

ORDINANCE NO. 381

AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF SAID CITY FOR THEIR ADOPTION OR REJECTION, A CHARTER AMENDMENT AUTHORIZING A GENERAL OBLIGATION BOND ISSUE IN AN AMOUNT NOT TO EXCEED \$165,000 TO BE PAID BY A GENERAL TAX LEVY ON ALL TAXABLE PROPERTY IN THE CITY OF CANBY, AND THE PROCEEDS THEREOF TO BE EXPENDED IN THE CONSTRUCTION OF A SEWAGE TREATMENT PLANT, TOGETHER WITH THE NECESSARY INTERCEPTING AND DISCHARGING SEWERS, APPROPRIATE PUMPING AND OTHER NECESSARY FACILITIES, INCLUDING EASEMENTS FOR INTERCEPTING AND DISCHARGING SEWERS, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Canby, Clackamas County, Oregon, is not now served with sanitary sewers, and it is necessary to construct a sewer system complete, consisting of a treatment plant, outfall sewer, trunk sewer, main sewer, and pumping plants, and it is also necessary to provide lateral sewers or collection systems which will collect and deliver the sewage to the main trunk of the sewer system; and

WHEREAS, The main sewer system consisting of a disposal plant, pump, and trunk sewers will be of benefit to the entire City by providing a more sanitary community in which to live, and by providing an adequate and modern method of disposing of the City sewage, and should be paid for by the entire City; and

WHEREAS, The lateral sewers or collection system will be of direct benefit to those properties that are served thereby and should be paid for by the benefited properties in accordance with a plan for the fair apportionment and assessment of the total and separate cost of the lateral sewers and collection system as the Council for the City of Canby, Oregon, may hereafter provide by a further and separate ordinance; and

WHEREAS, The City desires to amend its Charter in order that the power to construct the sewage system, together with the lateral connection system, for the City, may clearly appear, and the power to issue bonds in payment therefor, may be specifically provided for, and the right to assess the

cost of the collection system to the benefited properties may be specifically authorized,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION I. That a special election be and hereby is called to be held in the City of Canby, Clackamas County, Oregon, on the 21st day of May, 1954, at which time there will be submitted to the voters of the City of Canby, Clackamas County, Oregon, a proposed amendment to the Charter of the City of Canby, which Charter was adopted by the people December 6, 1948, and which proposed amendment consists of three new sections to be added to Chapter XI, entitled Public Improvements, in the Charter of said City of Canby, and designated as Sections 4, 5, and 6, all of which shall be voted upon as one amendment. The said amendment to be submitted shall be as follows:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS

BY THE CITY COUNCIL

BE IT ENACTED BY THE PEOPLE OF THE CITY OF CANBY, OREGON:

That the Charter of the City of Canby, Oregon, adopted by the people December 6, 1948, be and the same is hereby amended by adding to Chapter XI the following three (3) Sections, to-wit; Sections 4, 5 and 6, as follows:

Section 4: In addition to the other methods provided by Charter, the Council may, when in its discretion it is deemed advisable, provide by ordinance for the construction, either by contract or city construction method, or the combination of both, and for the maintenance, extension, operation or enlargement of sewers, sewer systems, pumping stations, sewage treatment or disposal plant, together with all appurtenances necessary, useful or convenient for the collection, treatment, and disposal of sewage, and for such purposes may acquire by gift, purchase, grant, or condemnation, the necessary lands, and rights-of-way therefor, either within or without the corporate limits of the City of Canby, all or any part of the foregoing being hereinafter referred to as the Facilities.

Section 5: The City Council may construct that part of the foregoing Facilities consisting of a treatment plant, outfall sewers, trunk sewers, main sewers, and pumping plants, as an entire unit, or as separate units, in order to provide the City of Canby with a basic sanitary sewage system; and the Council may provide

that the same, or that part so constructed, will be paid for by all of the residents of the City, or property owners therein, regardless of whether their property is to be actually connected with or presently served by said systems or units. To pay the cost thereof the City Council is hereby authorized to issue not to exceed \$165,000 in bonds which are to be paid by a 5 mill real property tax levy, and a sewer service charge as may be prescribed by the Council of the City of Canby, Oregon, which charge is to be added to and collected as a part of the water bill of each water user within the City, and is to continue so long as any of the bonds issued remain unpaid, and so long as such service charge is required for the operation and maintenance of the Facilities.

Section 6: The debt limitation contained in the Charter of the City of Canby, Clackamas County, Oregon, shall not apply to the bonds hereby authorized.

SECTION II. That the Ballot Title under which this proposed amendment shall appear on the ballot is as follows:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS

BY THE CITY COUNCIL:

PURPOSE: To amend the Charter of the City of Canby, Clackamas County, Oregon, adopted by the people December 6, 1948, by adding three (3) new Sections to Chapter XI of said City Charter, entitled Public Improvements, which Sections are to be known as Sections 4, 5 and 6, and which provide for the construction, operation, and extension of a sewer system and disposal plant by the City of Canby; authorizing the disposal plant and main trunk sewer and pumping plants to be paid for by a 5 mill real property tax levy, and a sewer service charge to all water users within the City; providing for the construction of the lateral collection system, and assessing the cost against the benefited property; and authorizing the issuance of not to exceed \$165,000 in bonds to construct the main trunk sewer, disposal system and pumping plants; and providing that the present debt limitation contained in the Charter for the City of Canby shall not apply to the bonds hereby authorized.

Mark a cross (X) between the number and answer voted for. Vote YES or NO.

SHALL THE AMENDMENT BE ADOPTED

100 _____ YES

101 _____ NO

SECTION III. That at said special election there shall be three polling places, to-wit: The City Hall as precinct No. 1; and the Women's Civic Club as precinct No. 2; and the Clackamas County Fair Grounds as precinct No. 3; at which polling places all qualified voters shall vote, and which said polling places shall be open from 8:00 o'clock A. M. to 8:00 o'clock P. M., Oregon standard time, and that the City Recorder hereby is authorized to appoint an election board for each of said voting precincts, and said board shall qualify in the manner provided by law.

SECTION IV. That the City Recorder of the City of Canby is hereby ordered and directed to publish notice of this election by posting a notice in three (3) public and conspicuous places within the City of Canby, at least ten (10) days prior to the date of the election, and by publishing a notice in a newspaper of general circulation in the City in two (2) issues thereof; one issue being more than fourteen (14) days prior to the date of the election and the second within eight (8) days of the date of the election, which said notice shall contain the ballot title and number under which the proposed Charter amendment will appear on the ballot and shall set forth the time and places of said election.

SECTION V. That the City Recorder is hereby instructed and shall prepare the ballots, and other necessary paraphernalia to conduct said election.

SECTION VI. It hereby is adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public health, peace and safety; and that an emergency hereby is declared to exist and that this ordinance take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

Passed by the Council this 26 day of April, 1954,

by the following vote:

YEAS: 4

NAYS: 0

Submitted to the Mayor this 26 day of April, 1954.

Approved by the Mayor this 26 day of April, 1954.

Attest:

H B Evans
Recorder

R B Eversole
Mayor