

CITY OF WALLIS
ORDINANCE No. 94

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF WALLIS INTEREST BEARING TIME WARRANTS, SERIES 1985, AGGREGATING \$110,000.00 BEARING INTEREST AT A VARIABLE RATE ESTABLISHED DAILY EQUIVALENT TO TWO POINTS BELOW THE PRIME RATE AS ESTABLISHED BY THE FIRST CITY NATIONAL BANK, HOUSTON, TEXAS, BUT IN NO EVENT SHALL SAID RATE EXCEED 15% PER ANNUM, FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION AND TESTING OF A 141,000 GALLON WATER STORAGE TANK FACILITY; PROVIDING FOR THE LEVYING AND COLLECTION OF TAXES ON ALL OF THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID WARRANTS AND THE PRINCIPAL AS IT MATURES; AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed to be to the best interest of the City that certain needed additional Water Storage capacity be constructed to improve the existing City's fresh water supply system; and,

WHEREAS, the City Council finds and adjudicates: That pursuant to the laws of the State of Texas as regarding Municipal authority to issuing time warrants evidencing lawful debt of the City of Wallis; Texas, the City is duly authorized to issue Interest Bearing Time Warrants in payment for the construction contract to improve and expand the water storage capacity of the City; and,

WHEREAS, the City does not have on hand cash available to pay said construction contract but will have the funds on hand from taxation sufficient to pay for Time Warrants herein authorized; now therefore.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:

That the Time Warrants of said City are to be denominated "City of Wallis Water Storage Tank Facility Warrants", Series 1985 and will be issued in the sum of \$110,000.00 payable to bearer, evidencing the indebtedness of said City.

Said warrants shall be numbered from One (1) to Twenty-Two (22) inclusive, shall be in the denomination of Five Thousand and No/100 Dollars (\$5,000.00) each, aggregating One Hundred Ten Thousand and No/100 Dollars (\$110,000.00). They shall be dated August 1, 1985, and shall bear interest at a variable rate established and set daily in each warrant, said rate to be equivalent to two points below the prime rate as set by First City National Bank, Houston, Texas, on the anniversary date of each specific warrant, not to

exceed 15% per annum in any event, payable August 1, 1986 and each subsequent numbered warrants shall be due on the same date of each subsequent and consecutive year. Principal and interest of said warrants shall be payable at First City Bank of Wallis, Texas, and said warrants shall be made to mature serially as follows:

<u>Warrants Numbers</u>	<u>Maturity Dates</u>	<u>Amounts</u>
1	August 1, 1986	\$5,000.00
2	August 1, 1987	\$5,000.00
3	August 1, 1988	\$5,000.00
4	August 1, 1989	\$5,000.00
5	August 1, 1990	\$5,000.00
6	August 1, 1991	\$5,000.00
7	August 1, 1992	\$5,000.00
8	August 1, 1993	\$5,000.00
9	August 1, 1994	\$5,000.00
10	August 1, 1995	\$5,000.00
11	August 1, 1996	\$5,000.00
12	August 1, 1997	\$5,000.00
13	August 1, 1998	\$5,000.00
14	August 1, 1999	\$5,000.00
15	August 1, 2000	\$5,000.00
16	August 1, 2001	\$5,000.00
17	August 1, 2002	\$5,000.00
18	August 1, 2003	\$5,000.00
19	August 1, 2004	\$5,000.00
20	August 1, 2005	\$5,000.00
21	August 1, 2006	\$5,000.00
22	August 1, 2007	\$5,000.00

Said warrants shall be signed by the Mayor, countersigned by the City Secretary, and registered by the City Secretary and the seal of the City shall be impressed upon each of them. The facsimile signature of the Mayor and City Secretary may be printed upon the interest coupons.

The form of such warrants shall be as follows:

NO. _____ \$5,000.00

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF WALLIS

CITY OF WALLIS WATER STORAGE TANK FACILITY WARRANT
INTEREST BEARING TIME WARRANT
SERIES 1985

THE CITY OF WALLIS, TEXAS, a municipal corporation in Austin County, Texas, duly incorporated under the General Laws of the State

of Texas, for value received acknowledges itself indebted to the bearer, on the 1st day of August, 1985, in the sum of Five Thousand and No/100 Dollars (\$5,000.00) in lawful money of the United States of America, with interest thereon from date hereof, at a rate equivalent to two points below the prime rate as established by First City National, Houston, Texas, said rate to be varied and calculated daily on each said warrant as long as same remains outstanding and unpaid. The Number 1 warrant of the series is payable August 1, 1986, with interest evidenced by coupons attached hereto, principal and interest payable at the office of First City Bank of Wallis, Wallis, Texas, upon presentation and surrender of warrants or proper coupons; and the City Secretary is authorized, ordered and directed to pay bearer said principal sum and interest as the same matures. In the event the sum of money evidenced by this warrant and annexed coupons shall not be paid at maturity, the same shall thereafter bear interest at the rate of ten per cent (10%) per annum, until fully paid, and in the event of such default and it becomes necessary for the holder hereof or of any of the coupons attached hereto to place claim therefor in the hand of an attorney for collection or to institute suit hereon, then said City obligates itself to pay to holder an additional ten per cent as attorney's fees. It is further understood and agreed that failure to pay any warrant or interest thereof of this series when same becomes due and payable, shall at the election of the holders thereof mature the entire issue and all warrants and interest shall then be due and payable.

