



ORDINANCE NO. 750

AN ORDINANCE CALLING A SPECIAL GENERAL OBLIGATION BOND ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF REXBURG, IDAHO, THE PROPOSITION OF THE ISSUANCE OF \$1,100,000.00 GENERAL OBLIGATION PUBLIC RECREATION BONDS OF THE CITY OF REXBURG, IDAHO ESTABLISHING AN OFFICIAL BALLOT; ESTABLISHING THE QUALIFICATIONS FOR VOTERS AND THE HOURS WHEN POLLS WILL BE OPEN; CERTIFYING THAT THE OBLIGATIONS OF THE CITY WILL NOT EXCEED CERTAIN LIMITS; CALLING FOR THE PRINTING AND DISTRIBUTION OF BALLOTS AND FOR THE PUBLICATION OF THE ELECTION; PROVIDING THE LANGUAGE FOR THE PUBLIC NOTICE; PROVIDING FOR THE ISSUANCE OF BONDS UPON THE SUCCESSFUL PASSAGE OF THE ISSUE BY THE VOTERS; CALLING FOR A SPECIAL PUBLIC MEETING AFTER THE ELECTION TO CANVASS THE RESULTS; CALLING FOR THE LEVY OF A TAX TO PAY SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the purchase, improvement and equipment of lands and buildings thereon for public recreation facilities for the City of Rexburg, Idaho (the "City"), said public recreation facilities to include a swimming pool, landscaping and related facilities (the "Project"), is considered by the Mayor and Council to be necessary to the health and well-being of the inhabitants of said City; and

WHEREAS, said City does not have sufficient funds available to pay the cost of the foregoing and has determined it advisable to finance such cost through the issuance of the bonds of the City pursuant to the provisions of Chapter 10 of Title 50 of the Idaho Code, and in order to do so desires to provide for the holding of the election required by said Chapter; and

WHEREAS, the County Treasurer of Madison County has verified in writing the total existing indebtedness of the City and the market value for assessment purposes and the assessed full cash valuation of the real and personal property of the City as set forth in Section 5 hereof:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO AS FOLLOWS:

SECTION I: That a Special General Obligation Bond Election is hereby called to be held in the City of Rexburg, Idaho on November 2, 1993, for the purpose of submitting to the qualified electors of said City the proposition set forth in the form of ballot appearing in Section IV hereof.

SECTION II: That the polls at said election shall open at the hour of 12:00 o'clock noon and remain open continuously until the hour of 8:00 o'clock P.M. and then close.

SECTION III: That all qualified electors of said City, eighteen (18) years of age or older, who have resided in the City for thirty (30) days, who are registered as provided by law are entitled to vote at said election.

SECTION IV: That the ballots to be used at said Special General Obligation Bond Election shall be prepared by the Clerk no less than twenty-one (21) days prior to the day of said election, in accordance with 50-439, Idaho Code, and shall be in substantially the following form:

OFFICIAL BALLOT

SPECIAL GENERAL OBLIGATION BOND ELECTION

CITY OF REXBURG
MADISON COUNTY
STATE OF IDAHO

November 2, 1993

QUESTION: Shall the City of Rexburg, Idaho, issue and sell its general obligation public recreation bonds in an amount of up to \$1,100,000.00 payable from and valorem taxes for the purpose of providing of the purchase and improvement of lands for public recreation facilities, in particular including a swimming pool and related improvements as more fully provided in Ordinance No. 750 adopted September 15, 1992?

IN FAVOR OF ISSUING BONDS _____
TO THE AMOUNT OF \$1,100,00.00
FOR THE PURPOSE STATED IN
ORDINANCE NO. 750

AGAINST ISSUEING BONDS _____
TO THE AMOUNT OF \$1,100,000.00
FOR THE PURPOSE STATED IN
ORDINANCE NO. 750

INSTRUCTIONS TO VOTERS: To vote on the preceding question, complete the arrow in the space to the right of the words "IN FAVOR OF ISSUING BONDS TO THE AMOUNT OF \$1,100,000.00 FOR THE PURPOSE STATED IN ORDINANCE NO. 750" or "AGAINST ISSUING BONDS TO THE MOUNT OF \$1,100,000.00 FOR THE PURPOSE STATED IN ORDINANCE NO. 750", according to the way you desire to vote on the question. All marks otherwise made are forbidden.

