

ORDINANCE NO. 189

AN ORDINANCE OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$140,000; ESTABLISHING THE DATE, TIME, AND PLACE OF SAID ELECTION; APPROVING A FORM OF NOTICE OF ELECTION; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

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

WHEREAS, the City Council (the "Council") of the City has determined that the interests of the City and the public interest and necessity require the incurring of an indebtedness of the City in the amount of not to exceed \$140,000 for the purpose of acquiring, constructing, and installing certain capital improvements consisting generally of drainage, grading, and surfacing of streets within the City, and improvements relating thereto, together with the cost of engineering, legal, accounting, and other costs and fees incident thereto; and

WHEREAS, said indebtedness would exceed the City's income and revenue provided for the current fiscal year, and the Council has determined that said funds should be raised through the issuance and sale of general obligation bonds of the City, subject to the approval of two-thirds (2/3) of the qualified electors voting at the election called for that purpose as provided hereinbelow.

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

Section 1: THE PROJECT

A. The Council hereby finds, determines, and declares that the interest of the City and the public interest and necessity require the incurring of an indebtedness exceeding the income and revenue provided to the City for the current fiscal year in the amount of not to exceed \$140,000 for the purpose of acquiring, constructing, and installing certain capital improvements (the "Project") consisting generally of drainage, grading, and surfacing of streets within the City, and improvements generally relating thereto, together with costs of engineering, legal, accounting, and other costs and fees incident thereto.

B. The cost and expense of the acquisition, construction, and installation of the Project is estimated to be \$1,800,000, 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 Idaho Code Sections 50-1019 through 50-1026A. It is anticipated that approximately \$1,660,000 of the cost of the Project will be paid from a Community Development Block Grant from the U.S. Department of Housing and Urban Development, administered through the State of Idaho, and from other available sources, and the balance of the cost will be paid by the issuance and sale of general obligation bonds of the City as provided herein.

C. Subject to the following subparagraph, the acquisition, construction, and installation of the improvements as described above are hereby ordered.

D. Subject to the approval thereof by the qualified electors voting at the election for which provision is hereinafter made, general obligation bonds of the City shall be issued pursuant to the provisions of Idaho Code Sections 50-1019 through 50-1026A, inclusive, and the Municipal Bond Law of the State of Idaho, in the amount of not to exceed \$140,000, to pay the costs of the Project.

#### Section 2: SPECIAL BOND ELECTION

A special bond election is hereby called to be held within the City of Clark Fork on Thursday, August 27, 1987. The City, as its boundaries and corporate limits are now fixed and established, shall consist of one (1) voting precinct, as follows:

Clark Fork City Hall  
Clark Fork, Idaho

The Council shall appoint an election judge and two election clerks for said election precinct for said special 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. The judge and clerks shall be compensated at the minimum wage prescribed by the laws of the State of Idaho for execution of their duties.

#### Section 3: ADMINISTRATION OF ELECTION

The polls of said election shall open at the hour of 12:00 o'clock noon on August 27, 1987, and shall remain open continuously on said day 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.



Section 4: BALLOT

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

SHALL THE CITY OF CLARK FORK ISSUE AND SELL ITS GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$140,000 TO PAY THE COST OF CONSTRUCTION OF STREET IMPROVEMENTS CONSISTING OF DRAINAGE, GRADING, SURFACING, AND OTHER IMPROVEMENTS TO STREETS WITHIN THE CITY, AND COSTS INCIDENTAL THERETO, SAID BONDS TO MATURE OVER A PERIOD OF NOT TO EXCEED TWENTY (20) YEARS, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 189, ADOPTED ON JULY 21, 1987?

IN FAVOR of issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189, .....[ ]

AGAINST issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189, .....[ ]

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, the voter must make a cross (X) in the space to the right of the words "IN FAVOR of issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189 or "AGAINST issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189" 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 City has no existing general obligation indebtedness. The other existing indebtedness of the City is \$178,000. The interest rate anticipated on the proposed bonds is eight percent (8.0%). 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, principal and interest, based on the anticipated interest rate, is estimated to be \$265,631.

#### Section 5: ELECTION EXPENSES

The City Clerk is hereby authorized and directed to procure a sufficient number of ballots and such other supplies and to 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 August 21, 1987. 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 cause to be printed 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 ballot 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 within the City.

#### Section 9: NOTICE

Notice of said special bond election shall be given for thirty (30) days prior to said election by publishing notice of such election in a newspaper of general circulation within the



City once each week on the same day of each week for five (5) successive weeks, which notice shall be in substantially the form of Notice of Election which is annexed hereto as Exhibit "A" and by reference made a part hereof.

