

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NEGOTIABLE GENERAL-OBLIGATION CITY OF GARIBALDI SEWERAGE SYSTEM BONDS IN THE PRINCIPAL SUM OF ONE HUNDRED TWENTY-FIVE THOUSAND (\$125,000) DOLLARS PAR VALUE; PROVIDING FOR THE PAYMENT FROM REVENUES OF SAID SYSTEM AND FROM TAXATION, OF THE PRINCIPAL OF, AND THE INTEREST UPON, SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS AND OF THE INTEREST COUPONS APPERTAINING THERETO; REPEALING ORDINANCES NUMBERED 29 AND 31, OF SAID CITY; AND DECLARING AN EMERGENCY.

WHEREAS the Oregon State Sanitary Authority, by several communications addressed to the common council and to the officers of the city of Garibaldi during the years 1946 and 1947, had directed the attention of the city to the fact that it was urgently in need of a sanitary sewer system and, by letter dated December 1, 1947, had notified the mayor and common council of said city that the insanitary and unsatisfactory methods of waste disposal in the said city must be abated, and that the city must give the solution of its sewage problems its immediate attention; and

WHEREAS the said Oregon State Sanitary Authority has advised the state bond commission of the state of Oregon that the said authority, within recent years has received numerous complaints concerning the insanitary methods of sewage disposal employed by residences and business establishments in said city, and that investigations by said authority have proved the said complaints to be justified, and the said authority further has certified to the said state bond commission, in accordance with the provisions of Chapter 500, Oregon Laws, 1949, that the said city is in need of a sewerage system; and

WHEREAS on May 21, 1948, the people of the city of Garibaldi, in conformity with the request of the said authority, by an amendment of the charter of said city, duly authorized the common council of said city to install a sewer system and sewage disposal plant for said city, and to incur an indebtedness for such purpose through the levying of taxes in sums not exceeding twenty mills in any one year upon all of the property within the corporate limits of said city subject to ad valorem taxation; and

WHEREAS the common council of said city, pursuant to said charter amendment, duly enacted ordinance No. 26, authorizing the issuance of \$140,000 in general-obligation bonds of said city, to be sold at public sale to the highest responsible bidder, for the purpose of financing the cost of the said sewer system and disposal plant; and

WHEREAS due notice of the said proposed sale upon the date of May 16, 1949, of said bonds was given according to law, but no bids or offers were received for said bonds; and

WHEREAS said city, pursuant to the provisions of Chapter 500, Oregon Laws, 1949, effective April 16, 1949, by resolution and petition adopted by its common council on July 12, 1949, made application to the state bond commission of the state of Oregon that the state finance the construction of said sewer system and sewage disposal plant through the purchase of general-obligation bonds of said city to be issued to finance the cost thereof; and

WHEREAS, pursuant to the provisions of Chapter 500, Oregon Laws, 1949, and particularly such provisions thereof as relate to adequacy of sewerage charges and taxation with which to meet bond interest and principal when due, the state bond commission of the state of Oregon, on August 23, 1949, authorized the purchase of said bonds in the aggregate sum of \$125,000, to bear interest at the rate of 3% per annum payable semiannually, to mature in annual principal instalments of approximately \$10,000 each, beginning not later than the year 1951, and to be paid, both as to principal and interest, from the net revenues of the said sewerage system and from ad valorem taxation, and to be approved as to validity by the Attorney General of the state of Oregon, or by accredited bond attorneys; now, therefore,

THE CITY OF GARIBALDI DOES ORDAIN AS FOLLOWS:

Section 1. That, pursuant to all of the provisions of Chapter 500, Oregon Laws, 1949, and of the amendment of the charter of said city duly adopted by the voters thereof at a special election duly called and legally held therein on May 21, 1948, and that, subject to the terms of the offer of the state bond commission of the state of Oregon as hereinabove set forth, the city of Garibaldi, in the county of Tillamook, state of Oregon, issue and sell to the state of Oregon its general-obligation SEWERAGE SYSTEM BONDS in the principal sum of ONE HUNDRED TWENTY-FIVE THOUSAND

DOLLARS (\$125,000) for the purpose of owning, acquiring, constructing, equipping, operating, and maintaining for said city, within or without its corporate limits, or both, a complete sewer system and sewage treatment and disposal plant with all equipment and appurtenances necessary, useful, or convenient thereto, including property, rights of way, and easements necessary thereto, all hereinafter included in the general term "sewerage system."