The following information is required by 34-440, Idaho Code:

The total existing indebtedness, including interest accrued as of November 2, 1993, of the City of Rexburg, is \$2,280,000.00. The interest rate anticipated on the proposed general obligation bonds is six percent (6%). The range of anticipated rates is from five percent (5%) to seven percent (7%). The total amount to be repaid over the life of the proposed general obligation bonds, based on the anticipated interest rate is \$1,699,005,00.

(End of Form of Official Ballot)

SECTION V: That the City of Rexburg hereby determines and the Madison County Treasurer ahs verified that the outstanding amount of all bonds and other obligations of the City, including the bonds proposed under this Ordinance, will not exceed either: 1) two percent (2%) of the market value for assessment purposes of the real and personal property in the City according to the assessment of the preceding year or, 2) ten percent (10%) of the assessed full cash valuation of the real and personal property in the City according to the assessment of the preceding year.

SECTION VI: That the City Clerk shall, in accordance with the provisions of Section 50-440 of the Idaho Code, cause sample ballots general obligation bond election, which sample ballots shall be in the same form as the official ballot set forth in Section 4 hereof except that they shall have printed thereon the words "Sample Ballot," shall be on paper of a different color than the official ballot and shall not be numbered. The sample ballots shall be available in the office of City Clerk to be furnished to any person applying thereof. The City Clerk shall cause the form of sample ballot to be published at least twice in The Standard Journal, the official newspaper of the City, the last publication to be within five (5) days of the date of said election.

SECTION VII: That notice of said Special General Obligation Bond Election shall be given by the City Clerk by publication of the notice of election in The Standard Journal, the official newspaper of the City of Rexburg, Idaho, at least once per week for five (5) weeks, the first of such publications to be not less than thirty (30) days prior to the date fixed for the holding of said election. Said notice shall be in substantially the following form:

NOTICE OF SPECIAL GENERAL OBLIGATION ELECTION

Pursuant to the laws of the State of Idaho and Ordinance No. 750 of the City of Rexburg, County of Madison, State of Idaho, notice is hereby given that a special general obligation bond election will be held in the City on Tuesday, November 2, 1993, beginning at the hour of 12:00

o'clock noon and closing at the hour of 8:00 o'clock p.m. on said date, for the purpose of taking a vote upon the following:

QUESTION: Shall the City of Rexburg, Idaho, issue and sell its general obligation public recreation bonds in an amount of up to \$1,100,000.00, payable from an valorem taxes for the purpose of providing for the purchase and improvement of lands for public recreation facilities, in particular including a swimming pool and related improvements, as more fully provided in Ordinance No. 750 adopted September 15, 1993?

Said election shall be held at the following precinct locations:

7th and 10th Precincts

Madison County Library
73 North Center
Rexburg, Idaho

8th and 11th Precincts

Adams School
110 North 2nd East
Rexburg, Idaho

9th and 12th Precincts

Senior Citizen Center
40 South 2nd West
Rexburg, Idaho

Notice is further given that only qualified electors of said City, eighteen (18) years of age or older, who have resided in the City for thirty (30) days, who are registered as provided by law are entitled to vote at said election. No qualified elector who is duly registered as a voter and voted in at least one (1) General City Election in the past four (4) years, and who continued to reside at the same address, or within the same precinct in which he is registered, shall be required to register. But any elector (i) who has failed or neglected heretofore to vote in at least one (1) General City election in the past four (4) years in said City, (ii) who has not registered, (iii) who has had his registration cancelled by the City Clerk as provided by law, or (iv) who has changed his residence (excluding a change within a precinct not requiring re-registration) must re-register.

