

ORDINANCE NO. 42

AN ORDINANCE RELATING TO THE WATER SYSTEM OF THE CITY OF DIETRICH, IDAHO; PROVIDING FOR AND CALLING A SPECIAL ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE ELECTORS QUALIFIED TO VOTE THEREON THE QUESTION OF ISSUING THE CITY'S WATER REVENUE BONDS FOR THE PURPOSE OF DEFRAYING IN PART THE COST OF RENOVATING, IMPROVING, UPGRADING AND BETTERING THE CITY'S WATER SYSTEM; PROVIDING DETAILS IN CONNECTION THEREWITH; THE ELECTION ON THE QUESTION; PROVIDING THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Dietrich (the "City"), Lincoln County, Idaho, is a municipal corporation duly organized and existing as a city under the general laws of the State of Idaho; and,

WHEREAS, the current water system of the City is presently in need of renovation, improvement, upgrading and betterment; and,

WHEREAS, the City Council of the City has determined and does hereby determine that the interests of the community and the public interest and necessity require the immediate renovation, improvement, upgrading and betterment of the water system by making the following non-exclusive improvements:

Water supply, storage and distribution facilities including a new storage reservoir, and new well, together with associated pumping facilities, distribution pipelines, fire hydrants and service lines and all other appurtenances necessary, useful and convenient for distribution and treatment of water within the City, collectively the "Project"; and,

WHEREAS, the Council now deems it necessary and appropriate to seek approval from at least a majority of the qualified electors who will vote on the question to issue water revenue bonds in the amount of up to \$130,000 for the purpose of defraying, in part, the cost of the Project, payable solely from the revenues of the water system as so renovated, improved, upgraded and bettered pursuant to the Revenue Bond Act (the "Act") cited as §§50-1027 through 50-1042, Idaho Code, and all laws thereunto enabling; and,

WHEREAS, the net revenues to be derived from the operation of the water system may be pledged lawfully and irrevocably to secure the repayment of such water revenue bonds herein authorized pursuant to the Act; and,

WHEREAS, such revenue bonds shall not be a debt of the City and it shall not be liable thereon, nor shall such revenue bonds be payable out of any other funds other than the revenue from the water system pledged to the payment thereof; and,

WHEREAS, said revenue bonds cannot be issued without the assent of a majority of the qualified electors of the City voting at an election held for the purpose of authorizing or refusing to authorize the issuance of said revenue bonds; and,

WHEREAS, neither the question herein set forth nor any question for a similar, or like, purpose has been defeated at an election which has been held in the City within six (6) months of the date of the adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF DIETRICH, IDAHO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and the officers of the City, directed toward:

- a. The Project; and
- b. The issuance of the City's revenue bonds therefor; and
- c. The calling and holding of an election for the authorization and issuance of the City's revenue bonds,

be, and the same hereby is, ratified, approved and confirmed, including, without limitation, the giving of notice of such election.

Section 2. Subject to the assent of a simple majority of the qualified electors voting on the question, it is hereby ordered that the Project be purchased, constructed, and acquired and that the water revenue bonds of the City in the aggregate principal amount of not more than \$130,000, or so much thereof as may be necessary, be issued pursuant to the Act to defray, in part, the cost thereof.

Section 3. The Project briefly and generally described shall consist of the renovation, improvement, upgrading and betterment of the water system by making the following improvements and acquisitions:

Water supply, storage and distribution facilities including a new storage reservoir, and new well, together

with associated pumping facilities, distribution pipelines, fire hydrants and service lines and all other appurtenances necessary, useful and convenient for distribution and treatment of water within the City collectively, making up the "Project"; and,

Section 4. The details of the renovation, improvement, upgrading and betterment of the water system are more specifically shown and described in the preliminary engineering report and preliminary study and revisions thereto, prepared by Forsgren Associates, P.A., of Boise, Idaho (herein the "Engineer"). For further details, reference is hereby made to said report, supplements and revisions which are now on file and available for inspection in the office of the Clerk of the City.

Section 5. The cost of the Project, including all incidental expenses has been estimated by the Engineer to be approximately \$520,000. The City contemplates issuing revenue bonds pursuant to this Ordinance in the aggregate principal amount of not more than \$130,000, or so much thereof as may be necessary. The City anticipates that a portion of the cost of the Project will be defrayed by federal grants and/or City funds.

Section 6. Such revenue bonds shall bear interest at a rate or rates to be later determined by the Council, payable annually or at such lesser intervals as may hereafter be prescribed by ordinance; shall mature serially (or in installments if one bond is issued representing the entire principal amount of the bond issued) commencing at the expiration of at least one (1) year from the date of the bonds and ending not more than 30 years from said date; shall be payable solely from the revenues of the water system as so renovated, improved, upgraded and bettered, in accordance with the provisions of the Act; shall be in such denomination and form as may hereafter be prescribed by ordinance; 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 said bonds, or otherwise pertaining thereto.

