

Port of Astoria Charter

CHARTER
UNDER WHICH
PORT OF ASTORIA
WAS
ORGANIZED

From Lord's Session Laws of Oregon
1909
H.B. 28
Amended in accordance with

Port of Astoria Charter

Session Laws of 1915.

CHAPTER 39

H.B. 28

AN ACT Entitled ‘An Act to provide for incorporation under general law of Ports in counties bordering upon bays or rivers navigable from the sea, or containing bays or rivers navigable from the sea, and to provide for the manner of incorporating such Ports and defining the powers of Ports so incorporated and declaring an emergency’.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF OREGON:

SECTION 1

Municipal corporations designated as Ports may be incorporated in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea, in manner as in this Act hereinafter provided.

SECTION 2

The following shall be substantially the form of petition for the incorporation of Ports in Counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea.

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

Petition for the incorporation of the Port of _____ in the County of _____ State of Oregon.

To the Honorable County Court of the State of Oregon for the County of _____.

We, the undersigned citizens and legal voters of the State of Oregon and of the County of Clatsop and residents within the limits of the district in said County hereinafter described, respectfully demand that there shall be submitted to the legal voters of the State of Oregon, County of _____ residing within that portion of _____ County, State of Oregon, described as beginning (here insert exterior boundaries of district) at a special election to be called by said County Court, the Question whether or not that a portion of _____ County, Oregon described as beginning (here insert description) shall be incorporated as a municipal corporation to be known as the Port of _____ in accordance with the provisions of that

Port of Astoria Charter

certain Act of the Legislative Assembly of the State of Oregon, passed at the regular session in the year 1909, entitled "An Act to provide for incorporation under the general law of Ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea, and to provide for the manner of incorporating such Ports and defining the powers of Ports so incorporated", and each for himself says: I have personally signed that petition; I am a legal voter of the State of Oregon, and of the County of _____ and resident within that portion of the said County hereinbefore described. My residence and post office address are correctly written after my name.

Name-----Residence-----Post office

(If in a City, street and number.)

(Here follow twenty numbered lines for signatures.)

Every such petition and sheets for signatures shall be printed on pages seven inches in width by ten inches in length, with a margin of one and three-fourths inches at the top for binding. Each and every sheet of such petition containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated said sheet by his or her affidavit thereon and as a part thereof:

STATE OF OREGON)

) ss.

County of _____)

I, _____ being first duly sworn, say: (here shall be legibly written or typewritten the names of the signers of the sheet), signed this sheet and each of them signed his name thereto in my presence; I believe that each has stated his name, post office address and residence correctly, and that each signer is a legal voter of the State of Oregon and County of _____ and resident within that portion of said County within the boundaries therein stated.

(Signature and post office address of affiant).

Subscribed and sworn to before me this ____ day of _____ A.D. 19____

(Signature and title of officer before whom oath is made, and his post office address.)

The forms herein given are not mandatory, and if substantially followed it shall be sufficient, disregarding any clerical and merely technical errors.

Where a petition is filed for the incorporation of a Port under the provisions of this Act, the territorial limits of which do not include such County as a whole, the limits proposed by such petition shall not extend beyond the natural watershed of any drainage basin whose waters flow into another bay, estuary of river navigable from the sea situated within such County.

Port of Astoria Charter

SECTION 3

The petition for a special election hereinbefore provided shall be filed with the County Clerk of the County and shall be presented to the County Court of said County on the first day of its next regular session. The County Court shall forthwith examine such petition, and if it appear therefrom that such petition contains the names of eight percent of the legal voters of that portion of such County, within the exterior boundaries of said district, based upon the whole number of votes cast within such district for Justice of the Supreme Court at the general election preceding the filing of such petition, the said County Court shall call a special election to be held within such proposed district, to be held not less than forty days, or more than sixty days, as such County Court shall determine. At such election there shall be submitted to the legal voters of that portion of said County embraced within the limits described in such petition, whether said portion of said County shall be incorporated as a municipal corporation to be known as the Port of _____ (here insert name set forth in petition) in accordance within the provisions of this Act.

The ballot title to be used at such special election shall read as follows: "Shall that portion of _____ County, State of Oregon, described as (here insert description) be incorporated as a municipal corporation to be known as the Port of _____ (here insert proposed name) in accordance with the provisions of that certain Act of the Legislative Assembly of the State of Oregon, passed at its regular session held in 1909, entitled "An Act to provide for incorporation under general law of Ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea and to provide for the manner of incorporating such Ports and defining the powers of Ports so incorporated."

