

Amended by  
Ord. 68-580

CITY OF SHERWOOD, OREGON

ORDINANCE No. 579

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATER BONDS OF THE CITY OF SHERWOOD IN THE AMOUNT OF \$60,000.00, AND DECLARING AN EMERGENCY.

WHEREAS, an amendment to the Charter of the City of Sherwood, adding a new section numbered 256(d), authorizing the construction, reconstruction, repair, operation and maintenance of additional water production and distribution facilities to supplement the pre-existing water supply system, including the acquisition of lands for a well-site and easements for water lines, both within and outside the corporate limits of said City, and authorizing a bond issue to finance the same, and calling a special election for the purpose of submitting the proposed charter amendment to the voters, was passed by the City Council of Sherwood on the 3rd day of June, 1968, designated "Ordinance No.577", and said proposed charter amendment was duly and regularly submitted to the voters at an election held in said City on the 21st day of June, 1968, and of the total of 80 votes cast, 67 ballots were in favor, and 13 ballots were against said charter amendment, and thus a clear majority of the voters favored the said charter amendment and the issuance of bonds in the sum of not to exceed \$60,000.00 for the purposes above stated; and

WHEREAS, pursuant to said authorization of the legal voters it is necessary that immediate action be taken to obtain the necessary funds wherewith to carry out the authorized work with respect to the water supply system, and for the City of Sherwood to issue its bonds to cover the cost of same;

NOW, THEREFORE,

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: That general obligation water bonds of the City of Sherwood, Oregon shall be issued in serial form in the total sum of \$60,000.00 in denominations of \$1,000. each, to be designated "WATER BONDS - SERIES 1968", and running consecutively from 1 to 60, said bonds to be dated September 1, 1968 and to mature as follows:

<u>Bond No.</u>	<u>Amount</u>	<u>Maturity Date</u>
1 and 2	\$ 2,000.	September 1, 1974
3 and 4	2,000.	September 1, 1975
5 and 6	2,000.	September 1, 1976
7 and 8	2,000.	September 1, 1977
9 and 10	2,000.	September 1, 1978
11 and 12,	2,000.	September 1, 1979
13 and 14	2,000.	September 1, 1980
15 and 16	2,000.	September 1, 1981
17 to 19, inc.	3,000.	September 1, 1982
20 to 22, inc.	3,000.	September 1, 1983
23 to 25, inc.	3,000.	September 1, 1984
26 to 28, inc.	3,000.	September 1, 1985
29 to 31, inc.	3,000.	September 1, 1986
32 to 35, inc.	4,000.	September 1, 1987
36 to 39, inc.	4,000.	September 1, 1988
40 to 43, inc.	4,000.	September 1, 1989
44 to 47, inc.	4,000.	September 1, 1990
48 to 51, inc.	4,000.	September 1, 1991
52 to 55, inc.	4,000.	September 1, 1992
56 to 60, inc.	5,000.	September 1, 1993

Said bonds shall bear interest at a rate to be fixed by the City Council when same are sold, and not to exceed 6% per annum, payable semi-annually on the first day of March and September of each year as evidenced by the coupons to be attached thereto; both principal and interest on said bonds shall be payable at the office of the City Treasurer of the City of Sherwood, Sherwood, Oregon.

Said bonds shall be subject to redemption on the first day of September, 1973, or on any semi-annual interest payment date thereafter upon notice duly given in accordance with Section 253 of the Charter of the City of Sherwood and applicable statutes.

Section 2: All bonds shall be sold at par plus accrued interest from date thereof to date of delivery, and all bonds shall be signed by the Mayor and countersigned by the Recorder of the City of Sherwood, Oregon, and the coupons attached thereto shall bear the facsimile signatures of the said officers of the City.

Section 3: The full faith and credit of the City of Sherwood, Oregon shall be and is hereby pledged to each successive holder of each of said bonds for the prompt and punctual payment of the principal and interest thereof as and when same shall become due, and in addition thereto, the City of Sherwood Oregon hereby covenants and agrees with each successive holder of each of said bonds and coupons, that the City of Sherwood does pledge to the payment thereof the net revenue derived from the operation and use of the City's water supply system and the sale of water service therefrom subject only to pre-existing outstanding water bonds and the requirements for payment thereof.

Section 4: That all bonds shall be registered in the Bond Register of the City of Sherwood, Oregon by the Treasurer of said City.

