number of votes shall be deemed elected, and of these three the ones receiving the two highest numbers of votes shall hold office for four years, and the remaining one shall hold office for two years. A Councilman's term of office shall begin at the first Council meeting in the year immediately ensuing the year of his election.

Section 3. Mayor: At its first meeting after this Charter becomes effective and at its first meeting of each odd numbered year thereafter, the Council shall appoint from its membership a Mayor, and the Mayor's term of office shall be two years.

Section 4. Quorum: A majority of the members of the Council shall constitute a quorum for it to do business. A majority of the members of the Council at any meeting of the Council at which a quorum is present shall be sufficient to determine questions or matters other than the final passage of an Ordinance or the appointment of an officer by the Council, which shall require the vote of a majority of all members then constituting the Council.

Section 5. Rules of Proceedings: The Council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of the proceedings and on call of any two of its members must cause the yeas and nays to be taken and entered in its journal upon any question before it. Its deliberations, proceedings and records thereof must be public. No action by the Council shall have legal affect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

Section 6. Control of Conduct: The Council may reprimand any member for disorderly conduct at any meeting or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a four-fifths vote expel a member for good cause.

Section 7. Organization of Council: At its first meeting after this Charter becomes effective and at its first meeting in each odd numbered year thereafter, the Council by ballot shall elect one of its members as President of the Council. In the absence of the Mayor from the City, or in cases of his inability to act, said President of the Council shall have and exercise the powers and perform the duties of the Mayor.

Section 8. Meetings: The Council shall hold regular meetings at least once each month at a time and place in the City which it designates. The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than six (6) hours, nor later than forty-eight (48) hours after the notice is given.

Section 9. Other City Officers: Additional officers of the City shall be a Treasurer, Municipal Judge, Recorder, and Recording Secretary, 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 a majority of the Council. The Council may combine any two or more appointive City offices, except the office of the Municipal Judge. The Council may designate any appointive officer to supervise any other appointive officer except the Municipal Judge in the exercise of his judicial functions. The duties of all officers not defined in this Charter may be prescribed by the City Council.

Section 10. Qualifications for Elective Office: Any person who is a qualified elector and an owner or contract purchaser of real property within the City of Wilsonville, and who resides in and has resided in Wilsonville not less than twenty-four (24) months immediately preceding the election shall be eligible for any elective office. The Council shall be final judge of the qualifications and election of its

own members subject, however, to review by a court of competent jurisdiction.

Section 11. Salaries: The compensation for the services of each City officer and employee shall be determined by the Council.

CHAPTER IV

ELECTIONS

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

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

Section 3. Special Elections: By resolution, the Council may call and provide for special elections. The Recorder shall give at least ten days' notice of each special election in the manner provided by the Resolution of the Council ordering the election.

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

Section 5. Canvass of Election Returns: In all elections held in conjunction with State and County elections, the State laws governing the filing of returns shall govern. On or before noon of the first business day following the election, the returns thereof must be filed with the Recorder, and not later than five days after the election the

Council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the Council. The entry shall state the total number of votes cast at the 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 was elected and each measure which was enacted. Immediately after the canvass is completed, the Recorder shall make and sign a Certificate of Election for 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.

Section 6. Tie Vote: In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 7. Commencement of Terms of Office: The term of office of each person elected to office under this Charter shall commence at the first Council meeting of January after the election; and each person must qualify prior to January 1st by taking and filing an Oath of Office and giving such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined the office.

Section 8. Oath of Office: Each officer, before entering upon the duties of his office, shall take an Oath that he will support the Constitution and laws of the United States and of the State of Oregon, and that he will faithfully perform the duties of his office.

