

An Ordinance providing for a special election to be held on the seventh day of November, 1944, for the purpose of submitting to the voters of Milwaukie, Oregon for their acceptance or rejection a proposal to enact a new charter for the City of Milwaukie, Clackamas County Oregon, and to repeal all former charters and parts of charters of the City and providing further for a designation of the polling places, judges and clerks of election.

MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. That a special election be held on the seventh day of November, 1944, for the purpose of submitting to the voters of Milwaukie for their acceptance or rejection the following proposal:

AN ACT

TO ENACT A NEW CHARTER FOR THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, AND TO REPEAL ALL FORMER CHARTERS AND PARTS OF CHARTERS OF THE CITY.

Be it enacted by the city of Milwaukie, Clackamas County, Oregon:

CHAPTER 1

Name, Boundaries, Powers, and General Provisions.

Section 1. NAME AND BOUNDARIES. The city of Milwaukie, Clackamas County, Oregon, shall, upon the taking effect of this charter, continue to be a municipal corporation under the name of the city of Milwaukie, with boundaries as follows:

That so much of the County of Clackamas, in the State of Oregon, as is contained within the following boundaries, to-wit: Beginning at a point in the east boundary of the Lot Whitcomb Donation Land Claim, which is seventeen chains north, one degree west, from the southeast corner of said claim, and is the point of intersection of the center line of the "Milwaukie and Foster Road" with the said east boundary of the said Lot Whitcomb Donation Land Claim; from said beginning running north fifty-seven degrees forty-five minutes west along the center line of said road about ten and fifty-hundredths chains to the intersection of the westerly line prolonged of the county road leading from Oregon City to Milwaukie, via Oatfield's Farm; thence southwesterly, tracing the said westerly line of said road to the center line or thread of stream of "Kellogg Creek"; thence following said center line or thread of stream of Kellogg Creek and mill pond thereon to the southeast corner of a tract of land conveyed to Dora Quant, by deed, which is recorded in Volume 55, page 430, of the Deed Records for Clackamas County; thence tracing the south boundary of said tract of land as follows: North eighty-nine degrees five minutes west seven hundred and ninety-five and four-tenths feet; thence north sixty degrees and fifty-two minutes west two hundred ninety-one and six-tenths feet to the Willamette River; thence with the meanders of the right bank of said river down stream to the southwest corner of a tract of land conveyed to D.H. Hendee, by deed which is recorded in Volume "6," page 90, of the Deed Records of Clackamas County, Oregon; thence tracing the southeast boundary of said tract of land as follows: North forty-two degrees thirty minutes east six and thirty-one hundredths chains; thence north two degrees fifteen minutes west two and seventy-hundredths chains; thence north eighty-nine degrees fifteen minutes east six and forty-hundredths chains to a point in the west boundary of a tract of land conveyed to Richard Scott by a deed which is recorded in Volume 57, page 262, of the Deed Records for Clackamas County; thence south eight degrees and fifty-eight minutes east to the southwest corner of said tract of land; thence tracing the south and east boundaries of said tract of land as follows: North eighty-one

