

Read once *G. E. Himmel @ 12-2-63 Council meeting*

ORDINANCE NO. 2

AN ORDINANCE CREATING THE GOVERNMENT OF DUNES CITY AS DEFINED HEREWITH:

The City of Dunes ordains as follows:

SECTION 1. MAYOR. Except as otherwise provided by ordinance the government of Dunes City and all the authority and powers thereof shall be and are hereby vested in and shall be exercised by a Mayor and a council. The Council shall be composed of five councilmen elected at large. Three of the four Councilmen shall serve for a term of two years and until his successor is elected and qualified. Two of said Councilmen shall be elected for four years at any regular City election. The Councilmen and Mayor of the City of Dunes at the time this ordinance is enacted, whose offices the legal voters of the City of Dunes are not required to fill at the election on November 12, 1964, shall continue in their respective offices and functions as such Mayor and Councilmen until the first Monday in January, 1965, and until their successors are elected and qualified, and those Councilmen, elected to such offices at the special election on September 11, 1963, shall commence their terms of office as Councilmen on the first Monday in October 1963, and such Councilmen shall continue in such offices for the term of two and four years as in this ordinance provided and until their successors are elected and qualified.

The Mayor shall be one of the five councilmen elected by the Council and shall hold office for a term of two years and until his successor is elected and qualified.

SECTION 2. OTHER OFFICERS. In addition to the Mayor and four Councilmen, other officers and employees of the City of Dunes shall be: A City Recorder-Treasurer, a City Marshal, City Attorney, Municipal Judge and such other officers and employees as the council may deem advisable for the best interests of the City. All of said officers shall be appointed by the Mayor by and with the consent of the Council and may be removed by the Mayor with the Consent of the Council. The Council may combine non-elective offices in one and the same person by Ordinance. The Council may also provide by Ordinance that any officer or employee of the City or any other person designated by the Council may direct, supervise and control any non-elective officer or public employee of the city in the exercise of his duties and functions as such non-elective

officer or public employee, provided that the person exercising the judicial function of the Municipal Judge shall not be subject to any such direction, supervision and control in the exercise of such judicial function.

SECTION 3. No person shall be eligible to any elective office within the City of Dunes who is not at the time of his election a legal voter of the State of Oregon and who has not resided in said City for at least one year preceding such election.

SECTION 4. Except as is otherwise provided in this Ordinance every person elected or appointed to office or place of public employment in the City, before entering his duties as officer or public employee shall, if required by Ordinance, give to the City of Dunes, such bond for the faithful performance of the duties of his office or public employment as the Council may require.

SECTION 5. The compensation for the services of each city officer and employee shall be whatever amount the Council fixes.

SECTION 6. ELECTIONS. There shall be held in the City of Dunes, regular elections for nominating and electing candidates for its municipal offices on a ballot separate and distinct from the State and County ballot, at the biennial nominating and general elections; at which time and on which City ballots, all initiative and referendum and other matters submitted to the electors of said City at such election shall also be voted upon, and such City ballots shall be received by the judges and clerks of election and deposited in a separate ballot box to be marked "City Ballots." Judges and clerks and precinct or precincts within the City for such State and County elections shall be the judges, clerks, precinct or precincts for such regular City election and said City election shall be governed by the general election laws of the State of Oregon.

The City Recorder, under the direction of the Council, shall give at least ten days' notice of such regular election by posting notice thereof in three public places in each voting precinct of such regular City election within the City of Dunes, which notice shall state the officers to be elected at said election, the measures, if any, to be voted upon, and the time and places designated for holding such election.

SECTION 7. SPECIAL ELECTIONS. The Council may by resolution or Ordinance order a special election, fix the time for holding the same and provide the manner and all the

means for holding such special election; the Recorder shall give at least ten days' notice of each special election in the manner provided by the Council in ordering the election.

SECTION 8. REGULATION OF ELECTIONS. The Council shall make all useful rules and regulations not inconsistent with this Ordinance or the laws of the State of Oregon for the conduct of elections, for the prevention of frauds in elections and for the recount of the ballots in case of doubt or fraud.

