

RESOLUTION NO. 432

A RESOLUTION PROPOSING THE SUBMISSION TO THE LEGAL VOTERS OF THE CITY OF BROOKINGS, OREGON, OF AN AMENDMENT TO THE CHARTER OF SAID CITY ADDING A NEW AND ADDITIONAL CHAPTER TO BE KNOWN AS CHAPTER XVI, AUTHORIZING THE COUNCIL OF SAID CITY TO ISSUE AND SELL NOT EXCEEDING \$1,300,000.00 IN BONDS OF SAID CITY TO PROVIDE FUNDS WITH WHICH TO PROVIDE, BUY, CONSTRUCT, EQUIP AND MAINTAIN A MUNICIPAL WATER SYSTEM FOR THE CITY OF BROOKINGS, AND ANY COMBINATION OF SUCH PURPOSES; PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF SAID BONDS FROM TAXES AND WATER REVENUES; AUTHORIZING THE CITY TO SECURE FEDERAL AID, LOANS OR GRANTS IN CONNECTION THEREWITH; PROVIDING THE DEBT LIMITATION OF THE CITY CHARTER SHALL NOT APPLY TO SAID BONDS, AND PROVIDING FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF SUCH MUNICIPAL WATER SYSTEM.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKINGS, OREGON;

That the following Charter amendment to the Charter of the City of Brookings be and the same hereby is proposed for submission to the legal voters of said City for the adoption or rejection. The same shall be filed with the City Recorder upon its adoption by the Council and approval by the Mayor.

CHARTER AMENDMENT

SUBMITTING AND REFERRING TO THE LEGAL VOTERS OF

THE CITY OF BROOKINGS, OREGON

AN ACT

To amend the Charter of the City of Brookings, Oregon, by adding thereto Chapter XVI authorizing the issuance and sale of not to exceed \$1,300,000.00 in bonds of said City to provide funds with which to provide, construct, equip and maintain a municipal water system for the City of Brookings and any combination of such purposes; providing for the payment of principal and interest of said bonds from taxes and water revenues; authorizing the city to secure federal aid, loans or grants in connection therewith; providing the debt limitation of the city charter shall not apply to said bonds, and providing for the operation, maintenance and management of such municipal water system.

BE IT ENACTED by the City of Brookings, Oregon:

That the Charter of said City of Brookings be and the same hereby is amended by adding a new and additional chapter to be known as Chapter XVI to read as follows:

CHAPTER XVI

Section 1. The City of Brookings has heretofore been authorized to engage in the enterprise and business of owning, operating and maintaining a municipal water works and water system and to sell and dispose of water for irrigation, domestic, municipal and other purposes and uses to its inhabitants and to people residing without the boundaries of said City. To that end the City Council is hereby authorized to expend the proceeds from the sale of the bonds hereby authorized for the purposes herein provided in this Charter amendment and to provide, buy, construct, equip and maintain the municipal water system of the City of Brookings, and any combination of such purposes.

Section 2. For the purpose of providing funds with which to provide, construct, build, acquire, equip and operate a water works and water system within and without the boundaries of the City of Brookings, Oregon, for the use and benefit of the inhabitants of said City, and for profit, and to acquire rights of way, easements, personal property, real property, water rights, and other property within and without the boundaries of the City of Brookings for the purposes, necessities, uses and conveniences of said City and securing an adequate and sufficient supply of water, the municipal water works and water system owned, operated and maintained by said City to supply water to said City and its inhabitants and the people residing without the boundaries of said City, and to pay the legal and engineering expense in connection therewith, the Council of said City is hereby authorized and empowered to issue and sell bonds of said City in a sum not to exceed \$1,300,000.00, notwithstanding any debt limitation or restriction contained in or prescribed by the Charter of the City of Brookings, Oregon, or any amendment thereof. The debt limitations or restrictions contained in or prescribed by the Charter of the City of Brookings, or any amendment thereof, limiting or restricting the total indebtedness which the City may incur, or any provision of the Charter regulating the issuance and sale of bonds, shall not apply to the bonds hereby authorized or the indebtedness created by the issuance of such bonds.

