

ORDINANCE NO. 95

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF A SEWER SYSTEM OF THE CITY OF PECK, OF NEZ PERCE COUNTY, IDAHO, AT AN ESTIMATED COST OF \$635,160.00; PROVIDING FOR THE ISSUANCE OF SEWER REVENUE BONDS IN THE SUM OF NOT MORE THAN \$170,000.00, TO PAY A PORTION OF THE COST THEREOF, WHICH BONDS SHALL BE PAID ONLY OUT OF THE REVENUES AND EARNINGS OF THE SEWER SYSTEM, SUBJECT, HOWEVER, TO THE APPROVAL OF THE QUALIFIED ELECTORS OF SAID CITY AT A SPECIAL ELECTION ORDERED HEREIN; DESCRIBING SAID BONDS AND THE CONDITIONS UNDER WHICH THEY WILL BE ISSUED; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE RATIFICATION OR REJECTION OF SAID BOND ISSUE AND OF SAID INDEBTEDNESS; PROVIDING FOR PUBLIC NOTICE OF SAID ELECTION; PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

CITY OF PECK

Nez Perce County , Idaho

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PECK, IDAHO, as follows:

WHEREAS, the City of Peck, (the "City"), is a duly incorporated and existing City organized and operating under the laws of the State of Idaho; and

WHEREAS, it has been determined by the City Council of the City, (the "Council"), to be necessary and essential to the health, safety, comfort and welfare of the inhabitants of said City to install, construct and acquire a sewer system within said City; and

WHEREAS, the Council has determined to finance a portion of the cost of the construction and installation of said improvements through the issuance of sewer revenue bonds of the City, 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 the Municipal Bond Law of the State of Idaho, being Chapter 2 of Title 57, Idaho Code; and

WHEREAS, said 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 such revenue bonds, the Council has determined to call and conduct a special municipal bond election for the aforesaid purposes as required by said Revenue Bond Act; and

WHEREAS, Idaho Code Section 34-440 requires the disclosure of certain financial information in both the ballot title and the notice of election;

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PECK, IDAHO as follows:

Section 1: THE PROJECT

A. It is deemed necessary and advisable that the City acquire and construct certain capital improvements, consisting of the construction and installation of a sanitary sewer collection and treatment system. Such improvements (the "Project") shall consist generally of the following: construction and installation of a waste water collection and treatment facility and necessary appurtenances thereto, all pursuant to plans and specification therefor which have been prepared by the Engineering firm of CH2M Hill of Boise, Idaho, and which plans and specifications are on file in the office of the City Clerk.

B. The cost and expense of the acquisition, construction and installation of the Project, as estimated by the aforesaid Engineers, is \$635,160.00 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 said Revenue Bond Act and Municipal Bond Law, and including payment of interest on such bonds during the period to be covered by the acquisition and construction of the improvements as described in subparagraph A above.

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

D. Subject to the approval thereof 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 not to exceed \$170,000.00, 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, May 1, 1984, for the purpose of enabling the qualified electors of the City to vote upon the proposition set forth in Section 4 hereof. Said election shall be held in accordance with the laws of the State of Idaho.

Section 3: ADMINISTRATION OF ELECTION

The polls of said election shall open at the hour of 12:00 o'clock noon on May 1, 1984, and shall remain open continuously on said day until the hour of 8:00 o'clock P.M., at which time said polls shall be closed. The City, as its boundaries and corporate limits are now fixed and established, shall consist of one (1) voting precinct. The polling place within the precinct, together with the Judge and Clerks for said precinct are, and shall be as follows:

<u>Precinct</u>	<u>Polling Place</u>	<u>Judge and Clerks</u>
(1)	Peck Community Center	Estelle Hollibaugh, Judge Miriam Coon, Clerk Marie Parks, Clerk

The City Clerk shall notify the election Judge and Clerks of their respective appointments. If any election Judge or Clerk fails to report for duty on the date of the election, the City Clerk shall fill such vacancies from among the qualified electors presenting themselves to vote. The Judge and Clerks shall be compensated and paid at the minimum wage prescribed by the laws of the State of Idaho for execution of their duties. 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 by this Ordinance.

