

ORDINANCE NUMBER 126.

An Ordinance providing for the plans and specifications for the water works system of Canby; providing the manner of advertising for and letting the bids for the same; authorizing the issuance of bonds for the purpose of building and maintaining said water works; providing the manner of selling and disposing of said bonds; repealing all ordinances and parts of ordinances in conflict herewith, and setting forth an emergency so as to make the same immediately operative.

CANBY DOES ORDAIN AS FOLLOWS:

Section 1. That the Recorder of Canby is hereby authorized, empowered and directed for and in behalf of said City of Canby to advertise for bids for the construction and installation of a water system for Canby in accordance with the plans and specifications to be hereafter adopted by motion by the Council of Canby, in one newspaper of general circulation in Clackamas County, Oregon, and in one newspaper of general circulation in the City of Portland, Oregon, for at least one insertion in each of said newspapers, which said final advertisement shall be published at least ten days prior to the day set by the Council for receiving bids; all of said advertisement shall direct that bids for said construction and installation shall be mailed or delivered to the Recorder of Canby and must reach him not later than the time and day set by said Council, and each of said bids shall be enclosed in an envelope securely sealed and marked "Bid for the Proposed Water Works System of Canby". All of said bids shall conform in every respect to the plans, specifications and instructions to bidders hereafter adopted.

Section 2. On the time and day set, or at the earliest day and time thereafter possible, the Council of Canby shall meet in the Council Chamber of said Council and open said bids and within ten days from said time award said contract for the construction and installation of said water works system to the best responsible bidder or bidders therefor, by resolution. Provided, however, that the Council shall have and does hereby reserve the power and authority to reject any and all bids. Provided, further, that if all of said bids so received are rejected, then the Council may, by motion, set a new time for receiving bids and re-advertise in the same manner for further bids, or in their discretion may, under the supervision of the Committee on Fire and Water, install the said water works system, or any part thereof, without contract and by day labor.

Section 3. Every contractor who shall enter into a contract for the construction of any portion of said water works shall at the time of signing such contract file with the Recorder of Canby, a bond in accordance with Chapter 27 of the General Laws of Oregon for the year 1913, being an amendment of section 6266 of Lord's Oregon Laws.

Section 4. Whereas, by an act of the people of Canby passed at a special election held in said City on the 19th day of May, A. D., 1916, Canby was authorized and empowered to issue improvement bonds for the purpose of building and maintaining water works in said City, now therefore:

Section 5. It is hereby ordered that the Mayor and Recorder of Canby be and they hereby are authorized, empowered and directed for and on behalf of the City of Canby, and for its benefit to issue, execute and deliver to the City Treasurer as hereinafter provided, under the seal of Canby, improvement bonds for the purpose of building and maintaining water works in said City.

Section 6. The aggregate amount of said bonds shall not exceed Eighteen Thousand and 00/100 (\$18,000.00) Dollars, and shall consist of as many bonds of five hundred and 00/100 (\$500.00) Dollars each, as shall be necessary to pay for the construction and installation of said water works system, numbered from one up, in the order of their issuance, dated as hereinafter provided, payable in not more than twenty years after date thereof, and to bear interest at the rate specified, payable semi-annually from the date thereof, the full installment of interest to be evidenced by sufficient coupons attached to each of said bonds, both principal and interest to be payable at the First National Bank of Canby, Oregon, or at a place designated by the successful bidder or bidders for said bonds, and in Gold Coin of the United States of America; said bonds shall be in lawful form and the faith and credit of Canby is hereby pledged for the punctual payment thereof. Provided further that Canby may call in said bonds or any part thereof, at any time after ten days from the date of the issuance of said bonds, by giving notice of said call, by publication in a newspaper of general circulation in Canby, most likely to give notice to said bond-holders sixty days before the date of said call, and that interest shall cease upon said bonds so called, upon the date set for said call.

Section 7. Upon the presentation of said interest coupons to the City Treasurer at or after maturity, he shall pay the same out of any funds he may have applicable thereto, and they shall take precedence and be paid before any outstanding City warrant or other obligation of said City of Canby.

