

RESOLUTION NO. CCLVI (256)

RESOLUTION AUTHORIZING ISSUANCE OF WATER BONDS.

WHEREAS, heretofore in the manner and form prescribed by the City Charter and the City's Initiative and Referendum Ordinance No. 380, a Resolution No. CCL (250) was duly adopted by the Canby City Council at a regular meeting thereof on October 4, 1978 submitting to the legal voters of said City the question of contracting a general obligation bonded indebtedness in the sum of \$3,000,000 for a term not exceeding twenty (20) years for the purpose of providing funds with which to make additions, extensions and improvements to the water supply and distribution systems; construct, equip and develop another source of water and water supply facilities; and acquire necessary land and rights-of-way therefor in and for the City of Canby; and

WHEREAS, a special City election was called for the aforesaid purpose and the said common council thereupon directed the Recorder of said City to give notice of said election by posting a notice in six (6) public and conspicuous places within the City and also at the City Hall which was the only polling place and also by publishing said notice in the Canby Herald, a newspaper of general circulation in said City for two successive weeks, the first publication of such notice to be not less than fifteen (15) days preceeding the date of the election. The required notices were duly and regularly posted and published in the manner and for the time required by law; and

WHEREAS, the said election was duly and legally held in said city on Friday, October 27, 1978 and the Clackamas County Elections Department, pursuant to request of the Canby City Council, received and counted votes cast and made a report and abstract of the voting recording to the Canby City Council which canvassed the votes cast

at said election and confirmed the results thereof which were duly proclaimed by the Mayor's proclamation; and

WHEREAS, the common council is satisfied that only duly qualified legal voters were allowed to vote at said election; that there was no fraud or conspiracy in the conducting of or voting at said election; that said election was duly and legally held; that notice thereof required by ordinance and resolution by the Council to be given was duly and regularly given in the form, for the time and in the manner required; that said election was held in strict conformity with the requirements of law; that the votes cast at said election were counted and the results of said election canvassed and returns thereof filed, recorded, reported and proclaimed as provided by ordinance; that on the question of contracting a general obligation bonded indebtedness in the sum of \$3,000,000 for a term not exceeding twenty (20) years for the aforesaid purposes, there were a total of 388 ballots cast, of which 195 were in the affirmative, 192 were in the negative and there was one "undervote" and the proposition of a water bond issue for the aforesaid purposes received the assent of a majority of the votes cast at said election; and

NOW, THEREFORE, BE IT RESOLVED by the common council for the City of Canby, Clackamas County, Oregon, that for the purpose of making additions, extensions and improvements to the City's water supply and distribution systems and for the purpose of constructing, equipping and developing another source of water and water supply facilities and for the further purpose of acquiring necessary land and rights-of-way therefor and to pay engineering and legal services in connection therewith, all in and for the City of Canby, Clackamas County, Oregon, the common council of said City directs that there be issued \$3,000,000 of general obligation coupon bonds of the City for a term of TWENTY (20) years to be dated March 1, 1979, and to be numbered consecutively from one (1) to six hundred (600) inclusive,

to be in denominations of FIVE THOUSAND DOLLARS (\$5,000) each and to mature serially in numerical order as follows:

\$80,000 on March 1, 1980
85,000 on March 1, 1981
90,000 on March 1, 1982
95,000 on March 1, 1983
100,000 on March 1, 1984
110,000 on March 1, 1985
115,000 on March 1, 1986
120,000 on March 1, 1987
130,000 on March 1, 1988
140,000 on March 1, 1989
145,000 on March 1, 1990
155,000 on March 1, 1991
165,000 on March 1, 1992
175,000 on March 1, 1993
185,000 on March 1, 1994
195,000 on March 1, 1995
210,000 on March 1, 1996
220,000 on March 1, 1997
235,000 on March 1, 1998
250,000 on March 1, 1999

BE IT FURTHER RESOLVED that the bonds of said issue be issued to bear interest from the date of the bonds payable semi-annually on March 1 and September 1 of each year at such rates or rates as shall be specified by the successful bidder but not exceeding a net effective rate of seven percent (7%) per annum; and the difference between the highest and lowest coupon rates bid shall not exceed two percent (2%); and

BE IT FURTHER RESOLVED that the interest accruing upon said bonds be evidenced by coupons attached thereto; that both the principal of and interest upon said bonds be paid at the office of the County Treasurer of Clackamas County, Oregon who is hereby requested to register each bond issued and sold according to the provisions of ORS 208.200; and

BE IT FURTHER RESOLVED that each bond be executed by the facsimile signature of the Mayor of the City of Canby, Oregon in office upon the date of the execution of said bonds, and that each bond further be countersigned by autograph signature by the duly chosen, qualified and acting Recorder of said City in office upon said date; and that the coupons appertaining to the bonds be issued with

facsimile signatures of said Mayor and Recorder; and

BE IT FURTHER RESOLVED that the said bonds shall be known as "CANBY, OREGON 1979 GENERAL OBLIGATION WATER BONDS"; and

