

ORIGINAL for the records of the City. Fill all blanks carefully.

ORDINANCE NO. 563

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION, INSTALLATION AND ACQUISITION BY THE CITY OF PAYETTE, IDAHO, AND THE SUBSEQUENT OWNERSHIP, OPERATION AND MAINTENANCE AND CONTROL BY SAID CITY OF CERTAIN ADDITIONS TO THE SEWAGE COLLECTION SYSTEM, INCLUDING A SEWAGE TREATMENT AND DISPOSAL PLANT, AT THE TOTAL ESTIMATED COST OF NOT MORE THAN \$290,000.00; PROVIDING FOR THE MODE OF PAYMENT THEREOF BY THE ISSUANCE OF MUNICIPAL REVENUE BONDS OF NOT MORE THAN \$290,000.00, WHICH BONDS AND THE OPERATION AND MAINTENANCE COSTS SHALL BE PAID ONLY OUT OF THE REVENUES AND EARNINGS OF THE SAID WORKS, SUBJECT, HOWEVER, TO THE APPROVAL BY THE QUALIFIED ELECTORS OF THE CITY OF PAYETTE AT A SPECIAL ELECTION ORDERED HEREIN; SAID BONDS TO RUN FOR A PERIOD OF TWENTY YEARS FROM DATE OF ISSUE, SPECIFYING THE MAXIMUM RATE OF INTEREST WHICH SAID BONDS SHALL BEAR, AND OTHER DETAILS OF SAID BOND ISSUE; 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 OR LIABILITY; PROVIDING FOR THE NOTICE OF SUCH ELECTION AND FOR THE PUBLICATION AND POSTING THEREOF AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Payette, Idaho, has been, and is, operating a municipal and municipally owned sewer utility, and in the judgment of this City Council the public health is being endangered by the inadequacy of its system of sewerage; and,

WHEREAS, this, the City Council of this City, deem it advisable that the City of Payette shall construct, acquire and install, and thereafter own, maintain and operate, certain additions to the system of sewerage, including a sewage treatment and disposal plant, as hereinafter described, on a site connected with the general sewage system, with full jurisdiction and authority to manage, regulate and to control the same, and to fix, alter, regulate and control the rates and charges for the use of said system of sewerage, including said sewage treatment and disposal plant, which system of sewerage, including said sewage treatment and disposal plant, are referred to herein, for the sake of brevity, as "Works"; and

WHEREAS, no general indebtedness is to be incurred by the City of Payette, Idaho, in the acquisition, construction, installation, maintenance or operation of such Works, the total cost and expense of all the foregoing (as provided for hereinafter in this Ordinance), shall be paid for by the proceeds of the sale of a revenue bond issue of not more than \$290,000.00 of the City of Payette, Idaho, which revenue bonds, in such principal amount, shall be payable and paid only and solely by and out of and from the earnings and revenues of said Works, all as expressed more definitely hereinafter in this following Ordinance.

NOW, THEREFORE,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO:

Section 1: That subject to the approval by the qualified electors of the City of Payette, of the Proposition hereinafter described at a special election hereinafter ordered, there shall be acquired, constructed and installed, or caused to be constructed and installed by the City of Payette certain additions to the system of sewerage, including a sewage treatment and disposal plant, the works of which, upon such acquisition, construction, and installation, shall be owned, operated and controlled by the City of Payette; which will consist of the following as an addition to and connected with the municipally owned sewer system of the city of Payette, viz:

(1) A sewage collection system, including intercepting sewers, outfall sewers, forced mains, collecting sewers, pumping stations, ejector stations, and all other appurtenances necessary, useful, or convenient for the collection, transporting, and disposal of the sewage ~~in the~~ _____

~~_____~~
within the City of Payette, Idaho.

(2) The construction of a sewage treatment plant, including all structures, buildings, machinery, equipment, connections and all appurtenances necessary, useful or convenient for the treatment, purification or disposal of the sewage of the City of Payette, Idaho.

All of the foregoing sewers will contain the necessary manholes, lampholes and other appurtenances essential to a system of sewerage; and all the elements of said system of sewerage shall be of suitable quality to meet the standards of the State Department of Health.

