

RESOLUTION NO. CXXXIII (133)

RESOLUTION AUTHORIZING ISSUANCE OF SEWER BONDS

WHEREAS, heretofore in the manner and form prescribed by the City's Initiative and Referendum Ordinance No. 6, Ordinance No. 119 was enacted by the common council of the City of Wilsonville, Clackamas and Washington Counties, Oregon, and provided therein for a special election to be held in and for the City of Wilsonville on the 4th day of June, 1979, for the purpose of submitting to the qualified legal voters of said City the question of a general obligation bond issue for construction of additions and improvements to the City's sewage disposal system, and to pay the costs thereof by issuing and selling \$2,250,000 of general obligation bonds for a term not exceeding fifteen (15) years; and

WHEREAS, a special City election was called for the aforesaid purpose and the common council thereupon directed the Recorder of said City to give notice of said election by posting a notice at each polling place and in at least three (3) other public and conspicuous and widely separated places in the City, and also by publishing said notice in the Tigard Times, a newspaper of general circulation in said City, for two successive weeks, the first publication of such notice to be not more than 25 nor less than 15 days and the last publication not more than 14 nor less than 8 days, preceding the date of the election. The required notices were given and regularly posted and published in the manner and for the time required by law; and

WHEREAS, the said election was duly and legally held in said City on Monday, June 4, 1979, and the Clackamas County Elections Department, pursuant to request of the Wilsonville City Council, received and counted the votes cast and made a report and abstract of the voting record to the Wilsonville City Council, which canvassed the votes cast at said election and confirmed the results thereof which were duly proclaimed by the Mayor's Proclamation; and

WHEREAS, the common council is satisfied 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; that said election was held in strict conformity with the requirements of law; that votes cast at said election were counted and the results of said election were canvassed and returns thereof filed, recorded, reported and proclaimed, as provided by ordinance; that on the question of contracting a general obligation bonded indebtedness in the sum of \$2,250,000 for a term not exceeding fifteen (15) years, there were a total of 284 ballots cast, of which 199 were "bond issue yes" and 82 were "bond issue no", and there were 2 "under votes" and 1 "over vote" and a majority of the votes cast at said election approved the following proposition, to-wit:

Shall the City of Wilsonville contract a general obligation bonded indebtedness in the sum of \$2,250,000 for a term not exceeding fifteen (15) years for the purpose of providing funds with which to construct, equip, and furnish modifications and/or additions and improvements to the City's sewage disposal system and sewerage facilities to increase capacity; acquire necessary land and right of way; pay the necessary costs of engineering and legal services; and to pay the costs of issuing the bonds?; and

WHEREAS, sale of this authorized bond issue was previously approved by Council Resolution No. CXXII (122) adopted July 10, 1979, and for bid opening August 20, 1979, but for different reasons the sale was postponed which invalidated that resolution and required a new resolution No. CXXVII (127) which was adopted September 4, 1979, and provided for another bid call for bid opening on November 19, 1979, but no bids were received and this resolution for sale of said bonds is now required;

NOW, THEREFORE, BE IT RESOLVED by the common council for the City of Wilsonville, Clackamas and Washington Counties, Oregon,

that for the aforesaid purposes, the common council of said City hereby directs that there be issued \$2,250,000 of general obligation coupon bonds of the City for a term of fifteen (15) years, to be dated February 1, 1980, and to be numbered consecutively from one (1) to four hundred fifty (450), inclusive, to be in denominations of FIVE THOUSAND DOLLARS (\$5,000) each, and to mature serially in numerical order as follows:

\$100,000	on February 1, 1981
100,000	on February 1, 1982
110,000	on February 1, 1983
115,000	on February 1, 1984
120,000	on February 1, 1985
130,000	on February 1, 1986
135,000	on February 1, 1987
145,000	on February 1, 1988
155,000	on February 1, 1989
165,000	on February 1, 1990
175,000	on February 1, 1991
185,000	on February 1, 1992
195,000	on February 1, 1993
205,000	on February 1, 1994
215,000	on February 1, 1995

With the right reserved to the City, however, at its option, to redeem in inverse numerical order at par and accrued interest on February 1, 1990, and on any interest payment date thereafter, any or all of the bonds of such issue maturing after February 1, 1989; and

BE IT FURTHER RESOLVED that the bonds of said issue be issued to bear interest from the date of the bonds payable semiannually on February 1 and August 1 of each year at such rate or rates as shall be specified by the successful bidder, but not exceeding a net effective rate of 10% per annum; each interest must be in multiples of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%); no bonds shall bear more than one rate of interest, no interest payment shall be evidenced by more than one coupon, and supplemental coupons will not be permitted; each bond shall bear interest from its date to its stated maturity at a single interest rate; the spread between the highest and lowest interest rate shall not exceed two percent (2%); and

