

ORDINANCE NO 134

AN ORDINANCE DECLARING THE RESULT AND VALIDITY OF THE SPECIAL ELECTION HELD IN AND FOR THE CITY OF POLSON, OF THE COUNTY OF FLATHEAD, STATE OF MONTANA, ON MONDAY, TO-WIT: THE SEVENTH DAY OF APRIL A.D. 1919 BETWEEN THE HOURS OF EIGHT O'CLOCK A.M. AND SIX O'CLOCK P.M. PROVIDING FOR THE ISSUANCE, ADVERTISEMENT AND SALE OF FIFTEEN THOUSAND DOLLARS WATER BONDS OF, BY AND FOR THE SAID CITY - AUTHORIZED BY THE DULY QUALIFIED ELECTORS THEREOF AT SAID ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, In accordance with Ordinance No. 133 of the City of Polson, of the County of Flathead and State of Montana, passed and approved February 26th, 1919, a special bond election was called and ordered to be held in and for said city on Monday, to-wit: the 7th day of April A.D. 1919, between the hours of eight o'clock A.M. and six o'clock P.M. for the purpose of voting upon the following question:

Shall the indebtedness of the city of Polson, Montana, be increased over and above the three per cent limit fixed by law, by the issuance of water bonds to the amount of fifteen thousand (\$15,000.00) dollars to be used for the purpose of enlarging, extending and constructing a water system for said city, which water system said city shall own and control and devote the revenue derived therefrom to the payment of the debt incurred therefor?

AND WHEREAS, The City Clerk has caused due and sufficient evidence of the lawful publication of said Ordinance, and notice of election appearing therein, and the proper posting of said notice, and the proper posting and publishing of the notice of registration by the City Clerk, to be furnished to this council, and the said council has heretofore caused same to be filed of record as a part of the proceedings of this city, and

WHEREAS, After due canvass of the returns of said election as made by the said city council acting as a board of canvassers, it was found, declared, certified and published that the total number of votes cast at said election submitted thereat, was One hundred seven, of which ninety-three votes were "Bonds Yes" and fourteen votes were "Bonds No", and that there was a majority of seventy-nine of all the votes cast at said election "Bonds Yes"; said votes having been cast in the respective precincts of the city of Polson:

IN WARD NO. ONE

Total votes "Bonds Yes" - - - - -	23
Total votes "Bonds No " - - - - -	6
Total votes cast in all - - - - -	29

IN WARD NO. TWO

Total votes "Bonds Yes" - - - - -	26
Total votes "Bonds No " - - - - -	4
Total votes cast in all - - - - -	30

IN WARD NO. THREE

Total votes "Bonds Yes" - - - - -	44
Total votes "Bonds No " - - - - -	4
Total votes cast in all - - - - -	48

Now, therefore, in consideration of the premises,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON, as follows:

Section 1 - That the special bond election held in and for said city, on Monday, to-wit: the 7th day of April A.D. 1919, beginning at the hour of eight o'clock A.M. and closing at the hour of six o'clock P.M. be and the same is hereby determined and declared to have been duly called, noticed and held in strict compliance with law.

Section 2 - That the result of said election has been duly certified and returns thereof duly made to and canvassed by said council and said canvass shows that the total number of votes cast at said election upon the following question:

Shall the indebtedness of the City of Polson, Montana, be increased over and above the three per cent limit fixed by law, by the issuance of water bonds to the amount of fifteen thousand (\$15,000.00) dollars to be used for the purpose of enlarging, extending and constructing a water system for said city, which water system said city shall own and control and devote the revenue derived therefrom to the payment of the debt incurred therefor?

was One hundred seven, of which ninety-three votes were "Bonds Yes" and fourteen votes were "Bonds No", and that there was a majority of seventy-nine of all the votes cast at said election "Bonds Yes"; said votes having been cast in the respective wards of the City as follows:

IN WARD NO. ONE

Total votes "Bonds Yes" - - - - -	23
Total votes "Bonds No " - - - - -	6
Total votes cast in all - - - - -	29

IN WARD NO. TWO

Total votes "Bonds Yes" - - - - -	26
Total votes "Bonds No " - - - - -	4
Total votes cast in all - - - - -	30

IN WARD NO. THREE

Total votes "Bonds Yes" - - - - -	44
Total votes "Bonds No " - - - - -	4
Total votes cast in all - - - - -	48

Section 3 - That it be and is hereby certified, recited and warranted that at said election a majority of all of the duly qualified electors present and voting at said election voted in favor of the issuance of the bonds hereinabove mentioned; and that the council is hereby authorized and empowered to issue and sell the bonds of said city, of the character, to the amount and for the purpose aforesaid.

Section 4 - That the notice is hereby authorized, ordered and directed to be given and published as hereinafter provided that the council of said city will sell, at public auction, to the bidder offering the highest price therefor, said issue of bonds, as and in the manner provided by sections 3456 and 3457, revised codes of Montana of 1907, which said notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE AND SELL \$15,000.00 WATER (six per cent) BONDS OF, AND FOR THE CITY OF POLSON, OF THE COUNTY OF FLATHEAD, STATE OF MONTANA, AT PUBLIC AUCTION TO THE BIDDER OFFERING THE HIGHEST PRICE THEREFOR.

