

RESOLUTION NO. X

A RESOLUTION PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF WILSONVILLE, CLACKAMAS AND WASHINGTON COUNTIES, OREGON, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED LEGAL VOTERS OF SAID CITY THE QUESTION OF AMENDING THE WILSONVILLE CITY CHARTER FOR THE PURPOSE OF GRANTING TO THE CITY COUNCIL THE POWER TO CONSTRUCT, OWN, RECONSTRUCT, ENLARGE, IMPROVE, OPERATE AND EXTEND A SANITARY SEWER SYSTEM; AND TO PAY THE COSTS OF SAID IMPROVEMENTS BY ISSUING AND SELLING \$150,000.00 OF GENERAL OBLIGATION BONDS AND \$550,000.00 OF REVENUE BONDS OF SAID CITY.

BE IT RESOLVED that a special election be and the same is hereby called to be held in the City of Wilsonville, Clackamas and Washington Counties, State of Oregon, on Monday, June 8, 1970, at which time there will be submitted to the qualified legal voters of said City the question of amending the Wilsonville City Charter to provide for the construction, ownership and operation of a City sanitary sewer system and to pay the costs thereof by issuing and selling general obligation bonds of the City in the sum of \$150,000.00 and \$550,000.00 of negotiable revenue bonds of the City payable only from net revenues derived from operating said sewer system.

BE IT FURTHER RESOLVED that the proposed Amendment to the Charter of the City of Wilsonville shall consist of two (2) new Sections which shall be added to Charter Chapter XI entitled "PUBLIC IMPROVEMENTS" and the Amendment to be submitted shall be as follows:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE
COMMON COUNCIL

BE IT ENACTED by the people of the City of Wilsonville, Oregon:

That the Charter of the City of Wilsonville, Oregon, adopted by the people August 18, 1969, and which became effective September 1, 1969, be and the same is hereby amended by adding to Chapter XI entitled "PUBLIC IMPROVEMENTS" the following two new Sections, to-wit:

CHAPTER XI

PUBLIC IMPROVEMENTS

Section 8: Authorization for construction of sanitary sewer system: In addition to the other methods provided by Charter, the Council may when in its discretion it is deemed advisable provide by Resolution for the construction or reconstruction, either by contract or City construction method, or the combination of both, and for the ownership,

maintenance, improvement, extension, operation or enlargement of all or any part of a City sanitary sewer system, including though not exclusively treatment and/or disposal plants, outfall sewers, trunk sewers, main sewers, pumping plants and lift stations with all appurtenances necessary, useful or convenient for the collection, treatment and disposal of sewage; and for such purposes, may acquire by gift, purchase, grant or condemnation the necessary lands and rights of way therefor, either within or without the corporate limits of the City of Wilsonville, all or any of the foregoing being hereinafter referred to as the facilities.

Section 9: Construction of facilities: The City Council may construct any part of the foregoing facilities consisting of a treatment or disposal plant, outfall sewers, trunk sewers, main sewers, pumping plants and lift stations as an entire unit or as separate units in order to provide the City of Wilsonville with a basic sanitary sewer system; and the Council may provide that the same or that part so constructed will be paid for by all the residents of the City or property owners therein regardless of whether their property is to be actually connected with or presently served by said systems or units. To pay the costs thereof, the City Council is hereby authorized to issue and sell \$150,000.00 of general obligation bonds of said City and \$550,000.00 of negotiable revenue bonds of said City, and the same shall be issued and sold for the purpose of the construction, reconstruction and installation of a basic sanitary sewer system and to acquire necessary equipment and other property useful or appurtenant thereto, to acquire land for plant sites and rights of way and to pay engineering and legal services in connection therewith.

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

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

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

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

The debt limitation contained in the Charter of the City of Wilsonville, Oregon, shall not apply to either the general obligation bonds or the negotiable revenue bonds hereby authorized.

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

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE
COMMON COUNCIL

PURPOSE: To amend Charter Chapter XI entitled "PUBLIC IMPROVEMENTS" by adding thereto two new Sections to grant the City Council power to construct, own, reconstruct, enlarge, improve, operate and extend a City sewer system; and also granting power to the City Council to pay the costs thereof by issuing and selling \$150,000.00 of general obligation bonds of the City and also \$550,000.00 of negotiable revenue bonds, and the latter to be paid solely and only from the net revenue derived from the operation of said sewer system.

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

Vote YES or NO.

100 Charter Amendment for Sewer Bonds () YES

101 Charter Amendment for Sewer Bonds () NO

BE IT FURTHER RESOLVED that at said special election there shall be one polling place, and the same shall be at the Wilsonville Grade School and said polling place shall be open from 8:00 o'clock a.m. to 8:00 o'clock p.m., Oregon Daylight Savings Time, and the City Recorder is hereby authorized and directed to appoint a Judge and three (3) Clerks as an Election Board to receive and count the votes cast at said election, and the said Board shall qualify in the manner provided by law.

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

NOTICE OF SPECIAL ELECTION

On Monday, June 8, 1970, at the Wilsonville Grade School in the City of Wilsonville, Clackamas and Washington Counties, Oregon, between the hours of 8:00 o'clock a.m. and 8:00 o'clock p.m., Oregon Daylight Saving Time, a special election will be held for the purpose of submitting to the qualified legal voters of the City of Wilsonville the question of amending the Wilsonville City Charter by adding to Chapter XI entitled "PUBLIC IMPROVEMENTS" two new Sections to grant to the City Council power to construct, own, reconstruct, enlarge, improve, operate, and extend a City sewer system; and also granting power to the City Council to pay the costs thereof by issuing and selling \$150,000.00 of general obligation bonds of the City and also \$550,000.00 of negotiable revenue bonds and the latter to be paid solely and only from the net revenue derived from the operation of said sewer system.

WITNESS my hand and seal in the City of Wilsonville this 4th day of May, 1970.

Lee Reslock

City Recorder

BE IT FURTHER RESOLVED that the City Recorder shall prepare and furnish to the Election Board handling the special City election prior to 8:00 o'clock a.m. on Monday, the 8th day of June, 1970, ballots and ballot box or boxes and such other paraphernalia and election supplies as may be required by the Election Board; and after the polls are closed the Election Board shall count the ballots and make a Certificate and Report of the election results to the Wilsonville City Council.

Adopted by the Wilsonville City Council and filed with the City Recorder this 11th day of May, 1970.


PHILIP R. BALSIGER - Mayor

ATTEST:


LEE MESLOCK - City Recorder