Section 5: That the City Recorder of the City of Sherwood be, and she is hereby, instructed to advertise said bonds for sale in the manner provided by law by written sealed bids to be opened at 8:00 P.M., Pacific Daylight Saving Time, on the 14th day of August, 1968, in the Council Chambers at the City Hall, Sherwood, Oregon; notice of said sale to be given by publication in the Tri-City Times, a newspaper of general circulation and published within the County of Washington and State of Oregon, once each week for three publishings in all. The form of the notice of sale shall be substantially as follows:

#### NOTICE OF BOND SALE

#### CITY OF SHERWOOD, OREGON

Notice is hereby given that written sealed bids will be received by the City of Sherwood up to 8:00 P.M. Pacific Daylight Saving Time on the 14th day of August, 1968, in the Council Chambers of the City Hall in the City of Sherwood, Oregon, for the sale of general obligation water bonds of the City of Sherwood, Oregon, in the amount of \$60,000.00, said bonds to be in denominations of \$1,000. each, dated September 1, 1968 and to mature serially in numerical order as follows:

<u>Bond No.</u>	<u>Amount</u>	<u>Maturity Date</u>
1 and 2	\$ 2,000.	September 1, 1974
3 and 4	2,000.	September 1, 1975
5 and 6	2,000.	September 1, 1976
7 and 8	2,000.	September 1, 1977
9 and 10	2,000.	September 1, 1978
11 and 12	2,000.	September 1, 1979
13 and 14	2,000.	September 1, 1980
15 and 16	2,000.	September 1, 1981
17 to 19, inc.	3,000.	September 1, 1982
20 to 22, inc.	3,000.	September 1, 1983
23 to 25, inc.	3,000.	September 1, 1984
26 to 28, inc.	3,000.	September 1, 1985
29 to 31, inc.	3,000.	September 1, 1986
32 to 35, inc.	4,000.	September 1, 1987
36 to 39, inc.	4,000.	September 1, 1988
40 to 43, inc.	4,000.	September 1, 1989
44 to 47, inc.	4,000.	September 1, 1990
48 to 51, inc.	4,000.	September 1, 1991
52 to 55, inc.	4,000.	September 1, 1992
56 to 60, inc.	5,000.	September 1, 1993

Said bonds shall bear interest at the rate or rates to be determined by the City Council of the City of Sherwood, Oregon at the time of award, not to exceed 6% per annum payable semi-annually, both principal and interest to be payable at the office of the City Treasurer, City of Sherwood, Oregon, City Hall, Sherwood, Oregon.

Any or all bonds of said series maturing after September 1, 1973 are subject to redemption at par plus accrued interest, in numerical order, on the 1st day of September 1, 1973 or on any semi-annual interest due date thereafter, at the option of the City of Sherwood, and upon publication of notice of redemption by said City as provided by Section 253 of the Charter of the City of Sherwood and applicable statutes.

All bids will be opened and publicly read at the time and place aforesaid and shall be sold to the highest responsible bidder for not less than par value plus accrued interest from September 1, 1968 to date of delivery. All bids must be in writing, posted, or delivered in hand to be received by the City Recorder of Sherwood, City Hall, Sherwood, Oregon, on or before 8:00 P.M. Pacific Daylight Saving Time on the 14th day of August, 1968. Each bid shall be accompanied by a certified check on a bank doing business in the State of Oregon for not less than two (2%) per cent of the par value of the bonds hereby offered for sale, except that any bid of the State of Oregon shall not require such bid deposit.

The legal approving opinion of Shuler, Rankin, Meyer & Walsh, Attorneys at Law, 620 Morgan Building, 720 S.W. Washington, Portland, Oregon 97205, will be furnished the successful bidder.

The City of Sherwood, Oregon, reserves the right to reject any and all bids.

Dated at Sherwood, Oregon, this 10th day of July, 1968.

BY ORDER OF THE CITY COUNCIL, City of Sherwood  
MARJORIE STEWART - Recorder

Section 6: The form of bond and the coupons to be attached thereto, shall be substantially as follows:

STATE OF OREGON

CITY OF SHERWOOD

\$1,000.00

No. \_\_\_\_\_

\*\* Series - 1968 \*\*

GENERAL OBLIGATION WATER BOND

The CITY OF SHERWOOD, State of Oregon, for value received, hereby promises to pay to bearer \$1,000. on the first day of \_\_\_\_\_, 19\_\_\_\_, with interest thereon at the rate of \_\_\_\_\_ per cent per annum, payable semi-annually on the first day of March and September of each year, to the bearer upon presentation of the respective coupons hereto attached as they mature; both principal and interest to be paid in lawful money of the United States of America at the office of the City Treasurer, City of Sherwood, Oregon.

