

ORDINANCE NO. 511

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE DOMESTIC WATER PORTION OF THE COMBINED AND CONSOLIDATED DOMESTIC WATER AND SANITARY SEWER SYSTEM OF THE CITY OF ROBERTS, JEFFERSON COUNTY, IDAHO; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING REVENUE BONDS IN THE AMOUNT OF \$600,000 TO PAY THE COST THEREOF; ESTABLISHING THE DATE, TIME, AND PLACE OF ELECTION; PROVIDING FOR PUBLIC NOTICE OF ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Roberts, Jefferson County, Idaho (the "City"), is a municipal corporation duly organized and operating under the laws of the State of Idaho; and

WHEREAS, the City owns and operates a combined and consolidated domestic water and sanitary sewer system and collects rates, fees, and charges for the use of the system; and

WHEREAS, it has been determined by the Mayor and the City Council of the City (the "Council") to be necessary and essential to the health, safety, comfort, and welfare of the inhabitants of the City to acquire, construct, and install improvements and betterments to the domestic water portion of the water and sewer system of the City and to incur an indebtedness therefor; and

WHEREAS, the Mayor and Council have determined to finance a portion of the cost of the construction and installation of the improvements through the issuance of 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, such 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 Mayor and Council have determined to call and conduct a special municipal bond election for the aforesaid purposes as required by the Revenue Bond Act.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ROBERTS, Jefferson County, Idaho, as follows:

Section 1: THE PROJECT

A. The Mayor and Council hereby find, determine, and declare 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 domestic water portion of the City's combined and consolidated domestic water and sanitary sewer system, consisting generally of, but not limited to, new distribution pipelines, valves, fire hydrants, meters, associated street repair, 300,000 gallon concrete storage reservoir, booster pumping station, and related improvements; together with the costs of engineering, legal, accounting, and other necessary professional services, costs of bond issuance, interest on borrowed funds during construction, and costs incidental thereto (the "Project").

B. The cost and expense of the acquisition, construction, and installation of the Project is estimated by the engineers of the City as \$1,700,000, 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 the 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.

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 of the incurring of indebtedness and the issuance of revenue bonds therefor 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 \$600,000, to pay a portion of the costs of the Project. The remainder of the costs, if any, will be paid from grants and other lawfully available funds of the City.

Section 2: SPECIAL ELECTION

A special municipal bond election is hereby called to be held within the City of Roberts on Tuesday, August 6, 2002, for the purpose of voting upon the proposition set forth in Section 4 of this Ordinance. The polling place for the special bond election shall be:

Roberts City Hall
647 North 2872 East
Roberts, Idaho

The Council shall appoint an election judge and election clerks for the polling place for the special bond election. The election officials shall be qualified City electors. The City Clerk shall notify the election officials of their appointment within five (5) days following their appointment. If any election official fails to report for duty on the date of

election, the City Clerk shall fill such vacancies from among the qualified electors presenting themselves to vote.

Section 3: ADMINISTRATION OF ELECTION

The polls of the special bond election shall open at the hour of 12:00 o'clock Noon on August 6, 2002, and shall remain open continuously until the hour of 8:00 o'clock P.M., at which time the polls shall be closed. 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 50-1026, Idaho Code, and in accordance with this Ordinance.

The ballot proposition to be voted upon at the special bond election, as set forth in Section 4 of this Ordinance, shall be separate from any other proposition being voted upon at or in conjunction with any other election being held and conducted on the same date. Only those qualified electors of the City casting valid ballots upon the proposition set forth in Section 4 of this Ordinance shall be counted in determining the number of qualified electors voting at or participating in the special bond election.

Section 4: BALLOT PROPOSITION

The ballot proposition for the special bond election shall be in substantially the following form:

CITY OF ROBERTS
Jefferson County, Idaho

SPECIAL BOND ELECTION
AUGUST 6, 2002

SHALL THE CITY OF ROBERTS BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND TO ISSUE AND SELL ITS REVENUE BONDS IN THE PRINCIPAL AMOUNT OF \$600,000 TO PAY A PORTION OF THE COSTS OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS AND BETTERMENTS TO THE DOMESTIC WATER PORTION OF THE COMBINED AND CONSOLIDATED DOMESTIC WATER AND SANITARY SEWER SYSTEM, THE 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 OF THE CITY, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 511, ADOPTED ON JUNE 11, 2002?