Section 8. The Mayor and Recorder of Canby are hereby authorized, empowered and directed to advertise the sale of the bonds above mentioned in at least two publications

of general circulation, most likely, in their discretion, to bring the sale of said bonds to the attention of those most likely to purchase the same, provided at least one advertisement shall be published in a newspaper of general circulation in the County of Clackamas, and State of Oregon; all of said advertisements shall direct that bids for said bonds shall be mailed or delivered to the Recorder of Canby and must reach him not later than the 17th day of July 17, A. D., 1916, each of said bids shall be enclosed in an envelope securely sealed and marked, "Bid for the Water Bonds of the City of Canby," said bid shall be on the amount to be paid for said bonds at six per cent per annum, nor shall said bonds be sold for less than par value, and the said bids shall specify the number of bonds which said bidder will purchase, also provided, that any number of bonds may be sold to one or more of said bidders.

Section 9. On the 18th day of July, A. D., 1916, at eight o'clock P. M., or at the earliest day and time thereafter possible, the Council of Canby shall meet in the Council Chamber of said Council and open said bids and award the purchase of said bonds to the best bidder or bidders therefor, Provided that the said Council shall ^{have} power and authority to reject any and all bids; provided, further that if said Council does not award the purchase of said bonds to one or more of the bidders so bidding, or if the sale of said bonds is not provided for, or if not bids are received, the Council shall by motion, direct the Mayor and Recorder to re-advertise for the sale of said bonds, or as many as remain unsold, in like manner as above set forth, and the bids so received by reason of said advertisement shall be considered at a time to be set forth in said motion.

Section 10. When the purchase of said bonds is awarded as above set forth the Council shall by resolution

direct the Mayor and Recorder to issue said bonds at the rate of interest provided, which said bonds shall bear; said interest to run from the date of the acceptance of said bonds by said successful bidder or bidders.

Section 11. Upon their execution the City Recorder shall deposit said bonds with the City Treasurer to be delivered to said successful bidder or bidders, upon receipt of the amount of the bid for the same, less the money received from the check accompanying the bid, as hereinafter provided. the City Treasurer shall deliver said bonds to the purchaser.

Section 12. Every cash bid made for the bonds as above provided, shall be accompanied by a certified check for the sum of five per cent of the amount bid for the bonds in question. Said check shall be made payable to the Treasurer of Canby, and shall be the property of Canby, as soon as the bid accompanying the said check shall be accepted by said Council. The amount of said check shall be applied on the purchase price of said bonds, as above provided; provided, however, that if any bidder or bidders shall fail or neglect to complete the purchase of said bonds, within thirty days from the date of the acceptance of said bid by said Council, as above provided, the said check and the money represented thereby shall be forfeited to Canby; provided, further that all checks received from the bidders whose bids are not accepted, shall be returned by the Recorder forthwith to the said bidders, provided also that if said bonds shall prove to be illegal, then all of said checks received with said bids shall be returned forthwith to said bidders.

Section 13. All bids made by contractors for the installation and construction of said water works system shall specify whether said bids are for cash or whether the said contractor is willing to accept bonds of the City of Canby in

lieu of cash; provided, that each bidder is hereby permitted, authorized and allowed to submit two bids, one for work to be performed for cash, and one for work to be paid for in bonds of Canby; provided, further, that where a contractor submits a bid for work to be paid for in bonds, he shall submit a bid for work to be paid for in bonds, he shall specify in said bid that said bonds are to be received at par value; provided, that said bonds shall in no event draw a greater rate of interest than six per cent per annum. In the event of the bid for said construction and installation being awarded to a bidder willing to accept bonds as payment for work, the Mayor and Recorder shall be directed to issue said bonds, as provided in Section 10 of this ordinance; provided, further that said bidders willing to accept said bonds in lieu of cash shall not be required to accompany their said bids by a check as provided in Section 12 of this ordinance; provided, further that said bonds shall be turned over to said contractors in lieu of cash and on terms and at times provided, in their contract, for the construction of said water works system.

Section 14. That all ordinances and parts of ordinances in conflict herewith be and they are hereby repealed.

Section 15. Whereas, the health and safety of the citizens of Canby is in danger by a lack of a sufficient supply of pure and wholesome water for household and fire protection, an emergency is hereby declared and in order to preserve the health and safety of the citizens of Canby, it is hereby declared that this ordinance shall become immediately operative as soon as it shall be passed by the Council and approved by the Mayor.

On motion duly made and seconded said reading was considered the first reading of said ordinance, and for the reason that charges for publication thereof were, in the judgment of the Council, excessive, and said publication was dispensed with and the Recorder was ordered to post said ordinance in three public and conspicuous places in said City for a period of two calendar weeks. Said ordinance to come up for final passage at a special meeting of said Council to be held on June 21, 1916, at eight o'clock P. M.