



**ORDINANCE NO. 238**

**"AN ORDINANCE DECLARING THE RESULT AND VALIDITY OF THE SPECIAL MUNICIPAL SEWER COUPON BOND ELECTION HELD IN AND FOR THE CITY OF REXBURG, IN THE COUNTY OF MADISON, STATE OF IDAHO, ON WEDNESDAY, TO-WIT: THE FIRST DAY OF OCTOBER, A.D. 1919, UPON THE PROPOSITION OF ISSUEING \$70,000. MUNICIPAL SEWER COUPON BONDS; DECLARING DUE ADVERTISEMENT AND SALE OF SAID BONDS OF AND BY SAID CITY, TO FERRIS AND HARDGROVE OF SPOKANE, WASHINGTON, AS THE HIGHEST AND BEST BIDDERS THEREFOR; AND PROVIDING FOR THE ISSUANCE, EXECUTION AND DELIVERY OF SAID BONDS TO SAID PURCHASERS; PRESCRIBING THE FORM OF BONDS AND PROVIDING FOR THE LEVY OF A DIRECT ANNUAL ADVALOREM TAX SUFFICIENT TO PAY THE INTEREST ON SAID BONDS PROMPTLY WHEN AND AS THE SAME FALLS DUE AND ALSO TO DISCHARGE THE PRINCIPAL THEREOF AT MATURITY, DIRECTING THE CITY TREASURER TO PAY THE PRINCIPAL AND INTEREST DUE ON SAID BONDS AT THE BANKING HOUSE OF KOUNTZE BROTHERS, IN THE CITY AND STATE OF NEW YORK, DECLARING AN EMERGENCY WHEREBY THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE, APPROVAL AND DUE PUBLICATION AND PROVIDING THAT THE SAME SHALL THEREAFTER BE IRREPEALABLE UNTIL, THE INDEBTEDNESS REPRESENTED BY THE SAID BONDS, BOTH AS TO PRINCIPAL AND INTEREST, SHALL HAVE BEEN FULLY PAID, SATISFIED AND DISCHARGED; AND REPEALING SECTIONS 5 and 6 OF ORDINANCE NO .229, AND ALL OTHER ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH";**

**WHEREAS**, in accordance with Ordinance No. 229 of said City, passed and approved August 29, 1919, and thereafter duly published, a special municipal coupon bond election was called and ordered to be held in and for said City of Rexburg, Idaho, on Wednesday, to-wit: the first day of October, A.D. 1919, for the purpose of voting upon the question of issuing and selling the coupon bonds of said City in the sum of \$70,000, for the purpose of providing funds for the Construction of sewers in said City.

**WHEREAS**, the City Clerk has caused due and sufficient evidence of the lawful publication of said Ordinance No.229, and the election notice, to be furnished to the City Council, and the said

Council has caused the same to be filed of record as a part of the proceedings of said city; and

**WHEREAS**, in further pursuance of said Ordinance No. 229, notice of sale of said bonds was published for the time and in the manner required by law, and in pursuance of said notice of sale, said bonds were duly awarded and sold to Ferris & Hardgrove, of Spokane, Washington, the lawful purchasers thereof, at a price in excess of the par value of said bonds, together with all accrued interest thereon at the date of delivery.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IN THE COUNTY OF MADISON, IN THE STATE OF IDAHO;

**SECTION I:** That the special Municipal Sewer Coupon Bond election held in and for the City of Rexburg, in the County of Madison, in the State of Idaho, on Wednesday, to-wit: the First day of October A.D. 1919, be, and the same is hereby determined and declared to have been duly called, noticed and held in strict accordance with law.

**SECTION II** – That the result of said election has been duly certified and returns thereof duly made to and canvassed by the Mayor and Council, and said canvass shows that on the question submitted, there were 423 votes in all cast, of which 283 were in favor of the issuance of \$70,000. Sewer Bonds, and 132 ballots were against the issuance of said Sewer Bonds, and 8 ballots were spoiled; and that a majority of more than two-thirds of all the ballots cast at said election was in favor of issuing bonds to the amount of Seventy Thousand Dollars, (\$70,000) for the purpose as stated in Ordinance No. 229.

**SECTION III** – That it be and is hereby certified, recited and warranted that at said election a majority exceeding two-thirds of all of the qualified electors who are taxpayers of said city present and voting at said election voted in favor of issuing \$70,000 Municipal Sewer Bonds, and that the City Treasurer, under the general supervision of the Mayor and Council of said City, is hereby duly authorized and empowered to issue and sell the municipal coupon bonds of said city, of the character, to the amount, and for the purpose afore said.

**SECTION IV** – That in accordance with Ordinance No. 229, passed and approved August 29, A.D. 1919, notice of proposal to issue and sell \$70,000 Municipal Sewer Coupon Bonds of and by the City of Rexburg, Idaho, and inviting bids therefor, was fully published once each week for a period of five (5) consecutive calendar weeks in the “Rexburg Journal” a weekly newspaper printed, published and of general circulation in the City of Rexburg, the first publication being in the September 12<sup>th</sup>, A.D. 1919, issue, and evidence of such publishing has been furnished to the mayor and council of said city, in the form of publishers affidavit.

