

special election shall be called and held under the same procedure, as nearly as may be, as in the case of a general municipal election. The ballot used at such election shall have printed thereon the question submitted, including the amount of the proposed bonds to be issued, and the words "Bonds—Yes," and "Bonds—No," and each person voting shall make a cross (X) opposite the words "Bonds—Yes," or "Bonds—No," as he favors or opposes the issuance of bonds. If at such election a majority of the legal votes cast shall be in favor of incurring the indebtedness and issuing such bonds then such indebtedness to the amount authorized by the voters, or so much thereof as may be necessary, may be incurred by the issuance of such bonds. When bonds have been authorized as aforesaid, the Council shall, by ordinance, prescribe the bond forms and provide for the issuance of the same.

Said bonds shall be in the denomination of one hundred Dollars, (\$100.00) each, or any multiple thereof up to one thousand dollars (\$1,000.00) each, and shall mature at any date within twenty (20) years from their date. Said bonds shall bear interest at a rate not exceeding six (6) per cent per annum payable semi-annually, and the principal and interest shall be payable at such place as the ordinance prescribing the bond forms shall designate. The bonds shall be signed by the Mayor of the city of Nyssa, and attested by the Recorder of the city under the seal thereof. Said bonds when executed, shall be placed in the hands of the Recorder, who shall register the same in a book kept for that purpose by entering therein the number and amount of each bond, the date of issue, the date of maturity and the place where payable.

Funding and Refunding Bonds

Section 5. The Council shall submit all ordinances and resolutions for the funding, refunding, purchase or redemption of any outstanding indebtedness of the City, when the same may be done to the profit and benefit of the city to the vote of the electors of the city, at a general or special election called for that purpose, as in the case of voting for bonds provided for in last section. The ballot used in said election shall have printed thereon a brief statement of the question to be voted upon, including the amount proposed to be funded, refunded, purchased or redeemed, as the case may be, and the words, "Funding Indebtedness—Yes," "Funding Indebtedness—No," "Refunding Bonds—Yes," "Refunding Bonds—No," and in like manner the words for the purchase or redemption of the indebtedness of the City as the voter may favor or oppose such measure. For such purpose funding or refunding negotiable coupon bonds may issue upon the same being authorized by majority vote of the electors at said election being favorable thereto.

Such funding or refunding bonds shall be in such form as may be prescribed by ordinance, shall be signed by the Mayor of the city of Nyssa and attested by the Recorder, under the seal of the city, shall mature not more than twenty (20) years after date; shall be of the denomination of \$100.00 each or any multiple thereof not exceeding \$1,000.00, and shall bear interest not exceeding 6 per cent per annum payable semi-annually at such places as the ordinance prescribing the bond shall designate. All such funding or refunding bonds may be exchanged dollar for dollar for the indebtedness to be funded or refunded, or they may be sold as directed by the Council, and the proceeds thereof, shall be applied only to the purpose for which the bonds are issued. Prior to the issue, all of such funding or refunding bonds shall be registered by the City Recorder in a book kept for that purpose, entering therein the number and amount of such bonds, the date of issue, the date of maturity and the place where payable.

Special Assessments; Bonding Property Therefor

Section 6. (A) To provide for the opening, grading, macadamizing, paving and otherwise improving the streets and alleys of the City and to assess the cost thereof to the property specially benefited thereby. (B) To provide a general sewerage system for the city, the laying of the necessary mains and laterals therefor, and to assess the cost thereof to the property specially benefited thereby.

The manner in which all public improvements shall be made, and the cost thereof assessed to the property specially benefited thereby as provided for by this Charter except as provided in Section 51 of Chapter 6, shall be as follows:

First: The Council shall create by resolution an improvement district and fix the boundaries thereof, which shall include therein all property to be affected thereby.

Second: The Council shall then cause plans and specifications for the proposed improvements to be prepared and submitted to them for consideration with the estimated cost thereof. Said plans and specifications may be standard plans and specifications or special ones for the particular improvements contemplated. Said plans and specifications shall thereafter be adopted by the Council.

Third: The Council shall direct the City Engineer or if there be no such engineer, the City Recorder to make and file a preliminary assessment for the proposed improvement against all

the property in such improvement district to be specially benefited thereby, and the person so appointed shall examine all property in said district to be affected by such improvement and upon which local assessments are to be levied, as to the extent and valuation, if any, of the special benefits to be derived by said property by reason of the improvement.

The person so appointed shall then report in writing to the City Council his findings, which report shall contain the following:

(A) The boundaries of the district to be affected or benefited by such improvement.

(B) A general statement as to the character of the improvements, and refer to the plans and specifications therefor adopted for the specific improvement, or to the standard plans and specifications as the case may be.

(C) A general statement of his findings as to whether or not the property within the improvement district will be benefited.

(D) The estimated total cost of the proposed improvement.

(E) The description of each lot or parcel of land and the estimated proportion of the cost of the improvement which applies against the same, together with the name of the owner or reputed owner thereof.

The Council shall then consider such report and may enlarge or diminish the improvement district, alter the amount or change the character of the improvement or the plans and specifications therefor, amend, alter, modify or change the preliminary assessment, and adopt the same in whole or any part thereof whether in the original, enlarged, diminished, changed or modified or amended condition.