Section 7. A special municipal bond election be, and the same hereby is, called, to be held on Tuesday, the 5th day of November, 1991, between the hours of 12:00 noon and 8:00 p.m. on said day for the purpose of enabling the qualified electors of the City to vote upon the question of issuing said revenue bonds as set forth in the notice of the municipal bond election, the form of which is prescribed by this Ordinance.

Section 8. There shall be one (1) voting precinct for the special municipal bond election with boundaries coterminous with those of the City.

Section 9. At said election the voting place and officials serving thereat shall be as follows:

DIETRICH PRECINCT

Polling Place

Dietrich City Hall
Dietrich, Idaho

Officials

Carolyn Perron Judge
Janice Gross
Charlotte Jurgens Clerks

Section 10. The polls and the ballot boxes shall be open at the hour of 12:00 noon on the day of the election and shall remain open continuously until the hour of 8:00 p.m. of said day, at which time the polls shall be closed.

Section 11. The voting at the election on the question of issuing the City's water revenue bonds shall be by ballot substantially in the following form:

(Form of Revenue Bond Ballot)

OFFICIAL BALLOT
SPECIAL MUNICIPAL BOND ELECTION
WATER REVENUE BONDS
CITY OF DIETRICH, LINCOLN COUNTY
STATE OF IDAHO

November 5, 1991

QUESTION SUBMITTED:

Shall the City of Dietrich, Idaho issue its water revenue bonds, in the aggregate principal amount of not more than \$130,000, or so much thereof as may be necessary, for the purpose of providing funds with which to renovate, improve, upgrade, and better the water system of the City, said bonds to mature serially commencing at the expiration of at least one (1) year from their date and ending not more than thirty (30) years from their date and to bear

interest at a rate or rates to be determined by an ordinance or resolution of the City, as more fully provided in Ordinance No. 42, signed and approved on the 16th day of September, 1991, the principal of and the interest on said bonds to be payable solely from the net revenues to be derived from the operation of the City's water system?

IN FAVOR of issuing water revenue bonds for the purposes provided by Ordinance No. 42 _____

AGAINST issuing water revenue bonds for the purposes provided by Ordinance No. 42 _____

The following information is provided in accordance with Section 34-440, Idaho Code:

The total existing indebtedness, including interest accrued as of September 1, 1991, of the City of Dietrich is \$ 0.00. The interest rate anticipated on the proposed bonds is seven and 10/100 percent (7.10%). The range of anticipated rates is from seven percent (7.00%) to ten percent (10.00%). The total amount estimated to be repaid over the life of the proposed bonds, based on the anticipated interest rate is \$315,847.

INSTRUCTIONS TO VOTERS: The voter must make a cross (X) in the appropriate space opposite the words which express his or her choice on the above question.

(End of Revenue Bond Ballot)

Section 12. The City Clerk shall cause to be printed not less than fifteen (15) days before the election, sample ballots containing the revenue bond question to be submitted, which sample ballots shall be in the same form as the official ballot to be used, except they shall have printed thereon the words "Sample Ballot," which shall be on paper of a different color than the official ballot and shall not be numbered, and the Clerk shall furnish copies of the same on application at her office to anyone applying therefor. Said sample ballot shall be posted in at least three (3) public places in the voting precinct no later than five (5) days before the election.

Section 13. Ballots shall be furnished by the City Clerk to the judges of the election to be by them furnished to the voters. At said election, only those persons who are qualified

to vote at elections in the City shall be permitted to vote on said revenue bond question.

Section 14. Notice of such election shall be given prior to said election by publishing notice in the Lincoln County Journal, Shoshone, Idaho, which is the official newspaper of the City of Dietrich, and of general circulation therein, at least once a week for two (2) successive weeks prior to such election.

Section 15. The notice of election shall be in substantially the following form:

(Form of Notice)

CITY OF DIETRICH, IDAHO

NOTICE OF SPECIAL MUNICIPAL BOND ELECTION

November 5, 1991

PUBLIC NOTICE IS HEREBY GIVEN that a special municipal bond election will be held in the City of Dietrich, Lincoln County, Idaho, on Tuesday, November 5, 1991, for the purpose of voting on the following question:

QUESTION SUBMITTED:

Shall the City of Dietrich, Idaho issue its water revenue bonds, in the aggregate principal amount of not more than \$130,000, or so much thereof as may be necessary, for the purpose of providing funds with which to renovate, improve, upgrade, and better the water system of the City, said bonds to mature serially commencing at the expiration of at least one (1) year from their date and ending not more than thirty (30) years from their date and to bear interest at a rate or rates to be prescribed by an ordinance or resolution of the City as more fully provided in Ordinance No. 42, signed and approved on the 16th day of September, 1991, the principal of and the interest on said bonds to be payable solely from the net revenues to be derived from the operation of the City's water system?

At such election only registered qualified electors of the City will be permitted to vote on the question submitted.