eighty-nine degrees thirty-eight minutes west sixty-nine and eight-tenths feet along the north boundary of said tract of land to an angular corner of said tract of land conveyed to Richard Scott, as described in said deed recorded in Volume "V," page 344, of the Deed Records for Clackamas County; thence north two degrees west and eighty-hundredths chains to a re-entrant corner of said tract of land conveyed to Richard Scott, as described in said deed recorded in Volume "V," page 344; thence north eighty-eight degrees thirty minutes east along the south boundary of said tract of land to the west line of the right of way of the Oregon and California Railroad Company; thence northerly along the said west line of said right of way to a point which bears south eighty-eight degrees thirty minutes west from the northwest corner of a tract of land conveyed to N. B. Harvey, by deed, which is recorded in Volume 47, page 250, of the Deed Records of Clackamas County; thence north eighty-eight degrees thirty minutes east crossing said right of way and tracing the north boundary of said tract of land conveyed to N. B. Harvey about one thousand one hundred feet to the west line of the county road known as the Oleson Road; thence northerly along said west line of said road about six hundred and thirty-five feet to a point which bears west from the southwest corner of a tract of land conveyed to George A. Rockwood, by deed, which is recorded in Volume 35, page 469, of the Deed Records of Clackamas County; thence east crossing said Oleson Road and tracing the south boundary of said George A. Rockwood's land twenty and twenty-eight hundredths chains to the southeast corner thereof; thence north one and ninety-eight hundredths chains to a point on the north boundary of Hector Campbell's Donation Land Claim; thence east along said north boundary line and thirty-four hundredths chains to the northeast corner of a tract of land conveyed to N. B. Harvey, by deed, which is recorded in Volume 45, at page 428, of the Records of Deeds for Clackamas County; thence south along the east boundary of said N. B. Harvey's land, and of James H. Page's land about twenty-six and ninety-hundredths chains to the north line of Palm avenue in Minthorn Addition to Portland; thence east along the north line of said Palm avenue about ten and thirty-five hundredths chains to the west line of Cleveland street in said Minthorn Addition; thence southerly along the east boundary of blocks numbered 13, 16, 41, 44, 69, 72, and 73, to the south line of Euclid avenue; thence west along said south line of Euclid avenue to the east boundary of the Lot Whitcomb Donation Land Claim; thence south one degree along said east boundary to the place of beginning.

Section 2. POWERS OF THE CITY. The city shall have all the rights, powers, privileges, and immunities which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, including those rights, powers, privileges, and immunities which a city can exercise upon specifically accepting them or upon being granted the power to exercise them by the people of the city or the legislature of the state, as fully as though this charter expressly stated each of those rights, powers, privileges, and immunities, and as though each of them had been specifically accepted by the city or granted to it by the people of the city or by the legislature of the state.

The enumeration of or reference to particular rights, powers, privileges, and immunities in this charter shall not be construed to be exclusive. The charter shall be liberally construed to the end that the city may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state. *K*

CHAPTER III

Form of Government

Section 1. COUNCIL MEMBERS. Except as otherwise provided in this chapter, all members of the city shall be elected in a Council of five members and shall be elected from the city at large. At each biennial general election held after adoption of this chapter the council shall be elected. The term ending the first election shall be held before the first day of January, and the one succeeding the first election shall be held before the first day of January in the second year.

At its first meeting of the first year, a biennial general election the council shall elect from its membership a chairman, who shall be mayor, and a clerk, and officers shall be the same.

The mayor and councilmen in office at the time of adoption of this chapter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this chapter.

Section 2. MAYOR AND COUNCILMAN TERMS. The council shall appoint and may reappoint a city manager and a chief judge, each of whom shall be elected during the pleasure of the council.

Section 3. CITY CLERK, CITY MANAGER AND CITY ATTORNEY. The city manager shall be elected by the council, a lawyer, an attorney, a chief judge, a city clerk, and such other officers and employees of the council department as the council may by resolution require and shall be in office during his term. The council may by resolution require any officer to fill and perform the duties of his or her position.

Section 4. SALARIES. The council shall fix the compensation of all city officers and employees.

Section 5. OATHS OF OFFICERS, EMPLOYEES AND CITY CLERK. Whenever the council appoints, reappoints or elects an officer or employee of the city, he or she, before entering into the service of the city, shall take the following oath for the faithful performance of his or her duties, and receive the approval of the council. Nothing in this section, however, shall be held to affect the effect of Section 24.

CHAPTER IV

Elections

Section 1. REGULAR ELECTIONS. Regular city elections shall be held at

the same kind and places as regular state elections, in order to try and  
control state election laws. The election officials responsible for such  
elections will be the same as for regular state elections.

The recorder, under the direction of the council, shall give at least 10 days' notice of each regular city election by posting notice in three public places in each voting precinct stating the officers to be elected, the measures to be voted upon, and the time and place of the election, *and published*

Section 9. SPECIAL ELECTION. The council may by resolution or ordinance order a special election and provide the time, manner and place for holding it. At least 10 days' notice shall be given of each special election.