Section 4: BALLOT TITLE

The ballot title for said special election shall be in substantially the following form:

"SHALL THE CITY OF PECK ISSUE AND SELL ITS SEWER REVENUE BONDS IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$170,000.00 TO PAY PART OF THE COSTS OF CONSTRUCTION AND INSTALLATION OF A SANITARY SEWER COLLECTION AND TREATMENT SYSTEM? SAID BONDS SHALL MATURE OVER A PERIOD OF NOT TO EXCEED THIRTY YEARS, AND SHALL BE PAYABLE SOLELY FROM THE REVENUES OF THE SEWER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 95, ADOPTED ON APRIL 9, 1984."

CITY OF PECK

DEBT DISCLOSURE STATEMENT

I. EXISTING DEBT:

<u>Date of Original Issuance</u>	<u>Original Principal Amount</u>	<u>Total Interest Payable</u>	<u>Unpaid Principal To Date</u>	<u>Unpaid Interest To Maturity</u>
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A.	Bonds	<u>11-20-75</u>	<u>\$120,000</u>	<u>\$ -0-</u>	<u>101,574.66</u>	<u>\$64,695.53</u>
B.	Short-Term Financing	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
C.	Leases	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
D.	Contracts	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
E.	Lease/ Purchase	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
F.	Other	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

II. PROPOSED NEW ISSUE:

A. Type of Indebtedness: City of Peck Sewer Revenue Bonds

B. Anticipated Interest Rate: 7.25%

C. Range of Rates: Seven (7%) to Eight (8%) percent per annum

D. Proposed Principal Amount: \$170,000.00

E. Maximum Rate as Shown on Ballot: 8%

III. TOTAL PROPOSED BONDED DEBT:

A. Principal Amount Payable to Maturity \$170,000.00

B. Interest Amount Payable to Maturity 249,322.00

C. Total Debt - Proposed Issue: \$419,322.00

IN FAVOR OF issuing Sewer Revenue Bonds for
the purposes provided by Ordinance No. 95 []

AGAINST issuing Sewer Revenue Bonds for
the purposes provided by Ordinance No. 95 []

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, the voter must make a (X) in the space to the right of the words "IN FAVOR OF issuing Sewer Revenue Bonds for the purposes provided by Ordinance No. 95" or "AGAINST

issuing Sewer Revenue Bonds for the purposes provided by Ordinance No. 95" according to the way you desire to vote on the question. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you, by mistake or accident, mark, tear, deface or otherwise mutilate this ballot, return it to the election Judge and obtain another ballot.

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 bond election.

Section 6: QUALIFIED ELECTORS

All persons eighteen (18) years of age or older, who at the time of the specified bond election are qualified electors of the City, properly registered and possessing the qualifications of residents, shall be qualified to vote at said election.

Section 7: REGISTRATION

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 general City election in the past four years, shall be required to re-register.

Persons may register at the Office of the City Clerk, as Registrar for the City, during office hours, beginning with the date the Notice of Election is given and continuing until 8:00 o'clock P.M. on April 27, 1984. Any elector who will complete his 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.

Section 8: SAMPLE BALLOTS

The City Clerk shall cause the ballot to be prepared and, as required by I.C. § 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 ballot shall be separate from any other measure being voted upon at the election. The City Clerk shall furnish copies of the same on application at her office to anyone applying therefor. Said sample ballots shall be published at least twice in the official newspaper of the City, the last publication to be within five (5) days of said election. In lieu of publication, the sample ballot may be posted in three (3) public places in each voting precinct.