**SECTION V** – That the municipal coupon bonds hereinbefore and hereinafter mentioned have, pursuant to the advertised notice of sale aforesaid, by the City Treasurer, under the general supervision of the mayor and council, been duly awarded and sold bearing six (6) per cent interest, to Ferris & Hardgrove, of Spokane, Washington, who were the highest and best bidders therefor, at

a price in excess of the par value thereof, together with all accrued interest to date of delivery; and it is hereby determined and declared that said bonds could not be sold at par if made redeemable prior to the dates of absolute maturity thereof.

**SECTION VI** – That for the purpose of providing funds for the construction of sewers in said City, and particularly, a trunk sewer, the following bonds shall be executed, namely:

Municipal Sewer Coupon Bonds of the City of Rexburg, in the County of Madison, in the State of Idaho, in an amount aggregating the principal sum of \$70,000 comprised of 70 bonds, numbered consecutively from 1 to 70 both numbers inclusive, of the denomination of \$1,000 each, dated October 1, A.D. 1919, absolutely due and payable serially in numerical order, in equal annual amounts of \$7,000, October 1<sup>st</sup>, in each of the years 1930 to 1939 inclusive, bearing interest from their date until paid, at the rate of six (6) per centum per annum, payable semi-annually on the first days of January and July, respectively, each year, commencing July 1<sup>st</sup>, 1920, both principal thereof and interest there on payable at the office of the City Treasurer, or at the Banking house of Kountze Brothers, in the City and State of New York, U.S.A. at the option of the holder.

**SECTION VII** – That each of said bonds, and each of the interest coupons attached thereto, shall be in substantially the following forms, to-wit:

(Form of Bond)  
UNITED STATES OF AMERICA  
STATE OF IDAHO COUNTY OF MADISON  
Municipal Sewer Coupon Bond  
Of the  
City of Rexburg

No. \_\_\_\_\_ \$1,000

KNOW ALL MEN BY THESE PRESENTS, That the City of Rexburg, in the County of Madison, in the State of Idaho, acknowledges itself to owe, and for value received, hereby promises to pay to the bearer the principal sum of One Thousand Dollars on October 1, A.D. 19\_\_\_\_\_, together with interest on said sum from the date hereof until paid at the rate of six per centum per annum, payable semi-annually on the first days January and July respectively, in each year, beginning July 1, A.D. 1920, and on said First Day of October, as evidenced by and upon the presentation and surrender of the interest coupons hereto attached, as they severally become due; and both the said interest on and principal of this bond are hereby made payable in gold coin of the United State of America of, or equal to, the present standard of weight and fineness at the office of the City Treasurer in Rexburg, Idaho, or at the House of Kountze Brothers, in the city and state of New York, U.S.A., at the option of the holder; and for prompt payment of said principal and interest at maturity, the full faith, credit, resources and all the taxable property of said city are hereby irrevocably pledged.

This bond is issued by the said city for the purpose of constructing sewers therein, pursuant to a vote of the qualified electors who are taxpayers of said city present and voting upon the question at a special election lawfully called and duly held therein for the purpose, prior to the

issuance of this bond, at which bond election a majority exceeding two-thirds of the qualified electors who were taxpayers of said city present and voting thereat voted in favor of the issuance of this bond and in accordance with an ordinance duly adopted by the mayor and council of said city and effective prior to the issuance of this bond; and under, by virtue of and in all respects in full and strict compliance with the constitution of the state of Idaho, the provision of chapter 159, part 1, of the compiled laws of said state, and all legislative enactments amendatory thereof and supplementary thereto.

And it is hereby certified, recited and warranted that said city is now and has been for many years past, a body politic and corporate, duly organized, existing and operating as a city under and by virtue of the constitution and laws of the State of Idaho, and is now and has been always, under the control of a duly organized council as the duly constituted authority thereof; that all things, act, and conditions required by the constitution and laws of the state of Idaho, to exist and to happen and be done and performed precedent to and in the issuance of this bond, in order to constitute the same the valid and binding obligation of said city, do exist and have happened and been done and performed in regular and due form and time; that the total indebtedness of said city, including this bond, does not exceed any constitutional or statutory limitation; and that due provision has been made for the levy and collection of a direct annual and valorem tax on all of the taxable property in said city, in addition to all other taxes sufficient to pay the interest accruing hereon promptly and as the same falls due and also to discharge the principal hereof at maturity.

IN WITNESS WHEREOF, the city of Rexburg, in the County of Madison, in the state of Idaho, by its mayor and council, has caused this bond to be signed by the mayor of said city, attested by the city clerk, countersigned by the city treasurer, and sealed with the corporate seal of said city; and each of the interest coupons attached hereto to be executed by the engraved facsimile signature of said city treasurer the first day of October, A.D. 1919.