A qualified elector is a person who shall be eighteen years of age or older on the date of the election, a citizen of the United States, and a bona fide resident of the City as of thirty (30) days prior to the date of the election.

The polls will open at the hour of 12:00 o'clock noon on said day, and will be open continuously until the hour of 8:00 o'clock p.m., at which time the polls will be closed.

There shall be one (1) voting precinct with boundaries coterminous with those of the City. The polling place for the qualified electors shall be as follows:

DIETRICH PRECINCT

Polling Place:

Dietrich City Hall
Dietrich, Idaho

Iva Lee Green, City Clerk, is Ex-Officio Registrar of the City. The place of registration is the office of the City Clerk in Dietrich, Idaho.

Except as provided by §50-414, Idaho Code, it shall be necessary to register in order to vote at such bond election. When once so registered for a general city election, thereafter an elector shall not be required to again register for the special election so long as he or she shall have continued to reside at the same address, or within the same precinct in which he is registered except as hereinafter provided. If an elector shall have moved from the City and shall remain away from such City for a period of one (1) year, his name is stricken from the elector's register. If he or she shall thereafter again reside in such City, he or she may again register and be eligible to vote, provided that he or she possesses the other qualifications required by law. If an elector shall have failed or neglected to vote at any general city election in the past four (4) years, the Clerk shall strike the name of such elector from the elector's register, and such elector, in order to vote at the special election, must again register.

Persons who are not currently registered may register on each weekday at any time during the regular office hours of the City Clerk until and including the Friday next preceding the election; and on the Friday next preceding the election persons may register between the hours of 9:00 o'clock a.m. and 8:00 o'clock p.m.

The voting at said election shall be by ballot. The ballots to be supplied the voters for their use at said election shall be in the form set out in said Ordinance No. 42

Absentee voting will be permitted for the above-described election in the manner prescribed by law. A written application for an absentee voter's ballot shall contain the name of the elector, the elector's home or residence address, and the address to which such ballot shall be forwarded. Such application shall be delivered to the City Clerk of Dietrich, Idaho.

The following information is provided in accordance with Section 34-440, Idaho Code:

The total existing indebtedness, including interest accrued as of September 1, 1991, of the City of Dietrich is \$ 0.00. The interest rate anticipated on the proposed bonds is seven and 10/100 percent (7.10%). The range of anticipated rates is from seven percent (7.00%) to ten percent (10.00%). The total amount estimated to be repaid over the life of the proposed bonds, based on the anticipated interest rate is \$315,847.

Ordinance No. 42 was adopted for the purpose of ordering the renovation, improvement, upgrading and betterment of the water system by the upgrading of existing supply wells, installing a new concrete reservoir, installing booster pumps and controls to increase the pressure throughout the system, and all other appurtenances necessary, useful and convenient for distribution and treatment of water within the City and authorizing the City to issue its water revenue bonds, subject to the assent of a majority of the registered qualified electors voting on the question.

Proceedings to contest the results of the special municipal bond election on the above question may be instituted as provided in §34-2001, Idaho Code, but shall be instituted within forty (40) days after the votes cast at such election have been canvassed and the results thereof declared and not thereafter.

PUBLIC NOTICE IS HEREBY GIVEN that the Mayor and Council will hold a special meeting on November 5, 1991, (said date being within six (6) days of the date of said election), at the hour of 9:00 p.m., at the regular meeting place of the Mayor and Council in the Council Chambers of the City Hall in the

City of Dietrich, Idaho, for the purpose of canvassing the results of the said Bond Election.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF DIETRICH, this 16th day of September, 1991.

ATTEST:

Jeanette R. Knowles
MAYOR

By Iva Lee Green
CITY CLERK

(S E A L)

(End of Form of Notice)

Section 16. If at such election a majority of the qualified electors of the City voting at such election assents to the issuance of the City's water revenue bonds, they shall be sold, executed and delivered in the same manner provided in the Act and any other applicable laws of the State of Idaho.

Section 17. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The law firm of Skinner, Fawcett & Mauk, Boise, Idaho is hereby authorized and designated as bond counsel for the said bonds.

Section 18. All bylaws, resolutions and ordinances in conflict with this Ordinance, are hereby repealed.

Section 19. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 20. An application may be submitted to the Idaho Water Resource Board seeking to have it issue revenue bonds for the completion of the Project and/or to the Farmers Home Administration for it to purchase the revenue bonds of the City. Officers of the City are hereby authorized to take such action as necessary to effectuate the completion and approval of the applications referenced above.

Section 21. This Ordinance or a summary thereof shall be published after adoption in at least one issue of the Lincoln County Journal, Shoshone, Idaho, which is the official newspaper of the City.

Section 22. This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR of the City of Dietrich, Idaho, this 16th day of September, 1991.

CITY COUNCIL OF THE CITY OF DIETRICH, a Municipal Corporation of the State of Idaho

By *Jeanette R. Knowles*
MAYOR

(S E A L)

ATTEST:

By *Joan Lu Green*
CITY CLERK