

ORDINANCE NO. 2889

A BILL FOR:

AN ORDINANCE providing for the time and manner of holding a special election in the City of Albany, Oregon, on the 21st day of May 1948, for the purpose of submitting to the legal voters of said City, for their adoption or rejection, a proposed amendment to the Charter of said City as submitted to the voters by Resolution No. 1 adopted by the Mayor and Council March 10, 1948.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS;

Section 1. That in the manner provided by law and this ordinance and for the purpose set forth herein, a special election shall be held in the City of Albany, Oregon, on the 21st day of May, 1948, commencing at the hour of 8:00 o'clock A.M. and continuing until 8:00 P.M. of said day.

Section 2. The following are hereby designated as the voting places of said election:

FIRST WARD:

- Precinct #10 - Girl Scouts Cabin
- Precinct #1 - Maple School Building
- Precinct #2 - Maple School Building
- Precinct #3 - First Floor Courthouse

SECOND WARD:

- Precinct #3 - First Floor Courthouse
- Precinct #4 - First Floor Courthouse
- Precinct #5 - Legion Hall

THIRD WARD:

- Precinct #6 - Albany High School
- Precinct #7 - Madison School Building
- Precinct #8 - Evangelical Church
- Precinct #9 - Motel Albany on Hwy 99E

Section 3. The following persons are designated as the Judges and Clerks of the election:

FIRST WARD

Precinct #10

JUDGES

CLERKS

Precinct #1

Precinct #2

Precinct #3

Precinct #3

SECOND WARD

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SECOND WARD - Con'td.

JUDGES

CLERKS

Precinct #1

Precinct #5

THIRD WARD

Precinct #6

Precinct #7

Precinct #8

Precinct #9

Section 4. The Judges and Clerks shall qualify by subscribing to an oath in the manner and form provided by law, and in case any of such officers shall fail to attend then those present shall elect another to act in his place.

Section 5. The City Recorder shall cause notice of said election to be given by publication thereof in the Albany Democrat Herald, a newspaper of general circulation published in said City of Albany, Oregon, once a week for two successive weeks, the first publication to be not less than thirty days previous to the date of the election. Said notice shall state the time, voting places and the purpose of the election.

Section 6. At the said election proposed Amendments to the Charter of the City of Albany shall be submitted to the legal voters for their adoption or rejection as provided in Resolution No. 1 adopted by the Council on the 10th day of March, 1948, said resolution now being on file and of record in the office of the Recorder of said City.

Section 7. The Recorder shall cause to be printed in pamphlet form a true copy of the title and text of said measure to be voted upon, together with the number and form in which the same will appear on the official election ballot as provided in said resolution, and shall mail one of each of said pamphlets to each registered voter in said City not later than five days before the date of the election and preceding the copy of each of said measures there shall be a statement that the same will be voted upon at the election to be held on the 21st day of May, 1948.

Section 8. The ballot title of the proposed Charter Amendment submitted to the voters as provided in Resolution No. 1 shall be as follows:

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CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL pursuant to Resolution No. L.

Shall the charter of the City of Albany be amended by amending Sections 31, 32, 33, 34, 147, 154, and 163 of the charter of the City of Albany, Oregon, and to further amend said charter by adding to Chapter VI thereof a new Article to be designated as Article II A providing for a city manager and defining his powers and duties, and repealing Sections 40, 140, and sub-divisions 48 and 49 of Section 76, and all other parts of said charter in conflict herewith?

(Mark X between the number and answer voted for)
SHALL THE ABOVE BE ADOPTED?

100 YES I vote for the amendment.

101 NO I vote against the amendment.

Section 9. That the proposed Charter Amendment submitted to the voters by said Resolution No. 1 shall be printed in the Voters Pamphlet as follows:

Section 1. That the Council hereby declares and initiates an act to amend the charter of the City of Albany and to repeal parts of said charter, which said act reads as follows:

"An act to amend Sections 31, 32, 33, 34, 147, 154, and 163 of the charter of the City of Albany, Oregon, and to further amend said charter by adding to Chapter VI thereof a new article to be designated as Article II A providing for a city manager and defining his powers and duties, and repealing Sections 40, 140, and subdivisions 48 and 49 of Section 76, and all other parts of said charter in conflict herewith.