This bond is one of a series of like date and tenor, except as to maturity dates, aggregating \$60,000.00, numbered 1 to 60, both inclusive, authorized and issued by the City of Sherwood, Oregon pursuant to Sections 287.002 to 287.012, inclusive, Oregon Revised Statutes, and is issued under and pursuant to authority of amendment to the City Charter of the City of Sherwood, Oregon proposed and submitted to the legal voters of said City by the City Council thereof at an election held in said City on June 21, 1968, and at said election duly adopted by a majority of the legal votes cast at said election, and it is hereby certified that all acts, conditions and things required to be done precedent to the issuance of this bond have been duly and legally done as required by law; that the aforesaid charter amendment authorized the issuance and sale of this bond and that this bond is within every date and other limitation provided by the constitution and laws of the State of Oregon and the charter of the City of Sherwood, and for the punctual payment of principal and interest thereof, the full faith and credit of the City of Sherwood, Oregon are hereby irrevocably pledged.

Any or all bonds of this series maturing after September 1, 1973 are subject to redemption at par plus accrued interest in numerical order on the 1st day of September, 1973 or on any semi-annual interest due date thereafter, at the option of the City of Sherwood, and upon publication of notice of redemption by said City as provided by Section 253 of the Charter of the City of Sherwood and applicable statutes.

Under the provisions of the Charter of the City of Sherwood, and ordinances enacted thereunder, the City of Sherwood shall keep and maintain such rates and charges for water supply services of said City as will provide revenues sufficient at all times to pay the costs of operation and maintenance of said water system and to pay the interest and principal of this Series - 1968 Water Bonds authorized by said amendment to the City Charter, in addition to the requirements for payment of all other issues of water bonds of said City, and the entire net

revenues of said water system shall be deposited in a separate account known as "Water Bond Fund", and the net revenue thereof is hereby pledged to the payment of the series of bonds of which this bond is one of 60, subject only to the requirements for payment of pre-existing bonds of similar character heretofore issued and outstanding.

IN WITNESS WHEREOF, the City of Sherwood, Oregon has caused this bond to be signed by its Mayor and countersigned by its Recorder, and the annexed interest coupons have been executed with the facsimile signatures of said officers of the City of Sherwood, Oregon, this 1st day of September, 1968.

CITY OF SHERWOOD, OREGON

By A. A. Eichelberger Mayor

Attested and countersigned:

Marjorie Stewart  
Recorder

That the coupons to be affixed to all bonds maturing on or prior to September 1, 1973 shall be in the following form:

Bond No. \_\_\_\_\_ Coupon No. \_\_\_\_\_

On the first day of \_\_\_\_\_, 19\_\_\_\_,  
The CITY OF SHERWOOD, Oregon, will pay to bearer in lawful money of the United States of America, at the office of the City Treasurer, Sherwood, Oregon, \$ \_\_\_\_\_ for six months' interest then due upon its general obligation water bond numbered as above dated September 1, 1968.

CITY OF SHERWOOD, OREGON

By A. A. Eichelberger Mayor

Attested and countersigned:

+ Marjorie Stewart  
Recorder

That the coupons to be attached to all bonds maturing after September 1, 1973 shall be in the following form:

Bond No. \_\_\_\_\_ Coupon No. \_\_\_\_\_

Unless sooner called or redeemed and due provisions made for the payment of the bond to which this coupon is attached, on the first day of \_\_\_\_\_, 19\_\_\_\_, the City of Sherwood, Oregon, will pay to bearer in lawful money of the United States of America, at the office of the City Treasurer, Sherwood, Oregon, \$ \_\_\_\_\_

for six months' interest then due on its general obligation water bond numbered as above, dated September 1, 1968.

CITY OF SHERWOOD, OREGON

By \_\_\_\_\_ Mayor

Attested and countersigned:

Marjorie Stewart  
Recorder

Section 7: The Mayor of the City of Sherwood is hereby authorized and directed to sign the bonds, and the facsimile signature of the Mayor shall appear on the coupons, and the City Recorder is hereby authorized and directed to countersign said bonds and to affix the seal of the City of Sherwood to each of said bonds for and on its behalf.

Section 8: All of the net operating revenues derived from the water supply system of the City of Sherwood shall be utilized to pay interest charges and serial maturities of principal of said bond issue, subject only to the requirements of principal and interest of pre-existing outstanding bonds of said City with respect to which said revenues have heretofore been pledged. Net operating revenues are hereby defined as the gross operating revenues from the City water supply system, less operating and maintenance expenses thereof.

Section 9: It is hereby declared and adjudged that existing conditions are such that the immediate enactment of this ordinance is necessary for the preservation of the peace, health and safety of the City of Sherwood, Oregon to avoid serious depletion of the water supply within said City, and it is hereby declared that an emergency exists and that this ordinance shall become effective immediately upon its passage by the Council and its approval by the Mayor.

PASSED: By the Council after being read by caption three times and in body once, this 10th day of July, 1968.

A. A. Schellenger  
Mayor - City of Sherwood

APPROVED: By the Mayor, this 10th day of July, 1968.

Marjorie Stewart  
Recorder - City of Sherwood