

ORDINANCE NO. 20

An Ordinance ordering an election for the purpose of submitting to the electors of the City of Garibaldi, Oregon, at the regular primary election to be held on the 21st day of May, 1948, the following proposed amendments to the Charter of the City of Garibaldi, referred to the electors of said city by the Common Council for their approval or rejection, and declaring an emergency.

THE PEOPLE OF GARIBALDI DO ORDAIN AS FOLLOWS:

Section 1. That an election shall be held concurrent with the next general primary election in the city of Garibaldi on the 21st day of May, 1948 at which election there shall be submitted to the Electors of said city for their approval or rejection the following proposed amendment to the Charter of the City of Garibaldi, Oregon, to-wit:

Proposed by Resolution of the Common Council and referred to the Electors;

CHARTER AMENDMENT

"AN ACT to amend the Charter of the City of Garibaldi, Oregon, by adding a new Chapter thereto, authorizing and empowering the Common Council to own, acquire, construct, equip, operate and maintain within and without the city limits of the City of Garibaldi, sewage disposal plant or plants, sewers, equipment and appurtenances necessary, useful or convenient for a complete sewer system and disposal plant; to acquire any property, rights of way or easements; to establish just and equitable charges for service upon all sewer users; to issue general obligation bonds in a sum not to exceed \$140,000; to levy an ad valorem property tax not to exceed 20 mills in any one year, upon all property within the corporate limits of the City of Garibaldi for the retirement of the bonds; to accept and apply any federal government aid available and to use the funds collected for the retirement of the bonds and interest and second, for the extension of the system.

THE PEOPLE OF GARIBALDI CITY DO ORDAIN AS FOLLOWS:

Be it enacted by the Electors of the City of Garibaldi, Oregon.

Section 1. Pursuant to the provisions of Sections 95-180 to 95-1813, Oregon Compiled Laws Annotated, as amended by Chapter 402, Oregon Laws, 1941 and Chapter 182, Oregon Laws, 1947 the common Council of the city of Garibaldi is hereby

authorized to acquire, construct, equip, operate and maintain within and without the city limits of the City of Garibaldi, sewage disposal plant or plants, sewers, equipment and appurtenances necessary, useful or convenient for a complete sewer system and disposal plant; to acquire any property, rights of way, or easements; to establish and collect just and equitable charges for service upon all sewer users;

Section 2. In connection with and for the purpose of carrying forward the foregoing project the Common Council is authorized to issue general obligation bonds in a sum not exceeding \$140,000; to accept and apply any federal government aid available and to use the net funds collected from any tax levy hereby authorized first, for the retirement of the bonds and interest and second, for the extension of the system.

Section 3. The Common Council shall determine the maturities and tenor of such bonds; provide that they shall be general obligation bonds, that they shall be serial in character and be payable not to exceed 30 years from the date of issuance; and shall be sold at a price to net the city of Garibaldi not less than the par value thereof with accrued interest and shall bear interest at a rate not to exceed 6% per annum;

Section 4. The Common Council of the City of Garibaldi is hereby authorized to levy a tax upon all of the property within the corporate limits of the City of Garibaldi for the purpose of retiring said general obligation bonds, said tax levy not to exceed 20 mills for any one year.

Section 5. The city Recorder is hereby directed to give notice of said election in accordance with the provisions of section 25 of Chapter VI of the Charter of the City of Garibaldi.

## NOTICE OF ELECTION

NOTICE OF A GENERAL ELECTION TO BE HELD ACCORDING TO LAW AND THE EXISTING CHARTER OF THE CITY OF GARIBALDI, OREGON FOR THE PURPOSE OF ADOPTING OR REJECTING A CHARTER AMENDMENT FOR SAID CITY IS HEREBY GIVEN.

Pursuant to the provisions of an ordinance passed on April 12, 1948 by the Common Council of the City of Garibaldi, Oregon, there will be a general election held on the 21st day of May, 1948 at the precinct polling places located as follows: at the community house in the precinct of East Garibaldi and at the City Library in the precinct of West Garibaldi commencing at 8 o'clock a.m. and continuing until 8 o'clock p.m. of said day for the purpose of submitting to the qualified voters of said city the proposition of adopting or rejecting the proposed charter amendment (copies of the proposed charter amendment are now posted at the city hall, on the Kidder Building and on the Benson Building, all in the City of Garibaldi, Oregon and additional copies of said proposed charter amendment are available for examination at the recorder's office at the city hall in said city)

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|---------------------|-----|--------------------------|
| 1. Mrs. Kingsland   |     | 2. Helen G. Illingworth  |
| 3. Irene Sauce      | and | 1. <i>Elsie Erickson</i> |
| 2. Julia C. Spooner |     |                          |

have been appointed Judges and Clerks, respectively, to conduct said general election in the precinct of East Garibaldi.

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|--------------------|-----|------------------|
| 1. Anna Ellis      |     | 2. Alma St. Onge |
| 3. Ora Lewis       | and | 1. Iva V. Smith  |
| 2. Anita G. Tilden |     |                  |

have been appointed Judges and Clerks, respectively, to conduct said general election in the precinct of West Garibaldi.

The following act shall be submitted to the electors of said city for their approval or rejection to-wit:

### CHARTER AMENDMENT

"AN ACT to amend the Charter of the City of Garibaldi, Oregon, by adding a new Chapter thereto, authorizing and empowering the Common Council to own, acquire, construct, equip, operate and maintain within and without the city limits of the City of Garibaldi, sewage disposal plant or plants, sewers, equipment and appurtenances necessary, useful or convenient for a complete sewer system and disposal plant; to acquire any property, rights of way or easements;

to establish just and equitable charges for service upon all sewer users; to issue general obligation bonds in a sum not to exceed \$140,000; to levy an ad valorem property tax not to exceed 20 mills in any one year, upon all property within the corporate limits of the City of Garibaldi for the retirement of the bonds; to accept and apply any federal government aid available and to use the funds collected for the retirement of the bonds and interest and second, for the extension of the system.

said ballots shall also contain the words "Yes, I vote for the proposed charter amendment" and "No, I vote against the proposed charter amendment"; which ballot each voter shall mark and cast according to law as each such voter may desire to vote.

First Publication, <sup>176</sup> April 6, 1948.

Final Publication, May 13, 1948.

First Posted April 20th, 1948 in above named places.

Signed

*B. J. Smith*

City Recorder of Garibaldi, Oregon  
by Order of the Common Council of  
said city.

Section 6. Whereas the discharge of untreated sewerage into the waters of Tillamook Bay and the maintenance within the city of Garibaldi of poorly and improperly constructed septic tanks has created a dangerous and insanitary condition, and existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

THEREFORE, An emergency is hereby declared to exist and it is hereby declared to be necessary for the immediate preservation of the peace, health and safety of the City of Garibaldi that this ordinance shall take effect immediately upon its passage by the Common Council and approval by the Mayor.

The foregoing ordinance was:

Read for the first time in open council April 12, 1948  
at the hour of 9:30 p.m..

Read the second time in open council April 12, 1948  
at the hour of 9:45 p.m..

Read for the third time in open council April 12, 1948  
           at the hour of 9:55 p.m. and being then and there before the council upon the question "Shall the ordinance pass", the roll being called resulted as follows:

Fessler	Aye	Graham	Absent
Fellows	Aye	Weber	Aye
Spooner	Aye		

Approved this 12th day of April, 1948.

E. S. Fessler  
Mayor

ATTEST:

B. F. Groth  
Recorder-Treasurer