BE IT FURTHER RESOLVED that the interest accruing upon said bonds be evidenced by coupons attached thereto; 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 ORS 208.200; and

BE IT FURTHER RESOLVED that each bond be executed by the facsimile signature of the Mayor of the City of Wilsonville, Oregon in office upon the date of the execution of said bonds, and that each bond further be countersigned by autograph signature by the duly chosen, qualified and acting Recorder of the City in office upon said date; and that the coupons appertaining to the bonds be issued with facsimile signatures of said Mayor and Recorder; and

BE IT FURTHER RESOLVED that the said bonds shall be known as "City of Wilsonville, Oregon 1980 General Obligation Sewer Bonds"; and

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 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 said bonds and interest obligations promptly, as they respectively mature; and that the said City does hereby covenant with the aforesaid holders of said bonds to levy such a tax annually during each year that any of said bonds and bond interest obligations are outstanding; and that the said City further covenants with the aforesaid holders of said bonds to dedicate all funds in the amount of seventy (70) percent of the net proceeds from sewer connection fees to the payment of these bonds; and

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

No. 1

\$5,000.00

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

CITY OF WILSONVILLE, OREGON 1980 GENERAL OBLIGATION SEWER BONDS

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 August, 1980, with interest thereon from the date hereof until maturity at the rate of _____% per annum, payable semiannually on the first days of February and August 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.

The bonds of the issue of which this bond forms a part, maturing after February 1, 1989, may be redeemed by the City, at par value and accrued interest to the date of redemption, on February 1, 1990, and on any interest payment day or days thereafter, in inverse numerical order, upon notice given 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 Clackamas, State of Oregon. From the date of redemption designated in such notice, interest upon the bonds called for payment shall cease.

THIS BOND is one of a series aggregating the sum of TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$2,250,000) par value, issued for the purpose of providing funds with which to construct, equip and furnish modifications and/or additions and improvements to the City's sewage disposal system and sewerage facilities to increase capacity; acquire necessary land and rights of way; pay the necessary costs of engineering and legal services; and to pay the costs of issuing the bonds, 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 June 4, 1979.

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; and in addition the common council of said City has dedicated and does hereby pledge seventy (70) percent of the net proceeds from sewer connection fees to the payment of these bonds.

IN WITNESS WHEREOF, the City of Wilsonville, Oregon, has caused this bond to be signed by the facsimile signature of its Mayor and countersigned by autograph signature of 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 February, 1980.

Mayor

Countersigned:

City Recorder

Registered:

Treasurer of Clackamas County, Oregon

(FORM OF INTEREST COUPON)

NO. _____

\$ _____

On the first day of _____, 19_____, 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 City of Wilsonville, Oregon 1980 General Obligation Sewer Bond No. _____, dated February 1, 1980.

Mayor


Countersigned:

City Recorder

BE IT FURTHER RESOLVED that the Wilsonville City Recorder cause to be published in the Tigard Times, a newspaper of general circulation printed and published in the City of Tigard, Washington County, State of Oregon, and having a general circulation in the City of Wilsonville, and in the Daily Journal of Commerce, Portland, Multnomah County, Oregon, a notice of proposed sale of such bonds as provided by law, specifying that sealed bids will be received by such Recorder up to

and including the hour of 8:00 o'clock P.M., on Monday, January 21, 1980, and that immediately thereafter bids received will be publicly opened by the Wilsonville City Council for the sale of such bonds at not less than the par value thereof and the accrued interest thereon at an interest rate or rates in multiples of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%) not exceeding a net effective rate of ten (10) percent per annum payable semiannually to be specified by the bidder, but no bonds shall bear more than one rate of interest, no interest payment shall be evidenced by more than one coupon, supplemental coupons will not be permitted, each bond shall bear interest from its date to its stated maturity at a single interest rate, the spread between the highest and lowest interest rate shall not exceed two (2) percent and such bids 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 \$45,000, to be forfeited to the City in case the bidder fails to complete the purchase in accordance with the terms of the bid; that bids must be unconditional except as to qualification of approval of validity of the bond issue by bond attorneys; that bids must show the total cost of the bond issue to the City including interest less premium offered, if any, provided the bid be accepted; that the bonds will be sold to the highest responsible bidder; that the City Council reserves the right to reject any or all bids; and the successful bidder will be furnished with the written opinion of Messrs. Rankin, McMurry, Osburn, Gallagher & VavRosky, Attorneys of Portland, Oregon, to the effect that the bonds constitute the valid and legally binding obligation of the City, and said approving opinion will be printed on the reverse side of the bonds.

Adopted by the Wilsonville City Council at a regular meeting thereof this 17th day of December, 1979.



William G. Lowrie, Mayor

ATTEST:



Deanna J. Thom, City Recorder