The affirmative of the measure upon the official ballot shall be numbered 300 and the negative 301, both in numerals.

The official ballot shall be prepared by the County Clerk in accordance with the provisions of the then existing law relative to elections; the Judges and Clerks appointed by the County Court for the preceding general election shall act as Judges and Clerks of such special election, and the register of voters at such preceding election shall be used at such special election, and no one by persons authorized to vote within such district at a general election held therein shall be authorized to vote at such special election. Should any of the regular Judges or Clerks fail to attend such special election their places shall be filled in the manner provided by law in cases of general elections.

The polls shall be kept open between the hours provided for in cases of general elections and notice of the time of such special election shall be posted in each polling precinct in which such measure is to be voted upon in like manner as is provided for in cases of general elections.

The Judges and Clerks shall return the canvass of the vote together with the ballots cast to the County Clerk to the County in which the election is held, and on the seventh day after the

Port of Astoria Charter

election the County Clerk shall hold a special session and proceed to canvass such vote, and if upon canvass it appears that a majority of the votes cast at such special election have been cast in favor of such corporation, such County Court shall cause to be entered upon the journal of such Court a proclamation in language substantially as follows:

“Whereas, at a special election duly and regularly held on ____ day of _____ A.D. 19____, within that portion of _____ County, State of Oregon, described (here insert description) there was submitted to the legal voters thereof the question whether all portion of _____ County, State of Oregon, described (here insert description) should be incorporated as the Port of _____ (here insert name of Port) under and pursuant to the provisions of that certain Act of the Legislative Assembly of the State of Oregon, passed at its regular session held in 1909, entitled “An Act to provide for incorporation under general law of Ports in Counties bordering upon bays and rivers navigable from the sea or containing bays or rivers navigable from the sea and to provide for the manner of incorporating such Ports and defining the powers of Ports so incorporated”, and, whereas at such election so held _____ votes were cast in favor of such corporation and _____ votes were cast against such incorporation.

And, whereas, the incorporation of such Port of (here insert name) received the affirmative vote of the majority of the votes cast at such election; now, therefore, the County Court of the County of _____ State of Oregon, does hereby proclaim and declare that all that part of _____ County, State of Oregon, described as (here insert description) has been duly and legally incorporated as a municipal corporation under the corporate name of the Port of (here insert name) under and pursuant to and with the powers vested in such corporation by virtue of that certain Act of the Legislative Assembly of the State of Oregon, passed at its session held in the year 1909, entitled “An Act to provide for incorporation under general law of Ports in Counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea and to provide for the manner of incorporating such Ports and defining the powers of Ports so incorporated”.

SECTION 4

If the County Court shall refuse to accept and file any petition for the incorporation of such Port, or refuse to call a special election as provided in Section 3 of this Act, any citizen may apply within ten days after such refusal to the Circuit Court of the County for a writ of mandamus to compel such County Court to do so. If it shall be decided by the Court that such petition is legally sufficient and that the requisite number signatures has been attached to such petition, said Court shall direct such County Court to call such election. Such suit shall be advanced on the County Court docket and decided by the Court as quickly as possible. Either party may appeal to the Supreme Court within ten days after the decision is rendered by serving upon the original of the notice with the Clerk of such Circuit Court.

Port of Astoria Charter

SECTION 5

All expenses of any special election held under the provision of this act shall be paid by the County in which such election is held in like manner as the expense of general election is paid.

SECTION 6

From and after the date of the proclamation made by the County Court provided for under Section 3 of this Act that portion of such County embraced within the limits defined in such proclamation shall be a separate district to be known as the Port whose name is specified in such proclamation, and the inhabitants thereof shall be a corporation by the name and style of the Port specified in such proclamation, and such shall have perpetual succession, and by the said names shall exercise and carry out the corporate power and objects hereinafter conferred and declared and shall make all contracts, hold, receive and dispose of real and personal property and do all other acts and things which may be requisite, necessary or convenient in carrying out the objects of said corporation or exercising the powers conferred upon it as in this Act set out and expressed, and sue and be sued, plead and be impleaded in all actions, suits or proceedings brought by or against it.

SECTION 7

Such corporation shall have power:

1) TO IMPROVE HARBORS:

To improve all bays, rivers and harbors within its limits and between its limits and the sea for such width and length and to such depth as it may be deemed necessary or convenient for the use of shipping and as a means at its disposal will allow, and to construct such canals, basins and waterways as it may be deemed necessary or convenient for the use of shipping of the extension of commerce of such Port.

