

BOND ELECTION ORDINANCE NO. 286

AN ORDINANCE CALLING A SPECIAL MUNICIPAL REVENUE BOND ELECTION TO BE HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, THE PROPOSITION OF THE ISSUANCE OF UP TO \$9,000,000 NEGOTIABLE WATER REVENUE BONDS OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, TO FINANCE THE DESIGN, ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE WATER SYSTEM AND FACILITIES OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, PROVIDING FOR THE ISSUANCE AND PAYMENT OF SUCH BONDS AND DESIGN AND CONSTRUCTION OF SAID IMPROVEMENTS, AND PROVIDING FOR RESERVE FUNDING AND PAYMENT OF COSTS OF ISSUANCE OF THE BONDS.

WHEREAS, the City of Clark Fork, Bonner County, Idaho (the "City"), owns and operates a water system and facilities for providing potable water to its citizens (the "System"); and

WHEREAS, it is hereby determined by the City Council of the City (the "City Council") to be necessary and essential to the safety and welfare of the inhabitants of the City to construct and make improvements to the System as hereinafter described (the "Improvements"); and

WHEREAS, the design, acquisition and construction of the Improvements is hereby deemed by the Mayor and City Council to be required for the public good and welfare, and for the improvement of the health, safety, comfort and convenience of the inhabitants of the City; and

WHEREAS, the System, as improved by the Improvements, shall be operated as a single revenue producing public utility of and for the City; and

WHEREAS, the City does not have funds available to pay the costs of the Improvements; and

WHEREAS, the City Council has determined that there exists a public necessity and it is advisable to finance the cost of the Improvements through the issuance of revenue bonds of the City pursuant to the provisions of Sections 50-1027 through 50-1042, Idaho Code, as amended (the "Revenue Bond Act"), and applicable provisions of chapter 4, Title 50, Idaho Code, chapter 2 of Title 57, Idaho Code, chapter 9 of Title 57, Idaho Code, and chapter 14 of Title 34, Idaho Code, and in order to do so desires to provide for the holding of a special election as required by said statutes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Clark Fork, Bonner County, Idaho, as follows:

Section 1. The Improvements shall consist of construction, repair, replacement and rehabilitation of the City's water system, including refurbishment of the well sources, construction of a new reservoir, replacement of undersized and corroded pipes throughout the system, and other related improvements.

Section 2. The Improvements shall be designed, acquired and constructed pursuant to the City's Water Facility Plan dated January 27, 2022, prepared by Parametrix, Inc. (the "Plan"), which Plan provides that the estimated cost of the Improvements is \$8,586,000, plus the expenses properly incident thereto, for a total amount not to exceed \$9,000,000, consisting of, but not limited to, administrative, engineering and other related costs, the costs of issuance of the revenue bonds and any amounts necessary to establish bond reserve funds, if any, and the Mayor and the City Council hereby approve the Plan.

Section 3. The design, acquisition and construction of the Improvements are hereby ordered.

Section 4. It is necessary and desirable to finance the costs of the Improvements by authorization of the issuance of revenue bonds in an amount not exceeding \$9,000,000 pursuant to a revenue bond election, as provided by the Revenue Bond Act.

Section 5. That a Special Municipal Revenue Bond Election (the "Bond Election") is hereby called to be held in the City on Tuesday, May 17, 2022, for the purpose of submitting to the qualified electors of the City the proposition set forth in the form of ballot appearing in Section 8 hereof.

Section 6. That pursuant to Sections 34-1401 and 50-403, Idaho Code, the Clerk of Bonner County, Idaho (the "County Clerk") shall administer the Bond Election, including scheduling the polling times; preparing and printing the ballots; publishing notice of the Bond Election and the sample ballot as required by Section 34-1406, Idaho Code; and conducting the Bond Election.

Section 7. The City Clerk shall notify the County Clerk that the City Council has called the Bond Election on behalf of the City by delivering to the County Clerk a copy of this Ordinance, including the forms of the ballot for the Bond Election set forth in Section 8 hereof and the notice of the Bond Election set forth in Section 9 hereof.