(SEAL)

\_\_\_\_\_  
JOHN L. BALLIE, JR.  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

COUNTERSIGNED: \_\_\_\_\_  
City Treasurer

(Form of Coupon)

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the first day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_

The city of Rexburg, in the county of Madison, in the State of Idaho, for value received,

promises to pay the bearer hereof, the sum of \_\_\_\_\_ dollars in gold coin of the United States of America of, or equal to, the present standard of weight and fineness, at the office of the City Treasurer in Rexburg, Idaho, or at the Banking House of Kountze Brothers, interest and sinking fund” which shall be irrevocably pledged to be used solely for payment of the interest accruing on and the principal of the sewer bonds hereby authorized when due, so long as any of said bonds, or the interest coupons thereto appertaining remain outstanding and unpaid, but shall be used for no other purpose whatever until the indebtedness so contracted under this ordinance, principal and interest, shall have been fully paid, satisfied and discharged.

**SECTION VIII** – That it shall be the duty of the mayor and council and they are hereby required annually at the same time and in the manner provided by law for the levying of other city taxes, to ratify and carry out the provisions hereof with reference to the levying of taxes and requiring the officers of and for said city to levy, extend and collect such taxes in the manner provided by law, for the purpose of creating a separate fund for the payment of the interest upon and the principal of said bonds, but nothing herein contained shall be so construed as to prevent said city from applying any other funds that may be in its treasury and available for that purpose to the payment of said interest or principal as the same respectively matures, and the levy or levies herein provided may thereupon to that extent be diminished, and upon the payment of the principal of any of the bonds issued hereunder in said manner or by the use of the sinking fund herein provided for, the taxes for interest may to the extent of the interest on the bonds be diminished.

**SECTION IX** – That on the 15<sup>th</sup> days of June and December, respectively, in each year, commencing June 15<sup>th</sup>, A.D. 1920, so long as any of the interest coupons appertaining to the bonds hereby authorized to be issued, remain outstanding and unpaid, the City Treasurer shall and he is hereby authorized, ordered and directed to remit by and through the purchasers of said bonds out of any money in his hands belonging to said city, in the form of check or draft payable in New York City, U.S.A. to the Banking House of Kountze Brothers, in the City and State of New York, a sum sufficient to pay the semi-annual interest accruing on said bonds on the first days of January and July, respectively, in each year, and any and all escrow charges made by said bank for handling said coupons; and on the 15<sup>th</sup> day of September, in each of the years 1930 to 1939, inclusive, the said City Treasurer shall and he is hereby authorized, ordered and directed out of the sinking fund created under the provisions of this ordinance, to remit, by check or draft, payable in New York, to the said Banking House of Kountze Brothers, a sum sufficient to pay the principal amount of said bonds fall due in said years, and any and all escrow charges made by said band for handling the same.

**SECTION X** – That said bonds when executed as and in the manner provided by this ordinance shall be and they are hereby ordered delivered, by the City Treasurer to Ferris & Hardgrove, who were and are hereby declared to be the highest and best bidders therefor, at a price in excess of the par value thereof, together with all accrued interest thereon to date of delivery— upon payment of the agreed purchase price therefor; and said treasurer shall hold the proceeds derived from the sale of said bonds subject to the order of the mayor and council of said city to be used solely for the purpose aforesaid.

**SECTION XI** – That the mayor, the city clerk, and the city treasurer, respectively, of said city are hereby authorized, ordered and directed to furnish the aforesaid purchasers of said bonds

with such certificates, transcripts, ordinances or other documents as will fully evidence the proceedings had relative to the issuance of said bonds, the regularity and sufficiency thereof, and the acts of any one, either or all of said officers in the premises are hereby declared authorized, ratified, approved and confirmed.

**SECTION XII** – That it be and is hereby certified, recited and warranted that all conditions, acts and things necessary and essential to the validity of the bonds of said city hereinabove mentioned and required by law to be done, have been fully done and performed.

**SECTION XIII** – That the provisions of this ordinance and each of the bonds and interest coupons issued pursuant thereto, shall constitute and the same are hereby declared to be a binding and irrevocable contract between said city and the purchasers of said bonds and the holder from time to time of each of said bonds and the interest coupons thereto appertaining.

**SECTION XIV** – That section 5 and 6, or ordinance No. 229, passes and approved August 29<sup>th</sup>, 1919, and all other ordinances, resolutions and orders, or parts thereof heretofore adopted in conflict with the provisions hereof, or which would in any way prevent the passage and adoption of this ordinance at this meeting, be and the same are, hereby repealed.

**SECTION XV** – That this ordinance being necessary for the immediate prevention of the peace, health and safety of the inhabitants of the city, and emergency is hereby declared and said ordinance shall take effect and be in force from and after its passage, approval and due publication, and shall thereafter be irrevocable until the indebtedness hereby created, both as to principal and interest, shall have been fully paid, satisfied and discharged.

PASSED AND APPROVED This 25<sup>th</sup> day of November, A.D. 1919.

(SEAL)

JOHN L. BALLIF, JR.

Mayor

ATTEST: RAY D. GARNER  
City Clerk