2) TO CONTRACT WITH FEDERAL GOVERNMENT FOR SUCH WORK:

To contract with the Government of the United States to do any and all or any part of the work of making and maintaining or making or maintaining such a depth of water in such bays, harbors or rivers as said Government of the United States may from time to time determine to make or maintain, and for the making or maintaining of which it shall or may contract with said corporation, and to receive therefor such compensation as may be agreed on between said Government of the United States and said corporation.

3) TO EXERCISE RIGHT OF EMINENT DOMAIN:

In carrying on any work in this Act provided to be carried on, the said corporation shall have the same right of eminent domain and to take property for public uses as exist at such time under the laws of this State in favor of corporations organized for the construction and operation of

Port of Astoria Charter

railroads, and to be exercised in the same manner and on the same terms as by the laws of this State provided in case of said corporations, save only that in the case of corporations organized under the provisions of this Act, the right shall extend to the taking of, and such corporation shall have and there is hereby granted to it the right to take any and all private property under said right of eminent domain which shall be found necessary or convenient in carrying on any work or the exercising, carrying out and executing any power in this Act provided to be carried on, exercised, carried out or executed by it.

4) AUTHORITY OVER HARBORS, WHARF LINES, NAVIGATION, ETC.:

And to the full extent which the State of Oregon might itself exercise and control or to which it can grant to corporations organized under the provisions of this Act the right to exercise the same, corporations organized under the provisions of this Act shall be and are hereby granted full control of all bays, rivers, and harbors within their limits, and between their limits and the sea, with full power and authority to, from time to time, make establish, change or abolish wharf lines in such harbors and rivers, and to make establish, change, modify or abolish such rules and regulations for the use or navigation in such harbors and rivers, or the placing of obstructions therein or the removal of obstructions therefrom, as it may deem convenient, requisite or necessary or in the best interests of the maritime shipping and commercial interests of the said port, and the said rules and regulations so made by it be enforced by such fines, penalties, and punishments as it in the exercise of sound discretion may deem necessary; and the fines or penalties so imposed or levied shall be recovered in the name of said corporation in any Court of this State having jurisdiction of actions for the recovery of fines and penalties imposed by State laws, and shall inure and belong to said corporation, and all punishments so imposed shall be enforced in the name of said corporation in any of the Courts of this State having jurisdiction of crimes and misdemeanors under said laws.

5) TO MAINTAIN TUG AND PILOTAGE SERVICE:

To establish, maintain, and operate a tug boat and pilotage service in said port and between said port and the sea, and to that end to purchase, lease, control, and operate steam tug boats and steam and sail pilot boats upon such rivers, bays, and harbors and upon the sea, and to collect charges from vessels employing such tugs so operated and for pilotage services rendered by employees of such corporation, and such corporation shall have the right to claim and collect salvage for services rendered to vessels in distress in the same manner as natural person. The charges for towage and pilotage shall be fixed by the board of commissioners for such corporation, and shall be public and published to the world, and said corporation shall be entitled to a lien upon any vessel for any sums due it for piloting or towing such vessel, and the master and owner of such vessel shall in addition be jointly and severally liable to such corporation therefor. If a vessel or cargo, while being towed by a vessel owned or operated by such corporation, or, while under the charge of a pilot employee of such corporation, suffers injury or

Port of Astoria Charter

loss by reason of the fault of such tub of the negligence or incompetency of such pilot, such corporation shall not be liable for any loss or injury thereof in excess of \$5,000.

Also, to acquire, charter, own, maintain and operate steamboats, power boats, vessels and water craft for the transportation of all kinds of merchandise, passengers and freight for hire, and to engage generally in the coastwise trade and commerce both domestic and foreign, and in transporting for hire all kinds of merchandise and freight.

Also to establish, operate and maintain water transportation line in any of the navigable waters of the State of Oregon and waters tributary thereto, any portion of which may touch the boundaries of such port. Also to own, acquire, construct, operate and maintain railroad terminal grounds and yards, and construct, operate and maintain such line or lines of railroad, with necessary side tracks, turnouts and switches, as in the judgement of the Port Commissioners may facilitate water commerce between such point and points within the boundaries of the Port as the Port Commissioners may from time to time determine, all for hire, and to carry and transport passengers and freight thereon and thereover for hire.

Also to engage generally in the business of buying and selling coal, fuel oil, and all kinds of fuel for steam boats and power boats and power vessels of all kinds, and generally to do and cause to be done all things necessary and convenient whether herein expressed or not to successfully carry out the power herein granted.