BE IT ENACTED BY THE PEOPLE OF THE
CITY OF ALBANY, OREGON:

"Section 1. That Section 31 of the charter of the City of Albany be and the same hereby is amended to read as follows:

"Section 31. The officers of the City of Albany shall be and consist of a mayor, a council consisting of two members from each ward, known as councilmen, a city manager, a recorder, a marshal, treasurer, superintendent of streets, city engineer, chief of fire department, and city attorney, and such subordinate officers and policemen as the council may from time to time provide.

Section 2. That Section 32 of the charter of the City of Albany be and the same hereby is amended to read as follows:

"Section 32. SELECTION OF OFFICERS. The mayor shall be elected by the qualified electors of the city-at-large. The councilmen shall be elected by the electors in the respective wards which they are elected to represent. The city manager shall be elected by the council, and a majority of all members of that body shall be necessary to elect. The recorder, marshal, chief of fire department, treasurer, superintendent of streets, city engineer and city attorney shall be appointed by the city manager.

"Section 3. That Section 33 of the charter of the City of Albany be and the same hereby is amended to read as follows:

"Section 33. TERM OF OFFICE. The terms of office of the mayor and councilmen shall be two years. The city manager shall hold office during the pleasure of the council. The recorder, marshal, chief of fire department, treasurer, superintendent of streets, city engineer and city attorney shall hold their respective offices during the pleasure of the city manager, and all officers of the corporation shall be liable to be removed at any time by the city manager for malfeasance, neglect, or incompetency in office. In every case officers shall hold their respective offices until their successors shall be elected or appointed and have qualified.

"Section 4. That Section 34 of the charter of the city of Albany be and the same hereby is amended to read as follows:

"Section 34. QUALIFICATION OF OFFICERS. No one is eligible to hold an elective office in the municipal corporation who at the time of his election is not entitled to the privileges of an elector according to the laws of this state and who has not resided in the City of Albany for the three months next preceding the election. In addition to the foregoing qualifications, to be elected to the office of councilman the person must be a resident of the ward from which he is elected for a period of ninety days prior to such election. The city attorney must be an attorney admitted to practice before the Supreme Court of the state of Oregon.

"Section 5. That Section 147 of the charter of the city of Albany be and the same hereby is amended to read as follows:

"Section 147. CLAIMS AGAINST CITY; ALLOWANCE; WARRANTS. No claim against the city shall be paid until an itemized statement thereof, over the signature of the

claimant, his agent or attorney, is presented to and audited by the city manager. After claims against the city have been audited by the city manager, they shall be filed with the recorder who shall present them to the council at its next regular meeting. The council shall, by vote, direct whether said claims shall be paid, either in whole or in part, as they may deem just and legal; provided, the same be for corporate purposes and none other.

"When the council orders an account or demand to be paid, the recorder must draw a warrant on the treasurer for the amount ordered paid. The recorder must keep books of account showing therein all sums collected, the date thereof, the date and amount of all warrants or orders drawn upon the treasurer and to whom payable, and all such other matters and things as may be prescribed by ordinance or be proper and necessary to a correct understanding of all the city's finances.

"Section 6. That Section 154 of the charter of the city of Albany be and the same hereby is amended to read as follows:

"Section 154. DUTIES. The city attorney must attend to and shall, subject to the direction of the council, have control of all actions, suits, or proceedings in which the city is legally interested, and must attend to the prosecution of all persons charged with the violation of a city ordinance. He shall give his advice and opinion in writing concerning any matter in which the city is interested when required by the mayor, council or city manager. In case of the impeachment of any city officer, he shall conduct the prosecution.

