

ORDINANCE NO. 132

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE DOMESTIC WATER SYSTEM OF THE CITY OF PECK, IDAHO; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF PECK THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING WATER REVENUE BONDS IN THE AMOUNT OF \$325,000.00 TO PAY A PORTION OF THE COST THEREOF; ESTABLISHING THE DATE, TIME AND PLACE OF THE SPECIAL ELECTION; PROVIDING FOR PUBLIC NOTICE OF THE ELECTION; APPROVING A FORM OF BALLOT PROPOSITION AND A FORM OF NOTICE OF ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Peck, Nez Perce County, Idaho (the "City"), is a municipal corporation duly organized and operating under the laws of the State of Idaho; and

WHEREAS, the City owns and operates a domestic water supply and distribution system and collects rates, fees, and charges for the use of the water system; and

WHEREAS, it has been determined by the Mayor and the City Council of the City (the "Council") to be necessary and essential to the health, safety, comfort, and welfare of the inhabitants of the City to acquire, construct, and install improvements and betterments to the domestic water system of the City; and

WHEREAS, the Mayor and Council have determined that it is necessary to incur an indebtedness and to finance the cost of the improvements through the issuance of revenue bonds of the City, payable solely from the revenues of the City's domestic water system, pursuant to the provisions of the Revenue Bond Act of the State of Idaho, being Sections 50-1027 to 50-1042, inclusive, Idaho Code; and

WHEREAS, revenue bonds cannot be issued without the assent of a majority of the qualified electors of the City voting in an election called for such purpose; and

WHEREAS, in order to authorize the incurring of such indebtedness and the issuance of such revenue bonds, the Mayor and Council have determined to call and conduct a special bond election for the aforesaid purposes as required by the Revenue Bond Act.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PECK, Nez Perce County, Idaho, as follows:

Section 1: THE PROJECT

A. The Mayor and Council hereby find, determine, and declare that it is necessary and essential to the public interest, health, safety, and welfare that the City acquire and construct certain improvements and betterments to the domestic water system of the City, including replacing the water treatment system and the construction of a new water storage tank and related improvements, together with costs of bond issuance, engineering, fiscal advisory, and legal services (the "Project").

B. The cost and expense of the acquisition, construction, and installation of the Project, as estimated by the engineers of the City, is approximately \$820,000.00, including the payment of all preliminary expenses incurred and incident to the project and properly incident to the issuance of the bonds as such expenses are set forth in the Revenue Bond Act, and including payment of interest on such bonds during the period to be covered by the acquisition and construction of the Project.

C. Subject to the following subparagraph, the acquisition, construction, and installation of the Project, as described in subparagraph A, above, are hereby ordered.

D. Subject to the approval of the incurring of indebtedness and the issuance of revenue bonds therefor by the qualified electors voting at the election for which provision is hereinafter made, revenue bonds of the City shall be issued pursuant to the provisions of the Revenue Bond Act, being Idaho Code Sections 50-1027 to 50-1042, inclusive, in the amount of \$325,000 to pay a portion of the costs of the Project.

Section 2: SPECIAL ELECTION

A special municipal bond election is hereby called within the City to be held on Tuesday, February 2, 1999, for the purpose of enabling the qualified electors of the City to vote upon the proposition set forth in section 4 hereof. Only those qualified electors of the City casting valid ballots upon the proposition set forth in Section 4 of this Ordinance shall be counted in determining the number of qualified electors voting at or participating in the special bond election.

Section 3: ADMINISTRATION OF ELECTION

The polls of the special bond election shall open at the hour of 8:00 o'clock a.m. on February 2, 1999, and shall remain open continuously on said day until the hour of 8:00 o'clock p.m. The City, as its boundaries and corporate limits are now fixed and established, shall consist of one voting precinct for the City, the polling place for which shall be as follows:

Peck Community Center
Peck, Idaho

The Council shall appoint an election judge and election clerks for the polling place for the special bond election, which officials shall be qualified City electors. The City Clerk shall notify the election officials of their appointment within five (5) days following appointment. If any election judge or clerk fails to report for duty on the day of election, the City Clerk shall fill such vacancy from among the qualified electors presenting themselves to vote. Compensation for the election judge and clerks shall be at the minimum wage prescribed by federal law.

The administration of the election shall be conducted in accordance with Chapter 4 of Title 50, Idaho Code, as amended, except as provided by Section 50-1035, Idaho Code, and in accordance with this Ordinance.

Section 4: BALLOT PROPOSITION

The ballot proposition for the special bond election shall be in substantially the following form:

CITY OF PECK
Nez Perce County, Idaho

SPECIAL BOND ELECTION
February 2, 1999

SHALL THE CITY OF PECK BE AUTHORIZED TO INCUR
AN INDEBTEDNESS AND ISSUE AND SELL ITS
REVENUE BONDS IN THE PRINCIPAL AMOUNT OF
\$325,000.00 TO PAY A PART OF THE COSTS OF
IMPROVEMENTS TO THE DOMESTIC WATER SYSTEM OF

THE CITY, THE BONDS TO MATURE OVER A PERIOD WHICH MAY BE LESS THAN BUT WHICH SHALL NOT EXCEED THIRTY (30) YEARS AND TO BE PAYABLE SOLELY FROM THE REVENUES OF THE DOMESTIC WATER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 132, ADOPTED ON DECEMBER 16, 1998.