6) TO ACQUIRE LANDS, CONSTRUCT CANALS, MAINTAIN AND OPERATE WHARVES, WAREHOUSES, AND DRY DOCKS:

To acquire by purchase, condemnation or other lawful method such lands as it may deem necessary to improve for public convenience of its shipping and commercial interests all of any portion of its waterfront of its harbors, rivers, and waterways; to enlarge its tidal area, construct, excavate or dredge canals and channels connecting its waterways with one another or with other waterways and the sea, and to construct, maintain and operate upon any of the water front so acquired by it, wharves, warehouses and dry docks, and to collect from vessels using the same wharfage and dry dockage, and to collect from owners or consignees of goods, passing over said docks and warehouses, wharfage and storage charges from goods so handled.

7) GENERAL POWERS:

Generally to do such other acts and things as shall tend to promote the maritime shipping and commercial interests of such corporation and to acquire, hold, use, enjoy, and dispose of and convey such real and personal property, and to make any and all contracts and to do any and all other acts and things which may be or may become requisite, necessary or convenient in carrying out all or anyone or more of the powers in this Act granted it.

Port of Astoria Charter

8) TO BORROW MONEY AND ISSUE BONDS:

For the purpose of carrying into effect all or any of the powers hereby granted, such corporation shall have the power to borrow money and to sell and dispose of bonds, which bonds shall, however, never exceed in the aggregate ten percent of the assessed valuation for state and county purposes of all property within the limits of said corporation, which is by law assessable for state and county purposes. Such bonds shall be issued from time to time as the Board of Commissioners of said corporation may determine and shall be of such denominations and shall run for such term of years and bear such rate of interest as such Board of Commissioners shall determine; provided, however, such bonds shall not bear interest exceeding in any event the rate of six percent per annum, and they shall be executed on behalf of said corporation, by its president and secretary, and shall be so conditioned as that said corporation shall therein and thereby undertake, promise, and agree in consideration of the premises, and be held to pay at a place therein named to the bearer thereof, the sum named therein in gold coin of the United States with interest thereon in like gold coin as (at) the rate per annum named therein payable half yearly on the first day of January and July in each year in accordance with the tenor and terms of interest coupons thereto attached.

9) POWERS OF TAXATION:

Such corporation shall have the power and there is hereby granted to it the power to assess, levy and collect taxes upon all property, real and personal, situated within its boundaries, and which is by law taxable for state and county purposes, and each year not to exceed one percent, the proceeds of which shall be by it applied in carrying out the objects and purposes herein before provided ; and such corporation shall also have the power each year to assess, levy and collect a special tax upon all such property, real and personal, in an amount sufficient to pay the yearly interest on bonds theretofore issued by such corporation and then outstanding, together with any portion of the principal of such bonds maturing within such year. Such regular annual and special tax provided for hereby shall be levied in each year in time so as to be extended upon the county tax rolls with the state and county tax for the annual collection of taxes in the spring next following, but in no event later than the thirty-first day of December in each year. The special tax hereby authorized shall be applied only in payment of interest and principal of bonds issued by such corporation, but such corporation shall have power to apply any funds derived from the regular annual tax towards the payment of such principal or interest upon such bonds.

All taxes levied by such corporation shall become payable at the same time and to the same officers as regular county taxes are payable and shall be by the county officers, collecting the same, paid to the treasurer of the said corporation for its use. All taxes levied by corporations incorporated under the authority of this Act granted shall be levied on the basis of the assessment made by the county in which such corporation is situated for the purpose of the levy of taxes for county or state purposes, with the exception that the levy of such corporation shall be on the property situate within its boundaries only; and for the purpose of the levy of taxes by said

Port of Astoria Charter

corporation the assessment made by such county on the property situate within the boundaries of said corporation shall be taken to be and shall be the assessment of said corporation. All regular, annual and special taxes levied by said corporations in the manner hereinbefore provided shall by the proper county officers be extended upon the county tax rolls of such county with the state and county tax for the annual collection of taxes in the spring next following, and shall be entered on the tax rolls and collected as one tax of and for the said corporation of a percent or rate in the aggregate equaling the aggregate of the general and special tax so levied by said corporation during such year under the authority herein granted. Property shall be subject to sale for the nonpayment of taxes levied by the said corporation in like manner and with like effect as in the case of county and state taxes.