Section 10: CANVASS

When the polls are closed, the election judges and clerks shall immediately proceed to count the ballots cast at the election. The counting shall be continued without adjournment until completed and the result declared. The election judges and clerks shall thereupon certify the returns of the 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 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 11: GENERAL OBLIGATION BONDS

If, at said election, two-thirds (2/3) 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 general obligation bonds (the "Bonds") of the City shall be authorized, issued, sold, and delivered. The full faith and credit of the City will be pledged for their payment. Said bonds will be paid from annual taxes levied upon all taxable property within the City in sufficient amount to constitute a sinking fund for the payment of the principal thereof, together with the interest on the Bonds as it falls due, within a period which may be less than but which shall not exceed twenty (20) years from the date of the Bonds.

The officers now or hereafter charged by law with the duty of levying taxes for the payment of said Bonds and interest thereon shall, in the manner provided by law, make annual levies upon all taxable property within the City sufficient to meet the annual payments of bond principal and interest accruing and maturing as hereinabove provided.

All bonds shall be issued in the form and manner, be registered, disposed of, and redeemed, in accordance with the provisions of Sections 50-1019 through 50-1026A, Idaho Code, and the Municipal Bond Law of the State of Idaho.

Section 12: 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 13: RATIFICATION

All action heretofore taken, not inconsistent with the provisions of this Ordinance, by the Mayor and Council, and the officers of the City, directed toward acquisition, construction, and installation of the Project and the issuance of general obligation bonds of the City therefor, and for the holding of a special bond election, are 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.

DATED this 21st day of July, 1987.

CITY OF CLARK FORK  
Bonner County, Idaho

Albert E. Schenck  
Mayor

ATTEST:

Betty R. Little  
City Clerk

( S E A L )

MCMkaj255



CITY OF CLARK FORK

Bonner County, Idaho

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that pursuant to Ordinance No. 189, adopted on July 21, 1987, of the City of Clark Fork, of Bonner County, Idaho, a Special Bond Election will be held in said City on

THURSDAY, AUGUST 27, 1987

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 general obligation bonds in the principal amount of not to exceed \$140,000 for the purpose of providing funds to pay the cost of acquiring, constructing, and installing certain capital improvements and betterments consisting generally of drainage, grading, and surfacing of streets within the City, and improvements generally relating thereto, together with costs and fees incident thereto, 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 total estimated cost of the Project is \$1,800,000. It is anticipated that approximately \$1,660,000 of the cost of the Project will be paid from a Community Development Block Grant from the U.S. Department of Housing and Urban Development, administered through the State of Idaho, and from other available sources, and the balance of the cost, in the amount of \$140,000, will be paid from the proceeds of the sale of the proposed bond issue.

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 GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$140,000 TO PAY THE COST OF CONSTRUCTION OF STREET IMPROVEMENTS CONSISTING OF DRAINAGE, GRADING, SURFACING, AND OTHER IMPROVEMENTS TO STREETS WITHIN THE CITY, AND COSTS INCIDENTAL THERETO, SAID BONDS TO MATURE OVER A PERIOD OF NOT TO EXCEED TWENTY (20) YEARS, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 189, ADOPTED ON JULY 21, 1987?

IN FAVOR of issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189, .....[ ]

AGAINST issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189, .....[ ]

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, the voter must make a cross (X) in the space to the right of the words "IN FAVOR of issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189 or "AGAINST issuing general obligation bonds to the amount of not to exceed \$140,000 for the purpose stated in Ordinance No. 189" 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 City has no existing general obligation indebtedness. The other existing indebtedness of the City is \$178,000. The interest rate anticipated on the proposed bonds is eight percent (8.0%). 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, principal and interest, based on the anticipated interest rate, is estimated to be \$265,631.

Qualified electors shall vote at the following polling place and location:

Clark Fork City Hall  
Clark Fork, Idaho

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 or herself at the polling place at which he or she 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, will be unable to vote at the polling place at which he or she is entitled to vote on the day 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 first date of publication of the Notice of Election, and continuing to August 21, 1987, on which date the office of the City Clerk will remain open until 8:00 o'clock P.M.

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.

Polls will be opened at the hour of 12:00 o'clock noon on Thursday, August 27, 1987, 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 above. 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, two-thirds (2/3) of the qualified voters voting at said election assent to the issuance of said bonds for the purposes set forth in Ordinance No. 189, the general obligation bonds of the City will be issued for said purposes, which bonds will mature annually over a period which may be less than but which will not exceed twenty (20) years from date, will bear interest at a rate or rates, be in such denominations, be payable in such order, and be subject to such prior redemption as shall be determined by the Mayor and Council in the ordinance authorizing the issuance of the bonds, and will be payable from taxes levied upon all taxable property within the City.

DATED this 21st day of July, 1987.

CITY OF CLARK FORK  
Bonner County, Idaho

Albert C. Schuch  
Mayor

ATTEST:

Betty R. Latta  
City Clerk

( S E A L )

MCMkaj256