

ORDINANCE NO. 970

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY OF PAYETTE, OF PAYETTE COUNTY, IDAHO; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF THE ISSUANCE OF WATER AND SEWER REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$685,000 TO PAY A PORTION OF THE COST THEREOF; ESTABLISHING THE DATE, TIME, AND PLACE OF SAID ELECTION; PROVIDING FOR PUBLIC NOTICE OF SAID ELECTION; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Payette (the "City") is a municipal corporation duly 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 improvements and betterments to the water and 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 water and 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

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.

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

Section 1: THE PROJECT

A. The Council hereby finds, determines, and declares that it is necessary and essential to the public interest, health, safety, and welfare that the City acquire and construct certain capital improvements and betterments to the City's water and sewer system (the "Project"), consisting generally of waterline and sewerline improvements and extensions, including sewer lift pump

stations and main pipelines, together with related improvements and costs incidental thereto.

B. The cost and expense of the acquisition, construction, and installation of the Project, as estimated by the engineers of the City, is approximately \$1,600,000, 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 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. It is anticipated that approximately sixty percent (60%) of the cost of the Project will be paid from state and federal grant funds.

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, water and sewer 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 \$685,000, 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, May 12, 1987, 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 12, 1987, 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, as follows:

First Methodist Church  
502 N. 11th  
Payette, Idaho

The Council shall appoint an election judge and two election clerks for said voting place for said special election. The election officials shall be qualified City electors.

The City Clerk shall notify the election officials of their respective appointments. If any election official 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 election officials shall be compensated 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 in accordance with this Ordinance.

Section 4: BALLOT TITLE

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

SHALL THE CITY OF PAYETTE ISSUE AND SELL ITS WATER AND SEWER REVENUE BONDS IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$685,000 TO PAY PART OF THE COSTS OF CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE CITY'S WATER AND SEWER SYSTEM, SAID 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 WATER AND SEWER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 970, ADOPTED ON APRIL 20, 1987?

IN FAVOR OF issuing revenue bonds for the purposes provided by Ordinance No. 970 . . . . .

AGAINST the issuance of revenue bonds for the purposes provided by Ordinance No.970 . . . . .

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 revenue bonds for the purposes provided by Ordinance No. 970" or "AGAINST the issuance of revenue bonds for the purposes provided by Ordinance No. 970" according 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.

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

The total existing indebtedness of the City is \$611,535. The interest rate anticipated on the proposed bonds is 7.0%. The range of anticipated rates is from

five percent (5.0%) to ten percent (10.0%). The total amount to be repaid over the life of the proposed bonds, based on the anticipated interest rate, is estimated to be \$1,158,000.

Section 5: ELECTION EXPENSES

The City Clerk is hereby authorized and directed to procure such supplies and incur such expenses as he 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, on any business day during office hours, until 8:00 o'clock P.M., on May 8, 1987. 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.

Section 8: SAMPLE BALLOTS

The City Clerk shall cause the ballot to be prepared and, as required by I.C. Section 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 his 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.

Section 9: NOTICE

Notice of said special bond election shall be given prior to said election by publishing notice of such election in The Independent Enterprise, which is 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: 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 judges 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 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 11: DEBT DISCLOSURE STATEMENT

Pursuant to Idaho Code Section 34-440, as amended, a Debt Disclosure Statement shall be submitted to and independently verified by the Payette County Recorder.

Section 12: WATER AND 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 water and sewer revenue bonds of the City shall be authorized, issued, sold, and delivered. Said 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 such bonds, all of which shall be in accordance with the laws of the State of Idaho.

The net revenues of said water and sewer system (gross revenues minus normal expenses of maintenance and operation) will be pledged for the payment of principal of and interest and redemption premiums, if any, on said water and 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 water and sewer 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

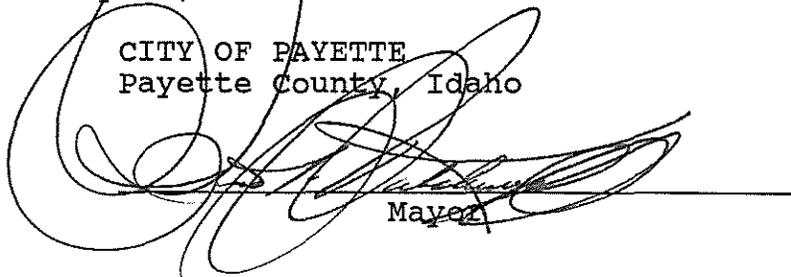
All action heretofore taken, not inconsistent with the provisions of this Ordinance, by the Mayor and Council directed toward construction and installation of the Project and the issuance of water and sewer revenue bonds of the City therefor, and for the holding of a special municipal bond election,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

Section 15: PUBLICATION

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

DATED this 20th day of April, 1987.