SECTION 8

The power and authority given to corporations organized under the provisions of this Act is vested in and shall be exercised by a Board of Commissioners, five in number, each of whom shall be qualified voters within the limits of said corporation. Within ten days after the issuance by the county court of the proclamation provided under Section 3 of this Act the Governor of the State of Oregon shall appoint a Board of five Commissioners, each of whom shall be qualified voters as aforesaid. Such Commissioners shall meet at such place within the limits of said corporation as the Governor shall designate on the fifth day after their appointment, and shall organize as a Board, first making and subscribing to an oath of office to the effect that they will support the constitution of the United States and of the State of Oregon and the laws thereof, and will faithfully discharge the duties of Commissioner to the best of their ability. The term of office of Commissioner shall be determined by lot at the first meeting of the Board, two of said Commissioners shall hold office until the 1st day of January next following the succeeding general election held in said State of Oregon and the remaining three of the Commissioners shall hold office until the first day of January following the second next general election in said State. At such first general election two commissioners shall be elected, each to hold office for the term of four years from the 1st day of January following such election, and at the second general election three commissioners shall be elected, each to hold office for a term of four years from the 1st day of January following such annual general election.

At each succeeding general election held in the State of Oregon thereafter, commissioners shall be elected for a term of four years each, to take the place of those whose terms of office expire on the 1st day of January following such election. At all elections herein mentioned persons having qualifications prescribed by law to vote for county officers within the limits of any such municipal corporation shall be legal voters, qualified to vote at the elections of that municipal corporation under this Act and not otherwise; and the nomination and election of commissioners under this Act and the canvass and return of votes shall be conducted in the same manner and at the same time, and under the same penalties as are or may be prescribed by law for the government of nominations and election of county officers in the county in which such

Port of Astoria Charter

municipal corporation exists. The Board of Commissioners shall meet at such place or places within such corporation as they may from time to time determine upon. The said Board of Commissioners shall hold at least one regular meeting in each month on a day to be fixed by it, and may hold special meetings under such rules as it may make therefor. Said Board of Commissioners shall choose from their number a president, vice-president, a treasurer and a secretary who shall hold their offices until the next election of officers, and shall respectively have the powers and perform the duties usual in such cases, and shall be known as the president, vice-president, treasurer and secretary of the said corporation. The treasurer shall give bonds as such to the said corporation conditioned for the paying over by him of all moneys coming into his hands as such treasurer, the amount of which bond shall be from time to time fixed by the said Board of Commissioners as based on the amount of money in the hands of such treasurer or liable to come into his hands as such. All expense incident to the giving of such bonds, if any such there be, shall be paid by the said corporation from its general funds. No commissioner shall either directly or indirectly receive any salary or compensation for his services as a commissioner, or for acting as an officer of the said corporation. The said corporation shall employ such engineers, superintendents, mechanics, clerks or other persons as it may find requisite, necessary or convenient in carrying on its work or any part thereof, and at such a rate of remuneration as it may deem just, and pay the expenses actually incurred by any one or more commissioners so incurred by him or them in the service of said corporation.

All moneys of any such municipal corporation shall be deposited in one or more banks, to be designated by the commissioners, and shall be withdrawn or paid out only when previously ordered by a vote of the commissioners and upon check signed by the treasurer and countersigned by the president, or in his absence or inability to act, by the vice-president. A receipt or voucher showing clearly the nature and items covered by each check drawn shall be kept on file. Annual reports shall be made and filed by the president, secretary and treasurer and at least once in each year a full and complete itemized statement of receipts and expenditures shall be published in a newspaper of general circulation, published in the county in which such municipal corporation is situated. All proceedings of the commissioners shall be entered at large in a record book and all books, maps, plans, documents, correspondence, vouchers, reports and other papers and records pertaining to the business of the corporation shall be carefully preserved and shall be open to inspection as public records.

Vacancies in the Board of Commissioners occasioned by death, resignation or removal from within the district be filled by the remaining members of such Board of Commissioners, but said member so elected by the Board of Commissioners shall hold office only until the 1st day of January next succeeding the next regular general election held in said State of Oregon. In the exercise of the initiative and referendum powers reserved under the constitution of the State of Oregon to the legal voters of every municipality and district as to all local, special and municipal legislation of every character in and for their respective municipalities and districts the president of the Board of Commissioners of said corporation shall exercise the duties of Mayor of a City or

Port of Astoria Charter

town and the secretary shall perform the duties of auditor and recorder of a City or town, and the attorney of the corporation shall perform the duties of the attorney of a City or town, and if there be no attorney of said corporation then the duties required of any attorney shall be performed by the secretary of such corporation.