Section 9. Nominations: A qualified elector who resides in and has resided in the City during the twenty-four (24) months immediately preceding the election and who is an owner or contract purchaser of real property within the City of Wilsonville may be nominated for an elective City office. Nominations for elective City offices shall be made by a Petition that specifies the office sought and shall be in a form prescribed by the Council. The Petition shall be signed by not less than

twenty electors. The signatures to nomination Petition need not all be appended to one paper, but to each separate paper of the Petition shall be attached an Affidavit of the circulator thereof indicating the number of signers of the paper, and stating that each signature appearing thereon was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence identified by its street and number or other sufficient designation. All nomination papers comprising a Petition shall be assembled and filed with the Recorder as one instrument not earlier than ninety, nor later than forty-five days before the election. The Recorder shall make a record of the exact time that each Petition is filed and shall take and preserve the name and address of the person by whom it was filed. If the Petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the Petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it certifying in writing wherein the Petition is insufficient. The deficient Petition may be amended and filed again as a new Petition, or a substitute Petition for the same candidate may be filed within the regular time for filing nomination Petitions. The Recorder shall notify an eligible person of his nomination, and that person shall file with the Recorder his written acceptance of nomination in such form as the Council may require, within five business days after notification of the nomination. Upon receipt of the acceptance of nomination, the Recorder shall cause the nominee's name to be printed on the ballots. The Petition of nomination for a successful candidate at an election shall be preserved in the office of the Recorder until the term of office for which the candidate is elected expires.

Section 10. Vacancies in Office: An office shall be deemed vacant upon the incumbent's death, resignation, adjudication of incompetency,

conviction of a felony, other offense pertaining to his office, unlawful destruction of public records, recall from office, ceasing to possess the qualifications for the office, or upon the failure of a person to qualify for the office to which he was elected or appointed and within the time required by the foregoing Section 7. The office of Mayor, or the office of a Councilman shall be deemed vacant whenever the incumbent thereof shall be absent from the City for a period of thirty days without the consent of the Council, or upon his absence from meetings of the Council for sixty days without like consent, and upon a declaration by the Council of the vacancy.

Section 11. Filling of Vacancies: A vacancy in any elective City office shall be filled by appointment. A majority vote of the entire Council shall be required to validate the appointment. The appointee's term of office shall begin immediately upon his appointment and shall continue until the first Council meeting of January following the next biennial election; and if the term of office does not then expire, the remainder thereof shall be filled by election at such biennial election.

Section 12. Initiative and Referendum Powers: The power to enact or amend the Charter of the City of Wilsonville and all other rights guaranteed to the people of this City under the Initiative and Referendum Provisions of Section I-a, Article IV of the Constitution of the State of Oregon are hereby reserved and guaranteed to the people of the City of Wilsonville by this Charter and the Council shall provide the method of carrying into effect the initiative and referendum power of the people.

Section 13. State Election Laws to Apply: All laws of the State regulating and governing elections and proceedings and matters incidental thereto shall apply to and govern elections under this act, except as herein otherwise provided; provided, however, that all matters and things

required in such general laws to be done by the Secretary of State and County Clerk shall be done and performed by the Recorder; and all matters and things therein required to be done by the Sheriff shall be done and performed by the Chief of Police; and all matters and things therein required to be done by the County Court shall be done and performed by the City Council; and all matters and things therein required to be done by the Governor shall be done and performed by the Mayor; and all matters and things therein required to be done by the Attorney General shall be done and performed by the City Attorney.

Section 14. Terms of Appointment: An officer appointed to fill a vacancy must, within five days from the date of such appointment, qualify therefor as in the case of any officer elected, or he shall be deemed to have declined, and the office shall be considered vacant.

CHAPTER V

ORDINANCES

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

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

Section 3. Mode of Enactment:

A. All Ordinances shall be read at two meetings of the Council. The second reading may be by title only, unless any person present requests to have the Ordinance read in full. Immediately following the first reading of the proposed Ordinance, it shall be posted in three public and conspicuous places of said City for a period of five (5) consecutive days prior to the passage of said Ordinance. It is further provided that at least five days shall intervene between the time of the posting and the final reading and passage of such Ordinance. Whenever the Council proposes

to take final action on any proposed Ordinance at a special meeting, notice thereof giving the time of such meeting shall be posted along with the Ordinance. Ordinances shall be posted by the Recorder, or by someone under his direction, and before final action is taken on any proposed Ordinance, the Recorder shall prepare and sign an Affidavit of Posting, setting forth the time and places where the copies were posted and such Affidavit shall be attached to the original Ordinance at or prior to the time it is considered by the Council for final action.

