

ORDINANCE NO. 183

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE WATER SYSTEM FOR THE CITY OF CLARK FORK, OF BONNER COUNTY, IDAHO, AT AN ESTIMATED COST OF \$447,000.00; PROVIDING FOR THE ISSUANCE OF WATER REVENUE BONDS IN THE SUM OF NOT MORE THAN \$180,000.00 TO PAY A PORTION OF THE COST THEREOF, WHICH BONDS SHALL BE PAID ONLY OUT OF THE REVENUES AND EARNINGS OF THE WATER SYSTEM, SUBJECT, HOWEVER, TO THE APPROVAL OF THE QUALIFIED ELECTORS OF SAID CITY AT A SPECIAL ELECTION ORDERED HEREIN; DESCRIBING SAID BONDS AND THE CONDITIONS UNDER WHICH THEY WILL BE ISSUED; 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; PROVIDING FOR PUBLIC NOTICE OF SAID ELECTION; PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

CITY OF CLARK FORK

Bonner County, Idaho

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CLARK FORK, IDAHO, as follows:

WHEREAS, the City of Clark Fork (the "City") is a duly incorporated and existing City 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 domestic water 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 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 the Municipal Bond Law of the State of Idaho, being Chapter 2 of Title 57, 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 FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CLARK FORK, IDAHO, as follows:

Section 1: THE PROJECT

A. It is deemed necessary and advisable that the City acquire and construct certain capital improvements, consisting of the construction and installation of improvements and betterments to the City's domestic water supply and distribution system. Such improvements (the "Project") shall consist generally of the following: installation of infiltration gallery and slow sand filter on water source; new pipelines; replacement of water service connections with water meters; new fire hydrants; upgrading of chlorination system; and miscellaneous distribution system and service repairs and replacements; all pursuant to preliminary plans and specifications therefor which have been prepared by J-U-B Engineers, Inc., of Coeur d'Alene, Idaho, which plans and specifications are on file at the office of the City Clerk.

B. The cost and expense of the acquisition, construction, and installation of the Project, as estimated by the aforesaid Engineers, is \$447,000.00, 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 Municipal Bond Law, 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 thereof 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 not to exceed \$180,000.00, 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, March 5, 1985, 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 March 5, 1985, 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. The polling place within the precinct, together with the Judge and Clerks for said precinct, are and shall be as follows:

<u>Precinct</u>	<u>Polling Place</u>	<u>Judge and Clerks</u>
(1)	Clark Fork City Hall	Sara Sittle, Judge Alice Sutton, Clerk Grace Rounsville, Clerk

The City Clerk shall notify the election Judge and Clerks of their respective appointments. If any election Judge or Clerk 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 Judge and Clerks shall be compensated and paid 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 by this Ordinance.

Section 4: BALLOT TITLE

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

"SHALL THE CITY OF CLARK FORK ISSUE AND SELL ITS WATER REVENUE BONDS IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$180,000 TO PAY PART OF THE COSTS OF CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE CITY'S DOMESTIC WATER SUPPLY AND DISTRIBUTION SYSTEM? SAID BONDS SHALL MATURE OVER A PERIOD OF NOT TO EXCEED FORTY (40) YEARS, AND SHALL BE PAYABLE SOLELY FROM THE REVENUES OF THE WATER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 183, ADOPTED ON FEBRUARY 12, 1985."

IN FAVOR OF issuing Water Revenue Bonds for
the purposes provided by Ordinance No. 183. . . .

☐

AGAINST issuing Water Revenue Bonds for
the purposes provided by Ordinance No. 183. . . .

[]

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 Water Revenue Bonds for the purposes provided by Ordinance No. 183" or "AGAINST issuing Water Revenue Bonds for the purposes provided by Ordinance No. 183" 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: None. The interest rate anticipated on the proposed bonds is five percent (5%). The range of anticipated rates is from five percent (5%) to twelve percent (12%). The total amount to be repaid over the life of the proposed bonds, based on the anticipated interest rate, is estimated to be \$419,616.00.

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

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, during office hours, beginning with the date the

Notice of Election is given and continuing until 8:00 o'clock P.M., on March 1, 1985. Any elector who will complete his 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. § 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 her 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. In lieu of publication, the sample ballot may be posted in three (3) public places in each voting precinct.

Section 9: NOTICE

Notice of said special bond election shall be given prior to said election by publishing notice of such election in the Sandpoint Daily Bee, 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: WATER 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 revenue bonds of the City shall be authorized, issued, sold, and delivered. Said bonds shall mature annually over a period of not to exceed forty (40) years, and shall bear interest at a rate not in excess of twelve percent (12%) per annum, payable annually or at such lesser intervals as may be prescribed by the ordinance authorizing the issuance of such bonds.

All bonds shall be issued in the form and manner, and be registered, disposed of, and redeemed, in accordance with the provisions of the Revenue Bond Law of the State of Idaho, Sections 50-1027 to 50-1042, inclusive, Idaho Code, and the Municipal Bond Law of the State of Idaho, Chapter 2 of Title 57, Idaho Code.