Section 8. That the City Council hereby approves the following form of ballot for the purposes of the Bond Election:

OFFICIAL BALLOT

SPECIAL MUNICIPAL REVENUE BOND ELECTION

CITY OF CLARK FORK, BONNER COUNTY, IDAHO
TUESDAY, MAY 17, 2022

QUESTION: Shall the City of Clark Fork, Bonner County, Idaho (the “City”) issue and sell its negotiable revenue bonds in the amount of up to \$9,000,000 for the purpose of financing the design, acquisition and construction of certain improvements to the City’s water system and facilities (the “System”), the System constituting and being operated as a revenue-producing public utility, and to pay expenses properly incident thereto including costs of reserve funding and issuance of such bonds, said bonds due in such installments as fixed by the City Council of the City, the last installment due and payable not more than forty (40) years from the date of the bonds, as more fully provided in Ordinance No. 286 adopted by the City Council of the City on February 16, 2022 (such revenue bonds shall be payable from the revenues of the System, as improved, and not from ad valorem property taxes)?

The project improvements to be financed by the sale of the proposed bonds include construction, repair, replacement and rehabilitation of the City’s water system, including refurbishment of the well sources, construction of a new reservoir, replacement of undersized and corroded pipes throughout the system, and other related improvements required to ensure the safe and continued operation of the System. The date of the City’s special municipal revenue bond election is May 17, 2022. The principal amount of the proposed bonds to be issued is up to \$9,000,000.

The interest rate anticipated on the proposed bond issue is 2.75% per annum. The total amount estimated to be repaid over the life of the bonds, based on the anticipated interest rate, is \$14,951,345, consisting of \$9,000,000 in principal and \$5,951,345 of interest. The term of the bonds will not exceed forty (40) years from the date of issuance. The estimated average annual cost to the taxpayer on the proposed bond levy is a tax of \$0 per \$100,000 of taxable assessed value, per year, based on current conditions.

As of May 17, 2022, the total existing indebtedness of the City, including interest accrued, is \$0.

IN FAVOR OF ISSUING REVENUE BONDS IN THE AMOUNT OF UP TO \$9,000,000 FOR THE PURPOSES PROVIDED BY ORDINANCE NO. _____	→	<input type="checkbox"/>
AGAINST ISSUING REVENUE BONDS IN THE AMOUNT OF UP TO \$9,000,000 FOR THE PURPOSES PROVIDED BY ORDINANCE NO. _____	→	<input type="checkbox"/>

(End of form of Official Ballot for the Bond Election)

Section 9. That the Notice of Bond Election shall be in substantially the following form:

NOTICE OF SPECIAL MUNICIPAL REVENUE BOND ELECTION

Pursuant to the laws of the State of Idaho and Ordinance No. 286 of the City Council of the City of Clark Fork, Bonner County, Idaho (the "City"), adopted on February 16, 2022, notice is hereby given that a Special Municipal Revenue Bond Election will be held in the City on Tuesday, May 17, 2022, beginning at the hour of 8:00 A.M. and closing at the hour of 8:00 P.M. on said date, on the question whether the City shall be empowered to issue special revenue bonds of the City in the principal amount of up to \$9,000,000 to be repaid not later than forty (40) years from the date of issuance of such bonds, to finance certain improvements to the City's water treatment system and facilities, which system constitutes and is being operated as a revenue-producing public utility, and to pay expenses properly incident thereto including costs of reserve funding and issuance of such bonds.

Notice is further given that only qualified electors of the City, being United States citizens eighteen (18) years of age or older, who have resided in the City for thirty (30) days preceding the election, who are registered or who register at the polls on the day of the election, as provided by law, are entitled to vote at said election.

The project improvements to be financed by the sale of the proposed bonds include construction, repair, replacement and rehabilitation of the City's water system, including refurbishment of the well sources, construction of a new reservoir, replacement of undersized and corroded pipes throughout the system, and other related improvements required to ensure the safe and continued operation of the System. The date of the City's special municipal revenue bond election is May 17, 2022. The principal amount of the proposed bonds to be issued is up to \$9,000,000.