B. Upon the final vote on an Ordinance, the ayes and nays of the members of the Council shall be taken and entered in the record of proceedings, and it shall require the majority vote of all members of the Council as then constituted to pass an Ordinance on its final reading.

C. Upon the enactment of an Ordinance, the Recorder shall sign 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 of his signature, his name and the title of his office.

Section 4. When Ordinances Take Effect: An Ordinance enacted by the Council shall take effect on the 30th day after its enactment; however, when the Council deems it advisable, an Ordinance may provide a different time for it to take effect, and, in case of an emergency, it may take effect immediately.

CHAPTER VI

THE OFFICE OF MAYOR

Section 1. Duties: The Mayor is the executive officer of the City. It is his duty to communicate annually by message to the Council a general statement of the conditions and affairs of the municipal corporation, and to recommend the adoption of such measures as he deems proper and expedient, and to make such special recommendations to the Council from time to time as he may think proper and useful. Upon assumption of his office, he shall organize the Council by appointing

committees as he deems necessary. A Councilman appointed to head a committee may be called a "Commissioner", and any appointment of the Mayor shall be subject to approval by a majority of the Council. The Mayor, as an elected Councilman, shall have a vote on all matters, but he shall not have any veto power. The Mayor shall preside over all meetings of the Council; he shall sign all records and proceedings approved by the Council. He shall sign all bonds, undertakings, contracts, Ordinances, resolutions and other official documents which are approved by the Council; and he shall perform such other duties and exercise such other authority as may be prescribed by this Charter, any City Ordinance or any law of the United States or of the State of Oregon.

CHAPTER VII

THE OFFICE OF RECORDER

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

CHAPTER VIII

THE OFFICE OF RECORDING SECRETARY

Section 1. Duties: The Recording Secretary shall attend all meetings of the Council, unless excused therefrom by the Council, and keep an accurate record of Council proceedings in a book provided for

that purpose. In the Recording Secretary's absence from Council meetings the Mayor shall appoint a Recording Secretary Pro-Tem who, while acting in that capacity, shall have the authority and duties of the Recording Secretary.

CHAPTER IX

THE OFFICE OF TREASURER

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

CHAPTER X

MUNICIPAL JUDGE

Section 1. Duties: The Municipal Judge shall be the judicial officer of the City. He shall hold within the City a Court known as the Municipal Court for the City of Wilsonville, Clackamas and Washington Counties, Oregon. The Court shall be open for the transaction of judicial business at times specified by the Council. All area within the City shall be within the territorial jurisdiction of the Court. The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by the Ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties

defined or authorized by Ordinances of the City. He shall have authority to issue process for the arrest of any person accused of an offense against the Ordinances of the City, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in Court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of the Court. When not governed by Ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City Ordinance shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Courts. Trials in the Municipal Court of cases for violation of City Ordinances may be had before a jury, and trials and proceedings before the Municipal Court shall be governed by Ordinance or otherwise by the provisions of State law regulating such actions and proceedings before Justice Courts, insofar as the same are or can be made applicable in the general cases arising before the Municipal Court. When Ordinances of the City of Wilsonville provide for different procedure in the Municipal Court in any case or proceedings, the provisions of such Ordinance or Ordinances shall control, but in all cases there shall be a right of trial by jury. In case the Municipal Judge shall be absent from the City or otherwise unable or disqualified to act as Judge of the Municipal Court, his duties shall be performed by a Pro-Tem Judge appointed by the Mayor.

CHAPTER XI

PUBLIC IMPROVEMENTS

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

Section 2. Improvements: The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general Ordinance or, to the extent not so governed, by the applicable general laws of the State. Action on any proposed public improvements, except a sidewalk or curb or except an improvement unanimously declared by the Council as then constituted to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the property to be specially assessed therefor. The Council may take immediate action on any proposed sidewalk, curb or other improvement project unanimously declared by the Council as then constituted to be needed at once because of an emergency. For the purpose of this Section, "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded Land Sale Contract or according to a verified writing by the record holder of legal title to the land filed with the City Recorder, the said purchaser shall be deemed the "owner".

