

AN ORDINANCE PROVIDING FOR A SPECIAL CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON, JUNE 24, 1980, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF SHERWOOD, OREGON, THE QUESTION OF AMENDING THE CITY CHARTER, SECTIONS 237 THROUGH 241 AND SECTION 250, WITH RESPECT TO MAKING LOCAL IMPROVEMENTS, ASSESSING COSTS, INSTALLMENT PAYMENT AND ENFORCEMENT OF ASSESSMENTS, AND SALE OF BONDS.

WHEREAS, the City Council finds that the City Charter should be amended to provide alternative procedures for constructing, reconstructing and repairing local improvements and to assess the costs thereof to property specially benefited to provide for more feasible terms of installment payment of assessment liens and to provide the means to sell bonds at interest rates reflecting the bond market conditions;

NOW, THEREFORE,

THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: It is necessary and in the best interest of the people of the City of Sherwood that there be submitted to the legal voters of the City at the election to be held throughout the City including all voting precincts within the City, on June 24, 1980, the proposition hereinafter stated with respect to amendment of Sections 237 through 241 and Section 250 of the City Charter.

Section 2: There shall be, and there is hereby adopted, approved and authorized, the following amendments to the City Charter of the City of Sherwood, Oregon, amending Chapter XXI, Sections 237 through 241 and Chapter XXIV, Section 250 to read as follows:

"Section 237: Notwithstanding any other provisions of this Charter, for constructing, reconstructing or repair of local improvements and for assessing specially benefited properties for the cost thereof, the City Council may, in its discretion, by ordinance elect to follow, in lieu of such Charter provisions, the provisions of the laws and statutes of the State of Oregon with respect to making local improvements, local improvement assessments and enforcement of improvement liens, or the council may by ordinance establish other procedures for making local improvements and for assessment of the cost of construction, reconstruction, or repair of said improvements on the property specially benefited.

If, within fifteen (15) days of first publication of a notice of intention to make an improvement, the owners of 75% or more in area of the property within the assessment district make and file written objection or remonstrance against the proposed improvement, said remonstrance shall be a bar to further proceedings in making such improvement under the authority granted by this Section, for a period of one (1) year, unless within that period the owners of one-half (1/2) or more of the property affected shall subsequently petition therefore. Further proceedings to make the improvement after expiration of the period of bar shall require republication of notice of intention to make the improvement, and those proceedings shall likewise be subject to bar by remonstrance pursuant to this section.

Section 238: Whenever the cost of construction or repair of public improvements, including street, sanitary or storm sewers, drainage water, for which an assessment may be made on the property specially benefited, and the cost of said construction or repair has been assessed to and upon the property specially benefited, and such assessment entered as a docketed lien on said property, the owner or owners of any property so assessed shall have the right to apply to pay the assessment in equal semiannual installments, provided the assessment is in the sum of Twenty-Five Dollars (\$25.00), or more, provided the applicant in said application waives all defects and irregularities, jurisdictional and otherwise, in the proceeding for making the improvement and apportionment of the cost thereof. The time, manner, and form for making

said applications and the rate of interest to be paid on the deferred balance of the assessment shall be determined by ordinance of the City Council, provided that the period of payment shall not exceed thirty (30) years and the rate of interest to be paid on the deferred balance shall not exceed the maximum net effective interest rate permitted by the laws of the State of Oregon for City General Obligation Bonds.

Section 239: Local improvement bonds shall be sold to the purchaser or purchasers offering the lowest net effective interest rate, as determined by the City Council.

Section 240: When local improvement bonds are issued and sold to obtain funds to pay improvement warrants or the cost of making improvements, the City Council shall issue same in accordance with the provisions of Chapter XXIV, Bonds, except that the Council may provide for an earlier redemption of same than is provided in said chapter.

Section 241: Should any installment remain unpaid for a period of thirty (30) days after the same becomes due and payable, then, in that event, at the option of the City Council all unpaid installments together with interest may be declared due and payable and the Council may order the assessment collected in the manner provided by city ordinance or statutes of the State of Oregon for enforcing liens and collecting assessments.

Section 250: Bonds, when issued pursuant to this act or ordinance of the City Council, shall be prepared in suitable form, denomination and terms as may be determined by the City Council as appropriate or required by the general laws of the State of Oregon, and made payable within a period not to exceed thirty (30) years."

Section 3: The question of approving or rejecting the foregoing charter amendments shall be submitted to the legal voters of the City of Sherwood at the election of June 24, 1980, in accordance with the provisions of the Charter of the City of Sherwood and the applicable election laws of the State of Oregon, for which purpose the following ballot caption, question, explanation and number to be printed upon the official ballot is prescribed:

Submitted to the qualified voters by the Sherwood City Council

CAPTION

Amendment to Chapter XXI and XXII, City Charter

QUESTION

"Shall the City Charter be amended to authorize alternative procedures for making, assessing, and paying the costs of local improvements?"