BE IT FURTHER RESOLVED that the full faith and credit of the City of Canby, Clackamas County, Oregon be and they hereby are pledged to the successive holders of each of said bonds and of the interest coupons appertaining thereto for the punctual payment of said obligations when due; and that said City shall levy annually as provided by law a direct ad valorem tax upon all of the taxable property within the City in sufficient amount after taking into consideration delinquencies in the payment of said taxes to pay the said bonds and bond interest obligations promptly as they respectively mature; and that the said City hereby does covenant with the aforesaid holders of said bonds to levy such a tax annually during each year that any of said bonds and bond interest obligations are outstanding; and

BE IT FURTHER RESOLVED that the bonds and coupons attached thereto be in substantially the following form, to-wit:

No. 1 \$5,000

UNITED STATES OF AMERICA
STATE OF OREGON, COUNTY OF CLACKAMAS
CANBY, OREGON

CANBY, OREGON 1979 GENERAL OBLIGATION WATER BONDS

KNOW ALL MEN BY THESE PRESENTS that the City of Canby, Clackamas County, State of Oregon, for value received hereby promises to pay to the bearer FIVE THOUSAND DOLLARS in lawful money of the United States on the presentation and surrender of this obligation on the first day of March, 1980, with interest thereon from the date hereof until maturity at the rate of _____% per annum payable semiannually on the first days of March and September of each year on the presentation and surrender of the proper coupons attached hereto, principal and interest payable at the office of the County Treasurer of Clackamas County, Oregon, in the City of Oregon City, Oregon.

THIS BOND is one of a series aggregating the sum of THREE MILLION DOLLARS (\$3,000,000) par value issued for

the purpose of providing funds with which to make additions, extensions, and improvements to the water supply and distribution systems; construct, equip and develop another source of water and water supply facilities; and acquire necessary land and rights-of-way therefor, and to pay engineering and legal services in connection therewith in and for said City of Canby, Oregon pursuant to the Charter of the City of Canby, Oregon and the constitution and laws of the State of Oregon and pursuant to an approving vote of a majority of the qualified legal voters of said city voting at a special election duly called and legally held therein on October 27, 1978.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all conditions, acts and things required to exist, to happen and to be performed precedent to and in the issuance of this bond have existed, have happened and have been performed in due time, form and manner as required by law; that the issue of which this bond is a part, and all other obligations of said City, are within every debt limitation and other limit prescribed by the Constitution and Statutes of the State of Oregon and by the Charter of the City of Canby, Oregon; and that the Common Council of said City by Resolution duly adopted has provided for the levying annually of a direct ad valorem tax upon all the property within said City so taxable for its purposes in sufficient amount to pay the interest upon and the principal of the bonds of said issue as the said obligations respectively become due and payable.

IN WITNESS WHEREOF, the City of Canby, Oregon, has caused this bond to be signed by its Mayor and countersigned by its Recorder and under its corporate seal and has caused the annexed interest coupons to bear the facsimile signatures of its said officers this first day of March, 1979.

Mayor

Countersigned:

City Recorder

Registered:

Treasurer of Clackamas County, Oregon

(FORM OF INTEREST COUPON)

No. _____ \$ _____

On the first day of _____, 19____, the City of Canby, Clackamas County, Oregon, will pay to bearer the sum of _____ DOLLARS (\$_____) in lawful money of the United States of America at the office of the County Treasurer of Clackamas County, Oregon, in the City of Oregon City,

Oregon, for interest then due on Canby, Oregon 1979
General Obligation Water Bond No. _____, dated
March 1, 1979.

Mayor

Countersigned:

City Recorder

BE IT FURTHER RESOLVED that the Canby City Recorder cause to be published in the Canby Herald, a newspaper of general circulation printed and published in the City of Canby, Clackamas County, State of Oregon, and having a general circulation in the City of Canby; in the Daily Journal of Commerce, Portland, Multnomah County, State of Oregon; and also in the Daily Bond Buyer, a national financial newspaper, a Notice of proposed sale of such bonds as provided by law, specifying that sealed bids will be received by such Recorder up to and including the hour of 8:00 o'clock p.m. on Wednesday, February 14, 1979, and that immediately thereafter, bids received will be publicly opened by the Canby City Council for the sale of such bonds at not less than the par value thereof and the accrued interest thereon at an interest rate or rates in multiples of one-fourth of one percent, or one-tenth of one percent, not exceeding a net effective rate of seven percent per annum payable semiannually, to be specified by the bidder, but the difference between the highest and lowest coupon rates shall not exceed two percent (2%); that such bids shall be accompanied by a cashier's check or certified check of or upon a bank doing business in the State of Oregon, in the sum of \$60,000 to be forfeited to the City in case the bidder fails to complete the purchase in accordance with the terms of the bid; that bids must be unconditional except as to qualification of approval of validity of the bond issue by bond attorneys; that bids must show the total cost of the bond issue to the City, including interest,

less premium offered, if any, provided the bid be accepted; that the bonds will be sold to the highest responsible bidder; that the City Council reserves the right to reject any or all bids; and the successful bidder will be furnished with the written opinion of Messrs. Rankin, McMurry, Osburn, Gallagher and VavRosky, Attorneys of Portland, Oregon, to the effect that the bonds constitute the valid and legally binding obligation of the City and said approving opinion will be printed on the reverse side of the bonds.

Adopted by the Canby City Council at a regular meeting thereof this 17th day of January, 1979.

Robt E Rapp
Robt. E. Rapp - MAYOR

ATTEST:

Harold A. Wyma
Harold A. Wyma - CITY RECORDER