Section 2. That the said SEWERAGE SYSTEM BONDS shall be dated December 1, 1949, shall be in denominations of \$1,000 each, shall be numbered consecutively beginning with the number one (1) and ending with the number one hundred twenty-five (125), and shall mature serially in numerical order in principal amounts as follows:

| <u>Bond Numbers, Inclusive</u> | <u>Maturity Dates</u> | <u>Amounts</u> |
|--------------------------------|-----------------------|----------------|
| 1/10 | December 1, 1950 | \$10,000 |
| 11/20 | December 1, 1951 | 10,000 |
| 21/30 | December 1, 1952 | 10,000 |
| 31/40 | December 1, 1953 | 10,000 |
| 41/50 | December 1, 1954 | 10,000 |
| 51/60 | December 1, 1955 | 10,000 |
| 61/70 | December 1, 1956 | 10,000 |
| 71/80 | December 1, 1957 | 10,000 |
| 81/90 | December 1, 1958 | 10,000 |
| 91/100 | December 1, 1959 | 10,000 |
| 101/110 | December 1, 1960 | 10,000 |
| 111/120 | December 1, 1961 | 10,000 |
| 121/125 | December 1, 1962 | 5,000 |

but with the right reserved to the city, at its option, to redeem in numerical order, at par value and accrued interest, on December 1, 1952, and upon any semiannual interest-paying date thereafter, any or all outstanding bonds of said issue maturing on and after December 1, 1953, pursuant to notice of intention to exercise said option, specifying the numbers of the bonds called for payment and the call date thereof, published at least thirty (30) days prior to the redemption date specified in said notice,

of Tillamook, state of Oregon; and that from the date of redemption designated in any such notice, interest on the bonds so called for redemption shall cease.

Section 3. That, both as to the interest thereon and the principal thereof, the said bonds shall be payable from the net revenues to be derived by the city from the operation of its sewer system, and from ad valorem property taxes without limitation other than as prescribed by the charter of the city; and that, after taking into consideration prospective delinquencies in the payment of property taxes for the ensuing tax year, the common council of the city shall ascertain and levy annually, within the limit prescribed by the said charter, such a direct ad valorem tax upon all the property within the city so taxable for its purposes as, together with the aforesaid net revenues of its sewerage system, shall be sufficient promptly to pay in full upon the due dates thereof the interest upon and the principal of said bonds; and that the funds derived from the aforesaid revenues and from the said tax levies shall, by the treasurer of the city, be carried in a separate book account and fund designated "SEWERAGE SYSTEM BOND INTEREST AND SINKING FUND", to be used only in the payment of the interest upon and the principal of said bonds, until all of the said obligations have been fully paid and redeemed. The revenues of the said sewer system that otherwise would have become payable into the "sewage disposal system sinking fund" of said city, pursuant to the provisions of ordinance No. 30 of said city shall be paid into the "Sewerage System Bond Interest and Sinking Fund" created by this section.

Section 4. That the said bonds shall be the negotiable general-obligations of the said city of Garibaldi and shall bear interest payable semiannually on June 1 and December 1 of each year, at the rate of three per cent (3%) per annum; that both the interest upon and the principal of the said bonds, shall be paid promptly when due, at the office of the treasurer of said city in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America; that the said bonds shall be signed by the mayor and be attested by the recorder of said city and that the interest coupons appertaining to said bonds shall bear the engraved facsimile signatures of the said mayor and recorder; and that, except as to numbers, maturities and redemption privilege, the said bonds shall be of uniform tenor and shall read substantially as follows:

No. _____

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF TILLAMOOK
CITY OF GARIBALDI
SEWERAGE SYSTEM BOND

\$1,000

THE CITY OF GARIBALDI in TILLAMOOK COUNTY, OREGON, for value received hereby promises to pay to bearer the sum of

ONE THOUSAND DOLLARS

(\$1,000) upon the FIRST DAY OF DECEMBER, 1950, with interest thereon from the date hereof to maturity at the rate of THREE PER CENT (3%) per annum payable semiannually upon the FIRST DAYS OF JUNE and DECEMBER of each year to the bearer of the respective coupons therefor hereto attached, upon the presentation and surrender thereof as the said coupons respectively mature. Both the principal hereof and the interest hereon are payable AT THE OFFICE OF THE TREASURER OF SAID CITY in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America.