Section 9: NOTICE

Notice of said special bond election shall be given prior to said election by publishing notice of such election in the official newspaper of the City once a week on the same day for two (2) successive weeks, which notice shall be in substantially the form attached hereto, marked Exhibit "A", and by this reference incorporated herein.

Section 10: SEWER REVENUE BONDS

If, at said election, a majority of the qualified electors of the City voting therein vote in favor of the issuance of said bonds for the purposes set forth herein and designated on the aforesaid ballot, fully registered sewer revenue bonds of the City shall be authorized, issued, sold and delivered. Said bonds shall mature annually over a period not to exceed thirty (30) years, and shall bear interest at a rate not in excess of eight percent (8%) per annum, payable semiannually, provided that the first interest payment due may be for a shorter or longer period than six months, but not in excess of one year, at the discretion of the Council.

All bonds shall be issued in the form and manner, be registered, disposed of, and redeemed in accordance with the provisions of the Revenue Bond Law of the State of Idaho, Sections 50-1027 to 50-1042, inclusive, Idaho Code, and the Municipal Bond Law of the State of Idaho, Chapter 2 of Title 57, Idaho Code.

Said bonds shall be in denominations of not less than \$1,000.00, or any even multiple thereof, except Bond No. 1, which may be in a lesser amount; payable in numerical order, lowest numbers first; and may be made subject to prior redemption at such time or times, with or without premium, and upon such terms and conditions as may be determined by the Council in the Ordinance authorizing the issuance of such bonds.

In the event the sewer revenue bonds are purchased by the United States of America, Farmers Home Administration, said bonds shall be in the form of a single fully registered amortized bond and shall bear interest at a rate not to exceed eight percent (8%) per annum.

The net revenues of said sewer system (gross revenues minus normal expenses of maintenance and operation) are pledged for the payment of principal of and interest, and redemption premiums, if any, on said sewer revenue bonds. Said 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, nor shall said bonds or the interest thereon be payable out of any funds other than the revenues of the system specified above.

Section 11: 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 12: CANVASS

The Mayor and Council shall meet on May 7, 1984, at the hour of 7:30 o'clock P.M., or at such time to which said meeting is continued, at the regular meeting place in the City Hall, for the purpose of canvassing the results of the election. Thereupon, the results shall be entered in the minutes of the Council and proclaimed as final.

Section 13: DEBT DISCLOSURE

Idaho Code Section 34-440 requires the disclosure of certain financial information. That information is as follows:

CITY OF PECK

DEBT DISCLOSURE STATEMENT

I. EXISTING
DEBT:

	<u>Date of</u> <u>Original</u> <u>Issuance</u>	<u>Original</u> <u>Principal</u> <u>Amount</u>	<u>Total</u> <u>Interest</u> <u>Payable</u>	<u>Unpaid</u> <u>Principal</u> <u>To Date</u>	<u>Unpaid</u> <u>Interest</u> <u>To Maturity</u>
A. Bonds	<u>11-20-75</u>	<u>\$120,000</u>	<u>\$ -0-</u>	<u>101,574.66</u>	<u>\$64,695.53</u>
B. Short-Term Financing	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
C. Leases	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
D. Contracts	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
E. Lease/ Purchase	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
F. Other	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

II. PROPOSED NEW ISSUE:

A. Type of Indebtedness: City of Peck Sewer Revenue Bonds

B. Anticipated Interest Rate: 7.25%

C. Range of Rates: Seven (7%) to Eight (8%) percent per annum

D. Proposed Principal Amount: \$170,000.00

E. Maximum Rate as
Shown on Ballot: 8%

III. TOTAL PROPOSED BONDED DEBT:

A. Principal Amount Payable
to Maturity \$170,000.00

B. Interest Amount Payable
to Maturity 249,322.00

C. Total Debt - Proposed Issue: \$419,322.00

The City Clerk is hereby authorized and directed to submit the above information to the Nez Perce County Treasurer for independent verification.