Section 10. PREVENTION OF FRAUDS. The council may make regulations consistent with this charter and the laws of this state for the conduct of elections, the prevention of frauds in elections, and the recount of ballots in case of doubt or fraud.

Section 11. 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 for at least 30 days next preceding the election.

Section 12. AFFIDAVIT OF THE CITY CLERK. On or before noon of the day following each city election the election returns shall be filed with the recorder, and not later than 5 days after the election the council shall meet and canvass the returns. In all elections held in conjunction with state and county elections the state laws governing the filing of returns by the county clerk and the canvassing of those returns shall apply. The results of all elections shall be made a matter of record in the journal of the 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 or 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 completion of the canvass 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 facts which it states; but the council shall be the final judge of the qualification and election of its members, subject, however, to the power of any court of competent jurisdiction.

Section 13. COMMENCEMENT OF OFFICE. The term of office of any person elected to office at a regular city election shall begin at the first council meeting of the first January following the election. In case of an election to fill an existing vacancy in office, however, the person elected shall enter upon his official office.

Section 14. OATH OF OFFICE. Each officer, before entering upon the duties of his office, shall swear or affirm that he will support the constitution and laws of the United States and of the state, and that he will faithfully perform the duties of his office.

Section 15. NOMINATIONS. Any qualified elector who has resided in the city at least 6 months may be nominated for the council. The name of such an elector shall be printed upon the ballot whenever a petition and a written acceptance of nomination as hereinafter prescribed has been filed in his behalf with the recorder. Such a petition shall be signed by not less than ten nor more than twenty electors. No elector shall sign more than one such petition, and if he does so, his signature shall be valid on only the first of the petitions filed. The signatures on a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, described by street and number or other description sufficient to identify it. The form of a nominating petition shall be substantially as follows:

We, the undersigned electors of the City of Milwaukie, hereby nominate \_\_\_\_\_, whose residence is \_\_\_\_\_ for the office of councilman, to be voted for at the election to be held in the city on the \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_; and we individually certify that we are qualified to vote for a candidate for the office named and that we have not signed any other nomination petition for that office.

Name \_\_\_\_\_ Street and Number \_\_\_\_\_

( provide twenty such lines as these)

State of Oregon            )  
County of Clackamas)   ss.

\_\_\_\_\_, being duly sworn, deposes and says that his address is \_\_\_\_\_ and that he is the circulator of the foregoing paper containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, \_\_\_\_\_ Notary Public for Oregon (or other office authorized to administer oaths).

This petition is filed by \_\_\_\_\_ whose address is \_\_\_\_\_.

All papers comprising a nomination petition shall be assembled and filed with the recorder as one instrument, not earlier than 90 nor later than 30 days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. Within 5 days after the filing of a nomination petition the recorder shall notify the candidate and the person who filed such petition whether or not it is found to be signed by the required number of qualified voters. If a petition is found insufficient, the recorder shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time allowed for the filing of petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. Any eligible person nominated as hereinbefore provided shall have his name printed on the ballots if within 5 days after notification to him by the recorder he files with the recorder a written acceptance of the nomination in the following form:

Acceptance of Nomination

I hereby accept the nomination for the council and agree to serve if elected.

Date of filing \_\_\_\_\_

The petition of each person nominated to be a member of the council shall be preserved by the recorder until the expiration of the term of office for which he has been nominated.

#### CHAPTER IV

##### Vacancies

Section 16. VACANCIES IN OFFICE GENERALLY. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation, removal from the city, or absence from the city for a period of 30 days, without the consent of the council in case of the mayor, manager, municipal

judge, or councilmen, or without the consent of the manager in case of officers appointed by the manager; upon the incumbent's ceasing to possess the qualifications necessary for 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 commences; and in case of the mayor or a councilman, upon his absence from meetings of the council for a period of 10 days without the consent of the council.