The interest rate anticipated on the proposed bond issue is 2.75% per annum. The total amount estimated to be repaid over the life of the bonds, based on the anticipated interest rate, is \$14,951,345, consisting of \$9,000,000 in principal and \$5,951,345 of interest. The term of the bonds will not exceed forty (40) years from the date of issuance. The estimated average annual cost to the taxpayer on the proposed bond levy is a tax of \$0 per \$100,000 of taxable assessed value, per year, based on current conditions.

As of May 17, 2022, the total existing indebtedness of the City, including interest accrued, is \$0.

Said election shall be held at the regular polling places for elections in Bonner County, Idaho, or by mail, as indicated below:

**[County Clerk to insert Precincts applicable to City
and Absentee Voting Material]**

(End Form of Notice of Special Municipal Revenue Bond Election)

Section 10. That if at the Bond Election a majority of the qualified registered electors of the City, eighteen (18) years of age or older who have resided in the City for thirty (30) days, voting thereat assent to the issuance of said bonds, as verified by the County Clerk's certified election results, the negotiable bonds of the City shall be issued as hereinabove provided and shall mature within forty (40) years from their date and the annual bond maturities thereof shall be payable in accordance with the provisions of the Revenue Bond Act. Such issue will create a new debt to finance the design and construction of the Improvements, fund a reserve fund and to pay the costs of issuance of the bonds, in accordance with the provisions of the Revenue Bond Act.

Section 11. That said negotiable revenue bonds shall be issued if carried as aforesaid and payment shall be made from available sources of revenue of the System, as improved, until principal and interest on the bonds shall have been fully paid, all as to be more fully and particularly provided and set forth in an ordinance or ordinances hereafter passed by the City Council. Such bonds shall not be a debt of the City and the City shall not be liable thereon, nor shall the bonds be payable out of any funds other than the revenue above specified. Such bonds shall not be payable from ad valorem property taxes.

Section 12. The proper officer or officers of said City are hereby authorized and directed to do all things requisite and necessary to carry out the provisions of this Ordinance.

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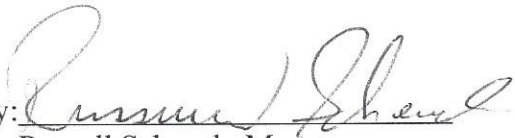
Section 13. This Ordinance shall take effect from and after its passage and publication of the summary substantially in the form attached hereto as Exhibit A, in the manner as required by law.

PASSED by the City Council of the City this 16 day of February, 2022.

CITY OF CLARK FORK,
BONNER COUNTY, IDAHO



(SEAL)

By: 
Russell Schenck, Mayor

ATTEST:

By: 
Amber Burgess, City Clerk

CITY COUNCIL MEMBERS	YES	NO	ABSENT
Shari Jones	<u>✓</u>	—	—
Jay White	<u>✓</u>	—	—
Sharon Banning	<u>✓</u>	—	—
Stanley Spanski	—	—	<u>✓</u>

EXHIBIT A

Summary of Bond Election Ordinance No. 286, passed February 16, 2022

AN ORDINANCE CALLING A SPECIAL MUNICIPAL REVENUE BOND ELECTION TO BE HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, THE PROPOSITION OF THE ISSUANCE OF UP TO \$9,000,000 NEGOTIABLE WATER REVENUE BONDS OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, TO FINANCE THE DESIGN, ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE WATER SYSTEM AND FACILITIES OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, PROVIDING FOR THE ISSUANCE AND PAYMENT OF SUCH BONDS AND DESIGN AND CONSTRUCTION OF SAID IMPROVEMENTS, AND PROVIDING FOR RESERVE FUNDING AND PAYMENT OF COSTS OF ISSUANCE OF THE BONDS.

Section 1. Describes the Improvements to the water system and facilities (the “System”) for the citizens of the City of Clark Fork, Bonner County, Idaho (the “City”) as follows: construction, repair, replacement and rehabilitation of the City’s water system, including refurbishment of the well sources, construction of a new reservoir, replacement of undersized and corroded pipes throughout the system, and other related improvements.

