

SEWERAGE REVENUE BONDS OF \$250,000.00

ORDINANCE NO. 613

AN ORDINANCE RELATING TO CERTAIN PROVISIONS OF ORDINANCE NO. 612 ADOPTED BY THE CITY COUNCIL OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, RATIFYING, CONFIRMING AND APPROVING PROVISIONS FOR THE CONSTRUCTION, INSTALLATION AND ACQUISITION BY THE CITY OF PAYETTE, IDAHO, AND THE SUBSEQUENT OWNERSHIP, OPERATION, MAINTENANCE AND CONTROL BY SAID CITY OF CERTAIN ADDITIONS TO THE SEWAGE COLLECTION SYSTEM, AT A TOTAL ESTIMATED COST OF NOT MORE THAN \$250,000.00; PROVISIONS FOR THE MODE OF PAYMENT OF THE COST THEREOF BY THE ISSUANCE OF MUNICIPAL REVENUE BONDS OF NOT MORE THAN \$250,000.00, WHICH BONDS AND THE OPERATION AND MAINTENANCE COSTS SHALL BE PAID ONLY OUT OF THE REVENUES AND EARNINGS OF SAID SYSTEM; PROVISIONS THAT NET REVENUES OF THE WATER SYSTEM OF SAID CITY MAY BE PAID INTO A FUND CREATED FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID BONDS; ALL SUBJECT, HOWEVER, TO THE APPROVAL BY THE QUALIFIED ELECTORS OF THE CITY OF PAYETTE AT A SPECIAL ELECTION ORDERED HEREIN; PROVISIONS THAT SAID BONDS SHALL RUN FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM DATE OF ISSUE; SPECIFYING THE MAXIMUM RATE OF INTEREST WHICH SAID BONDS SHALL BEAR, AND OTHER DETAILS OF SAID BOND ISSUE; PROVISIONS 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; PROVISIONS FOR THE GIVING OF NOTICE OF SUCH ELECTION AND FOR THE PUBLICATION AND POSTING THEREOF; ~~PROVISIONS FOR THE PUBLICATION OF SAID ORDINANCE NO. 612 AND THE EFFECTIVE DATE THEREOF~~; AND PROVIDING FOR THE PUBLICATION OF THE PRESENT ORDINANCE AND THE EFFECTIVE DATE THEREOF.

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

Section 1: That the following provisions of Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: That, subject to the approval of the qualified electors of the City of Payette of a Proposition thereafter described, at a Special Election thereafter ordered, there should be acquired, constructed and installed or caused to be acquired, constructed and installed, by the City of Payette, certain additions to the system of sewerage, which upon such acquisition, construction and installation should be owned, operated and controlled by the City of Payette, which shall consist of the following as an addition to and connected with the presently existing municipally owned sewer system of the City of Payette:

A sewage collection system, including 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 within 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 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, 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 following provisions and recitals contained in Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: That the total cost of doing all the foregoing, including preliminary expenses, it is estimated by Wendell Smith, Engineer for the City of Payette, Idaho, will be not more than \$250,000.00 for Sewage Works, which amount will be produced by a properly authorized revenue bond issue of the City of Payette, Idaho, In determining such estimated costs, there are 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 the following provisions of Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: 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 4th day of March, 1958, 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 Sewerage Works described in said Ordinance, and pay for the same by the issuance of revenue bonds in the amount of not more than \$250,000.00 for Sewerage Works, 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:

FIRST WARD: City Hall, corner of 8th Street and Third Avenue North

SECOND WARD: Payette Public Library, Central Park

THIRD WARD: City Engineer's Office, 452 Second Avenue North.

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 form:

"IN FAVOR OF issuing Revenue Bonds for the Sewerage Works purpose provided by Ordinance No. 612"

"AGAINST issuing Revenue Bonds for the Sewerage Works purpose provided by Ordinance No. 612."

If at such election two-thirds of the electors qualified and entitled to vote at such election, and voting at such election, assent to the construction, acquisition and installation of certain additions to the system of sewerage, and the subsequent ownership, operation and maintenance thereof, and the payment thereof solely out of and from the revenues of said sewage collection system, and additionally secured by the pledge of the net revenues of the municipal water system, 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: That the following provisions of Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: That 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, not less than twenty days previous to the election, 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 February 13, February 20, and February 27, 1958, prior to the date fixed for said election, which notice of election shall set forth the purpose of said Ordinance, and 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 said ordinance for further particulars and details; and shall be given in the name of the City of Payette, Idaho, by the Mayor and attested by the Clerk thereof.

Section 5: That the following provisions of Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: That the City Clerk, the registrar for city elections, shall register the qualified electors for said election, commencing with the date that 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: That the following provisions of Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: That said revenue bond issue of not in excess of \$250,000.00 for Sewerage Works shall consist of 250 bonds in the denomination of \$1000.00 each, numbered from 1 to 250, both inclusive, shall run for a period of twenty-five years from date of issue, the first annual amortized principal payment shall mature and be payable at the expiration of three 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 Sewerage Works, and additionally secured by a pledge of the net revenues of the municipal water system, as provided for by said Ordinance; said bonds shall bear interest at a rate not exceeding six per centum (6%) 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 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 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 special funds.

The said City of Payette, Idaho, reserves the right to redeem any or all bonds maturing after seventeen years from date on any interest payment date on and after seventeen 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 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 Sewerage 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: That the following provisions of Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: That the earnings and revenues out of and from said Sewerage Works shall be put 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 Sewerage Works, including reserves therefor, To the extent determined necessary by the Council of the City of Payette, the net revenues from the municipal water system shall also be paid into said special fund to provide additional security for the payment of said revenue bonds.

Section 8: That the following provisions of Ordinance No. 612, passed and approved by this Council on the 3rd day of February, 1958, are hereby ratified, confirmed and approved, to-wit: That in the event the bonds referred to herein are legally authorized to be issued, it is further covenanted and ordained as follows:

(A) That the City of Payette, Idaho, shall not sell, lease, or in any manner dispose of said Sewerage Works, or any substantial part or unit thereof, until the bonds, with interest thereon, shall be paid in full;

(B) 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 Sewerage Works shall be insufficient to pay for the retirement of the principal and interest of said bonds.

(C) That if at any time the gross revenues of said Sewerage 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 said Ordinance, the City shall re-

wise 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 Sewerage Works, including reserves therefor, and of the revenue bonds referred to herein and interest thereon and other incidental costs and expenses permitted by law;

(D) That in order to preserve the priority of said special fund or funds, the 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 Sewerage Works superior to the charges, or on a parity with the charges, required for the retirement of these bonds and interest; and,

(E) 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 Sewerage 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.

The covenants above set forth, to the extent deemed necessary by the Council of the City of Payette, may be extended and made applicable to the municipal water system in order to protect the additional security for the payment of said revenue bonds made available by the pledge of the net revenues of said water system.

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 under suspension of all rules and regulations of this Council upon which proper roll call votes were duly taken, and duly enacted an Ordinance of this City at a special meeting of the Mayor and Council of the City of Payette, Idaho, held on March 1, 1958.

PASSED: MARCH 1, 1958.

ATTEST:

APPROVED:

  
Mayor of Payette, Idaho

  
City Clerk

(Impress Seal of City here)