

RESOLUTION NO. 117

IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF BROOKINGS, CURRY COUNTY, OREGON, that the following proposed amendment to the Charter of the said City be and the same is hereby submitted to the legal voters of said City for their adoption or rejection at a special City election hereby called to be held in said City on December 22, 1965.

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 XII, authorizing the issuance and sale of not to exceed \$885,000.00 in revenue 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 any such purposes; providing for the payment of principal and interest of said bonds from the revenues of said municipal water system only; authorizing the City to secure Federal aid, loans or grants in connection therewith; providing debt limitations 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 PEOPLE OF THE CITY OF BROOKINGS, OREGON:

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

CHAPTER XII

Section 56 In addition to the other provisions of the Charter of the City of Brookings, Oregon, or the general laws of the State of Oregon, and not in derogation of such powers, the City of Brookings, Oregon, is hereby 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 57 For the purpose of providing funds with which to provide, construct, build, acquire, equip and own 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 to be 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 \$885,000.00, notwithstanding any debt limitation or restriction now contained or provided in or by the Charter of said City, 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. The City may also purchase the water system.

Section 58. 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 or 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 rates 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 59: Said bonds shall be payable as to both principal and interest solely from the net earnings of said municipal water system. The Council shall prescribe, 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.

Section 60: 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 61: 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 the 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.

RESOLVED FURTHER that this resolution be filed with the City Recorder of the City of Brookings for submission of the Charter amendment proposed therein to the legal voters of said City for their approval or rejection at a special City election hereby called to be held on the 22nd day of December, 1965, between the hours of eight o'clock A. M. and eight o'clock P. M., Pacific standard time on said date.

The Council does hereby adopt and establish as the voting precincts for said special City election and the numbers of said precincts the four voting precincts as established and used at the general state primary election in May, 1964. One polling place shall be established in each of the four voting precincts in the City of Brookings as identified by the numbers adopted and stated below, together with the polling place for each precinct;

PRECINCT NO. 15

I.O.O.F. Hall, 547 Hemlock Street, Brookings.

PRECINCT NO. 16

Presbyterian Church, Pacific and Oak Streets

PRECINCT NO. 17

Akin Motor Co., 934 Chetco Avenue

PRECINCT NO. 21

Brookings Bible Church, North Hazel Street

The following named persons hereby named and appointed
as judges and clerks of the election board in the respective
precincts;

PRECINCT NO. 15

<u>Opal O. Roop</u>	, Chairman
<u>Nellie M. Peterson</u>	, Clerk
<u>Esther M. Jester</u>	, Clerk
<u>Cleo Craig</u>	, Clerk

PRECINCT NO. 16

<u>Edith O. Hynes,</u>	, Chairman
<u>Catherine F. Buehling</u>	, Clerk
<u>Amy Davis</u>	, clerk
<u>Viola Young</u>	, Clerk

PRECINCT NO. 17

<u>Dorothy A. Hermann</u>	, Chairman
<u>Mary E. English</u>	, Clerk
<u>Matilda Pate</u>	, Clerk
<u>Marjorie Moore</u>	, Clerk

PRECINCT NO. 21

<u>Eleanor E. Koehler</u>	, Chairman
<u>Shirley Oberst</u>	, Clerk
<u>Arlene C. DeJarnett</u>	, Clerk
<u>Grace Spillane</u>	, Clerk

The City Recorder shall furnish to the said election board
the necessary ballots, records, ballot boxes, tally sheets and

supplies for the said election.

The said election shall be conducted in accordance with the election laws of the State of Oregon and with the Charter and Ordinances No. 31 and 58 of the City of Brookings. The ballots cast in said election shall be counted, tabulated and returned to the City Recorder of said City.

RESOLVED FURTHER, that for the hereinabove proposed Charter Amendment the following ballot title prepared by the City Recorder and approved by the Council be and the same is hereby adopted.

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE CITY COUNCIL

SHALL THE CHARTER OF THE CITY OF BROOKINGS, OREGON, BE AMENDED BY ADDING THERETO CHAPTER XIII AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$885,000.00 IN BONDS OF SAID CITY TO PROVIDE FUNDS 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 WATER REVENUES; AUTHORIZING FEDERAL AID, LOANS OR GRANTS THEREFOR, PROVIDING DEBT LIMITATIONS OF THE CITY CHARTER SHALL NOT APPLY AND PROVIDING FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF SUCH MUNICIPAL WATER SYSTEM.

51 Yes, I vote for the amendment.

52 No, I vote against the amendment.

RESOLVED FURTHER, that the City Recorder be and he is hereby instructed to give at least ten (10) days notice of this special election by posting a notice thereof in a conspicuous place in the City Hall and in three public places in each voting precinct of the City and by publishing the notice once each week, for two weeks immediately preceding the election, in the Brookings-Harbor Pilot, a newspaper of general circulation in the City of Brookings, in the form and manner required in Section 22, Ordinance No. 58 of the City of Brookings and that said City Recorder not earlier than twenty (20) days and not later than

ten (10) days prior to the election shall cause the measure to be posted in five (5) public places in the City, including the City Hall.

PASSED by the Council this 19th day of November, 1965.

APPROVED by the Mayor this 19th day of November, 1965.

Ernest Christensen
Mayor pro tem

ATTEST:

Robert O. Dimmick, Jr.
Recorder

