

ORDINANCE NO. 526

AN ORDINANCE OF THE CITY OF ROBERTS, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A SEWER REVENUE BOND, SERIES 2009, IN THE PRINCIPAL AMOUNT OF \$1,000,000, FOR THE PURPOSE OF FINANCING THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE UNITED STATES OF AMERICA; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City operates and maintains a combined and consolidated domestic water and sanitary sewer system; and

WHEREAS, the City is authorized by the Constitution and laws of Idaho to issue revenue bonds to finance all or part of the cost of acquisition, construction, and installation of improvements and betterments to the water and sewer system of the City; and

WHEREAS, the City Council (the "Council") of the City, by adoption of Ordinance No. 519 on September 13, 2005, ordered a special bond election to be held within the City on November 8, 2005, for the submission to the qualified electors of the City the question of whether or not the City should be authorized to issue its revenue bonds in the principal amount of \$1,000,000 in order to provide funds for certain capital improvements to the sanitary sewer portion of the City's water and sewer system; and

WHEREAS, the requisite majority of the qualified electors of the City, at the special bond election of November 8, 2005, authorized the incurring of indebtedness and the issuance of revenue bonds in the amount of \$1,000,000; and

WHEREAS, the Council has determined that the public health, safety, and welfare will be furthered by the sewer improvement project described hereinafter and has further determined to issue sewer revenue bonds of the City, duly authorized by the electors of the City at the special bond election of November 8, 2005, in the aggregate principal amount of \$1,000,000; and

WHEREAS, Section 57-227, Idaho Code, authorizes the sale of sewer revenue bonds to the United States of America, at private sale in such manner as the Council may determine, and the Council has determined to issue its sewer revenue obligations in the form

of a single, amortized sewer revenue bond in the aggregate principal amount of \$1,000,000 to the United States of America.

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

Section 1: DEFINITIONS

As used in this Ordinance, the following words shall have the following meanings:

A. Acquisition or Acquire includes the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the Federal Government, the State, any public body therein or any person or entity, the condemnation, transfer, option to purchase, other contract, or other acquirement, or any combination thereof.

B. Additional Bonds means any bonds issued pursuant to Section 15 of this Ordinance.

C. Bond means the "City of Roberts Sewer Revenue Bond, Series 2009," herein authorized to be issued, sold, and delivered in the form of a single, fully registered, amortized revenue bond in the principal amount of \$1,000,000. The designation may be modified to reflect the actual year of issuance of the Bond.

D. Bond Fund means the "City of Roberts Sewer Revenue Bond Fund" created by Section 12 of this Ordinance.

E. Bond Register means the registration books on which are maintained the names and addresses of the owners or nominees of the owners of the Bond.

F. Bond Registrar means the bond registrar, transfer agent, and authenticating and paying agent appointed and designated in Section 6 of this Ordinance.

G. Capital Improvement Fund means the "City of Roberts Sewer Project Capital Improvement Fund" created by Section 10 of this Ordinance.

H. City means the City of Roberts, Jefferson County, Idaho.

I. City Clerk means the Clerk of the City, or other officer of the City who is the custodian of the seal of the City and of the records of the proceedings of the City, or his/her successor in functions, if any.

J. Cost of Project or any phrase of similar import, means all or any part designated by the Council of the costs of the