An elector may register at the office of the City Clerk, in the City Hall, 12 N. Center, in the City of Rexburg, Idaho. In addition, Beth Reese, Madison County Clerk, is designated as Registrar and the following as Deputy Registrars: county Clerk Deputies; Rose Bagley, City Clerk; 7th Precinct: Pat Burton; 8th Precinct: Mary Ann Mounts; 9th Precinct: Cindy Muir; 10th Precinct: Joan Brunson; 11th Precinct: Barbara Jaussi; and, 12th Precinct: JoAnn Manwaring.

Persons may register at the offices of City Clerk or County Clerk until and including Firday, October 22, 1993, at any time during the office hours of said Clerks, except that on Firday, October 22, 1993, persons may register in said offices between th ehours of 8:00 o'clock A.M. and 8:00 o'clock P.M.

Any registered elector of the City may make written application to the City Clerk in accordance with law for an absentee ballot, provided that an absentee bhallot must be received by the City Clerk by 8:00 o' clock P.M. on the day of the election in order to be counted.

The voting at said election shall be by separate ballot the ballots to be supplied the voters for their use at said election shall be in the form set forth in Ordinance No. 750.

If at said Special General bond Election two-thirds (2/3) of the qualified registered electors eighteen (18) years of age or older voting at such election assent to the issuing of said general obligation bonds and the incurring of the indebtedness thereby created for the purpose of the purchase, improvement and equipment of lands thereon for public recreation facilites to include a swimming pool, landscaping an drelated facilities, such general obligation bonds shall be issued for such voted purpose in the manner porivded by the Municipal Bond Law of Idaho. Said general obligation bonds, or any issue thereof, shall mature over a period commencing at the exspiration of one (1) year from their date and ending thirty (30) years from their date and shall bear interest and be payable from ad valorem taxes in accordance with the provisions of Section 50-1026, Idhao Code, and the Municipal Bond Law of Idhao, Title 57, Chapter 2 as amended.

The following information is required by Section 34-440, Idaho Code:

The total existing indebtedness, including interest accrued as of November 2, 1993, of the City of Rexburg is \$2,280,000.00. The interest rate anticipated on the proposed general obligation bonds is six percent (6%). The range of anticipated rates is from five percent (5%) to seven percent (7%). The total amount to be repaid over the life of the proposed general obligation bonds, based on the anticipated interest rate is \$1,699,005.00.

PUBLIC NOTICE IS HEREBY GIVEN THAT THE Mayor and Council will, at their regular council meeting on November 3rd, 1993, (said date being within six (6) days of the date of said election), at the hour of 7:30 P.M., at the regular meeting place of the Mayor and Council in the Council Chambers of City Hall in the City of Rexburg, Idaho, canvass the results of the Special General Obligation Bond Election.

DATED, at Rexburg, Idaho, the 15th day of September, 1993.

CITY CLERK

(End of Form of Notice of Election)

SECTION VIII: That if at said election two-thirds (2/3) 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, the general obligation bonds of the City shall be issued as hereinabove provided and shall mature over a period commencing at the expiration of one (1) year from their date and ending thirty (30) years from their date and shall bear interest and be payable, in accordance with the provisions of Section 50-1026, Idaho Code, and the Municipal Bond Law of the State of Idaho, Title 57, Chapter 2, as amended, from the proceeds of ad valorem taxes.

SECTION IX: That the following suitable polling places are hereby designated for the following precincts, and the following persons are hereby appointed to act as judge and as clerks of, said election:

7th Precinct

Madison County Library
73 North Center
Rexburg, Idaho
Judge: Pat Burton
Clerks: Wilda Ritchie
Francine Hart

8th Precinct

Adams School
110 North 2nd East
Rexburg, Idaho
Judge: Mary Ann Mounts
Clerks: Linda Flamm
Trudy Johnson

9th Precinct

Senior Citizen Center
40 South 2nd West
Rexburg, Idaho
Judge: Cindy Muir
Clerks: Paula Godby
Sandy Hikida
Sidney Church