The foregoing construction is in accordance with the maps, plans and specifications as prepared by Wendell Smith, Engineer for the City of Payette, Idaho, for the carrying out of the plan of construction, complete details for which said project are fully set forth and specified in the above maps, plans and specifications, which said maps, plans and specifications have been filed, and are now on file, in the office of the Clerk of the city of Payette, Idaho, which said maps, plans and specifications are hereby expressly adopted and approved.

The City Council may make such changes in the location of said sewer trunks and laterals and in the sewage disposal plant, or any other details of the above plan prior to, or in the course of, the actual construction, which shall be found necessary and desirable and which will not substantially affect or change said plan.

Section 2: That the total cost of doing all of the foregoing, including preliminary expenses, it is estimated by Wendell Smith, Engineer for the city of Payette, Idaho, will be not more than \$290,000.00, which amount shall be produced by a properly authorized revenue bond issue of the city of Payette, Idaho. In determining such estimated cost, there is included all costs and estimated costs in the issuance of said bonds, all engineering, inspection, fiscal and legal expenses and interest, which it is estimated, will accrue during the construction period and for six months thereafter on money borrowed.

Section 3: That a special election of the qualified electors of the city of Payette, Idaho, shall be, and is hereby ordered to be held in this City on Tuesday, the 11th day of ~~August~~ ^{Sept.}, 1951, between the hours of 9:00 o'clock A.M. and 7:00 o'clock, P.M. on said day, at which election the question of the construction, acquisition, and installation, and the subsequent ownership, maintenance and operation by the City of the Works described in this Ordinance, and pay for the same by the issuance of revenue bonds in the amount of not more than \$290,000.00, shall be submitted to the qualified, registered voters of this City, and to their assent or rejection, as provided by law. The election will be held at the following place, or places, within said City, viz:

FIRST WARD - City Hall, corner of Eighth and Third Avenue North;

SECOND WARD - Payette Public Library Building, Central Park;

THIRD WARD - J. E. Oldham residence, 645 North Sixth Street.

Such voting place, or places, and the ballot box, or boxes therein for said special election will be opened at the hour of 9:00 o'clock, A.M. and will continue open until, and be closed at, the hour of 7:00 o'clock, P.M. on said day. The voting at said election shall be by ballot, and the Proposition which shall be submitted thereon at said election, shall be substantially in the following alternative form, viz:

"IN FAVOR OF issuing Revenue Bonds for the purposes provided by Ordinance No. 563 "

"AGAINST issuing Revenue Bonds for the purposes provided by Ordinance No. 563 ".

If at such election two-thirds of the electors qualified and entitled to vote at said election, and voting at such election, assent to the construction, acquisition and installation of certain additions to the system of sewerage, including a sewage treatment and disposal plant, and the subsequent ownership, operation and maintenance thereof, and the payment thereof solely out of and from the earnings and revenues of said sewage collection system and sewage treatment plant, such bonds for said purpose shall be issued as provided herein and in the manner provided by the Municipal Bond Law of the State of Idaho.

Section 4: Notice of said election shall be posted in three public places in each voting precinct or ward, one of which shall be at the voting place, and shall also be published in the Independent-Enterprise, a legal newspaper, printed and published weekly at Payette, Idaho, and of general circulation within the city of Payette, Payette County, Idaho, and being the official newspaper of said City; that said publication shall be had once a week for two successive weeks prior to such election, said publications to be on August 30th and September 6, 1951, prior to the date fixed for said election, which said notice of election shall set forth the purpose of this Ordinance, the amount of bonds authorized by it, and the maturity dates of said bonds, and the maximum rate of interest which said bonds shall bear, the voting place, or places, the hours between which the polls shall be open, the qualifications of the voters who may vote thereat, and shall refer to this Ordinance for further details and particulars; and shall be given in the name of the City of Payette, Idaho, by the Mayor and attested by the Clerk thereof.

Section 5: The City Clerk, the registrar for city elections, shall register the qualified electors for said election, commencing with the date that the Notice of Election is given and first published and thereafter, as provided by law, at any time during office hours, and at any other times, all as provided by statute, and shall cause notice of registration to be given as required by law.

