

**ORDINANCE NO. 92-O-487**

**AN ORDINANCE CALLING FOR AN ELECTION OF THE REGISTERED VOTERS OF THE CITY OF BROOKINGS, CURRY COUNTY, OREGON, TO VOTE UPON THE QUESTION OF ENACTING AND ADOPTING AN AMENDMENT TO THE CITY OF BROOKINGS CHARTER OF 1954 AND DECLARING AN EMERGENCY.**

- Section 1. Proposed Charter Amendment**
- Section 2. Notice of Measure Election**
- Section 3. Election Procedures**
- Section 4. Emergency Clause**

**The City of Brookings ordains as follows:**

**Section 1. Proposed Charter Amendment. The following amendment to the City of Brookings Charter of 1954 is hereby proposed for submission to the legal voters of the City of Brookings for adoption or rejection at an election to be held on May 19, 1992:**

**CHAPTER XVIII**

**WASTEWATER TREATMENT PLANT - PHASE 2A**

**Section 1. For purposes of providing funds to acquire, construct, improve, expand and maintain the sewage disposal plant of the City of Brookings, including but not limited to construction of on-site sludge-related facilities, an operations building, an off-site facultative sludge lagoon and piping system, land acquisition, chlorination facilities, chemical feed and all equipment and materials necessary therefor, all for the City of Brookings, and for the purposes, uses and conveniences of said City of Brookings and the inhabitants thereof, the Common Council of the City of Brookings is hereby authorized and empowered to issue and sell bonds of the City of Brookings in an amount not to exceed \$4,700,000, notwithstanding any debt limitation or restriction now contained or provided in or by the Charter of the City of Brookings or any amendments thereof.**

**The debt limitations or restrictions contained in or provided by the Charter of the City of Brookings or amendments thereof, or any provision of amendment of the Charter regulating the issuance and sale of bonds, shall not apply to the bonds hereby authorized or the indebtedness created by these bonds.**

**Section 2. The bonds authorized hereby shall be payable as to principal and interest from taxes levied upon the taxable property within the corporate limits of the City of Brookings and from the service rates and charges established from time-to-time by the Brookings City Council. The bonds hereby issued shall be known as "City of Brookings Wastewater Treatment Plant Improvement Bonds, Series of 1992". The bonds issued shall be negotiable in form. The City Council shall prescribe and establish 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 and respecting said bonds. The bonds shall be general obligations of the City of Brookings and shall be signed by the Mayor and countersigned by the City Recorder under the seal of the City of Brookings and shall be sold by the City Council from time-to-time in such amounts as the Council, may in its judgment, determine to be necessary to provide funds for the purposes for which the bonds are to be issued.**

**Section 3. The proceeds from the sale of bonds authorized by this article shall be deposited by the City Recorder into a special fund to be known as the "Brookings Wastewater Treatment Plant Improvement - Phase 2A Fund" and shall be used for no purpose other than to construct, build, equip, own, operate and maintain within or without the corporate limits of the City of Brookings, in whole or in part, a sewage treatment plant and facilities thereof, with all appurtenances necessary, useful and convenient for the treatment and disposal of sewage for the use and benefit of inhabitants of the City of Brookings and other sewer system customers, and to acquire rights-of-way, easements, personal property and real property within and without the City for the purposes specified, necessities, use and conveniences, and**

to construct wastewater treatment plant improvements as described in Section 1 hereof, and for legal and engineering expense in connection therewith.

**Section 4.** The City of Brookings is authorized to adopt plans and specifications for the wastewater treatment plant improvements and to estimate the costs of the same and of the work necessary to complete the same and to enter into such contracts as determined to be necessary and proper to carry on such work, or to do such work or any part thereof, with the City employees and equipment, to do any and all acts and things necessary or requisite to be done to that end, and to order the cost and expense thereof to be paid from the construction funds. The City of Brookings is further authorized and empowered to apply for and obtain any state or federal aid, grants, funds or assistance which may be available to aid in paying the cost of the improvements, or any part thereof.

**Section 5.** The City 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 on taxable property within the City, such sums as will be necessary to meet and pay the interest on the City of Brookings Wastewater Improvement Bonds, Series of 1992, and the principal of said bonds as they mature, provided that the rates and charges herein established are at any time insufficient to pay such interest and principal amounts.

**Section 2.**           **Notice of Measure Election.** The caption, question and explanation contained in the attached Exhibit "A", shall be used for the purposes of this election and the Notice of Measure Election required to be filed with the offices of the Curry County Clerk.

**Section 3. Election Procedures.** An election is hereby called to be held in the City of Brookings, Curry County, Oregon, for the purposes of submitting to the legal voters of the City a measure as specified in Section 1 of this ordinance. The Curry County Clerk shall designate the polls for the receipt of ballots, the times during which ballots shall be accepted and shall specify the polling places for the conduct of the election.

**Section 4. Emergency clause.** It is hereby determined that it is in the interest of the public welfare, peace and safety of the city of Brookings that this ordinance be immediately adopted because the ballot title must be submitted to the Curry County Clerk no later than March 19, 1992 for inclusion on the May 19, 1992 election ballot, and therefore an emergency is declared to exist, and that this ordinance shall be in full force and effect from and after the date of its' passage.


First reading: \_\_\_\_\_ March 9, 1992 \_\_\_\_\_

Second reading: \_\_\_\_\_ March 9, 1992 \_\_\_\_\_

Passage: \_\_\_\_\_ March 9, 1992 \_\_\_\_\_

Effective date: \_\_\_\_\_ March 9, 1992 \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_ 10th \_\_\_\_\_  
day of \_\_\_\_\_ March \_\_\_\_\_, 1992.

  
\_\_\_\_\_  
Fred Hummel  
Mayor

Attest:

  
\_\_\_\_\_  
Beverly S. Shields  
City Recorder

**CAPTION**

**AMENDMENT TO CITY CHARTER TO ALLOW SALE OF SEWER BONDS.**

**QUESTION**

Shall the City Charter be amended to allow issuance of general obligation bonds not exceeding \$4,700,000 for sewer improvements?

If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of Section 11b, Article XI of the Oregon Constitution.

**EXPLANATION**

This measure allows the City to issue general obligation bonds. Bonds not exceeding \$4,700,000 will be sold. The money will be used for required sewer treatment plant improvements. Those include a sludge facility, sludge lagoon, operations building, land purchase, piping system and needed equipment for operation. The bonds will be paid for from property taxes and sewer service charges.