Section 2. The Improvements shall be designed, acquired and constructed pursuant to the City’s Water Facility Plan dated January 27, 2022, prepared by Parametrix, Inc. (the “Plan”), which Plan provides that the estimated cost of the Improvements is \$8,586,000, plus the expenses properly incident thereto, for a total amount not to exceed \$9,000,000, consisting of, but not limited to, administrative, engineering and other related costs, the costs of issuance of the revenue bonds and any amounts necessary to establish bond reserve funds, if any.

Section 3. Orders the design, acquisition and construction of the Improvements to the System.

Section 4. Deems it necessary and desirable to finance the Improvements by authorizing the revenue bonds in an amount not exceeding \$9,000,000 pursuant to Sections 50-1027 through 50-1042, Idaho Code, as amended (the “Revenue Bond Act”).

Section 5. Calls a Special Municipal Revenue Bond Election to be held in the City on Tuesday, May 17, 2021 (the “Bond Election”), to submit to the qualified electors of the City the proposition whether the City shall issue and sell its revenue bonds to finance the Improvements and related costs and expenses, as set forth in the form of ballot approved therein.

Section 6. Provides that the Clerk of Bonner County, Idaho (the “County Clerk”), shall administer the Bond Election pursuant to Sections 34-1401 and 50-403, Idaho Code.

Section 7. Provides that the City's Clerk shall deliver to the County Clerk a copy of the Ordinance with the forms of the ballot and notice of the Bond Election.

Section 8. Approves the form of ballot for the Bond Election.

Section 9. Sets forth the substantial form of the Notice of Special Municipal Revenue Bond Election.

Section 10. Sets forth that if a majority of the qualified registered electors of the City voting at the Bond Election assent to the issuance of the bonds, the bonds of the City shall be issued, which bonds shall mature within forty (40) years of their date with annual bond maturities payable in accordance with the Revenue Bond Act.

Section 11. Provides that payment of the revenue bonds shall be made from available sources of revenue of the System, as improved, until fully paid, as more fully provided in an ordinance to be passed by the City Council. Such bonds shall not be payable from ad valorem property taxes.

Section 12. Authorizes the proper officers of the City to do all things requisite and necessary to carry out the provisions of the Ordinance.

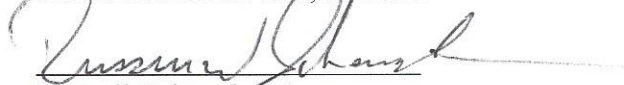
Section 13. Provides that the Ordinance shall take effect from and after its passage and publication of this summary as required by law.

Exhibit A: Sets forth this summary for publication.

The full text of Bond Election Ordinance No. 286 is available at the office of the City Clerk of the City of Clark Fork, Idaho, and will be provided to any citizen upon personal request during normal business hours.

Approved this 16 day of February, 2022.

CITY OF CLARK FORK,
BONNER COUNTY, IDAHO


Russell Schenck, Mayor

ATTEST:


Amber Burgess, City Clerk

CERTIFICATION OF COUNSEL

I, the undersigned, the legal advisor to the City of Clark Fork, Idaho, hereby certify that I have read the attached Summary of Bond Election Ordinance No. 286 of the City, and that the same is true and complete and provides adequate notice to the public of the contents of said ordinance.

Dated as of this 16th day of February 2022.

By: 

CERTIFICATE OF THE CLERK

I DO HEREBY CERTIFY that I am the duly chosen, qualified and acting Clerk of the City of Clark Fork, Bonner County, Idaho (the "City"), and keeper of the records of the City Council (the "City Council"); and

I HEREBY CERTIFY:

1. That the attached is a true and correct copy of Bond Election Ordinance No. 286 of the City (the "Ordinance"), as finally passed at a special meeting of the City Council held on the 16 day of February, 2022, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 of February, 2022.


Amber Burgess, City Clerk