Section 17. MANNER IN WHICH VACANCIES SHALL BE FILLED. Vacancies in offices filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his successor is chosen and qualified. A majority vote of the whole membership of the council shall be necessary to fill a vacancy in the office of mayor. Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 48 hours after his appointment qualify for the office, and unless he does so the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his office may be filled temporarily in the manner provided for filling vacancies in office.

#### CHAPTER V

##### The Council

Section 18. COUNCIL MEETINGS. The council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the council shall be called by the mayor, either upon his own motion or upon the request of at least two members of the council, and held at any time, upon verbal or written notice to all of the members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council.

Section 19. QUORUM. Three members of the council shall constitute a quorum to do business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The council shall keep a journal of its proceedings, and on the call of a member shall cause the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public.

Section 20. MAYOR'S DUTIES AT COUNCIL MEETINGS. The mayor shall be chairman of the council, shall preside over its deliberations, and shall have authority to preserve order, enforce the rules of the council, and determine the order of business, subject to the rules of the council. He may vote as a councilman.

Section 21. PRESIDENT PRO TEM. In absence of the mayor the council shall elect one of its members to be president pro tem.

Section 22. VOTE REQUIRED. The concurrence of a majority of a quorum shall be required to determine any matter before the council.

#### CHAPTER VI

##### Powers and Duties of the City Officers

Section 23. MAYOR. The mayor shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body. He shall sign all ordinances and written resolutions and orders approved by the council, and countersign all orders on the city treasurer. He shall have no veto power, and shall sign all ordinances passed by the council within 3 days after their passage. He shall sign all instruments and writings authorized by this charter, the laws of the state, or the council.

Section 24. MANAGER.

- (a) Qualifications. The manager shall be the administrative head of the city government. He shall be chosen by the council without regard to political consideration and solely with reference to his executive and administrative qualifications.

Before entering upon his duties the manager shall file with the mayor an official bond for the faithful performance thereof, payable to the city in the sum of at least \$5,000, the premium of which shall be paid by the city. The bond shall be to the satisfaction of the council, and the approval of the mayor shall be endorsed thereon.

(b) Term. The manager shall be appointed for an indefinite term, but may be removed at the pleasure of a majority of the council. Upon any vacancy occurring in the office of the manager subsequent to the first appointment hereunder, the council shall, at its next meeting, adopt a resolution of its intention to appoint a manager. No such appointment shall be made until at least 4 weeks after adoption of the resolution. The council shall appoint a manager within a reasonable time after the adoption of the resolution of intention.

(c) Powers and Duties. The city manager

- (1) shall devote his entire time to the discharge of his official duties and shall attend all meetings of the council, unless excused therefrom by three councilmen or by the mayor, and keep the council advised at all times of the affairs and needs of the city and shall make annual reports, or more frequent if requested by the council, of all the affairs and departments thereof;
- (2) shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are fully observed;
- (3) shall appoint all city officers and employees and remove them at pleasure, and have general supervision and control over them and their work, with power to transfer an employee from one department to another and shall exercise supervision and control over the departments to the end of obtaining the utmost efficiency in each of said departments, provided that at

he shall have no control over the council and the judicial activities of the municipal judge;

- (4) shall act as purchasing agent for all departments of the city, all purchases to be made by requisitions signed by the manager;
- (5) shall be responsible for the preparation and submission to the budget committee of the general budget estimate and such reports as may be required by that body;

~~(5) shall be responsible for the preparation and submission to the budget committee of the general budget estimate and such reports as may be required by that body;~~

- (5) shall have control, subject to such ordinances as may from time to time be enacted, of all public utilities owned and operated by the city, and shall have general supervision over all city property; and
- (7) shall perform such other duties as may be required by this charter or as the council may require of him.

(d) Seats at Council Meetings. The manager and such other officers as may be designated by vote of the council shall be entitled to seats with the council, but shall have no vote therein. The manager shall have the right to take part in the discussion of all matters coming before the council.