Section 6: Said Revenue Bond Issue of not in excess of \$290,000.00 shall consist of not more than 290 coupon bonds of the denomination of \$1000.00 each, numbered from One (1) upward, consecutively, shall run for a period of twenty (20) years from date of issue, the first annual amortized principal payment shall mature and be payable at the expiration of two years from and after date of said bonds, and the annual principal bond maturities thereof, and the principal amounts which will be payable annually, shall be amortized and payable in accordance with the provisions of the Municipal Bond Law of the State of Idaho, the principal and interest of said bonds being payable solely out of and from the revenues of said sewage collection system and sewage treatment plant, as provided for by this Ordinance; said bonds shall bear interest at a rate not exceeding Four per centum (4%) per annum, which interest shall be payable semi-annually after date of issue of the bonds, with interest coupons attached evidencing the interest then payable, and shall be payable, both principal and interest, at the office of the Treasurer of the City of Payette, Payette County, Idaho; shall be signed by the City Clerk,

said City by the Mayor thereof, countersigned by the City Treasurer and attested by the City Clerk, with the seal of said City impressed upon each bond, and the signature of the Treasurer upon the interest coupons may be either the printed or lithographic facsimile of said official; and, consistent with the provisions to be made by subsequent ordinance, said bonds and the interest thereon shall be payable only out of a Special Fund, or Funds.

The said City of Payette, Idaho, reserves the right to redeem any or all bonds maturing on and after ten years from date on any interest payment date on and after ten years from date of said bonds in the inverse order of their numbering, highest numbers first, upon and after prior publication of notice of the intention to redeem any of said bonds by publication of such notice at least once in a newspaper of general circulation in said City, at least thirty (30) days prior to the date of intended redemption.

Said bonds and interest coupons, if authorized at said special election, shall be issued against said revenues and said Special Fund, or Funds, to be created by subsequent Ordinance and shall be a valid claim of the holder thereof only as against said revenues, and said Special Fund, or Funds (after first deducting the costs of operation and maintenance of said Works, including reserves thereof) and the moneys required to be paid therein, shall not constitute an indebtedness of the city of Payette within the meaning of the Constitution or Laws of the State of Idaho.

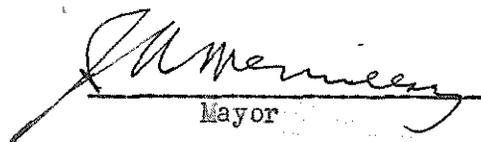
Section 7: The earnings and revenues out of and from said Works shall be paid into a Special Fund, or Funds (hereafter created by subsequent Ordinance) until full payment of all of said bonds, both principal and interest, after deducting the costs of operation and maintenance of said Works, including reserves therefor.

Section 8: In the event the bonds referred to herein are legally authorized to be issued, it is further covenanted and ordained as follows: That the city of Payette, Idaho, shall not sell, lease, or in any manner dispose of said Works, or any substantial part or unit thereof, until the bonds, with interest thereon, shall be paid in full; that said City (until all of said Revenue Bonds and the interest thereon shall have been fully paid) shall not reduce the rates required by it for sewage service to consumers, so that the gross revenues of said Works shall be insufficient to pay for the retirement of the principal and interest of said bonds; that if at any time the gross revenues of said Works, or as hereafter bettered, extended or improved, shall not be sufficient to pay the costs of operation and maintenance, including reserves thereof, and the charge thereon created in favor of the bonds referred to in this Ordinance, it, the said City, shall increase its said

rates to such rates and amounts as will be sufficient to provide for the payment of all such costs of operation and maintenance of said Works, including reserves therefor, and of the Revenue Bonds referred to herein and interest thereon and other incidental costs and expenses permitted by Statute; that, in order to preserve the priority of said Special Fund, or Funds, the said City shall not create, or permit to be created, so long as any of said bonds shall be outstanding and unpaid, any indebtedness or charge whatsoever which shall be a charge against the revenues of said Works superior to the charges required for the retirement of these bonds and interest; and that any future charge which may be created by said City, or authorized by the qualified electors and made payable out of the revenues of said Works, shall constitute a charge and lien subject to the charge and lien thereon and to the duty of the city of Payette with respect to said revenues.

Section 9: This Ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Independent-Enterprise, a newspaper of general circulation printed and published in the city of Payette, Idaho, and being the official newspaper thereof.

Passed and approved this 13th day of August, 1951.


Mayor

ATTEST:


City Clerk

(Impress Seal of City here)