Said bonds shall be in denominations of not less than \$1,000.00, or any even multiple thereof, except Bond No. 1, which may be in a lesser amount; payable in numerical order, lowest numbers first; and may be made subject to prior redemption at such time or times, with or without premium, and upon such terms and conditions as may be determined by the Council in the Ordinance authorizing the issuance of such bonds.

In the event the water revenue bonds are purchased by the United States of America, Farmers Home Administration, said bonds may be in the form of a single fully registered amortized bond.

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

Section 11: 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 12: CANVASS

The Mayor and Council shall meet on March 5, 1985, at the hour of 8:30 o'clock P.M., 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 13: RATIFICATION

All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and the officers of the City directed toward construction and installation of said water system and the issuance of water revenue bonds of the City therefor, and for the holding of a special municipal bond election, be, and the same is hereby, ratified, approved, and confirmed.

Section 14: 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.

PASSED AND APPROVED this 12th day of February, 1985.

CITY OF CLARK FORK
Bonner County, Idaho

Albert E. Schuch

ATTEST:

Betty R. Luce
City Clerk

(S E A L)

* * * * *

I, the undersigned, the Clerk of the City of Clark Fork, of Bonner County, Idaho, hereby certify that the foregoing Ordinance is a full, true, and correct copy of an Ordinance duly adopted at a meeting of the City Council of said City duly held at the regular meeting place thereof on February 12, 1985, of which meeting all members of said Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Councilmembers: *Ambrose V. Martinovich, John T. Syzle, Maxine J. Mc. Miller, Anita J. Smith*

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that said Ordinance is a full, true, and correct copy of the original Ordinance adopted at said meeting; and that said Ordinance has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said City on February 12, 1985.

Betty R. Lister

City Clerk

(S E A L)

CITY OF CLARK FORK

Bonner County, Idaho

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that pursuant to Ordinance No. 183, adopted on February 12, 1985, of the City of Clark Fork, of Bonner County, Idaho, a Special Bond Election will be held in said City on

TUESDAY, MARCH 5, 1985

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 revenue bonds in the principal amount of not more than \$180,000.00 for the purpose of providing funds to pay part of the cost of construction and installation of improvements and betterments to the City's domestic water supply and distribution 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 the preliminary maps, plans, and specifications, as prepared by J-U-B Engineers, Inc., of Coeur d'Alene, Idaho, as engineers for said City, which preliminary maps, plans, and specifications are on file in the office of the City Clerk for examination.

The total estimated cost of the Project is \$447,000.00, a portion of which is to be paid from the sale of the proposed bond issue.

Said bonds, if issued, shall bear interest at a rate of not in excess of twelve percent (12%) per annum, shall run for a period of not to exceed forty (40) years from the date of issue, shall be in denominations of \$1,000.00 each, or even multiples thereof, except Bond No. 1, which may be in a lesser amount, and shall mature annually.

In the event the Federal Government or one of its agencies is the successful purchaser of this issue, a single bond will be issued and payable in amortized annual payments, over a period of not to exceed forty (40) years.

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

"SHALL THE CITY OF CLARK FORK ISSUE AND SELL ITS WATER REVENUE BONDS IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$180,000 TO PAY PART OF THE COSTS OF CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE CITY'S DOMESTIC WATER SUPPLY AND DISTRIBUTION SYSTEM? SAID BONDS SHALL MATURE OVER A PERIOD OF NOT TO EXCEED FORTY (40) YEARS, AND SHALL BE PAYABLE SOLELY FROM THE REVENUES OF THE WATER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 183, ADOPTED ON FEBRUARY 12, 1985."

IN FAVOR OF issuing Water Revenue Bonds for
the purposes provided by Ordinance No. 183. . . . ☐

AGAINST issuing Water Revenue Bonds for
the purposes provided by Ordinance No. 183. . . . ☐

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 Water Revenue Bonds for the purposes provided by Ordinance No. 183" or "AGAINST issuing Water Revenue Bonds for the purposes provided by Ordinance No. 183" 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: None. The interest rate anticipated on the proposed bonds is five percent (5%). The range of anticipated rates is from five percent (5%) to twelve percent (12%). The total amount to be repaid over the life of the proposed bonds, based on the anticipated interest rate, is estimated to be \$419,616.00.

Qualified electors shall vote at the following polling place:

<u>VOTING PLACE</u>	<u>LOCATION</u>
Clark Fork City Hall	Clark Fork, 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 Clark Fork, and no others, will be permitted to vote at said special election. No person so qualified and offering himself at the polling place at which he 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 Clark Fork on the date of election may obtain absentee ballots from the City Clerk of the City of Clark Fork.

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

Persons may register on each day at any time during the office hours of the City Clerk, beginning with the date of the Notice of Election is given, and continuing to March 1, 1985, on which date the office of the City Clerk will remain open until 8:00 o'clock P.M.