STATE OF MONTANA
COUNTY OF FLATHEAD - SS
CITY OF POLSON

Pursuant to the authority of Ordinance No. 134 of the City of Polson, of the County of Flathead, State of Montana, passed and approved April 11th, A.D. 1919, authorizing and directing the

the advertisement and sale of certain bonds of said city, namely:

Water bonds of the City of Polson, of the County of Flathead, State of Montana, to an amount aggregating the principal sum of \$15,000.00, comprised of fifteen bonds numbered from one to fifteen, both numbers inclusive, of the denomination of \$1,000.00 each, and all dated April 1st, A.D. 1919, absolutely due and payable April 1st, A.D. 1939, but redeemable at the option of the City as follows:

Five thousand (\$5,000.00) dollars of said bonds numbered from one to five, both numbers inclusive, on and after the 1st day of April, A.D. 1923; Five thousand (\$5,000.00) dollars of said bonds numbered from six to ten, both numbers inclusive, on and after the 1st day of April, A.D. 1926, and Five thousand (\$5,000.00) dollars of said bonds numbered from eleven to fifteen, both numbers inclusive, on and after the first day of April, A.D. 1929, bearing interest from their date until paid at the rate of six (6) per centum per annum, payable semi-annually on the first days of July and January respectively, in each year, both principal and interest thereon payable at the office of the city treasurer of the City of Polson, State of Montana, or at the option of the holder, at the National Bank of Commerce, in the City and State of New York U S A.

PUBLIC NOTICE IS HEREBY GIVEN that the bonds aforesaid will, at the office of the undersigned, clerk, in said city, on Monday, to-wit: the 26th day of May, A.D. 1919, at the hour of 10 o'clock A.M. at public auction, be sold to the bidder offering the highest price therefore

At said public auction, the successful bidder will be required to deposit with the undersigned clerk, a certified check payable to his order in the sum of One thousand (\$1,000.00) dollars which check shall be held by the city and forfeited to it should the purchaser fail to take up and pay for said bonds when presented to him.

By order of the council of the city of Polson, Montana, made this 11th day of April, A.D. 1919.

Wm. J. Marshall
Mayor

Attest

H.S. Hanson
City Clerk

First publication on, April 17th, 1919, last publication May 15th, 1919.

(a) Said notice shall be and the same is hereby ordered published for a period of not less than four (4) weeks prior to the date set for the sale of said bonds in "The Flathead Courier" a weekly newspaper published, printed and of general circulation in the said city, and also in "The Weekly Bond Buyer" a newspaper published in the City of New York, U.S.A.

(b) The City Clerk be and he is hereby authorized, ordered and directed to cause said notice to be published as hereinabove provided and to procure proof of such publication in the form of Publishers' Affidavits, in duplicate, one set of which he shall preserve as a part of his files and records of his office and the other set of which he shall furnish to the purchaser of said bonds.

(c) The City Clerk be and he is hereby authorized, ordered and directed to give the Board of Land Commissioners of the State of Montana at least thirty days notice prior to the date of said sale a copy of said notice and advertisement thereof, also full and complete proof of the proceedings had with reference to the issuance of said bonds and proof of same as provided in Section 2199 of the Revised Codes of Montana of 1907 $\frac{3}{2}$

Section 5 - That on Monday, to-wit: the 26th day of May, A.D. 1919, at the hour of ten o'clock A.M. the said council will meet at the office of the City Clerk therein and shall consider the bids, if any, received for the bonds aforesaid and take such action thereon as the facts warrant and as by law authorized and provided.

Section 6 - That in as much as it is necessary for the immediate preservation of the public peace, health and safety that the city have a complete and adequate water system, an emergency is hereby declared to exist and this ordinance shall, therefore, be in effect from and after its passage and approval.

Passed by the council of the City of Polson this 11th day of April, 1919.

Approved by the Mayor of the city of Polson this 11th day of April, 1919.

Wm. J. Marshall
Mayor

Attest

J. H. Waweroy
City Clerk

AFFIDAVIT OF POSTING

STATE OF MONTANA
COUNTY OF FLATHEAD - SS
CITY OF POLSON

H.S. Hanson, being first duly sworn upon his oath says; I am a citizen of the United States, over the age of twenty one years, and am and was at the time mentioned in this affidavit the City Clerk of the City of Polson in said County and State. That on the 12th day of April, 1919, in accordance with the order of the City Council of the City of Polson requiring all ordinances and resolutions of said City to be published by posting in the three most public places in said City, I posted a copy of the foregoing Ordinance No. 134 in three of the most public places in said city, to-wit: - One of said copies at the office of the Police Judge, one of said copies at the office of the City Treasurer and one of the said copies at the office of the City Clerk; that each of said copies so posted by me was a true, full and correct copy of the said Ordinance and the whole thereof.

J. H. Waweroy

Subscribed and sworn to before me this 12th day of April, 1919.

W. C. Vincent
Notary Public for the State of Montana.
Residing at Polson, Montana.
My Commission Expires June 1st, 1921.