SECTION 9

Nothing in this Act contained shall be construed as in any way altering or abridging powers now exercised or enjoyed, or by law authorized to be exercised or enjoyed by or reserved unto any such Port or corporation heretofore created by and now existing under the laws of this State; provided, however, that any such Port or corporation heretofore organized and now in existence, may reincorporate under the provisions of this Act, and in which such case all books, papers, maps, money and other property of and belonging to such Port or corporation shall pass to and become the property of the Port or corporation reincorporated under this Act.

SECTION 10

It is hereby adjudged and declared that existing conditions are such that this is necessary for the immediate preservation of the public peace, health and safety; therefore, an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its approval by the Governor.

Filed in the office of the Secretary of State February 12, 1909.

Amended by Session Laws of Oregon 1915.

Chapter 53

Port of Astoria Charter

Taken from the 1911 Session Laws.

CHARTER 115

AN ACT.

To provide for the changing of the boundaries of ports and providing the manner for proceeding for annexing new territory thereto.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF OREGON:

SECTION 1

The boundaries of any municipal corporation designated as a port now existing in this State, or which may hereafter be incorporated therein, may be altered and new territory annexed thereto after proceedings had as required by this Act.

SECTION 2

The following shall be substantially the form of petition for the change of boundaries of ports and the annexing of new territory thereto:

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

PETITION FOR THE CHANGING OF THE BOUNDARIES OF THE PORT OF.....,
IN THE COUNTY OF, STATE OF OREGON, AND ANNEXING NEW
TERRITORY THERETO.

To the Honorable County Court of the State of Oregon for the County of,

We, the undersigned citizens and legal voters of the State of Oregon and the county of residents within the limits of Port of in said county, respectfully demand that there shall be submitted to the legal voters of the State of Oregon, for the county of, residing within the said Port of, and to the legal voters of said State and county residing within that portion of said State and county described as, beginning (here insert exterior boundaries of the territory to be annexed) at a special election called by said County

Port of Astoria Charter

court, the question whether or not the boundaries of the Port of in accordance with the provisions of that certain Act of the Legislative Assembly of the State of Oregon at its regular session in the year 1911, entitled "An Act to provide for the changing of the boundaries of ports and providing the manner for proceeding for annexing new territory thereto," and each for myself say: That I have personally signed the petition; that I am a legal voter of the State of Oregon, and of the county of and a resident within the Port of in said County. My residence and post office address are correctly written after my name.

NAME	RESIDENCE	POST OFFICE ADDRESS
------	-----------	---------------------

(if in a city, street and number)

(Here follow twenty numbered lines for signatures.)

Every such petition and sheets for signatures shall conform in size and arrangement to that now provided by law for petitions for the incorporation of ports, and the same shall be verified in the same manner as petitions for the incorporation of ports are now required to be verified, except that the affidavit shall require that the signers are residents within the port whose boundaries are proposed to be changed.

The forms herein given are not mandatory, and if substantially followed shall be sufficient disregarding any clerical or merely technical errors.

SECTION 3

The petition for special election hereinbefore provided shall be filed with the county clerk of the county in which such port is situated, and shall be presented to the county court of said county on the first day of its next regular session. The county court shall forthwith examine such petitions, and if it appear therefrom that such petition contains the names of eight percent of the legal voters of the port whose boundaries are proposed to be changed based upon the whole number of votes cast within such port for Justice of the Supreme Court at the general election next proceeding the filing of such petition the said county court shall call a special election to be held within such port, and the new territory proposed to be annexed, to be held not less than forty days nor more than sixty days after the making of such order, as such county court shall determine. At such special election there shall be submitted to the legal voters of such port, and to the legal voters residing in the territory proposed by said petition to be annexed to such port and become a part thereof, the question of whether said territory proposed to be annexed to such port shall be annexed to and become a part of said port in accordance with the provisions of this Act.

Port of Astoria Charter

The ballot title to be used at such special election shall read as follows: “Shall that portion of County, State of Oregon, described as: Beginning (here insert description of territory to be annexed) be annexed to and become a part of the municipal corporation known as the Port of (here insert name) in accordance with the provisions of that certain Act of the legislative Assembly of the State of Oregon, passed at its regular session held in 1911, entitled ‘An Act to provide for the changing of the boundaries of ports and providing the manner for proceeding for annexing new territory thereto.’ ”

The affirmative of the measure upon the official ballot shall be numbered 300, and the negative shall be numbered 301, both in numerals.

