

RESOLUTION NO. XII

RESOLUTION AUTHORIZING ISSUANCE OF SEWER BONDS.

WHEREAS, heretofore, in the manner and form prescribed by City Ordinance No. 6, a Resolution of the Common Council for the City of Wilsonville, Clackamas and Washington Counties, Oregon, was duly adopted submitting to the legal voters of said City the question of amending the Wilsonville City Charter for the purpose of granting to the City Council the power to construct, own, reconstruct, enlarge, improve, operate and extend a sanitary sewer system, and to pay the costs of said improvements by issuing and selling \$150,000.00 of general obligation bonds, and \$550,000.00 of revenue bonds of said City; and

WHEREAS, a special City election was called for the aforesaid purpose, and the said Common Council thereupon directed the Recorder of said City to cause to be published by posting a Notice of Election for such purpose in the manner and form prescribed by said Ordinance No. 6, which said Election Notice was duly and regularly published by posting; and

WHEREAS, the said election was duly and legally held in said City on Monday, June 8, 1970, and the Judge and Clerks of said election duly appointed for the conducting of said election received and counted the votes cast, and thereafter the Common Council for said City canvassed the votes cast at said election and have certified the results thereof; and

WHEREAS, the Common Council has examined and investigated the regularity of the proceedings for the said election, and find that only duly qualified legal voters were allowed to vote at said election; that there was no fraud or conspiracy in the conducting of or voting at said election; that said election was duly and legally held; that notice thereof required by Ordinance to be given was duly

and regularly given in the form, for the time and in the manner required by Ordinance; that said election was held in strict conformity with the requirements of law; that the votes cast at said election have been counted and the results of said election canvassed and returns thereof filed, recorded and reported and proclaimed as provided by Ordinance; that on the question of amending the City's Charter for the aforesaid purposes, there were 239 ballots cast at said election, of which 200 were in the affirmative and 39 votes were in the negative, and the proposition of amending the City's Charter for the aforesaid purposes received the assent of a majority of the votes cast on that question at said election, and the Wilsonville City Council has been duly authorized to construct, own and operate a City sewer system, and pay the costs thereof by issuing and selling \$150,000.00 of general obligation bonds and \$550,000.00 of negotiable revenue bonds;

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Wilsonville, Clackamas and Washington Counties, Oregon, that for the purpose of constructing, installing, owning, operating and extending a City sewer system, and to acquire necessary equipment and other property appurtenant thereto, to acquire rights-of-way and to pay engineering and legal services in connection therewith, all in and for the City of Wilsonville, Clackamas and Washington Counties, Oregon, the Common Council of said City directs that there be issued \$150,000.00 of general obligation bonds of the City, and also \$550,000.00 of negotiable revenue bonds, and the latter to be paid solely and only from the net revenue derived from the operation of said sewer system, and that both issues be dated October 1, 1970, and the general obligation bonds to be numbered consecutively from one (1) to one hundred fifty (150), inclusive, to be in denominations of ONE THOUSAND DOLLARS (\$1,000.00) each and to mature serially in numerical order as provided hereunder, and that the revenue bonds be numbered consecutively from one (1) to one hundred ten (110),

inclusive, to be in denominations of FIVE THOUSAND DOLLARS (\$5,000.00) each and to mature serially in numerical order as provided hereunder, and the maturity schedules of both issues are as follows:

GENERAL OBLIGATION BONDS:

\$ 3,000.00	October 1, 1972
3,000.00	October 1, 1973
4,000.00	October 1, 1974
4,000.00	October 1, 1975
5,000.00	October 1, 1976
5,000.00	October 1, 1977
6,000.00	October 1, 1978
6,000.00	October 1, 1979
6,000.00	October 1, 1980
7,000.00	October 1, 1981
7,000.00	October 1, 1982
8,000.00	October 1, 1983
8,000.00	October 1, 1984
9,000.00	October 1, 1985
9,000.00	October 1, 1986
10,000.00	October 1, 1987
11,000.00	October 1, 1988
12,000.00	October 1, 1989
13,000.00	October 1, 1990
14,000.00	October 1, 1991

REVENUE BONDS:

\$10,000.00	October 1, 1972
10,000.00	October 1, 1973
15,000.00	October 1, 1974
15,000.00	October 1, 1975
15,000.00	October 1, 1976
15,000.00	October 1, 1977
20,000.00	October 1, 1978
20,000.00	October 1, 1979
25,000.00	October 1, 1980
25,000.00	October 1, 1981
25,000.00	October 1, 1982
30,000.00	October 1, 1983
30,000.00	October 1, 1984
35,000.00	October 1, 1985
35,000.00	October 1, 1986
40,000.00	October 1, 1987
40,000.00	October 1, 1988
45,000.00	October 1, 1989
50,000.00	October 1, 1990
50,000.00	October 1, 1991