Polls will be opened at the hour of 12:00 o'clock noon on March 5, 1985, and will be 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 for the voting precinct in which he resides. 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. 183, the water revenue bonds of the City of Clark Fork will be issued for said purposes, which bonds, or any issue thereof, or so much thereof as may be necessary, will mature annually, or such lesser interval as prescribed by Ordinance No. 183, over a period not to exceed forty (40) years, and will bear interest at a rate not in excess of twelve percent (12%) per annum. 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 system of the City of Clark Fork, all as more particularly set forth in an ordinance or ordinances to be hereafter passed and approved by the City.

DATED this 12th day of February, 1985.

CITY OF CLARK FORK
Bonner County, Idaho

Albert E. Schenk
Mayor

ATTEST:

Betty R. Little
City Clerk

(S E A L)

Exhibit "A"
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SUMMARY OF
ORDINANCE NO. 183

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE WATER SYSTEM FOR THE CITY OF CLARK FORK, OF BONNER COUNTY, IDAHO, AT AN ESTIMATED COST OF \$447,000.00; PROVIDING FOR THE ISSUANCE OF WATER REVENUE BONDS IN THE SUM OF NOT MORE THAN \$180,000.00 TO PAY A PORTION OF THE COST THEREOF, WHICH BONDS SHALL BE PAID ONLY OUT OF THE REVENUES AND EARNINGS OF THE WATER SYSTEM, SUBJECT, HOWEVER, TO THE APPROVAL OF THE QUALIFIED ELECTORS OF SAID CITY AT A SPECIAL ELECTION ORDERED HEREIN; DESCRIBING SAID BONDS AND THE CONDITIONS UNDER WHICH THEY WILL BE ISSUED; 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; PROVIDING FOR PUBLIC NOTICE OF SAID ELECTION; PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

CITY OF CLARK FORK

Bonner County, Idaho

A summary of the principal provisions of Ordinance No. 183 of the City of Clark Fork, Bonner County, Idaho, adopted on February 12, 1985, is as follows:

Section 1: Defines the water improvement and betterment project as follows: installation of infiltration gallery and slow sand filter on water source; new pipelines, replacement of water service connections with water meters; new fire hydrants; upgrading of chlorination system; and miscellaneous distribution system and service repairs and replacements; all pursuant to preliminary plans and specifications prepared by J-U-B Engineers, Inc. of Coeur d'Alene, Idaho, which plans and specifications are on file at the office of the City Clerk.

Section 2: Provides for a special municipal bond election to be held within the City on Tuesday, March 5, 1985, for the purpose of enabling the qualified electors of the City to vote upon the proposition of issuing water revenue bonds.

Section 3: Provides that the polls at said election shall open at 12:00 o'clock noon on March 5, 1985 and shall remain open until 8:00 o'clock P.M.; provides that the polling place shall be the Clark Fork City Hall; and appoints election officials.

Section 4: Provides that ballot title shall be as follows:

"SHALL THE CITY OF CLARK FORK ISSUE AND SELL ITS WATER REVENUE BONDS IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$180,000 TO PAY PART OF THE COSTS OF CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE CITY'S DOMESTIC WATER SUPPLY AND DISTRIBUTION SYSTEM? SAID BONDS SHALL MATURE OVER A PERIOD OF NOT TO EXCEED FORTY (40) YEARS, AND SHALL BE PAYABLE SOLELY FROM THE REVENUES OF THE WATER SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 183, ADOPTED ON FEBRUARY 12, 1985."

Section 5: Provides for payment of election expenses.

Section 6: Defines qualified electors as persons eighteen (18) years of age or older who are registered qualified electors of the City.

Section 7: Provides for registration of voters.

Section 8: Provides for preparation of sample ballots.

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

Section 10: Provides for the issuance of water revenue bonds maturing over a period of not to exceed forty (40) years, bearing interest at a rate of not to exceed twelve percent (12%), and provides for other matters relating to the water revenue bond.

Section 11: Authorizes the officers of the City to take appropriate actions to effectuate the provisions of this Ordinance.

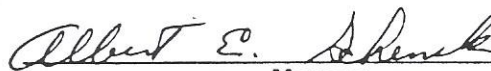
Section 12: Provides for canvass of votes.

Section 13: Ratifies previous actions.

Section 14: Provides for publication of a summary of the Ordinance.

The full text of Ordinance No. 183 is available at City Hall and will be provided to any citizen upon personal request during normal office hours.

CITY OF CLARK FORK
Bonner County, Idaho


Mayor

ATTEST:

Betty R. Lister
City Clerk

(SEAL)

CERTIFICATION OF CITY ATTORNEY

I, the undersigned City Attorney for and legal advisor to the City of Clark Fork, Idaho, hereby certify that I have read the attached summary of Ordinance No. 183 of the City of Clark Fork and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 13th day of February, 1985.

Raymond T. Greene, Jr.
Raymond T. Greene, Jr.
City Attorney