Fourth: After the Council has created the appropriate improvement district, adopted plans and specifications, general or special, appointed a Committee on Estimates, received their report and acted upon the same and approved the same, the Council shall fix a time and place when the Council will meet, hear and determine objections, remonstrances and claims of grievance of persons interested therein, and direct the City Recorder to prepare and serve a notice to all whom it may concern of the intention of the Commission to make the improvements mentioned in the proceeding and such notice shall contain, among other things, the following:

(A) The boundaries of the improvement district to be improved or benefited as finally adopted by the Council.

(B) A description, generally of the improvements so proposed, referring to the plans and specifications adopted therefor.

(C) The time and place when the Council will meet to hear and determine all objections, remonstrances and claims of grievance of any person interested.

(D) The date issued and the signature of the City Recorder.

The notice hereinabove provided for shall be served by publication of the same once each week for three weeks prior to the date fixed for such hearing in a newspaper of general circulation in the city of Nyssa, or by posting a copy of such notice in at least three public places within the improvement district at least three weeks prior to the date set for the hearing and the proof of such service shall be made by the certificate of the Recorder filed, having attached thereto the affidavit of the printer or his foreman, or the publisher of the newspaper publishing such notice or in case of posting the affidavit of the person posting such notice.

Fifth: The Council in its discretion may adjourn said hearing until a later date, but not later than thirty (30) days thereafter. At the time and place fixed for said hearing, or any adjournment thereof, the Council shall hear and determine objections, remonstrances and claims of grievance of any persons interested in said improvement.

After a substantial compliance with the foregoing requirements, the Council shall be deemed to have acquired jurisdiction to make such improvement provided, that if the owners of fifty-five (55) per cent of the property to be affected by said improvement, measured by the square foot of the property to be benefited, object to said improvement the Council shall be ousted of jurisdiction for a period of six (6) months thereafter.

At the end of six (6) months, new proceedings may be initiated for the improvement contemplated, or any part thereof. Jurisdiction once obtained shall be deemed continuing jurisdiction to make assessments or reassessments as hereinafter provided.

Sixth: The Council shall then direct the City Recorder to advertise for bids for the making of such improvements, such bids to be sealed bids and to be opened not less than ten days from the first publication of the advertisement for bids, and shall let the contract for the proposed improvement to the lowest responsible bidder whose bid does not exceed the estimated cost of the proposed improvement as made in the preliminary assessment, provided, no patented material shall be called for in the plans and specifications or so designated therein as to prevent competition in bidding and provided also that the City Council may, if they see fit

expressly require the contractor to agree in the contract entered into for making such improvement that he will accept at par the improvement bonds to be issued by the city to pay for the proposed improvement in payment therefor, and may in its discretion require that the contractor will look alone to the property assessed as specially benefited for such improvement for the payment of the contract price of such improvement in which case the bonds and interest thereon issued shall be made payable only out of the special fund created for such improvement.

Seventh: When said improvement is completed and accepted the Council shall direct the City Engineer to prepare a statement of the entire costs of the same, together with a description of the property benefited thereby and the names of the owners, or reputed owners thereof, as described in the preliminary assessment as adopted by the Council. He shall include in the costs of said improvement the contract price thereof, the expense of advertising, engineering, and interest, if any, upon improvement fund warrants drawn in partial or full payment of the contract price, as the case may be, and all other additional expense which the city has incurred by reason of the improvement. The Council shall have power, by appropriate summary proceedings to correct any clerical error appearing therein.

Eighth: The assessment shall be declared by ordinance and the time and manner of collection of the same fixed therein or provided by general ordinance. All special assessments to cover the cost of any public improvement herein authorized, shall be levied and assessed upon and equitably apportioned among all blocks, lots, part of blocks and lots, and real estate included within the boundaries of the improvement district created for such public improvement to the extent of and in proportion to the benefits to such blocks, lots, parts of blocks and lots of real estate, by reason of such improvements, such assessment to be adjusted and proportioned in a uniform manner.

Such assessments may be according to the square feet or foot frontage and all expense of improving all intersections of streets and spaces opposite alleys in any district ordered to be improved shall be equally borne by and apportioned among the owners of property abutting upon, contiguous, adjacent or tributary to said intersections and spaces opposite said alleys, according to the benefits which said property receive by reason of said improvement; but the Council in its discretion may declare the expense of improving all intersections of streets and spaces opposite alleys to be a public purpose and to pay for the same out of the general fund, or issue bonds for the payment thereof in the manner provided in sub-division third of this section and the Council may submit to the legal voters of the city the question of whether or not the city shall refund the property owners the cost and expense of all intersections of streets and spaces opposite alleys in any district heretofore improved, the cost and expense of which has been assessed to the property owners affected and benefited, and when authorized by a majority of the legal voters of said City shall incur indebtedness in the manner prescribed in sub-division third of this section, but nothing herein contained shall be construed to exempt any street railway, or other railway company, from keeping every portion of every street, alley and avenue used by it, upon and across which its tracks shall be constructed at or near the grade of such streets in good and safe condition for public travel but it shall keep the same planked, paved, macadamized, or otherwise in such condition for public travel as the Council of said city may from time to time direct. The portions of the streets and alleys to be kept and maintained by all such street railways or railway companies shall include all the space between different rails and tracks and also a space outside of the outer rail of each track of at least two feet in width, and the track herein referred to shall include not only the main track but also all side-tracks crossings and turnouts constructed for the use of such street railway or other railway. Special assessments made and levied to defray the cost and expense of any work or improvement contemplated by the provisions of this section, and reassessments therefor, and the cost of the collection thereof shall constitute a lien upon and against the property upon which said assessment shall be made and levied, from and after the date of the ordinance declaring the said assessment or reassessment, and shall be collected in the manner prescribed by this Charter and the ordinance declaring the assessment or reassessment.