BE IT FURTHER RESOLVED that the said Bonds of both issues be issued to bear interest at a net effective rate or rates of not to exceed seven percent (7%) per annum, payable semiannually on April 1st and October 1st of each year during which they are outstanding; that the interest accruing upon said bonds be evidenced by coupons attached

thereto; and that both the principal of and interest upon said bonds be paid at the office of the County Treasurer of Clackamas County, Oregon, who is hereby requested to register each bond issued and sold according to the provisions of Senate Bill No. 436 enacted by the Oregon Legislative Assembly at the 1969 regular session, and which enactment became operative October 1, 1969; and

BE IT FURTHER RESOLVED that each bond of each issue be personally signed by his manual signature by the Mayor of the City of Wilsonville, Oregon, in office upon the date of the execution of said bonds, and that each bond of each issue further be countersigned in like manner by the duly chosen, qualified and acting Recorder of said City in office upon said date; and that the coupons appertaining to the bonds of both issues be issued with facsimile signatures of said Mayor and Recorder; and

BE IT FURTHER RESOLVED that the general obligation bonds shall be known as "WILSONVILLE, OREGON GENERAL OBLIGATION SEWER BONDS", and the negotiable revenue bonds shall be known as "WILSONVILLE, OREGON SEWER REVENUE BONDS". Said bonds of each issue shall be scheduled for payment in numerical order.

BE IT FURTHER RESOLVED that the full faith and credit of the City of Wilsonville, Clackamas and Washington Counties, Oregon, be and they hereby are pledged to the successive holders of each of said general obligation bonds and of the interest coupons appertaining thereto for the punctual payment of said obligations when due; and that said City shall levy annually, as provided by law, a direct ad valorem tax upon all of the taxable property within the City, in sufficient amount after taking into consideration delinquencies in the payment of said taxes to pay the said bond and bond interest obligations promptly, as they respectively mature; and that the said City hereby does covenant with the aforesaid holders of its "WILSONVILLE, OREGON, GENERAL OBLIGATION SEWER BONDS" to levy such a tax annually

during each year that any of said bonds and bond interest obligations are outstanding; and

BE IT FURTHER RESOLVED that with regard to the "WILSONVILLE, OREGON SEWER REVENUE BONDS", that all revenue derived from the operation of the City of Wilsonville's Sewer Department which is in excess of the amount actually required for the operation, maintenance and a reasonable reserve for expansion and replacement of Sewer Department facilities, be and are hereby pledged to the payment of the principal and interest upon the aforesaid bonds, and that said bonds shall be paid solely and only from the net revenue derived from the operation of the City's sewer system, and the City of Wilsonville shall prescribe, charge and collect monthly sewer use and/or service charges from each sewer user within the City of Wilsonville and in an amount necessary to meet such obligations when due, and for so long as any of the revenue bonds issued remain unpaid; and

BE IT FURTHER RESOLVED that the general obligation bonds and coupons attached thereto be in substantially the following form, to-wit:

NO. _____ \$1,000.00

UNITED STATES OF AMERICA
STATE OF OREGON, COUNTIES OF CLACKAMAS
AND WASHINGTON, WILSONVILLE, OREGON

WILSONVILLE, OREGON GENERAL OBLIGATION SEWER BOND

KNOW ALL MEN BY THESE PRESENTS that the City of Wilsonville, Clackamas and Washington Counties, State of Oregon, for value received hereby promises to pay to the bearer ONE THOUSAND DOLLARS in lawful money of the United States on the presentation and surrender of this obligation on the first day of October, 19__, with interest thereon from the date hereof until maturity at the rate of ____% per annum payable semiannually on the first days of April and October of each year on the presentation and surrender of the proper coupons attached hereto, principal and interest payable at the office of the County Treasurer of Clackamas County, Oregon, in the City of Oregon City, Oregon.

THIS BOND is one of a series aggregating the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) par value issued to provide funds for the purpose of

constructing, installing, owning, operating and extending a City sewer system, and to acquire necessary equipment and other property appurtenant thereto, to acquire rights-of-way and to pay engineering and legal services in connection therewith, in and for said City of Wilsonville, Oregon, pursuant to the Charter of the City of Wilsonville, Oregon, and the Constitution and laws of the State of Oregon, and pursuant to an approving vote of a majority of the qualified legal voters of said City voting at a special election duly called and legally held therein on the 8th day of June, 1970.