IN FAVOR OF issuing revenue bonds for the purposes provided by Ordinance No. 511 []

AGAINST the issuance of revenue bonds for the purposes provided by Ordinance No. 511 []

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, please make a cross (X) or other mark in the space to the right of the words "IN FAVOR OF issuing revenue bonds for the purposes provided in Ordinance No. 511" or "AGAINST the issuance of revenue bonds for the purposes provided in Ordinance No. 511" according the way you desire to vote on the question. If you, by mistake or accident, mark, tear, deface, or otherwise mutilate this ballot, please return it to the election Judge and obtain another ballot.

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

The City has existing indebtedness in the amount of approximately \$40,579. The interest rate anticipated on the proposed bonds is 4.75% per annum. The range of anticipated rates is from 4.0% to 8.0%. The total amount to be repaid over the life of the proposed bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$1,137,780.

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

Every person eighteen (18) years of age or older, who at the time of the specified bond election is a United States citizen who has been a legal and bona fide resident of the City for at least 30 days immediately preceding the date of the election, if properly registered as required by law, shall be qualified to vote at said election.

Section 7: REGISTRATION

All electors must be registered to vote at the special bond election. The Jefferson County Clerk is the registrar for the City, and the place of registration is the office of the Jefferson County Clerk, Jefferson County Courthouse, 134 N. Clark, Rigby, Idaho. Voter registration shall be conducted pursuant to the provisions of Section 34-1402, Idaho Code.

No qualified elector who is 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, shall be required to re-register.

Persons who are eligible to vote may register for the special bond election at the office of the Jefferson County Clerk, as registrar for the City, or at the office of the City of Roberts City Clerk, as deputy registrar, at City Hall, 647 North 2872 East, Roberts, Idaho, until July 12, 2002. 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.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election, by completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided by Section 34-408A, Idaho Code, as amended.

Section 8: BALLOTS

The City Clerk shall cause the official ballot for the special bond election to be prepared in a sufficient quantity for the special bond election, and, as required by Idaho Code § 50-440, shall cause to be printed, not less than fifteen (15) days before the 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 City Clerk shall furnish copies of the same on application at his office to anyone applying therefor. The sample ballot shall be published at least twice in the official newspaper of the City, once a week for two consecutive weeks, the last publication to be not less than 5 days prior to the special bond election. In lieu of publication, copies of the sample ballot may be posted in at least three (3) public places within the City.

Section 9: NOTICE

Notice of the special bond election shall be given prior to the election by publishing notice of the election in the official newspaper of the City, once a week for two (2) successive weeks, the first publication being at least twelve (12) days prior to the election, 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 special bond election. The counting shall be continued without adjournment until completed and the result declared. The election judge and clerks shall thereupon certify the returns of the special bond 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 of the City Council, at City Hall, Roberts, Idaho, for the purpose of canvassing the results of the special bond election. Thereupon, the results shall be entered in the minutes of the Council and proclaimed as final.

Section 11: DEBT DISCLOSURE STATEMENT

A brief official statement containing the information required by Idaho Code § 34-440, as amended, shall be prepared by the City Treasurer.

Section 12: REVENUE BONDS

If, at the special bond election, a majority of the qualified electors of the City voting upon the ballot question set forth in Section 4 of this Ordinance vote in favor of incurring of indebtedness and the issuance of revenue bonds for the purposes set forth herein and designated on the aforesaid ballot, fully registered revenue bonds of the City shall be authorized, issued, sold, and delivered. The 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 the bonds, all of which shall be in accordance with the laws of the State of Idaho.