The official ballot shall be prepared, and all the procedure for holding said election and all matters in connection therewith shall be the same as provided for the holding of a special election upon petitions for the incorporation of port as now provided by law; provided, that as such special election the votes cast by voters residing within the existing port shall be cast and counted separately from the votes cast by the legal voters residing without said port and residing within the boundaries of the territory proposed to be annex to said port.

The judges and clerks shall return the canvass of the vote, together with the ballots cast, to the county clerk of the county in which such election is held, and on the seventh day after the election or as soon thereafter as practicable; the county court shall hold a special session and proceed to canvass such vote. The votes cast in the territory proposed to be annexed shall be first canvassed, and if the territory proposed to be annexed shall be first canvassed, and if it shall appear upon such canvass that the majority of all the votes in such territory are in favor of annexation, then the votes cast within such port shall be next canvassed, and if a majority thereof are found to be also in favor of such annexation, then the said county court shall cause to be entered upon the journal of such court a proclamation in language substantially as follows:

“Whereas, at a special election duly and regularly held on the day of A.D., 19.... within the Port of (here insert name of port), in County, State of Oregon and within that portion of County, State of Oregon, described as (here insert description of new territory), there was submitted to the legal voters of said port, and of said described territory of said county, the question whether that portion of County, State of Oregon, above described, should be annexed to and become a part of the municipal corporation known as the Port of (here insert name of port), under and pursuant to the provisions of that certain Act of the Legislative Assembly of the State of Oregon passed at its regular session held in 1911, entitled ‘An Act to provide for the changing of the boundaries of ports and providing the manner for proceeding for annexing new territory thereto’.”; and,

Port of Astoria Charter

“Whereas, at such election so held votes were cast in favor of such annexation within the territory proposed to be annexed to said port, and votes were cast in said territory against such annexation; and,

“Whereas, at such special election held votes were cast in said port in favor of such annexation and votes were cast in said port against such annexation; and,

“Whereas, the annexation of such described territory to the said port of (here insert name of port) received the affirmative vote of the majority of votes cast at such special election both within said port;

“Now, therefore, the county court of the County of, State of Oregon, does hereby proclaim and declare that all that part of County, State of Oregon, described as (here insert description of new territory) has been duly and legally annexed to and is a part of the municipal corporation known and designated as the Port of (here insert name.)”

Said county court shall thereupon cause its clerk to make and transmit to the Secretary of State, and to the secretary of the port affected, a certified copy of the said proclamation, which certified copies shall be held on file by the said Secretary of State of the State of Oregon, and the secretary of the said port and the said proclamation, or a certified copy thereof, shall be prima facie evidence that all the steps required to be taken under the law for the annexation of such territory have been duly complied with in every respect.

SECTION 4

The expenses of any such election held under the provision of this Act shall be paid by the port to be affected by said proposed annexation.

SECTION 5

From and after the date of the proclamation made by the county court provided for under SECTION 3 of this Act, that portion of such county embraced within the limits defined in such proclamation and the inhabitants thereof shall be a part of the port to which said territory shall have been thereby declared to be annexed.

SECTION 6

All the provisions of what is known and designated as CHAPTER 39 of the General Laws of Oregon contained in the Acts of the Legislative Assembly of the State of Oregon, for the year 1909, shall, so far as the same shall be applicable in any way to the manner of procedure in elections to be held under the provisions of this Act, govern and apply to the procedure to be

Port of Astoria Charter

followed under any election held under the provisions of this Act, where no other provision therefor is made herein.

SECTION 7

The territory annexed to any port under the provisions of this Act must be continuous to the port and in one continuous tract. Election to annex two or more separate tracts of territory shall not be held at the same time.

Filed in the office of the Secretary of State, February 18, 1911.

Port of Astoria Charter

AN ACT

In relation to public revenue and limiting the levy of taxes in the several taxing districts of the State of Oregon; prescribing penalties for the violation of this Act and repealing all Acts and parts of Acts in conflict herewith.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

SECTION 1

Except as herein otherwise provided, all statutory rates making provisions for the revenues of the State and for State departments or institutions, counties, cities, towns, schools, roads and for all other purposes, are hereby so reduced as to prohibit the levying of a greater amount of revenue on the assessed value of the year 1915 than the larger amount levied on the assessed value of either the year 1913 or of the year 1914, plus six percent. For each year after 1915 all such tax rates shall be so limited as not to levy a greater amount of revenue than the larger amount levied in either of the two years immediately preceding, plus six percent.