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 law; 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 Constitution and Statutes of the State of Oregon and by the Charter of the City of Wilsonville, Oregon; and that the Common Council of said City by Resolution duly adopted has provided for the levying annually of a direct ad valorem tax upon all the property within said City so taxable for its purposes in sufficient amount to pay the interest upon and the principal of the bonds of said issue as the said obligations respectively become due and payable.

IN WITNESS WHEREOF, the City of Wilsonville, Oregon, has caused this bond to be signed by its Mayor and countersigned by its Recorder and under its corporate seal and has caused the annexed interest coupons to bear the facsimile signatures of its said officers this first day of October, 1970.

Mayor

Countersigned:

City Recorder

Registered:

Treasurer of Clackamas County, Oregon

(FORM OF INTEREST COUPON)

NO. _____

\$ _____

On the first day of April, 1971, the City of Wilsonville, Clackamas and Washington Counties, Oregon, will pay to bearer the sum of _____ DOLLARS (\$ _____) in lawful money of the United States of America at the office of the County Treasurer of Clackamas County, Oregon,

in the City of Oregon City, Oregon, for interest then due on Wilsonville, Oregon General Obligation Sewer Bond No.____, dated October 1, 1970.

Mayor

Countersigned:

City Recorder

BE IT FURTHER RESOLVED that the revenue bonds and coupons attached thereto be in substantially the following form, to-wit:

NO._____ \$5,000.00

UNITED STATES OF AMERICA
STATE OF OREGON, COUNTIES OF CLACKAMAS
AND WASHINGTON, WILSONVILLE, OREGON
WILSONVILLE, OREGON SEWER REVENUE BOND

KNOW ALL MEN BY THESE PRESENTS that the City of Wilsonville, Clackamas and Washington Counties, State of Oregon, for value received hereby promises to pay to the bearer FIVE THOUSAND DOLLARS in lawful money of the United States on the presentation and surrender of this obligation on the first day of October, 19__, with interest thereon from the date hereof until maturity at the rate of ____% per annum payable semiannually on the first days of April and October of each year on the presentation and surrender of the proper coupons attached hereto, principal and interest payable at the office of the County Treasurer of Clackamas County, Oregon, in the City of Oregon City, Oregon.

THIS BOND is one of a series of bonds authorized and issued under and pursuant to the provisions of an amendment to the Charter of the City of Wilsonville, Oregon, submitted to and approved by the legal voters of said City at an election duly called and held for the purpose of procuring funds with which to construct, install, own, operate and extend the City's sewer system. This bond has been issued under and in full compliance with the statutes of the State of Oregon and the Charter of said City.

THIS BOND and the series of which it is one, with interest thereon, is not a general obligation of the City of Wilsonville and is payable as to principal and interest solely and only from and is secured by a pledge of such part of the income and revenues of said City from the operation of its sewer system as remain after payment of all expenses of operation and maintenance of the sewer system. Such portion of the net income and revenues has been ordered set aside as a special fund and pledged for that purpose and identified as "WILSONVILLE SEWER REVENUE BOND FUND". Said

City acting through and by its Common Council cove-
nants that it will prescribe, charge and collect
monthly a sewer use and/or service charge from each
sewer user within the City of Wilsonville and in an
amount additionally necessary and sufficient to
promptly pay the principal of and interest on this
bond and the issue of which it is one, as the same
will become due, and also to pay when due all costs
and expenses of operating and maintaining said sewer
system.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED
that all acts, conditions and things required to
exist, happen and be performed precedent to and in
the issuance of this bond and the issue of the bonds
of which it is one have existed, have happened and
have been performed in due time, form and manner as
required by law; that the amount of this bond, toget-
her with all other obligations of said City, does not
exceed any limit prescribed by the Constitution or
Statutes of the State of Oregon, or of the Charter of
the City of Wilsonville.

IN WITNESS WHEREOF, the City of Wilsonville,
Oregon, has caused this bond to be signed by its
Mayor and countersigned by its Recorder and under its
corporate seal and has caused the annexed interest
coupons to bear the facsimile signatures of its said
officers this first day of October, 1970.

Mayor

Countersigned:

City Recorder

Registered:

Treasurer of Clackamas County, Oregon

(FORM OF INTEREST COUPON)

NO. _____

\$ _____

On the first day of April, 1971, the City of
Wilsonville, Clackamas and Washington Counties,
Oregon, will pay to bearer the sum of _____
DOLLARS (\$ _____) in lawful
money of the United States of America at the office
of the County Treasurer of Clackamas County, Oregon,
in the City of Oregon City, Oregon, for interest
then due on Wilsonville, Oregon Sewer Revenue Bond
No. _____, dated October 1, 1970.