Section 14: RATIFICATION

All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and the officers of the City directed toward construction and installation of said improvement to the sewer system and the issuance of sewer revenue bonds of the City therefor, and for the holding of a special municipal bond election, be, and the same hereby is, ratified, approved and confirmed.

Section 15: PUBLICATION

Upon passage and approval of this Ordinance, it shall be published once in the Lewiston Morning Tribune, a newspaper of the State of Idaho, and of general circulation within the City of Peck, Idaho, and being the official newspaper thereof.

PASSED AND APPROVED this 9th day of April, 1984.

CITY OF PECK, Idaho

Roy E. Grey
Mayor

ATTEST:

Ann Hansen
City Clerk

(S E A L)

* * * * *

I, the undersigned, the Clerk of the City of Peck, of Nez Perce County, Idaho, hereby certify that the foregoing Ordinance is a full, true and correct copy of an Ordinance duly passed and adopted at a meeting of the City Council of the City of Peck, duly and regularly held at the regular meeting place thereof on April 9, 1984, of which meeting all members of said Council had due notice, and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that said Ordinance is a full, true and correct copy of the original Ordinance adopted at said meeting, and that said Ordinance has not been amended, modified or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said City on April 9, 1984.



City Clerk

(SEAL)

CITY OF PECK

Nez Perce County, Idaho

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that pursuant to Ordinance No. 95, adopted on April 9, 1984, of the City of Peck, of Nez Perce County, Idaho, a Special Bond Election will be held in said City on

TUESDAY, MAY 1, 1984

between the hours of 12:00 o'clock noon and 8:00 o'clock P.M., for the purpose of voting upon the question and proposition of issuing sewer revenue bonds in the principal amount of not more than \$170,000.00, for the purpose of providing funds to pay part of the cost of construction and installation of a sewer system, pursuant to the provisions of said Ordinance, which Ordinance is hereby referred to for further particulars, and which by reference, is made a part of this Notice.

The foregoing construction is in accordance with the preliminary maps, plans and specifications, as prepared by CH2M Hill, of Boise, Idaho, as Engineers for said City, which preliminary maps, plans and specifications are on file in the office of the City Clerk for examination.

The total estimated cost of the Project is \$635,160.00, a portion of which is to be paid from the sale of the proposed bond issue.

Said bonds, if issued, shall bear interest at a rate of not in excess of eight percent (8%) per annum, payable semiannually, shall run for a period not to exceed thirty (30) years from the date of issue, shall be in the denomination of \$1,000.00 each, or multiples thereof, except Bond No. 1, which may be in a lesser amount, and shall mature annually.

In the event the Federal Government or one of its agencies is the successful purchaser of this issue, a single bond will be issued and payable in amortized annual payments, over a period of not to exceed thirty (30) years.

The question to be submitted to the electors shall be by ballot reading substantially as follows:

"SHALL THE CITY OF PECK ISSUE AND SELL ITS SEWER REVENUE BONDS IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$170,000.00 TO PAY PART OF THE COSTS OF CONSTRUCTION AND INSTALLATION OF A SANITARY SEWER COLLECTION AND TREATMENT SYSTEM? SAID BONDS SHALL MATURE OVER A PERIOD OF NOT TO EXCEED THIRTY YEARS, AND SHALL BE PAYABLE SOLELY FROM THE REVENUES OF THE SEWER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 95, ADOPTED ON APRIL 9, 1984."