Section 3. The City of Brookings may purchase or acquire by the exercise of eminent domain, lease, hold or receive property, real and personal, within and beyond the limits of said City for the construction, equipment, operation and maintenance of a water works and water system to supply the City with water for municipal purposes and its inhabitants within said City and people without the boundaries of said City with water for domestic, irrigation and other beneficial purposes or uses; and for such purpose or purposes may take private property within and beyond the limits of said City of public use for the purpose of supplying said City and its inhabitants, and persons and corporations residing outside the limits of said City, with water; and may take and enter into all contracts necessary or convenient to that end. The right to furnish the inhabitants of said City with water shall be forever vested in the City of Brookings, and no franchise, right or privilege shall hereafter be granted to or contract made with any person or corporation by said City to furnish or supply the said City or its inhabitants with water, without the authorization of the legal voters of said City. The Council is hereby granted authority to carry into effect this amendment and Charter provision and to do any and all things necessary, proper and convenient to secure for said City an efficient and effectual water works, water system and water service, and provide for the appropriation, preservation and security of a water supply for said City, and for the fixing and collection of taxes and charges as compensation from users of water from the water system of said City, and to enact and provide all rules and regulations necessary, proper or convenient in the operation, maintenance, control and management of such water system, and the collection of such rates and charges, as hereinafter provided.

All revenues arising from the sale or use of water from said system shall be set apart; first, as a special fund to be known as the "Water Fund" from which to pay needful expenses in maintaining, operating, repairing, renewing and extending said water system and works as necessity therefor shall arise, and for the payment of the interest on the City of Brookings water bonds as the same shall accrue; and, second, of the residue of such revenue a sinking fund shall be created to be kept inviolate and to be applied in the payment and/or redemption of the water bonds of said City, and such fund shall be used for no other purpose, and shall be known as the "Water Bond Sinking Fund."

Section 4. Said bonds shall be payable as to both principal and interest from taxes levied upon the taxable property within the corporate limits of the City of Brookings or from rates and charges as herein provided. The Council shall predetermine, fix and determine the form, date or dates, denomination or denominations, date or dates of maturity, rate of interest, time and place of payment of principal and interest, and all other matters not herein provided for or respecting said bonds. Said bonds shall be general obligation bonds of the City of Brookings.

Section 5. The Council is hereby authorized and required at the time of making the annual tax levy for city purposes each year to levy, in addition to all other taxes upon taxable property of the City, such sum as shall be necessary to meet and pay the interest on said Brookings Water Bonds and the principal of said bonds as it matures, provided that the rates and charges herein established are at any time insufficient to pay such interest and principal amounts. The Council is further authorized to apply for and obtain Federal aid, loans or grants to assist in carrying out the provisions of this Charter amendment.

Section 6. The Council of the City of Brookings is hereby authorized to adopt plans and specifications to provide, purchase, construct, reconstruct and extend such municipal water system and to enter into such contracts as shall be necessary and proper to carry on such work or make such purchase or to do such work, or any part thereof, with City forces, employees and equipment, to make purchases as herein authorized and to do any or all acts or things necessary or requisite to be done to that end, and to order the costs and expense thereof to be paid from said bond fund.

BE IT FURTHER RESOLVED, that for the hereinabove proposed Charter amendment the following ballot title be and the same hereby is adopted by the Council:

CITY OF BROOKINGS BOND AND MUNICIPAL WATER SYSTEM AMENDMENT

A charter amendment submitted and referred to the legal voters of the City of Brookings, Oregon, by the Council of said City.

AN ACT

To amend the Charter of the City of Brookings, Oregon, by adding thereto Chapter XVI authorizing the issuance and sale of not to exceed \$1,300,000.00 in bonds of said City to provide funds with which to provide, buy, construct, equip and maintain a municipal water system for the City of Brookings and any combination of such purposes; providing for the payment of principal and interest of said bonds from taxes and water revenues; authorizing the City to secure Federal aid, loans or grants in connection therewith; providing the debt limitation of the City Charter shall not apply to said bonds, and providing for the operation, maintenance and management of such municipal water system.

BE IT FURTHER RESOLVED that the aforesaid Charter amendment shall be filed with the City Recorder of the City of Brookings, Oregon, for submission to the legal voters of said City.

BE IT FURTHER RESOLVED that a special election shall be held in the City of Brookings on the 9th day of August, 1988, for submission to the legal voters of the City of Brookings the above proposed Charter amendment for adoption or rejection.

WHEREAS, it is necessary and desirable that proper and adequate provision be made to supply the inhabitants of the City of Brookings with an adequate supply of pure and wholesome water and to supply necessary water and storage facilities for adequate fire protection within the City without further delay, an emergency is hereby declared to exist in the interest of public peace, health and safety of the City of Brookings and the inhabitants thereof, and this Resolution may be introduced and adopted at any one meeting of the Council and shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

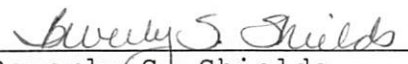
ADOPTED by the Council of the City of Brookings, Oregon, this 13th day of JUNE, 1988.

SUBMITTED to and approved by the Mayor of the City of Brookings, Oregon, this 13th day of JUNE, 1988.



Bob Kerr
Mayor

ATTEST:



Beverly S. Shields
City Recorder