(e) Manager Pro Tem. During the absence of the manager from the city, during his temporary disability to act as manager, or during the interim when the council is seeking a manager, the council shall appoint a manager pro tem who shall possess the powers and discharge the duties of the manager during such absence or disability only. No manager pro tem, however, shall have authority to appoint or remove any city officer or employee except with the approval of three members of the council. No manager pro tem shall hold his position for more than 3 months. No appointment of a manager pro tem shall be renewed.

In case of the absence of the mayor or the manager, presides from council meetings, the council shall elect a clerk or the council pro tem.

- (2) Interference in Administration. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal, or the purchase of supplies; or attempt to secure any provision relative to any appointment from any candidates for manager; or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employments. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of the council, who may be removed therefrom by the council.

or by any court of competent jurisdiction. Nothing herein contained, however, shall be construed as prohibiting the council, while in open session, from discussing with or suggestion to the manager, fully and freely, anything pertaining to city affairs and for the best interests of the city. Neither the manager nor any person in the employ of the city, shall take any part in securing, or contribute any money toward, the nomination or election of any candidate for a municipal office.

(g) Ineligible Persons. No person related to the manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the city.

Section 25. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. He shall be appointed by and hold office during the pleasure of the council. He shall hold a court within the city which shall be known as the municipal court for the city of Milwaukie, Clackamas County, Oregon. The court shall be open for transaction of judicial business except on non-judicial days, as prescribed by the laws of the state. The municipal judge shall have original jurisdiction of all offenses defined and made punishable by ordinances of the city, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by any ordinance of the city. In all cases before the municipal court trial shall be had without the intervention of a jury.

Section 26. OTHER OFFICERS. The council shall fix the power and duties of all appointive officers other than those provided for in this chapter.

#### CHAPTER VII Ordinances

Section 27. ENACTING CLAUSE. The enacting clause of an ordinance hereafter passed shall be "The city of Milwaukie does ordain as follows:"

Section 28. INTRODUCTION, READING, AND PASSAGE. Every ordinance shall be fully and distinctly read in open council meeting on two different days before being put upon its final passage. Any ordinance, however, may be introduced, read twice, and passed at any meeting, upon a unanimous vote of all of the members of the council. Upon the final vote on an ordinance the yeas and nays of the members shall be taken and recorded in the journal, if the ordinance

(Correction made and pasted over the original copy by *Ellen Martin*) Recorder

passes, the recorder shall so endorse it, with the date and his name and title of office, and the mayor shall within 3 days of the passage sign the ordinance, stating on it the date of his signing and his name and title of office.

Section 29. WHEN ORDINANCES TAKE EFFECT AND PUBLICATION THEREOF. Each ordinance passed by the council shall take effect 30 days after its passage. When, however, the council deems it expedient, an ordinance may provide a different time when it shall take effect. In case of an emergency, an ordinance may take effect immediately. All ordinances, immediately after being passed, shall be posted for 10 days in three or more conspicuous places in the city, and published <sup>once</sup> in the official city paper.

#### CHAPTER VIII

##### Public Improvements

Section 30. POWER OF CONDEMNATION AND PURCHASE. The city shall have power to acquire by purchase, gift, devise, or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of (a) protecting, preserving, and facilitating an improvement, or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement, or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The city shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use, of the construction, reconstruction, repair, operation, or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility, and of any other public work or service, by levying and collecting special assessments upon property specially benefited thereby.

Section 31. SPECIAL ASSESSMENT. The procedure for levying, collecting, and enforcing special assessment to be charged against real property for public improvements of other services shall be governed by ordinance.

Section 32. IMPROVEMENTS. Street, sewer, sidewalk, and such other improvements as may be deemed necessary by the council may be made on the motion of the council or on petition of a majority of the property-owners interested. Remonstrance of two-thirds of ~~two-thirds~~ of the front footage of property-owners concerned shall operate to defeat such motion or petition, in which event it may not again be considered by the council for a period of 6 months.

#### CHAPTER IX

##### Miscellaneous Provisions

Section 33. EXISTING ORDINANCES CONTINUED. All ordinances and regulations heretofore passed by the city and in force when this charter takes effect, if not inconsistent with it, shall remain in full force after it takes effect, and until they are amended or repealed.