"Section 7. That Section 163 of the charter of the city of Albany be and the same hereby is amended to read as follows:

"Section 163. CHIEF AND ASSISTANT ENGINEER. The officers of the fire department shall be a chief and an assistant engineer both of whom shall be appointed by the city manager.

"Section 8. That Chapter VI of the charter of the city of Albany be and the same hereby is amended by adding thereto a new article to be known as Article II A to read as follows:

"Article IIA. POWERS AND DUTIES OF CITY MANAGER. The city manager shall be the chief executive officer and head of the executive branch of the city government, and shall be responsible to the council for the proper administration of all affairs placed in his hands. At the time of his appointment he need not be a resident of the city or state but during his term of office he shall reside within the city. No person elected or appointed to membership on the council shall, subsequent to such election or appointment, be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected or appointed. The city manager shall be appointed for an indefinite term, but may at any time be removed by the council, and the action of the council in removing him shall be final. In case of the absence or disability of the manager, the council may designate a qualified administrative officer of the city to perform his duties during such absence or disability, but any officer thus temporarily designated shall have no authority to appoint or remove any city officer or employee, except with the approval of the council.

"The powers and duties of the manager shall be:

"To supervise and control all city departments, enterprises, buildings, and property.

"To supervise and control all administrative and business affairs of the city, and generally to manage its affairs and concerns, except the legislative and appointive powers vested in the council and the judicial functions of the recorder:

"To enforce all ordinances;

"To see that the provisions of all franchises, contracts, leases, permits, and privileges granted by the city are fully observed, and to report to the council any violation thereof;

"To have general supervision and control over all officers and employees except as herein otherwise provided;

"To organize the work of the departments under his control and to assign assistants, deputies and employees from any office or department to perform work or services in connection with any other office or department of the city, or to work in more than one department or office.

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"To examine, or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the city government, excepting the judicial acts of the recorder;

"To promptly and diligently collect and supervise the collection of all revenues; license fees and assessments due the city;

"To act as purchasing agent for the city;

"To control the purchase, storage and distribution of all supplies, materials, equipment, and contractual services required by the city, or any department or agency thereof, in the manner provided by ordinance and to establish and enforce standard specifications with respect to such supplies, materials and equipment;

"To transfer to or between city departments, or to sell surplus, obsolete, or unused supplies, materials and equipment;

"To contract for the performance of any work, or for the furnishing of any supplies, materials or equipment for each of the departments of the city except where the amount involved exceeds \$250.00, bids shall be received and the contract awarded to the lowest responsible bidder, unless the council deems bids impracticable.

"To prepare or cause to be prepared plans and specifications for work which the council may order;

"To keep the council advised of the needs of the city;

"To prepare and submit to the council the annual budget estimate and such reports as may be required by that body, including the annual reports of all the city departments;

"To devote his entire time to the discharge of his official duties; and,

"To perform such other duties as may be required of him by this charter or as the council may require, and generally to supervise the administration of the affairs of the city whether such duties are herein specifically enumerated or not.

"The city manager, and such other officers of the city as the council may designate, shall be entitled to seats at meetings of the council, but shall have no vote therein. The manager shall have the privilege to take part in the discussion of all matters coming before the council.

"Section 9. That Sections 40, 140 and subdivisions 48 and 49 of Section 76, and any and all provisions of the charter of the city of Albany in conflict herewith be and the same hereby are repealed.

"Section 10. This act shall be in full force and effect on and after the 1st day of January, 1949, and not theretofore."

Passed by the Council April 14, 1948

Approved by the Mayor April 14, 1948

RALPH L. BANTON, Mayor

ATTEST:

Rex Butler
Recorder

I, Rex Butler, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the foregoing copy of the Ordinance No. 1889 has been by me carefully compared with the Ordinance Bill No. 2014, as passed by the Council April 14, 1948, and approved by the Mayor on the 14th day of April 1948.

Witness my hand and official signature and seal of the City of Albany, Oregon on the 14th day of April, 1948.

Rex Butler
Recorder of the City of Albany, Oregon