

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 616

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATER BONDS OF THE CITY OF SHERWOOD IN THE AMOUNT OF \$520,000, REPEALING ORDINANCE NO. 613, AND DECLARING AN EMERGENCY

WHEREAS, an amendment to the Charter of the City of Sherwood, adding a new section numbered 256 (e), 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 reservoir 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 8th day of September, 1971, designated "Ordinance No. 612" and said proposed charter amendment was duly and regularly submitted to the voters at an election held in said City on the 12th day of October, 1971, and of the total of 233 votes cast, 133 votes were in favor, and 99 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 \$520,000.00 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, and

WHEREAS, the City Council of the City of Sherwood did on the 10th day of November, 1971, enact Ordinance No. 613 providing for the sale and issuance of bonds, but subsequent thereto the Council has determined that certain changes in the form of the bonds, and the date of sale thereof as provided in that Ordinance should be made,

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 \$520,000.00 in denominations of \$1,000.00 each, to be designated "WATER BOND - SERIES 1972", and running consecutively from 1 to 520, said bonds to be dated February 1, 1972, and to mature as follows:

<u>Bond No.</u>	<u>Amt</u>	<u>Maturity Date</u>
1 to 21, inc.	\$21,000.00	Feb. 1, 1973
22 to 42, inc.	\$21,000.00	Feb. 1, 1974
43 to 64, inc.	\$22,000.00	Feb. 1, 1975
65 to 86, inc.	\$22,000.00	Feb. 1, 1976
87 to 109, inc.	\$23,000.00	Feb. 1, 1977
110 to 132, inc.	\$23,000.00	Feb. 1, 1978
133 to 156, inc.	\$24,000.00	Feb. 1, 1979

157 to 180, inc.	\$24,000.00	Feb. 1, 1980
181 to 205, inc.	\$25,000.00	Feb. 1, 1981
206 to 230, inc.	\$25,000.00	Feb. 1, 1982
231 to 256, inc.	\$26,000.00	Feb. 1, 1983
257 to 282, inc.	\$26,000.00	Feb. 1, 1984
283 to 309, inc.	\$27,000.00	Feb. 1, 1985
310 to 336, inc.	\$27,000.00	Feb. 1, 1986
337 to 364, inc.	\$28,000.00	Feb. 1, 1987
365 to 393, inc.	\$29,000.00	Feb. 1, 1988
394 to 423, inc.	\$30,000.00	Feb. 1, 1989
424 to 454, inc.	\$31,000.00	Feb. 1, 1990
455 to 486, inc.	\$32,000.00	Feb. 1, 1991
487 to 520, inc.	\$34,000.00	Feb. 1, 1992

Said bonds shall bear interest at a rate to be fixed by the City Council when same are sold, and not to exceed 7% per annum payable semi-annually on the first day of February and August 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.

Any or all bonds of said series maturing after February 1, 1977, are subject to redemption at par plus accrued interest, in numerical order, commencing with the lowest number, on the 1st day of February 1977, or on any semi-annual interest due date thereafter, at the option of the City, and upon notice of the intention of the City to redeem any bond published in two consecutive issues of a newspaper published in the City of Sherwood within one month prior to the proposed redemption and upon publication at least 30 days prior to the contemplated redemption date of one notice of the intended redemption in a newspaper printed and published in Washington County, Oregon, which shall be conclusive notice, and interest shall cease on such bond or bonds, on the date fixed in such notice of redemption.

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 the 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 7:30 p.m. Pacific Standard Time, on the 12th day of January, 1972, 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 City of Sherwood, 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 7:30 p.m. Pacific Standard Time on the 12th day of January, 1972, in the Council Chambers of the City Hall in the City of Sherwood, Oregon, for the sale of water bond - Series 1972 of the City of Sherwood, Oregon, in the amount of \$520,000, said bonds to be in denominations of \$1,000 each, dated February 1, 1972, and to mature serially in numerical order as follows:

<u>Bond No.</u>	<u>Amt</u>	<u>Maturity Date</u>
1 to 21, inc.	\$21,000.00	Feb. 1, 1973
22 to 42, inc.	\$21,000.00	Feb. 1, 1974
43 to 64, inc.	\$22,000.00	Feb. 1, 1975
65 to 86, inc.	\$22,000.00	Feb. 1, 1976
87 to 109, inc.	\$23,000.00	Feb. 1, 1977
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424 to 454, inc.	\$31,000.00	Feb. 1, 1990
455 to 486, inc.	\$32,000.00	Feb. 1, 1991
487 to 520, inc.	\$34,000.00	Feb. 1, 1992

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 7% 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 February 1, 1977, are subject to redemption at par plus accrued interest, in numerical order, commencing with the lowest number, on the 1st day of February, 1977, or on any semi-annual interest due date thereafter, at the option of the City, and upon notice of the intention of the City to redeem any bond published in two consecutive issues of a newspaper published in the City of Sherwood within one month prior to the proposed redemption and upon publication at least 30 days prior to the contemplated redemption date of one notice of the intended redemption in a newspaper printed and

published in Washington County, Oregon, which shall be conclusive notice, and interest shall cease on such bond or bonds, on the date fixed in such notice of redemption.

All bids shall 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 February 1, 1972, 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 7:30 p.m. Pacific Standard Time on the 12th day of January, 1972; each bid shall be accompanied by a certified check or cashier's check of or upon a bank doing business in the State of Oregon, payable to the City of Sherwood, 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, Myers, Walsh & Ragen, Attorneys at Law, 620 Morgan Building, 720 S.W. Washington, Portland, Oregon, 97205, will be furnished the successful bidder, and will be printed on the reverse side of the bonds at the expense of the City.

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

Dated at Sherwood, Oregon, this 8th day of December, 1971.

BY ORDER OF THE CITY COUNCIL, City of Sherwood, Oregon,

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

Water Bond - Series 1972

\$1,000.00

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

The CITY OF SHERWOOD, State of Oregon, for value received, hereby promises to pay to bearer \$1,000.00 on the first day of \_\_\_\_\_ 19\_\_\_\_\_, with interest thereon at the rate of \_\_\_\_\_ per cent per annum, payable on the first day of February and August 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 \$520,000.00 numbered 1 to 520, 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 October 12, 1971, 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 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, are hereby irrevocably pledged.

Any or all bonds of said series maturing after February 1, 1977, are subject to redemption at par plus accrued interest in numerical order, commencing with the lowest number, on the 1st day of February, 1977, or on any semi-annual interest due date thereafter, at the option of the City, and upon notice of the intention of the City to redeem any bond published in two consecutive issues of a newspaper published in the City of Sherwood within one month prior to the proposed redemption and upon publication at least 30 days prior to the contemplated redemption date of one notice of the intended redemption in a newspaper printed and published in Washington County, Oregon, which shall be conclusive notice, and interest shall cease on such bond or bonds, on the date fixed in such notice of redemption.

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 Water Bond - Series 1972, 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 the 520, 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 to be executed with the facsimile signatures of said officers of the City of Sherwood, Oregon, this 1st day of February, 1972.

CITY OF SHERWOOD, OREGON

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

Attested and countersigned:

\_\_\_\_\_  
Recorder

That the coupons maturing on or prior to February 1, 1977, 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 water bond-Series 1972, numbered as above, dated February 1, 1972.

CITY OF SHERWOOD, OREGON

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

Attested and Countersigned:

\_\_\_\_\_

That the coupons maturing on and after August 1, 1977, shall be in the following form:

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

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

Unless sooner called or redeemed and due provision 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 water bond-Series 1972, numbered as above, dated February 1, 1972.

CITY OF SHERWOOD, OREGON

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

Attested and countersigned:

\_\_\_\_\_ 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.

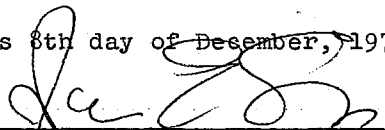
Section 9: Ordinance No. 613 be, and the same is hereby, repealed.

Section 10: 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 8th day of December, 1971.

  
Recorder - City of Sherwood

APPROVED: By the Mayor, this 8th day of December, 1971.

  
Mayor - City of Sherwood