

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 802

AN ORDINANCE AUTHORIZING AND APPROVING AN AMENDMENT TO THE CHARTER OF THE CITY OF SHERWOOD, OREGON BY ADDING A NEW SECTION; AUTHORIZING 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; AUTHORIZING A BOND ISSUE TO FINANCE SAID ACTIVITIES; CALLING A SPECIAL ELECTION AT WHICH THE PROPOSED CHARTER AMENDMENT SHALL BE SUBMITTED TO THE VOTERS; AND DECLARING AN EMERGENCY

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WHEREAS, the city has experienced problems in the past year with one existing well testing with showings of possible contamination, which will represent 56% of the source of the city's water supply; and

WHEREAS, the projected need for water in the future exceeds existing capacity, it is prudent and necessary that the city forthwith secure additional water source capacity to meet future needs and to meet the present critical need that would result in the event one or more of the existing city wells becomes unusable due to contamination from whatever cause;

NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN 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 26, 1984, the proposition hereinafter stated with respect to authorization of a bond issue to finance the acquisition and construction of additional water production and distribution facilities.

Under the present city charter the procedure has been to submit measures authorizing issuance of additional general obligation bonds as a charter amendment. A revised charter will be submitted to the voters at the primary election on May 15, 1984 which, if approved by the voters, will become effective July 1, 1984. The present charter will remain in effect until at least that time and therefore the measure referred to the voters by this ordinance shall be in the form of a charter amendment to the present charter. The new charter, if enacted, will not require that approval of indebtedness by the voters be in the form of a charter amendment. The approval of this measure, although in the form of a charter amendment, shall authorize the proposed bond issue, whether or not the voters on May 15, 1984 approve the new charter. Therefore, even if the new charter is approved and the present charter is repealed, this ordinance and approval of the well bond issue by the voters shall nonetheless be effective to authorize the bond issue. Approval of the measure hereby submitted to the voters shall be deemed to be the approval required by Section 11.1(2) of the proposed new charter if enacted, as well as an amendment to the existing charter.

Section 2. There shall be, and there is hereby adopted, approved and authorized, an amendment to the City Charter of the City of Sherwood, Oregon, by adding a new section thereto to be numbered 256(f), reading as follows:

1. ORDINANCE NO. 802

Section 256(f). The City of Sherwood shall be, and it is hereby, empowered and authorized to construct, reconstruct, repair, operate and maintain additional water production and distribution facilities to supplement the pre-existing water supply system, including the acquisition of lands for a fifth well site and easements for water lines, both within and outside the corporate limits of the city, together with all necessary water lines, pumps, reservoirs, machinery, structures and other equipment and accessories necessary or desirable in connection therewith, and to sell and supply water to persons, firms, and corporations both within and outside the corporate limits of the City of Sherwood. The City of Sherwood and the City Council thereof shall be, and are hereby, authorized to perform any and all acts necessary and desirable to accomplish and carry out the foregoing. Without limiting the foregoing general authority, the City of Sherwood and the City Council thereof are hereby specifically authorized and empowered to do and perform the following acts:

1. To construct, reconstruct, repair, operate and maintain, or to contract for the construction or reconstruction 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 city limits, and to repair, operate and maintain said water works, water pipes and all appurtenances thereof for the purpose of supplying water to users both within and outside the city limits.

2. To provide for the payment of costs of construction of said additional water supply system and water pipes and the reconstruction, repair and operation and maintenance thereof, together with all appurtenances. The City Council is authorized to approve, issue and sell additional water bonds in the total amount of \$218,100, to mature within twenty (20) years from the date thereof, bearing interest at such rates and with such other terms and conditions as may be approved by the Council of the City of Sherwood.

3. The City of Sherwood shall be authorized, without limitation and subject only to existing outstanding water bonds and the requirements for payment thereof, to pledge the net revenue to be derived from the operation and use of the city's water system and the sale of water therefrom, and to pledge its general credit and taxing power, subject to existing outstanding bonds for which previous pledges exist, for the repayment of such bond issue.

4. Any and all matters that may require action or approval by the City Council in connection with the authority and activities hereby authorized and/or granted are to be approved either by ordinance or by resolution of the City Council.

Section 3. The question of authorizing said bond issue and approving or rejecting the foregoing charter amendment shall be submitted to the legal voters of the City of Sherwood at the election of June 26, 1984 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:

2. ORDINANCE NO. 802

SUBMITTED TO THE QUALIFIED VOTERS BY THE SHERWOOD CITY COUNCIL

CAPTION

Authority to issue general obligation bonds for new well

QUESTION

Shall the City Council be authorized to issue \$218,100 in bonds for construction of well and water facilities?

EXPLANATION

This proposal authorizes a bond issue in a sum not to exceed \$218,100 to finance construction of additional water well facilities, including acquisition of a new well site. The bond issue to finance same will pledge the net revenue and the city's general credit and taxing power for repayment of the bonds. Approval of the proposal will be effective under whatever charter is in effect at the time bonds are issued.

MARK X OR ✓ IN THE SQUARE OPPOSITE THE 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 26, 1984.

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 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 Tigard Times on \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, 1984, and by posting notices substantially in the following form at each of the following designated places, such posting to be accomplished not later than \_\_\_\_\_, 1984.

- (a) At the front door of the City Hall, conspicuously exposed to the public view, Sherwood, Oregon
- (b) At the front door of the U.S. Postoffice in the City of Sherwood, conspicuously exposed to the public view
- (c) At the front door of the Tualatin Rural Fire District station in the City of Sherwood, conspicuously exposed to the 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 \_\_\_\_\_, 1984.

The form of notice shall be substantially as follows:

NOTICE OF CHARTER AMENDMENT ELECTION

Notice is hereby given that pursuant to Ordinance No. 802 enacted by the City Council of Sherwood on May 16, 1984, at the election date of June 26, 1984 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

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QUESTION

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EXPLANATION

This proposal authorizes a bond issue in a sum not to exceed \$218,100 to finance construction of additional water well facilities, including acquisition of a new well site. The bond issue to finance same will pledge the net revenue and the city's general credit and taxing power for repayment of the bonds. Approval of the proposal will be effective under whatever charter is in effect at the time bonds are issued.

MARK X OR ✓ IN THE SQUARE OPPOSITE THE 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, Oregon this      day of May, 1984.

CITY RECORDER

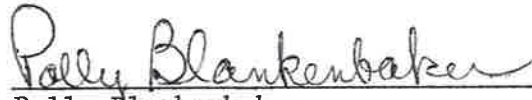
Section 8. The City Council of the City of Sherwood deems it unnecessary for the City of Sherwood or any officer thereof to furnish election pamphlets containing the text of the propositions or arguments in support of or in opposition to the proposition.

Section 9. The City Recorder be and she is hereby authorized and directed to cause the county elections officer to have ballots prepared in due and legal form as prescribed herein, 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 the 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 26, 1984, and therefore an emergency is hereby declared to exist. This ordinance shall be effective upon its passage by the Council and approval by the Mayor.

PASSED:

By the Council by UNANIMOUS vote of all members present, after being read three times by caption, this 9<sup>th</sup> day of May, 1984



\_\_\_\_\_  
Polly Blankenbaker  
City Recorder of the City of Sherwood

APPROVED:

By the Mayor this 14<sup>th</sup> day of May, 1984.

  
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Mary Tobias  
Mayor