SECTION 2

Except as herein otherwise provided, the exercise of the taxing power by the State and by every county, city, town, school district, road district, port or other taxing district or body to which authority has been delegated to exercise the power of taxation, is hereby limited so as to prohibit the levying of a greater amount of revenue on the assessed value of the year 1915 than the larger amount levied on the assessed value of either the year 1913 or of the year 1914, or of the last year preceding 1913 when a levy was made, plus six percent.

For each year after 1915 the authority of all taxing bodies shall be so limited as to prohibit the levying of a greater amount of revenue than the larger amount levied in either of the last two preceding years when a levy was made, plus six percent.

SECTION 3

If any board of levy or any officer that is charged with the duty of levying a tax in any taxing district, except the State, shall be of the opinion that the amount of tax limited by this Act will be insufficient for the needs of such taxing district for the current year, the question of an increased levy may be submitted to the voters of such taxing district at a general or at a special election called for the purpose of in the manner provided by law for calling special elections in

Port of Astoria Charter

such taxing district. If any such question of increasing the levy shall be submitted at any election as before set forth, due notice thereof shall be given for at least thirty days in advance of such election by publication in one or more newspapers of general circulation published in such taxing district; provided, if no newspaper is published in such taxing district, notice shall be given by posting a notice of such election in at least three conspicuous places in such district. If a majority of the votes cast at any such election shall be in favor of the increased levy as named in said election notice, then the officers charged with levying taxes may make such increased levy for the year voted upon, and thereafter the limitation of this Act shall apply unless an increased levy for the particular year shall be voted at another election in like manner.

SECTION 4

In the event the date of assessment of property for taxation of the time for levy and collection of taxes is so changed that the levy based on the assessment of any year shall be required to produce revenue sufficient for a period of less or more than one entire year, the limitation on all tax levies, as imposed by this Act, shall be prorated and applied to such levies on the basis of the revenue requirements of one year.

SECTION 5

In the event any taxing district is subdivided into two or more, smaller districts, the limitations of this Act on tax levies to be made by such smaller district shall be prorated according to the proportion the assessed value of such smaller district bears to the assessed value of the district so subdivided.

SECTION 6

In the event any two or more taxing districts are consolidated, the limitations of this Act on tax levies to be made by such consolidated district shall apply to the total of revenues produced by levies made in said districts in the year immediately preceding such consolidation.

SECTION 7

Any levy which may be certified to the County Assessor in excess of the limitations placed by this Act shall be unlawful. In any such case it shall be unlawful for the County Assessor of any county within the state to enter upon the tax roll of the county any such excessive levy. In case of any such excess in any levy, it is hereby made the duty of the County Assessor, and he is hereby required to reduce such levy and to extend upon the tax roll only such a part thereof as will comply with the provisions of this Act.

Port of Astoria Charter

SECTION 8

This Act shall in no way limit the amount of any levy necessary to be made for the purpose of paying any bonded debt or outstanding warrants heretofore lawfully issued judgement or the interest thereon against the State, or any county, city, town, school district, port or other taxing district, or for special assessments for local improvements.

SECTION 9

Any officer of any taxing district of any County Assessor who shall violate any provision of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than one thousand dollars, and shall also be liable to removal from office as provided by law.

SECTION 10

The State Tax Commission is hereby directed to see that the provisions of this Act are properly administered and enforced. Said Commission shall obtain each year reports showing the valuation of the taxable property, the rate of levy and the amount of revenue required in each taxing district of the State, and shall keep said reports on file in its office. The commission shall summarize such records of tax levies and revenues in appropriate form and report the same to the Legislative Assembly at each biennial session thereof.

SECTION 11

Each section of this Act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or any part thereof.

SECTION 12

All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Filed in the office of the Secretary of State February 23, 1915

Port of Astoria Charter

Copy of amendment to Charter – July 14, 1914

Mr. Sanborn moved to Port Attorney be instructed to propose a bill to amend the charter, so as to give the Port of Astoria powers to own and operate a belt line railroad and steamboat line – seconded by Mr. Callender and carried.

Copy of amendment to Charter – August 12, 1914

On motion by Mr. Patton, seconded by Mr. Callender, a Committee was appointed to handle all matters relating to changing the Charter, so to give the Port powers to handle coal, operate a boat line to the Upper Columbia and on the Snake and Willamette rivers, and to manage a belt line railroad. For this committee a chair named Mr. Sanborn, Mr. Patton and Engineer Walsh.