THIS WARRANT is one of a series of twenty-two (22) warrants of like date and tenor except as to maturities, number one (1) to twenty-two (22) inclusive, in the denomination of \$5,000.00 each, aggregating the sum of \$110,000.00, issued for the purpose of evidencing the indebtedness due by said City to the bearer, for payment on a construction contract where a Water Storage Tank Facility was constructed in the City of Wallis, Texas, and in accordance with a contract therefor; and pursuant to an ordinance passed by the City Council of said City, which ordinance is recorded in the Minutes of said Council.

THE DATE of this warrant is conformity with the ordinance above mentioned is August 1, 1985.

AND IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this warrant and been performed in regular and due time, form and manner as required by law, and that the total indebtedness of said City, including this warrant and the entire series of which this one, does not exceed any constitutional or statutory limitations; and that a sufficient tax to pay the principal and interest of this warrant and the entire series of which this is one has been levied for said purpose and will continue to be annually levied, assessed and collected while said warrants or any of them are outstanding. In no event shall the interest rate exceed 15% per annum.

IN TESTIMONY WHEREOF, the City Council of the City of Wallis has caused the seal of said City to be hereto affixed and this warrant to be signed by the Mayor, countersigned by the City Secretary, and registered by the City Secretary, and the interest coupons hereto attached to be executed by the printed facsimile signature of the Mayor and City Secretary as of the 11th day of June, 1985.

COUNTERSIGNED:

AUGUST ZUREK, MAYOR
CITY OF WALLIS, TEXAS

BETTY MAREK, CITY SECRETARY
CITY OF WALLIS, TEXAS

REGISTERED as of the 1st day of August, 1985.

BETTY MAREK, CITY SECRETARY,
CITY OF WALLIS, TEXAS

The form of interest coupons attached to each of said warrants shall be substantially as follows:

NO. _____ \$5,000.00

INTEREST COUPON ON
INTEREST BEARING TIME WARRANT
CITY OF WALLIS WATER STORAGE TANK FACILITY
TIME WARRANT SERIES 1985
DUE ON THIS THE 1ST DAY OF AUGUST, 1986

The City Secretary of the City of Wallis, Texas, in Austin County, Texas, will pay to bearer at First City Bank of Wallis, Texas, the sum of _____ Dollars, being twelve (12) months interest due on the City of Wallis Interest Bearing Time Warrants, Series 1985, dated August 1, 1985.

Said interest shall be based and calculated on a daily rate equivalent to two points below the prime rate as established by First City National Bank, Houston, Texas; however, in no event shall the interest rate exceed 15% per annum irrespective of the level of the prime rate.

WARRANT NO. _____

DUE DATE: _____

BETTY MAREK, CITY SECRETARY

AUGUST ZUREK, MAYOR

Be it further ordained by the City Council of the City of Wallis, that to pay the interest and to create a sinking fund to retire said warrants at their maturity and to provide 10% attorney's fees in event of default, a tax of all taxable property in the said City, out of the taxing fund of said City shall be levied for the year 1986; that during the year 1986 while any of said warrants are outstanding and unpaid and at the time other city taxes are levied in each of said years there shall be computed and ascertained what rate of tax based upon the latest approved tax rolls of said City will be necessary, requisite and sufficient to fully make, raise and produce in each of said years the amount of principal necessary to be raised for that year, plus the interest maturing in said year upon the amount of this series of warrants outstanding and unpaid and provide for 10% attorney's fees in case of default, and for each of said years there is hereby ordered to be and there is hereby levied and ordered to be assessed and collected in due time, form and manner a tax at the rate of which shall be found necessary as aforesaid.

The Mayor and City Secretary are hereby directed to execute said warrants, and the City Secretary is hereby directed to register them. Said warrants shall be held by the City Secretary subject to the Order of the City Council and shall be used to pay for construction and installation of equipment of a Water Storage Tank Facility.

The fact that the City of Wallis is greatly in need of the improvements herein creates an emergency and an imperative necessity that the rule requiring ordinances to be passed at more than one meeting be suspended and said rule is hereby suspended, and that this ordinance shall take effect and be in force from and after its passage, and it is so ordained.

PASSED AND APPROVED, this the 9th day of July, 1985.

(S E A L)

August D. Zurek
AUGUST ZUREK, MAYOR
CITY OF WALLIS, TEXAS

ATTEST:

Betty Marek
BETTY MAREK, CITY SECRETARY