

ORDINANCE NO. 60

AN ORDINANCE SUBMITTING AT THE GENERAL ELECTION IN THE CITY OF CHERRY VALLEY, ARKANSAS, THE QUESTION OF ISSUING BONDS UNDER AMENDMENT NO. 13 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF CONSTRUCTING EXTENSIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER SYSTEM; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Cherry Valley, Arkansas (the "City"), is a city of the second class; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to construct extensions, betterments and improvements to the waterworks system (the "Project") at an estimated cost of approximately \$500,000; and

WHEREAS, it has been determined that of the total estimated cost of the Project \$105,000 thereof can and should be financed by the issuance of General Obligation Bonds (the "Bonds"), with the balance thereof to be obtained as grant funds from an agency or agencies of the Government of the United States of America, to the extent available, and from the proceeds of revenue bonds of the City; and

WHEREAS, it is has been determined that the Bonds can be sold at a price of not less than 100 cents on the dollar for bonds bearing interest at the rate of five percent (5%) per annum; and

WHEREAS, in order to pay principal of and interest on the Bonds it will be necessary to levy a continuing annual tax of not to exceed ten (10) mills on the dollar of the assessed valuation of the taxable real and personal property in the City; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the question of issuing the Bonds;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cherry Valley, Arkansas:

Section 1. That there be submitted to the electors of the City at the general election to be held on November 7, 1978, the question of issuing General Obligation Water Improvement Bonds under Amendment No. 13 to the Constitution of the State of Arkansas ("Amendment No. 13") in the principal amount of \$105,000.

Section 2. That the Bonds shall be dated January 1, 1979, shall bear interest at the rate of five percent (5%) per annum and shall mature in thirty-three (33) equal annual amortized installments of principal and interest, payable on January 1, in each of the years 1982 to 2014, inclusive. Each annual amortized installment shall be applied, first, to payment of the accrued interest on the unpaid principal balance of the Bonds and, second, the balance of the installment shall be applied to the payment of principal. Interest only on the Bonds shall be payable January 1, 1980 and January 1, 1981.

Section 3. That the question shall be placed on the ballot for the general election in substantially the following form:

Vote on measure by placing an "X" in the square opposite the measure either for or against:

FOR an issue of bonds in the amount of \$105,000 for the purpose of financing a portion of the cost of constructing extensions, betterments, and improvements to the waterworks system serving the City

AGAINST an issue of bonds in the amount of \$105,000 for the purpose of financing a portion of the cost of constructing extensions, betterments, and improvements to the waterworks system serving the City

It is proposed to issue \$105,000 in principal amount of the City of Cherry Valley, Arkansas (the "City") General Obligation Water Improvement Bonds (the "Bonds") under the provisions of Amendment No. 13 to the Constitution of the State of Arkansas, for the purpose of financing a portion of the cost of constructing extensions, betterments and improvements to the waterworks system serving the City (the "Project"). The total estimated cost of the Project is \$500,000, with the balance thereof to be obtained as grant funds from an agency or agencies of the Government of the United States of America, to the extent available, and from the proceeds of revenue bonds of the City. The Bonds shall be dated January 1, 1979, shall bear interest at the rate of 5% per annum, and shall mature in 33 equal annual amortized installments of principal and interest, payable on January 1, in each of the years 1982 to 2014, inclusive. Interest only shall be payable January 1, 1980 and January 1, 1981. If the issuance of the bonds is approved by the electors, the City Council will levy a continuing annual tax for the purpose of providing for the payment of the principal of and interest on the Bonds, which levy shall not exceed ten (10) mills on the dollar of the assessed valuation of the taxable real and personal property in the City.

Section 4. That the Mayor of the City is hereby authorized and directed to give notice of the submission at the general election on the question of issuing the Bonds by an advertisement published in the City or having a bona fide circulation therein, the last publication to be not less than ten days prior to the date of the election, and only qualified voters of the City shall have the right to vote at the election.

Section 5. That the results of the election on the question of issuing the Bonds shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper published in the City and having a bona fide circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of the Proclamation.

Section 6. That the Mayor is authorized to advertise, according to the terms of Amendment No. 13 to the Constitution of the State of Arkansas, the public sale of the Bonds.

Section 7. That a copy of this Ordinance shall be given to the Cross County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 8. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. It is hereby ascertained and declared that there is an immediate need for the Project in order to promote and protect the health, safety and welfare of the City and its inhabitants, and that the Project can be accomplished only by the issuance of the Bonds. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the

immediate preservation of public peace, health and safety shall be in force and take effect immediately from and after its passage.

PASSED: September 19, 1978.

ATTEST:

Harold J. Busley
City Recorder

APPROVED:

E. E. Stark
Mayor

(SEAL)

CERTIFICATE

The undersigned, City Recorder of Cherry Valley, Arkansas, hereby certifies that the foregoing pages, numbered from 1 to 5, inclusive, are a true and perfect copy of Ordinance No. 60, passed at a regular session of the City Council of Cherry Valley, Arkansas, held at the regular meeting place of the Council at 7:30 o'clock P.m., on the 19th day of September, 1978, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this 19th day of September, 1978.



City Recorder

(SEAL)