The net revenues (gross revenues minus normal expenses of maintenance and operation) of the domestic water and sanitary sewer system of the City will be pledged for the payment of principal of and interest and redemption premiums, if any, on the revenue bonds, as shall be determined by the Mayor and Council. The 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 out of its general revenues, nor shall the 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 actions 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 revenue bonds of the City therefor, and for the holding of a special election, are hereby ratified, approved, and confirmed.

Section 15: PUBLICATION

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

DATED this 11th day of June, 2002.

CITY OF ROBERTS
Jefferson County, Idaho



Mayor

ATTEST:



City Clerk

(S E A L)

CITY OF ROBERTS
Jefferson County, Idaho

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance No. 511, adopted on June 11, 2002, of the City of Roberts, of Jefferson County, Idaho, a Special Bond Election will be held on

TUESDAY, August 6, 2002

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 \$600,000 for the purpose of providing funds to pay the cost of construction and installation of improvements and betterments to the domestic water portion of the combined and consolidated water and sewer system of the City, consisting generally of, but not limited to, new distribution pipelines, valves, fire hydrants, meters, associated street repair, 300,000 gallon concrete storage reservoir, booster pumping station, and related improvements; together with the costs of engineering, legal, accounting, and other necessary professional services, costs of bond issuance, interest on borrowed funds during construction, and related costs (the "Project"). The estimated cost of the Project is \$1,700,000, of which \$600,000 is to be paid from the proceeds of the revenue bonds of the City. The balance will be paid from grant funds and other lawfully available funds of the City.

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

SHALL THE CITY OF ROBERTS BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND TO ISSUE AND SELL ITS REVENUE BONDS IN THE PRINCIPAL AMOUNT OF \$600,000 TO PAY A PORTION OF THE COSTS OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS AND BETTERMENTS TO THE DOMESTIC WATER PORTION OF THE COMBINED AND CONSOLIDATED DOMESTIC WATER AND SANITARY SEWER SYSTEM, THE 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 OF THE CITY, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 511, ADOPTED ON JUNE 11, 2002?

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

The City has existing indebtedness in the amount of approximately \$40,579. The interest rate anticipated on the proposed bonds is 4.75% per annum. The range of anticipated rates is from 4.0% to 8.0%. The total amount to be repaid over the life of the proposed bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$1,137,780.

Qualified electors shall vote at the following polling place:

Roberts City Hall
647 North 2872 East
Roberts, Idaho

Every person eighteen (18) years of age or older, who at the time of the specified bond election is a United States citizen who has been a legal and bona fide resident of the City for at least 30 days immediately preceding the date of the special bond election, if properly registered as required by law, shall be qualified to vote at the special bond election.

Qualified electors who, because of illness, disability, or expected absence from the City of Roberts on the date of election, will be unable to vote at the designated polling place on the day of the special bond election, may obtain absentee ballots from the City Clerk of the City of Roberts.

The Jefferson County Clerk is the Registrar of the City, and the place of registration is the office of the Jefferson County Clerk, Jefferson County Courthouse, 134 N. Clark, Rigby, Idaho. Persons may register to vote on any business day during office hours, continuing until July 12, 2002. Persons may also register with the Roberts City Clerk, as Deputy Registrar, at City Hall, 647 North 2872 East, Roberts, Idaho, during normal office hours, until July 12, 2002. 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.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election, by completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided by Section 34-408A, Idaho Code, as amended.

No qualified elector who is 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 shall be required to re-register.

Polls will be opened at the hour of 12:00 o'clock Noon on August 6, 2002, and will be open continuously until the hour of 8:00 P.M. The ballot proposition set forth above will be separate from any other measure being voted upon at the same time and place as the special revenue bond election. Only those qualified electors casting valid ballots upon the proposition set forth above shall be counted in determining the number of qualified electors voting at or participating in the special revenue bond election.

If, at the special bond election, the majority of the qualified electors voting upon the ballot question assent to the issuance of revenue bonds for the purposes set forth in Ordinance No. 511, the water and sewer revenue bonds of the City of Roberts will be issued for such purposes, which bonds 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 the 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, as shall be prescribed in the ordinance authorizing the issuance of the bonds.