THE BONDS of the issue of which this bond forms a part, maturing on and after December 1, 1953, may be redeemed by the said city of Garibaldi at par value and accrued interest upon December 1, 1952, and upon any interest day or days thereafter, in numerical order or in the entire amount of the issue outstanding at call date, upon notice given by said city at least thirty (30) days prior to the redemption date specified therein, by publication thereof in one issue of a newspaper printed and published within the county of Tillamook, state of Oregon. From the date of redemption designated in any such notice, interest upon the bonds so called for payment shall cease.

THIS BOND is a general obligation of the said city of Garibaldi, payable both as to principal and interest from the net revenues of the sewerage system of said city and the appurtenances thereto, and from ad valorem taxes upon all the property within said city so taxable for its purposes, and is issued in accordance with the statutes of the state of Oregon thereunto appertaining, and particularly Chapter 500, Oregon Laws, 1949, and of an amendment to the Charter of said city duly adopted by the legal voters thereof at a special election regularly called and held therein on May 21, 1948, and of Ordinance No. 20 of said city duly adopted by the council of the said city

and approved by the mayor thereof on April 12th, 1948, for the purpose of owning, acquiring, constructing, equipping, operating, and maintaining, within or without the corporate limits of said city, or both, a complete sewer system and sewage treatment and disposal facilities, and all equipment, property, rights of way, easements, and appurtenances, necessary, useful, or convenient therefor.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this bond have existed, have happened, and have been performed in due time, form, and manner as required by the constitution and statutes of the state of Oregon, and by the charter and ordinances of said city; that the issue of which this bond is a part and all other obligations of said city are within every debt limitation and other limit prescribed by the said constitution, statutes, and city charter; and that the council of said city has provided by the aforesaid ordinance for the levying annually of a direct ad valorem tax upon all the property within said city so taxable for its purpose, in sufficient amount, with the revenues of the aforesaid sewerage system specifically pledged by this ordinance, to pay the interest upon and the principal of the bonds of said issue, as the said obligations respectively become due and payable.

For the punctual payment of the interest hereon and the principal hereof, and for the application of the aforesaid pledged revenues and the levy and collection annually of the aforesaid taxes, for such purposes, the full faith and credit of the said city of Garibaldi hereby are irrevocably pledged.

IN WITNESS WHEREOF, the said city of Garibaldi has caused this bond to be signed by its mayor and attested by its recorder under its corporate seal, and has caused the annexed interest coupons to bear the engraved facsimile signatures of its said officers all as of the first day of

December 1948

COUPON

No. _____

\$ _____

ON THE FIRST DAY OF JUNE, 19___, THE CITY OF GARIBALDI, in Tillamook County, Oregon, will pay to bearer FIFTEEN DOLLARS (\$15.00), AT THE OFFICE OF THE TREASURER OF SAID CITY, for six (6) months' interest then due on its Sewerage System Bond No. _____.

ATTEST:

Mayor

Recorder

(All coupons maturing after December 1, 1952, shall be in the following form)

No. _____

\$ _____

ON THE FIRST DAY OF JUNE, 19___, unless the bond hereinafter designated shall have been previously called for redemption and due provision made for the payment thereof, THE CITY OF GARIBALDI, in Tillamook County, Oregon, will pay to bearer FIFTEEN DOLLARS (\$15.00), AT THE OFFICE OF THE TREASURER OF SAID CITY for six (6) months' interest then due on its Sewerage System Bond No. _____.

ATTEST:

Mayor

Recorder

Section 5. That, as provided by Chapter 500, Oregon Laws, 1949, and as authorized by the state bond commission of the state of Oregon, the said bonds, upon approval of the validity thereof by the attorney general of the state of Oregon, or by bond attorneys satisfactory to the state bond commission of the state of Oregon, shall be delivered to the state bond commission of the state of Oregon upon payment of the par value thereof and the accrued interest thereon.

Section 6. That ordinances numbered twenty-nine (29) and thirty-one (31) duly passed by the common council of the city of Garibaldi be, and the same hereby are, repealed.

Section 7. Whereas, it is necessary for purposes of proper sanitation, and for the immediate preservation of the peace, health, and safety of the city of Garibaldi that this ordinance become effective at the earliest possible date after enactment and approval thereof, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the council and approval by the mayor.

Passed and unanimously adopted by the council of the city of Garibaldi this 28th day of November, 1949, with all members of the council, upon roll call, voting therefor.

Approved by the Mayor this 28th,
day of November 1949.

B. J. Spencer
Mayor of the City of Garibaldi, Oregon.

ATTEST:

B. J. Smith
Recorder of the City of Garibaldi, Oregon.