CITY OF PECK

DEBT DISCLOSURE STATEMENT

I.	<u>EXISTING</u> <u>DEBT:</u>					
		<u>Date of Original Issuance</u>	<u>Original Principal Amount</u>	<u>Total Interest Payable</u>	<u>Unpaid Principal To Date</u>	<u>Unpaid Interest To Maturity</u>
A.	Bonds	<u>11-20-75</u>	<u>\$120,000</u>	<u>\$64,695.53</u>	<u>\$101,574.66</u>	<u>\$65,402.94</u>
B.	Short-Term Financing	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
C.	Leases	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
D.	Contracts	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
E.	Lease/ Purchase	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
F.	Other	<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
II.	<u>PROPOSED NEW ISSUE:</u>					
A.	Type of Indebtedness:	<u>City of Peck Sewer Revenue Bonds</u>				
B.	Anticipated Interest Rate:	<u>7.25%</u>				
C.	Range of Rates:	<u>Seven (7%) to Eight (8%) percent per annum</u>				
D.	Proposed Principal Amount:	<u>\$170,000.00</u>				
E.	Maximum Rate as Shown on Ballot:	<u>8%</u>				

III. TOTAL PROPOSED BONDED DEBT:

A.	Principal Amount Payable to Maturity	\$170,000.00
B.	Interest Amount Payable to Maturity	<u>249,322.00</u>
C.	Total Debt - Proposed Issue:	<u>\$419,322.00</u>

IN FAVOR OF issuing Sewer Revenue Bonds for
the purposes provided by Ordinance No. 95 []

AGAINST issuing Sewer Revenue Bonds for
the purposes provided by Ordinance No. 95 []

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, the voter must make a (X) in the space to the right of the words "IN FAVOR OF issuing Sewer Revenue Bonds for the purposes provided by Ordinance No. 95" or "AGAINST issuing Sewer Revenue Bonds for the purposes provided by Ordinance No. 95" according to the way you desire to vote on the question. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you, by mistake or accident, mark, tear, deface or otherwise mutilate this ballot, return it to the election Judge and obtain another ballot.

Qualified electors shall vote at the following polling place:

<u>VOTING PLACE</u>	<u>LOCATION</u>
Peck Community Center	Peck, Idaho

At said Special Election, only qualified and registered electors eighteen (18) years of age or older, residing in the State of Idaho, and who are bona fide residents of the City of Peck, and no others, will be permitted to vote at said Special Election. No person so qualified and offering himself at the polling place at which he is entitled to vote will be denied the privilege of voting at said Special Election.

Qualified electors who because of illness or expected absence from the City of Peck on the date of election may obtain absentee ballots from the City Clerk of the City of Peck.

The City Clerk is Registrar of the City of Peck and the place of registration is the Office of said City Clerk at City Hall, Peck, Idaho.

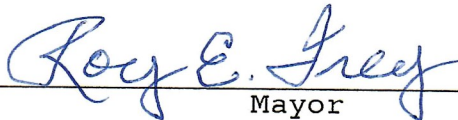
Persons may register on each day at any time during the office hours of the City Clerk, beginning with the date the Notice of Election is given, and continuing to April 27, 1984, on which date the Office of the City Clerk will remain open until 8:00 o'clock P.M.

Polls will be opened at the hour of 12:00 o'clock noon on May 1, 1984, and will be open continuously until the hour of 8:00 o'clock P.M., at which time the polls will be closed. Each elector shall vote at the polling place provided for the voting precinct in which he resides. Voting at said election shall be by ballot and the ballot to be supplied the voters for their use at said election shall be in the form provided by law.

If at said election the majority of the qualified electors voting at such election assent to the issuance of said bonds for the purposes set forth in Ordinance No. 95, the sewer revenue bonds of the City of Peck will be issued for said purposes, which bonds, or any issue thereof, or so much thereof as may be necessary, will mature annually or such lesser interval and prescribed by Ordinance over a period not to exceed thirty (30) years, and will bear interest at a rate not in excess of eight percent (8%) per annum. The principal of and interest on said bonds shall be payable solely out of and derived from rates and charges for the use of and the services rendered by, and all other income, earnings and revenues of, the sewer system of the City of Peck, all as more particularly set forth in an ordinance or ordinances to be hereafter passed and approved by the City.

Dated this 9th day of April, 1984.

CITY OF PECK, Idaho



Mayor

ATTEST:



City Clerk

(S E A L)