10th Precinct

Madison County Library
73 North Center
Rexburg, Idaho

Judge: Joan Brunson
Clerks: Suzanne Ricks
Helen Clinger

11th Precinct

Adams School
110 North 2nd East
Rexburg, Idaho
Judge: Barbara Jaussi
Clerks: Ardella Briggs
Phyllis Davis
Arlene Miller

12th Precinct

Senior Citizen Center
40 South 2nd West
Rexburg, Idaho
Judge: JoAnn Manwaring
Clerks: Sherrie Schwendiman
Elaine Archibald

The City Clerk is hereby directed to notify said appointees of their appointment within five (5) days of the adoption of this ordinance, and to administer the oath of office to the election judge and clerks designated herein before or upon delivery of the ballots and election supplies.

The City Clerk is hereby directed to provide an “absent elector’s polling place” as required by Section 50-448, Idaho Code.

SECTION X: That the Mayor and Council shall, at their regular council meeting on November 3rd, 1993, a date within six (6) days following said election, at the hour of 7:30 P.M. at the regular meeting place of the Mayor and Council in the Council Chambers of City hall in said City canvass the results of the Special General Obligation Bond Election and thereupon the result shall be entered in the minutes of the Clerk and proclaimed as final.

SECTION XI: That said general obligation bonds shall be issued if carried as aforesaid and payment shall be made through the levy of taxes on all taxable property in the City of Rexburg, Idaho, beginning with the year 1994 and continuing until principal and interest shall have been fully paid, in such amounts and at such rates as are necessary to assure the prompt payment of such interest, and also to establish and to constitute a sinking fund sufficient for the payment of the principal thereof and it is hereby ordered that such taxes shall be levied annually at the time and in the manner and general taxes for said City are levied in each such year; provided, however, the aforementioned taxes shall never be diminished prior to payment of all bonds excepting in any year to the extent that other available funds shall have been applied to or set aside in a special fund to be irrevocably held for the payment of principal or interest or both, payable from said taxes for such year. 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 section and to apply the proceeds of the taxes so collected to the payment of such principal and interest.

SECTION XII: That this ordinance shall be published within thirty (30) days after its passage in one issue of The Standard Journal, the official newspaper of said City, and shall take effect and be in full force immediately upon its passage, approval and publication.

PASSED BY CITY COUNCIL AND APPROVED BY THE MAYOR this 15th day of September, 1993.

Nile Boyle, Mayor

(SEAL)

ATTEST:

Rose Bagley, City Clerk

STATE OF IDAHO)

)ss.

County of Madison)

I, ROSE BAGLEY, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

AN ORDINANCE CALLING A SPECIAL GENERAL OBLIGATION BOND ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF REXBURG, IDAHO, THE PROPOSITION OF THE ISSUANCE OF \$1,100,000.00 GENERAL OBLIGATION PUBLIC RECREATION BONDS OF THE CITY OF REXBURG, IDAHO ESTABLISHING AN OFFICIAL BALLOT; ESTABLISHING THE QUALIFICATIONS FOR VOTERS AND THE HOURS WHEN POLLS WILL BE OPEN; CERTIFYING THAT THE OBLIGATIONS OF THE CITY WILL NOT EXCEED CERTAIN LIMITS; CALLING FOR THE PRINTING AND DISTRIBUTION OF BALLOTS AND FOR THE PUBLICATION OF THE ELECTION; PROVIDING THE LANGUAGE FOR THE PUBLIC NOTICE; PROVIDING FOR THE ISSUANCE OF BONDS UPON THE SUCCESSFUL PASSAGE OF THE ISSUE BY THE VOTERS; CALLING FOR A SPECIAL PUBLIC MEETING AFTER THE ELECTION TO CANVASS THE RESULTS; CALLING FOR THE LEVY OF A TAX TO PAY SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 15th day of September, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Rexburg, this 15th day of September, 1993.

Rose Bagley, City Clerk

(SEAL)