When the cost of any public improvement shall have been assessed to the property benefited thereby the Recorder of the city of Nyssa shall enter in a docket to be kept for that purpose and known and designated as the City Assessment Roll, under separate heads for each public improvement by number or name, a description of each lot or parcel of land or other property against which such assessment is made or which bears, or is chargeable, with the cost of such improvement, with the name of the owner and the amount of such assessment,

with the date when levied and when the same becomes delinquent. Such docket shall stand thereafter as a lien docket as for taxes assessed and levied for the city of Nyssa, and for the amounts of such assessments at the rate of six (6) per cent per annum against each such lot or parcel of land or other property until such assessments and interest are paid in the manner hereinafter provided; and all unpaid assessments and interest shall be and remain a lien on each lot or parcel of land or other property respectively, in favor of said city of Nyssa, and such liens shall have priority over all other liens and incumbrances whatsoever.

The owner of any property so assessed for such improvement in the sum of \$25.00 or more may at any time within ten (10) days after notice of such assessment is first published, file with the City Recorder a written application which shall state that the applicant does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to make the said improvements for which such assessment is levied, and in the levying of such assessment and in the apportionment of the cost thereof. Such application shall also contain a provision that the property owner agrees to and shall pay such assessment in ten (10) annual installments with interest at the rate of six (6) per cent per annum or if bonds therefor are issued at the same rate on all such assessments which have not been paid as that expressed in the bonds issued to pay for such improvement. Such application shall also contain a statement by lot or block or other convenient description of the property of the applicant assessed for such improvement. No application as aforesaid, shall be received and filed by the Recorder if the amount of such assessment with any previous assessments for city improvements with interest thereon assessed against the same property and remaining unpaid shall equal or exceed the valuation of said property as shown by the last tax roll of Malheur county, or if the taxes on such property are delinquent and unpaid. Where the amount of any such assessment together with the unpaid assessments and interest thereon exceeds the assessed valuation of the property assessed the property owner may pay to the City Recorder the excess of such unpaid assessments and interest over the assessed valuation of the property assessed and the balance of such assessments be paid in installments.

Immediately after the expiration of the time allowed for filing applications for the payment in installments of assessments for improvements made under this Charter the City Recorder shall enter in a Bond Lien Docket kept for that purpose, under separate heads for each improvement, by name or number each assessment for which application has been made for paying in installments stating therein a description of each lot, tract or parcel of land against which such assessment is made or which bears or is charged with or for a portion of the cost of such improvement with the name of the owner or reputed owner, the amount of the unpaid assessment, the date when the same becomes due, the rate of interest payable and the date from which interest is payable. All unpaid interest installments shall bear interest from date the same become due at the same rate as the assessment bears and such interest shall be a part of the lien created by the assessment. Assessments entered upon such Bond Lien Docket shall stand thereafter as taxes assessed and levied for the city of Nyssa for the amounts of such unpaid assessments and interest thereon against the property assessed therefor until paid and a lien thereon prior to all other liens and incumbrances whatsoever.

When such Bond Lien Docket shall be made up as hereinbefore provided as to the assessments for any public improvement, the Council of the City of Nyssa shall by ordinance, authorize the issue of Improvement Bonds of the city of Nyssa in convenient denominations not exceeding \$500.00 each, and in all equal to the total amount of unpaid assessments and accrued interest thereon for such public improvement and such bonds shall be by the terms thereof, mature in ten (10) years from the date thereof and be payable in gold coin of the United States and bear interest not to exceed six (6) per cent per annum, interest payable semi-annually, said interest to be evidenced by coupons, attached to said bonds; provided, the right to take up and cancel such bond or bonds upon the payment of the face value thereof with accrued interest to the date of payment, at any semi-annual coupon period at, or after one year from the date of such bond or bonds, shall be and hereby is vested, in the city of Nyssa, issuing such bond or bonds. Notice that certain bonds are to be taken up and cancelled as aforesaid and that the interest thereon shall cease at the interest payment period next following, shall be published in a newspaper of general circulation in the City of Nyssa, not less than twice during the month preceding said semi-annual period; and after said semi-annual period, interest upon the bonds designated in such notice shall cease. Whenever any bonds are taken up the same shall be taken up consecutively, commencing with No. 1 of such bonds. Such bonds