Mayor

Countersigned:

City Recorder

BE IT FURTHER RESOLVED that all the recitals and statements contained in the aforesaid bonds and coupons be and they hereby are approved as true and correct.

BE IT FURTHER RESOLVED that the Recorder of said City shall cause to be published in the CANBY HERALD, a newspaper printed and published in the City of Canby and of general circulation in the City of Wilsonville, Clackamas County, Oregon, a Notice of the proposed sales of both bond issues as provided by law, specifying that sealed bids will be received for each bond issue by the City Recorder up to and including the hour of 8:00 o'clock P.M., Oregon Daylight Saving Time, on the 31st day of August, 1970, and that immediately thereafter the bids will be publicly opened by the Common Council for the sale of the bonds of both issues at not less than par value thereof and the accrued interest thereon, at an interest rate or rates payable semiannually, to be specified by the bidder, but not to exceed a net effective rate of seven percent (7%) per annum; that the bids on the general obligation bond issue shall be accompanied by a cashier's check or certified check of or upon a bank doing business in the State of Oregon, in the sum of \$3,000.00 to be forfeited to the City in case the bidder fails to complete his purchase in accordance with the terms of his bid, and that the bids on the revenue bond issue shall be accompanied by a cashier's check or certified check of or upon a bank doing business in the State of Oregon, in the sum of \$11,000.00 to be forfeited to the City in case the bidder fails to complete his purchase in accordance with the terms of his bid; that all bids on both issues must be unconditional, except as to qualifications as to approval of validity of the bond issue by bond attorneys; that bids must show the total cost of each bond issue to the City, including interest less premium offered, if any, providing the bid be accepted. Satisfactory bids must be received and accepted on the sale of both the general obligation bonds, as well as the revenue bonds, which are

both being offered for sale at the same time, or all bids will be rejected on both of said issues. If there are satisfactory bids for both issues, the bonds of each issue will be sold to the highest responsible bidder, but the City reserves the right to waive the informalities in bids and to reject any or all bids. The successful bidder will be furnished with the written opinion of Messrs. Shuler, Rankin, Myers & Walsh, Attorneys of Portland, Oregon, to the effect that the bonds of both issues constitute the valid and legally binding obligations of the City; however, the revenue bonds are payable solely and only from the net revenue derived from the operation of the City's sewer system. If required by the successful bidder, the attorneys' approving opinion will be printed on the reverse side of the bonds.

BE IT FURTHER RESOLVED that the proceeds received from the sale of both bond issues shall be applied to the extent necessary, on orders of the Common Council, in paying the costs of constructing, reconstructing, improving, enlarging, operating, owning and extending the City's sewer system, and all in accordance with the plans and specifications for said project prepared by the engineering firm of Cornell, Howland, Hayes & Merryfield of Portland, Oregon, and as approved by the Common Council. Pending expenditure, such proceeds shall be deposited in a special account to be called the "WILSONVILLE SEWER CONSTRUCTION ACCOUNT".


BE IT FURTHER RESOLVED that with regard to the WILSONVILLE, OREGON SEWER REVENUE BONDS, a sufficient portion of the gross income and revenue derived from the operation of the City's sewer system is hereby pledged and shall be set aside into a special fund for the purpose of paying the principal of and interest on said revenue bonds as and when the same shall become due and payable. Said fund shall be known as "WILSONVILLE, OREGON SEWER REVENUE BOND FUND".

BE IT FURTHER RESOLVED that with regard to the WILSONVILLE, OREGON SEWER REVENUE BONDS, the City of Wilsonville covenants and

agrees that so long as any of said bonds hereby authorized remain outstanding, it will:

- (a) Comply with applicable State laws and regulations and continually operate and maintain the sewer system in good condition; and
- (b) Prescribe, charge and collect such rates and charges for sewer service that gross revenue will be sufficient at all times to provide for the payment of the operation and maintenance thereof, and to redeem the revenue bonds and coupons upon maturity and maintain the reserves provided for herein; and that all sanitary sewer services furnished by the City shall be subject to the full rates prescribed in the rules, regulations and Ordinances of the City, and that no free service will be furnished to any party.

Adopted by the Wilsonville City Council at a regular meeting thereof on August 10th, 1970.


PHILLIP R. BALSIGER - Mayor

ATTEST:


LEE RESLOCK - City Recorder