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, please make a cross (X) or other mark in the space to the right of the words "IN FAVOR OF issuing revenue bonds for the purposes provided by Ordinance No. 132" or "AGAINST the issuance of revenue bonds for the purposes provided by Ordinance No. 132" according to the way you desire to vote on the question. If you, by mistake or accident, mark, tear, deface, or otherwise mutilate this ballot, please return it to the election Judge and obtain another ballot.

IN FAVOR OF issuing revenue bonds for the purposes provided by Ordinance No. 132 []

AGAINST the issuance of revenue bonds for The purposes provided by Ordinance No. 132 . . . []

The following information is required by Section 34-440, Idaho Code:

The City has existing indebtedness in the amount of \$46,005.00. The interest rate anticipated on the proposed bonds is 4.0% per annum. The range of anticipated rates is from 4.0% to 8.0%. The total amount to be repaid over the life of the proposed bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$467,740.00.

Section 5: ELECTION EXPENSES

The City Clerk is hereby authorized and directed to procure such supplies and incur such expenses as she deems appropriate and necessary for the proper conduct of the special election.

Section 6: QUALIFIED ELECTORS

Every person eighteen (18) years of age or older, who at the time of the specified bond election is a United States

citizen who has been a legal and bona fide resident of the City for at least 30 days immediately preceding the date of the election, if properly registered as required by law, shall be qualified to vote at said election.

Section 7: REGISTRATION

All electors must be registered to vote at said special bond election. The Nez Perce County Clerk is the registrar for the City. Voter registration shall be conducted pursuant to the provisions of Section 34-1402, Idaho Code.

No qualified elector who was duly registered as a voter, and who continues to reside at the same address or within the same precinct in which he or she is registered, and has voted in at least one primary or general election in the past four years, shall be required to re-register.

Persons who are eligible to vote may register for the special bond election at the office of the Nez Perce County Clerk, Nez Perce County Courthouse, Lewiston, Idaho, as registrar for the City, or at the office of the Peck City Clerk, as deputy registrar, at City Hall, Peck, Idaho, until January 8, 1999. Any elector who will complete his or her residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election, by completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided by Section 34-408A, Idaho Code, as amended.

Section 8: SAMPLE BALLOTS

The City Clerk shall cause the ballot for the special election to be prepared and, as required by Idaho Code §50-440, cause to be printed, not less than fifteen (15) days before said election, sample ballots containing the question to be submitted, which sample ballots shall be in the same form as the official ballots to be used, except they shall have printed thereon the words "Sample Ballot," shall be on paper of a different color than the official ballots, and shall not be numbered. The City Clerk shall furnish copies of the same on application at her

office to anyone applying therefor. The sample ballot shall be published at least twice in the official newspaper of the City, the last publication to be on the last available publication date prior to said election.

Section 9: NOTICE

Notice of the special bond election shall be given prior to the election by publishing notice of the election in the official newspaper of the City, once a week on the same day of the week for two (2) successive weeks, the first publication being made not less than twelve (12) days prior to the election, which notice shall be in substantially the form attached hereto, marked Exhibit "A," and by this reference incorporated herein.

Section 10: CANVASS

When the polls are closed, the election officials shall immediately proceed to count the ballots cast at the election. The counting shall be continued without adjournment until completed and the result declared. The election judge and clerks shall thereupon certify the returns of the election to the City Clerk, who shall present the results to the Council.

The Mayor and Council shall meet within six (6) days following the election, or at such time to which said meeting is continued, at the regular meeting place of the City Council, at City Hall, Peck, Idaho, for the purposes of canvassing the results of the election. Thereupon, the results shall be entered in the minutes of the Council and proclaimed as final.

Section 11: REVENUE DEBT DISCLOSURE STATEMENT

A brief official statement containing the information required by Idaho Code § 34-440, as amended, shall be prepared by the City Treasurer.

Section 12: REVENUE BONDS

If, at the special bond election, the majority of the qualified electors of the City voting upon the ballot question set forth in Section 4 of this Ordinance vote in favor of the incurring of indebtedness and the issuance of bonds for the purposes set forth herein and designated on the aforesaid ballot, fully registered revenue bonds of the City shall be authorized, issued, sold, and delivered. The bonds shall be issued in the

form and manner, shall be registered, shall mature annually over a period which may be less than but which shall not exceed thirty (30) years, shall bear interest at a rate or rates to be determined by the Council at the time of issuance of such bonds, and shall be payable annually or at such lesser intervals and be subject to such redemption provisions, as may be prescribed by the ordinance authorizing the issuance of the bonds, all of which shall be in accordance with the laws of the State of Idaho.

The net revenues (gross revenues minus normal expenses of maintenance and operation) of the domestic water system of the City will be pledged for the payment of principal of and interest and redemption premiums, if any, on the revenue bonds. The bonds shall not be a debt of the City within the meaning of any State constitutional provision or statutory limitation, nor a charge against the general credit or taxing powers of the City, and the City shall not be liable therefor out of its general revenues, nor shall the bonds or the interest thereon be payable out of any funds other than the revenues of the domestic water system specified above.

Section 13: OFFICERS AUTHORIZED

The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 14: RATIFICATION

All actions heretofore taken, not inconsistent with the provisions of this Ordinance, by the Mayor and Council directed toward construction and installation of the Project and the issuance of revenue bonds of the City therefor, and for the holding of a special election, are hereby ratified, approved, and confirmed.

Section 15: PUBLICATION

This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "B," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

DATED this 16th day of December, 1998.

CITY OF PECK
Nez Perce County, Idaho

By Randall L. Olson
Randall L. Olson, Mayor

ATTEST:

Sharon S. Miller
Sharon S. Miller, Clerk

(SEAL)