SECTION 9. QUALIFIED ELECTORS. Every legal voter of the State of Oregon, residing within the City of Dunes, shall be entitled to vote at any election held in said City.

SECTION 10. CANVASS OF RETURNS. In all elections held in conjunction with the state and county elections, the state laws governing the filing and canvassing of returns shall apply. On or before noon of the day following each special City election the returns therefrom shall be filed with the Recorder and not later than five days after the election the Council shall meet and canvass the returns. The result of all elections shall be made a matter of record in the journal of proceedings of the Council which shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed the Recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it, except that the Council shall be the final judge of the qualifications and election of its own members, subject, however, to review by any Court of competent jurisdiction. All contested elections for any office other than that of Councilman must be determined according to the laws of the State of Oregon regulating proceedings in contested elections in the case of county officers.

SECTION 11. The terms of office of each person elected to office under this Ordinance at any regular City election shall commence on the first Monday in January following such election; provided, however, that in the case of an election or appointment to fill an existing vacancy in office the person so elected or appointed

shall enter upon such office immediately unless otherwise provided by the Council.

SECTION 12. OATH OF OFFICE. Each officer of said City, elected or appointed, shall before entering upon the duties of his office, file with the Recorder an oath of office to the effect that he will support the Constitution and laws of the United States and the State of Oregon and that he will faithfully perform the duties of the office to which he has been elected or appointed to the best of his ability during his term of office.

SECTION 13. NOMINATIONS OF OFFICERS. The mode for nominating elective officers shall be by Council proceedings or by petition of ten legal voters of the City.

SECTION 14. WHAT CREATES A VACANCY. An elective office shall be deemed vacant upon the incumbent's death, incompetency, insanity, conviction of a felony, resignation, removal from City, absence from the City for a period of 90 days without the consent of the Council, or upon such incumbent ceasing to possess the qualifications necessary for such office or upon the failure of the person elected or appointed to an office to qualify therefor on or before the day his term of office shall commence; and in case a member of the Council in addition to the above causes, upon his absence from the meetings of the Council for a period of 90 days without the consent of the Council; and in case of the Mayor in addition to the above causes, upon his absence from the meetings of the Council for a period of 90 days without the consent of the Council.

SECTION 15. MANNER IN WHICH VACANCIES IN OFFICE SHALL BE FILLED. All vacancies in elective office shall be filled by appointment by the Council in any regular or special meeting therefor and the person so appointed shall serve the full unexpired term until his successor is elected and qualified; provided that a majority vote of the whole membership of the Council shall be necessary to fill a vacancy in the office of Mayor. An officer appointed to fill a vacancy must within 48 hours from the time of such appointment qualify therefor as in case of an officer elected, or he shall be deemed to have declined the office and the office shall be considered vacant.

During the temporary disability of any elected or appointed officer or during his absence temporarily from the City for any cause his office may be filled pro tem in the manner provided for filling vacancies in offices permanently.

Passed by the Council the 6th day of JANUARY, 1964.

P. Jones
Recorder

Approved this 6th day of JANUARY, 1964.

Philip D. Stumel
Mayor

AMMENDMENT TO ORDINANCE # 2 PERTAINING TO THE CREATION
OF THE GOVERNMENT OF THE CITY OF DUNES.

There are 15 Sections covering the regulations by which the council is formed, terms of office and manner of conducting elections, however, I find nothing regulating the conduct of council meetings. In keeping with our desire to keep the residents informed it is my feeling that any business brought before the council should be put in writing and in the hands of the City Recorder on or before the fifteenth (15th) day of the month preceding the regular council meeting. The City Recorder would cause to have published via the local newspapers the scheduled agenda not less than seven (7) days before said council meeting.

This proposed ammendment is not to be construed as being prohibitive to persons being encouraged to bring business before the council without prior notice; however, such business requiring a decision of the council would automatically be tabled until the next ~~##~~ regular council meeting with the City Recorder putting said business in the published agenda. If time is of the essence a special session will be called with the City Recorder having caused publication via the local newspapers of said business to be conducted prior to this special session.

*afternoon emergency dealing with the
health and safety of the citizens of City of
Dunes —*