CITY OF PAYETTE  
Payette County, Idaho

  
Mayor

ATTEST:

John P.  
City

( S E A L )

End of  
# 970

CITY OF PAYETTE

Payette County, Idaho

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that pursuant to Ordinance No. 970, adopted on April 20, 1987, of the City of Payette, of Payette County, Idaho, a Special Bond Election will be held in said City on

TUESDAY, MAY 12, 1987

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 water and sewer revenue bonds in the principal amount of not more than \$685,000 for the purpose of providing funds to pay part of the cost of construction and installation of improvements and betterments to the City's water and 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 preliminary plans prepared by CH2M Hill Engineers, of Boise, Idaho, as engineers for said City.

The total estimated cost of the Project is \$1,600,000, a portion of which is to be paid from the sale of the proposed bond issue.

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

SHALL THE CITY OF PAYETTE ISSUE AND SELL ITS WATER AND SEWER REVENUE BONDS IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$685,000 TO PAY PART OF THE COSTS OF CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE CITY'S WATER AND SEWER SYSTEM, SAID 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 WATER AND SEWER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 970, ADOPTED ON APRIL 20, 1987?

IN FAVOR OF issuing revenue bonds for the purposes provided by Ordinance No. 970 . . . . . [ ]

AGAINST the issuance of revenue bonds for the purposes provided by Ordinance No. 970 [ ]

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 revenue bonds for the purposes provided by Ordinance No. 970" or "AGAINST the issuance of revenue bonds for the purposes provided by Ordinance No. 970" 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.

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

The total existing indebtedness of the City is \$611,535. The interest rate anticipated on the proposed bonds is 7.0%. The range of anticipated rates is from five percent (5.0%) to ten percent (10.0%). The total amount to be repaid over the life of the proposed bonds, based on the anticipated interest rate, is estimated to be \$1,158,000.

Qualified electors shall vote at the following polling place:

First Methodist Church  
502 N. 11th  
Payette, 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 Payette, and no others, will be permitted to vote at said special election. No person so qualified and offering himself or herself at the polling place at which he or she 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 Payette on the date of election, will be unable to vote at the polling place at which he or she is entitled to vote on the day of election, may obtain absentee ballots from the City Clerk of the City of Payette.

The City Clerk is Registrar of the City of Payette, and the place of registration is the office of said City Clerk, City Hall, Payette, Idaho.

Persons may register on each business day at any time during the office hours of the City Clerk until May 8, 1987, on which date the office of the City Clerk will remain open until 8:00 o'clock P.M.

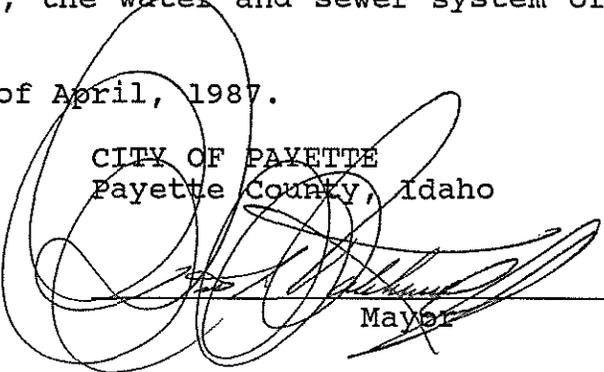
No qualified elector who was duly registered as a voter, and who continues to reside at the same address or within the same precinct in which he or she is registered, and has voted in at least one general City election in the past four years, shall be required to re-register.

Polls will be opened at the hour of 12:00 o'clock noon on Tuesday, May 12, 1987, and shall remain 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 above. 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. 970, the water and sewer revenue bonds of the City of Payette will be issued for said purposes, which bonds, or so much thereof as may be necessary, will mature annually, or at such lesser interval as may be prescribed by the ordinance authorizing the issuance of the bonds, over a period which may be less than but which shall not exceed thirty (30) years, and will bear interest at such rate or rates as shall be prescribed in the ordinance authorizing the issuance of the bonds. 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 water and sewer system of the City of Payette.

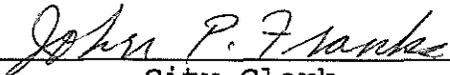
DATED this 20th day of April, 1987.

CITY OF PAYETTE  
Payette County, Idaho



Mayor

ATTEST:

  
City Clerk