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

Section 4. Bids: A contract in excess of \$2,000.00 for a public improvement to be made by a private contractor and paid for by tax money or other public funds shall be let to the bidder whose bid, in the judgment of the Council, best serves the interest of the City. Such contract shall be done in accordance with plans and specifications approved by the Council. In any case where the City advertises but does not receive any acceptable bid for construction of a public improvement project, the Council may construct such improvement by City work forces, or may authorize a contract for such work by any person, firm or corporation who, in the judgment of the Council, is competent and qualified to undertake and perform such contract. Nothing in this section shall prevent the

City from constructing public improvements by City work forces.

Section 5. Authorization for Acquisition and Development of a Public Park:

The City Council is hereby authorized to purchase, acquire, improve, develop and maintain, within its corporate limits, a public park; and to pay the costs thereof, the City Council is hereby authorized to issue and sell general obligation bonds of the City of Wilsonville in the sum of \$40,000.00.

Section 6. Authorization for Construction of Water Utility System: In

addition to the other methods provided by Charter, the Council may when in its discretion it is deemed advisable provide by Resolution for the construction or reconstruction, either by contract or City construction method or the combination of both, and for the ownership, maintenance, improvement, extension, operation or enlargement of all or any part of a City water utility system, including though not exclusively wells, pumping stations, storage tanks, treatment plants, pipe lines or other similar facilities, together with all appurtenances necessary, useful or convenient for the production, storage, collection, distribution and treatment of water; and for such purpose may acquire by gift, purchase, grant or condemnation the necessary land and rights of way therefor, either within or without the corporate limits of the City of Wilsonville, all or any part of the foregoing being hereinafter referred to as the "facilities".

Section 7. Construction of Facilities: The City Council may construct any part of the foregoing facilities as an entire unit or as separate units in order to provide the City of Wilsonville with an adequate water supply and distribution facilities. To pay the costs thereof, the City Council is hereby authorized to issue and sell general obligation bonds of the City of Wilsonville in the sum of SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00) for the purpose of the construction, reconstruction and installation of water supply lines, a water distribution system, storage facilities, to obtain sources of water supply, and to acquire necessary equipment and other property appurtenant thereto, to acquire rights of way and to pay engineering and legal services in connection therewith.

The provisions of this Chapter of the Charter shall be construed as conferring

separate and additional powers as herein set forth and shall be deemed full authority for the acquisition, ownership, improvement, extension, maintenance and operation of a City water utility system and for the issuance and sale of the general obligation bonds hereby authorized, any other provisions of this Charter to the contrary notwithstanding.

Any debt limitation contained in the Charter of the City of Wilsonville, Oregon, shall not apply to the bonds hereby authorized.

(The following Sections 8 and 9 were approved as a Charter Amendment at a special City election June 8, 1970.)

Section 8. Authorization for construction of sanitary sewer system: In addition to the other methods provided by Charter, the Council may when in its discretion it is deemed advisable provide by Resolution for the construction or reconstruction, either by contract or City construction method, or the combination of both, and for the ownership, maintenance, improvement, extension, operation or enlargement of all or any part of a City sanitary sewer system, including though not exclusively treatment and/or disposal plants, outfall sewers, trunk sewers, main sewers, pumping plants and lift stations with all appurtenances necessary, useful or convenient for the collection, treatment and disposal of sewage; and for such purposes, may acquire by gift, purchase, grant or condemnation the necessary lands and rights of way therefor, either within or without the corporate limits of the City of Wilsonville, all or any of the foregoing being hereinafter referred to as the facilities.

Section 9. Construction of facilities: The City Council may construct any part of the foregoing facilities consisting of a treatment or disposal plant, outfall sewers, trunk sewers, main sewers, pumping plants and lift stations as an entire unit or as separate units in order to provide the City of Wilsonville with a basic sanitary sewer system; and the Council may provide that the same or that part so constructed will be paid for by all the residents of the City or property owners therein regardless of whether their property is to be actually connected with or presently served by said systems

or units. To pay the costs thereof, the City Council is hereby authorized to issue and sell \$150,000.00 of general obligation bonds of said City and \$550,000.00 of negotiable revenue bonds of said City, and the same shall be issued and sold for the purpose of the construction, reconstruction and installation of a basic sanitary sewer system and to acquire necessary equipment and other property useful or appurtenant thereto, to acquire land for plant sites and rights of way and to pay engineering and legal services in connection therewith.

