

RESOLUTION NO. 3089

A RESOLUTION OF THE CITY OF ALBANY,  
OREGON AUTHORIZING THE ISSUANCE OF WATER  
REVENUE BONDS

WHEREAS, the City of Albany, Oregon (the "City") proposes to design and construct an eight (8) million gallon water storage reservoir (the "Facilities"); and

WHEREAS, the design and construction of the Facilities will cost an estimated \$3,000,000 and the City intends to issue bonds to finance the cost of the design and construction of the Facilities; and

WHEREAS, the City finds it desirable to issue Water Revenue Bonds (the "Bonds") in an amount not to exceed \$3,000,000 to finance the cost of the design and construction of the Facilities pursuant to Oregon Revised Statutes 288.805 to 288.945, inclusive. The Bonds shall have a parity of lien and pledge on the net revenues of the Water System equal to that of the City's Second Lien Water Revenue Bonds, Series 1989 (the "Series 1989 Bonds") and the City's Second Lien Water Revenue Bonds, Series 1990 (the "Series 1990 Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBANY, OREGON:

Section 1. The City hereby authorizes the issuance of the Bonds in a principal amount not to exceed \$3,000,000 for the purpose of financing the design and construction of an eight (8) million gallon water storage reservoir and to pay for engineering fees and attorney fees and other costs related to the issuance of the Bonds.

Section 2. The Bonds shall not be general obligations of the City nor a charge upon the tax revenues of the City. The Bonds are secured by and payable on a parity with the Series 1989 Bonds and the Series 1990 Bonds by a second lien on the net revenues of the Water System owned and operated by the City. So long as the Bonds are outstanding, the City shall fix rates and collect charges for water services adequate to provide sufficient revenues to pay, in addition to all other expenses and obligated indebtedness, principal of and interest on the Bonds.

Section 3. The City Recorder is authorized and directed to publish a Notice Of Intent To Issue Bonds describing the purposes for which the Bonds are to be sold, in the form attached hereto as Exhibit A, in one issue of the *Albany Democrat-Herald*, a newspaper of general circulation within the geographical boundaries of the City. In addition, the City Recorder shall cause the Notice Of Intent To Issue Bonds to be given in the same manner as are other public notices of the City. The Bonds may be sold at a public competitive sale or

at a private negotiated sale as shall be determined by the City Council. However, the Bonds may not be sold at public competitive bid, nor shall a purchase agreement be executed for a private negotiated sale, for at least 60 days following publication of the Notice Of Intent To Issue Bonds.

**Section 4.** Voters residing within the geographical boundaries of the City may file a petition with the City asking to have the question of whether to issue the Bonds referred to a vote. If the City receives petitions containing valid signatures of the City's electors totaling not less than five percent (5%) of the City's electors, the question of issuing the Bonds shall be placed on the ballot at the next legally available election date. In the event the City receives such a petition within 60 days from publication of the Notice Of Intent To Issue Bonds, the Bonds shall not be sold until this Resolution is approved by a majority of the electors of the City voting on this Resolution.

Dated this 25th day of September, 1991.

CITY OF ALBANY, OREGON

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

**EXHIBIT A**

**CITY OF ALBANY, OREGON**

**NOTICE OF INTENT TO ISSUE  
WATER REVENUE BONDS**

NOTICE IS HEREBY GIVEN that on September \_\_, 1991, the City Council of the City of Albany, Oregon (the "City") adopted Resolution No. \_\_\_\_ authorizing the issuance of Second Lien Water Revenue Bonds (the "Bonds") as authorized by Oregon Revised Statutes 288.805 to 288.945, inclusive, in an amount not to exceed \$3,000,000 for the purpose of financing the design and construction of an eight (8) million gallon water storage reservoir.

The Bonds shall not be general obligations of the City nor a charge upon the tax revenues of the City. The Bonds are secured by and payable on a parity with the City's Second Lien Water Revenue Bonds, Series 1989 and the City's Second Lien Water Revenue Bonds, Series 1990 by a second lien on the net revenues of the Water System owned and operated by the City. So long as the Bonds are outstanding, the City shall fix rates and collect charges for water services adequate to provide sufficient revenues to pay, in addition to all other expenses and obligated indebtedness, principal of and interest on the Bonds.

Voters residing within the City may file a petition with the City Recorder of the City within 60 days following the publication of this Notice in the *Albany Democrat-Herald* and the posting of this Notice in the same manner as are other public notices of the City, asking to have the question of whether to issue the Bonds referred to a vote of the registered voters residing within the City. If not less than five percent (5%) of the City's registered voters sign petitions, the question of issuing the Bonds shall be placed on the ballot at the next legally available election date. If sufficient petitions are not filed, the City may proceed to issue the Water Revenue Bonds.

Resolution No. \_\_\_\_ and a plan showing that the expected source of revenues for repayment of the Bonds are sufficient to pay the proposed Water Revenue Bond issue are available for inspection at the office of the Finance Director, City Hall II, 250 Broadalbin S.W., Albany, Oregon 97321.

**CITY OF ALBANY, OREGON  
D. Gary Holliday  
Finance Director/City Recorder**