DATED this 11th day of June, 2002.

CITY OF ROBERTS
Jefferson County, Idaho



Mayor

ATTEST:



City Clerk

SUMMARY OF
ORDINANCE NO. 511

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE DOMESTIC WATER PORTION OF THE COMBINED AND CONSOLIDATED DOMESTIC WATER AND SANITARY SEWER SYSTEM OF THE CITY OF ROBERTS, JEFFERSON COUNTY, IDAHO; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING REVENUE BONDS IN THE AMOUNT OF \$600,000 TO PAY THE COST THEREOF; ESTABLISHING THE DATE, TIME, AND PLACE OF ELECTION; PROVIDING FOR PUBLIC NOTICE OF ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

A summary of the principal provisions of Ordinance No. 511 of the City of Roberts, Jefferson County, Idaho, adopted on June 11, 2002, is as follows:

Section 1: Defines the domestic water capital improvement project, estimates the total cost, and provides for issuance of revenue bonds, subject to approval of the qualified electors of the City, in the amount of \$600,000 to pay a portion of the cost of the Project.

Section 2: Provides for a special bond election to be held within the City on Tuesday, August 6, 2002, for the purpose of enabling the qualified electors of the City to vote upon the proposition of issuing water and sewer revenue bonds.

Section 3: Provides that the polls of the special bond election shall open at 12:00 o'clock Noon on August 6, 2002, and shall remain open until 8:00 o'clock P.M., and provides for the polling place for the special bond election.

Section 4: Provides that the ballot proposition shall be substantially as follows:

SHALL THE CITY OF ROBERTS BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND TO ISSUE AND SELL ITS REVENUE BONDS IN THE PRINCIPAL AMOUNT OF \$600,000 TO PAY A PORTION OF THE COSTS OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS AND BETTERMENTS TO THE DOMESTIC WATER PORTION OF THE COMBINED AND CONSOLIDATED DOMESTIC WATER AND SANITARY SEWER SYSTEM, THE 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 OF THE CITY, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 511, ADOPTED ON JUNE 11, 2002?

Section 5: Provides for payment of election expenses.

Section 6: Defines qualified electors as persons eighteen (18) years of age or older who are United States citizens who have resided in the City for at least thirty days prior to the election and who are registered as provided by law.

Section 7: Provides for registration of voters.

Section 8: Provides for preparation of official ballots and sample ballots.

Section 9: Provides for publication of Notice of Special Bond Election.

Section 10: Provides for canvass of votes.

Section 11: Provides for Debt Disclosure Statement pursuant to Idaho Code § 34-440.

Section 12: Provides for the issuance of revenue bonds maturing over a period which may be less than but which shall not exceed thirty (30) years, and provides for other matters relating to the revenue bonds.

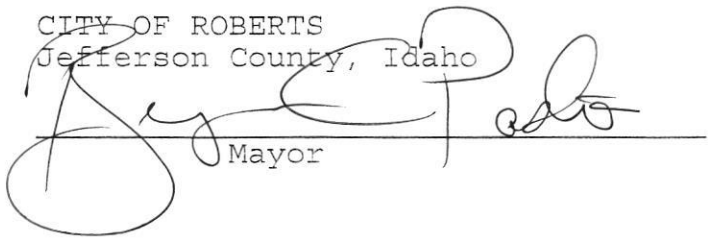
Section 13: Authorizes the officers of the City to take appropriate actions to effectuate the provisions of this Ordinance.

Section 14: Ratifies previous actions.

Section 15: Provides for publication of a summary of the Ordinance.

The full text of Ordinance No. 511 is available at City Hall and will be provided to any citizen upon personal request during normal office hours.

CITY OF ROBERTS
Jefferson County, Idaho



Mayor

ATTEST:



City Clerk

CERTIFICATION OF ATTORNEY

I, the undersigned attorney at law, as special counsel to the City of Roberts, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 511 of the City of Roberts, adopted on June 11, 2002, and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated as of the 11th day of June, 2002.

Michael C. Moore
Attorney at Law