The provisions of this Section of this Chapter of the Charter shall be construed as conferring separate and additional powers as herein set forth and shall be deemed full authority for the acquisition, ownership, construction, improvement, extension, maintenance and operation of a City sanitary sewer system, and for the issuance and sale of both the general obligation bonds and negotiable revenue bonds hereby authorized, any other provisions of this Charter to the contrary notwithstanding.

The said revenue bonds in the sum of \$550,000.00 shall be payable solely and only from all or such part of the net revenues derived from the operation of the City's sanitary sewer system as may be provided by Resolution of said City, and each such revenue bond so issued shall contain a recital that payment or redemption of the bond and payment of the interest thereon are secured by the revenues pledged therefor, and that such bond does not constitute a general indebtedness of said City within the meaning of any constitutional, statutory or Charter limitation or provision. Such revenue bonds may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, may bear interest at such rate or rates as provided by law, may be of such denomination or denominations, may be in such form, may carry such registration privileges, may be made subject to such terms of redemption with or without premium and may contain such other terms and covenants not inconsistent with this Chapter of the Charter as may be provided by Resolution of the Wilsonville

City Council. Such bonds shall be sold at such time or times and in such manner and upon such terms as may be determined by the Council to be for the best interests of said City. There may be included in any such Resolution authorizing the issuance of revenue bonds such covenants, stipulations and conditions as the Council may deem necessary or advisable with respect to the expenditure of the bond proceeds, the operation and maintenance of the sewer system and the custody and application of the revenues from such operation. The holder of any bond or bonds may by mandamus or other appropriate proceedings require and compel performance of any duties imposed by this Chapter of the Charter in connection with the sewer system or any covenant, stipulation or condition that may have been expressed in such bond Resolution.

So long as any revenue bonds remain outstanding under this Chapter of the Charter, said City shall operate and maintain the sanitary sewer system as a revenue producing and self-sustaining undertaking, and shall charge, collect and account for rates which will produce revenues sufficient to pay the costs of operating and maintaining the sewer system and the interest on such bonds as the same become due, and to create and maintain a sinking fund to pay and retire the principal at or before maturity. Any net revenues in excess of amounts prescribed by the bond Resolution or Resolutions may be set aside for operation and maintenance expenses, interest and sinking fund charges and for renewals, replacements, improvements and extensions of the sewer system, and such excess revenue may be transferred to the General Funds of the City as a tax equivalent. The Resolution authorizing such revenue bonds shall definitely fix and determine the amount of the net revenues which shall be necessary and set apart in a special fund each year to pay such interest and to pay and retire such principal, including the creation and maintenance of any prescribed reserve.

The debt limitation contained in the Charter of the City of Wilsonville, Oregon, shall not apply to either the general obligation

bonds or the negotiable revenue bonds hereby authorized.

CHAPTER XII

MISCELLANEOUS PROVISIONS

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

Section 2. Existing Ordinances Continued: All Ordinances and regulations heretofore passed by the Council and in force when this Charter takes effect, if not inconsistent with it, shall remain in full force until they are amended or repealed by the Council.

Section 3. Contractual Obligations: Except gifts of money to the City for specified purposes, expenditures of sums not budgeted and expenditures of budgeted funds for a single purchase or contract in excess of \$5,000.00 shall be authorized by an Ordinance; and the City shall not be bound by any Contract unless the same is in writing and signed by the Mayor and Recorder in behalf of the City.

Section 4. Emergency Purchases and Contracts: In cases of emergency and where the interest or property of the City probably would suffer material injury by delay or would be materially benefited by immediate purchase or contract, the City Council by unanimous declaration of such fact entered in the record of Council proceedings may make such immediate purchase or contract without first advertising for bids.

Section 5. Torts: In no event shall the City be liable in damages for an injury to person, a damage to property, or a death

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