EXPLANATION

The purpose of this proposal amending the City Charter is to authorize use of state statutory procedures or procedures adopted by ordinance for making local improvements, assessing costs and payment by semiannual installments over a period not to exceed thirty (30) years at interest rate not to exceed maximum permitted by state law for City General Obligation Bonds. The amendment also authorizes the sale of improvement bonds payable over period not exceeding thirty (30) years.

Mark X or √ in the square opposite answer voted for: YES [ ]

NO [ ]

Section 4: The foregoing proposition shall be submitted to the legal voters of the City of Sherwood by separate ballot, at each precinct, or part thereof, in the City of Sherwood at said election of June 24, 1980.

Section 5: In all respects the conduct of the election on the foregoing propositions shall conform to the procedures established pursuant to the laws for the conduct of the elections and the polls shall be opened at the same hour and closed at the same hour and all other applicable provisions in accordance with the election laws of the State of Oregon.

Section 6: Notice of the foregoing proposals in form substantially as hereinafter set forth shall be given by three consecutive publications in the Tigar Times on June 6, June 11 and June 13, 1980, and by posting notices substantially in the following form at each of the following designated places, such posting to be accomplished not later than June 13, 1980.

- (a) At the front door of the City Hall conspicuously exposed to the public view, Sherwood, Oregon.
- (b) At the front door of the United States Post Office in the City of Sherwood, conspicuously exposed to public view.
- (c) At the front door of the Tualatin Rural Fire District Station in the City of Sherwood, conspicuously exposed to public view.
- (d) At least one other public place to be selected by the City Recorder, conspicuously exposed to public view.

The City Recorder is directed to cause to have published and posted said notice and shall file in the records of said election an affidavit of posting in usual form prior to June 21, 1980.

The form of notice shall be substantially as follows:

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NOTICE OF CHARTER AMENDMENT ELECTION

Notice is hereby given that pursuant to Ordinance No. \_\_\_\_\_ enacted by the City Council of Sherwood on May 14, 1980, at the election date of June 24, 1980, between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M. there will be submitted to the qualified voters of the City of Sherwood for their approval or rejection, the following proposition:

Submitted to the qualified voters by the Sherwood City Council

CAPTION

Amendment to Chapter XXI and XXII, City Charter

QUESTION

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EXPLANATION

The purpose of this proposal amending the City Charter is to authorize use of state statutory procedures or procedures adopted by ordinance for making local improvements, assessing costs and payment by semiannual installments over a period not to exceed thirty (30) years at interest rate not to exceed maximum permitted by state law for City General Obligation Bonds. The amendment also authorizes the sale of improvement bonds payable over period not exceeding thirty (30) years.

Mark X or √ in the square opposite answer voted for:

YES [ ]

NO [ ]

The polling places in the City of Sherwood for purposes of this election will be those designated by the county clerk or elections officer.

Witness my hand and the seal of the City of Sherwood this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

\_\_\_\_\_  
City Recorder

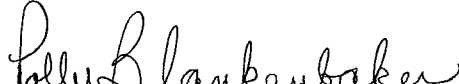
Section 8: That the Council of the City of Sherwood deems it unnecessary for the City of Sherwood, or any officer thereof, to furnish election pamphlets containing the text of the propositions or arguments in support of or in opposition to the propositions.

Section 9: The City Recorder be, and she is hereby authorized and directed to cause the county elections officer to have prepared ballots in due and legal form as herein prescribed, to appoint an election board, and to furnish to the election board a proper ballot box and all necessary election materials and to take any and all other and further actions necessary to conduct this election in accordance with laws regulating and governing elections.

Section 10: It is necessary for the preservation of the public peace, health and safety of the people of the City of Sherwood that this ordinance take effect immediately in order that the charter amendment proposal may be properly submitted to the people of the City of Sherwood at the statutory election date of June 24, 1980, and, therefore, an emergency is hereby declared to exist. This ordinance shall be effective upon its passage by the Council and signature by the Mayor.

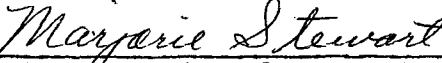
PASSED:

By the Council, by unanimous vote of all Council members present, after being read three times by caption this 14th day of May, 1980.

  
\_\_\_\_\_  
Recorder - City of Sherwood

APPROVED:

By the Mayor, this 14th day of May, 1980.

  
\_\_\_\_\_  
Mayor - City of Sherwood