Section 34. CITY TO RETAIN RIGHTS AND BE SUBJECT TO LIABILITIES IN EXISTENCE AT TIME THIS CHARTER TAKES EFFECT. No right vested in the city and no liability which it has incurred under its charter adopted in Feb. 11, 1945<sup>c m.</sup> acts amendatory thereof, and laws of the state shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides.

Section 35. LIMITATIONS ON INDEBTEDNESS. Unless authorized by the voters of the city the council shall not contract a voluntary indebtedness of the city in excess of \$5,000 for general city purposes or an indebtedness in excess of \$10,000 for the maintenance and operation of its municipal utilities.

Members of the council and any other city officials or employees who authorize or create or officially approve any such indebtedness in excess of the limitation shall be jointly and severally liable for the amount of the excess.

Section 36. DAMAGE SUITS. The city shall not in any event be liable in damages to any person for any injury to person or property caused in any manner by any defect or dangerous place at or in any sidewalk, crosswalk, street, alley, defective sewer, public grounds, public buildings, drain, gutter, ditch, or way, unless the city has had written notice of the defect or dangerous place and a reasonable time thereafter in which to repair or remove such defect

or dangerous place before the happening of such accident or injury; and in no case shall more than \$100.00 be recovered as damages from the city for any such accident or injury.

No action shall be maintained against the city for damages growing out of such an accident or injury unless (1) the claimant first gives written notice to the council within 30 days of the occurrence of the injury or damage, stating (a) the time when, the specific place where, and the circumstance under which the same occurred; (b) that he will claim damages of the city for the accident, injury, or damage; and (c) the amount of compensation or other relief demanded; and unless (2) 30 days have elapsed since the presentation of such notice to the council

Section 37. REPEALING CLAUSE. All charters and charter amendments of the city enacted prior to the time that this act takes effect are hereby repealed.

*Section 37. Transition and Repealing Clause —  
Copy to other papers.*

Section 2. The following named places are hereby designated as the polling places for said election, and the following named are hereby designated and appointed as and for Judges and Clerks of election, to act at said polling places for said election on said date, to-wit:

Ward Number 1. Precinct 1. Polling place, Union High School, 23rd and Willard streets, in said Milwaukee, Wm. Parks, chairman; Bernice Sperr and Mary Kemmerer, Judges; Myrtle Evers and Emma Hildentrund, Clerks.

Ward Number 1. Precinct 3. Polling place, City Hall, 926 Main Street in said Milwaukee, Sadie Lewellyn, Chairman; Harry Dean and Myrtle Counsell, Judges; Grace Kelly and Elva Jones, Clerks.

Ward Number 2. Precinct 2. Polling place, 1406 31 Street in said Milwaukee, Josephine Countryman, Chairman; Hubert Parnham and Cora Kerr, Judges; Ora Mazzei and Wanda Brokaw, Clerks.

Ward Number 2. Precinct 4. Polling place, Minthorn Community Church, 40th and Lewellyn Streets in said Milwaukee, Ora DeVee, Chairman; Letta Maple and Olive Shaw, Judges; Minnie Roetter and Julia Monsey, Clerks.

Ward Number 2. Precinct 5. Polling place, Administration Building, Hillside Park in said Milwaukee, Hilda Burdick, Chairman; Florence Bigham and Maude Espejo, Judges; Dora Coppock and Magda Lenox, Clerks.

Section 3. Emergency. Since a number of people of Milwaukee have expressed a desire for a modern and up-to-date city charter and since it appears that the ~~city legislative body does not have necessary control over the Fire Department~~ <sup>city legislative body does not have necessary control over the Fire Department</sup>, therefore, an emergency is hereby declared, and this ordinance shall be in force and effect from and after its passage by the council and approval by the Mayor.

*in the interest of the well of the people of Milwaukee*

Posted for the first time this 27 day of September 1944.

Passed by the Council this 7 day of October 1944.

Approved by the Mayor this 7 day of October 1944.

Fred O Roberts  
Mayor

ATTEST:

Ellen Martin  
Recorder