



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 337

AN ORDINANCE PROVIDING FOR THE ISSUE OF THE REFUNDING BONDS OF THE CITY OF REXBURG, IDAHO, IN THE PRINCIPAL AMOUNT OF \$25,000.00, FOR THE PURPOSE OF REFUNDING AND RETIRING A LIKE AMOUNT OF THE OUTSTANDING BONDS AND BONDED INDEBTEDNESS OF SAID CITY, BEING THE MUNICIPAL COUPON REFUNDING BONDS OF SAID CITY DATED AS OF JANUARY 1, 1927, BONDS NOS. 1 to 50, INCLUSIVE, AND MAKING PROVISION FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY THE INTEREST OF THE REFUNDING BONDS AUTHORIZED HEREBY AS IT FALLS DUE AND FOR THE PAYMENT OF THE PRINCIPAL THEREOF, AND CREATING AND CONSTITUTING A SINKING FUND IN THE OFFICE OF THE TREASURER OF THE CITY OF REXBURG FOR THE PAYMENT OF THE PRINCIPAL OF SUCH REFUNDING BONDS AT THEIR MATURITIES: AND PROVIDING FOR THE ISSUANCE OF SAID BONDS AND THE RETIREMENT OF THE BONDS REFUNDED THEREBY BY EXCHANGE.

WHEREAS, there are now outstanding and unpaid certain of the general Municipal Coupon Refunding Bonds of the City of Rexburg, Madison County, Idaho, hereinafter described, which bonds may now be redeemed at the option of the said City, and to the profit and advantage of such municipal corporation and without incurring any additional liability, by the issuance of refunding bonds for the purpose of returning the same, and it has been heretofore ascertained and determined by the City Council of this city that said bonds may be refunded at this time by the issuance of refunding bonds at a lower rate of interest than that borne by the bonds now intended to be refunded; and,

WHEREAS, all of said outstanding bonds were duly and lawfully authorized, ordered, issued, and sold and constitute the valid, constitutional outstanding obligations of said City, and, the interest upon said bonds has at all times been paid promptly when due and payable, which said outstanding bonds are payable from taxes levied on all the taxable property within said City and out of and from sinking funds duly established for the payment of said indebtedness, as required by the Constitution and laws of the State of Idaho; and,

WHEREAS, there are no moneys on hand in the treasury of said City available for the payment or discharge of any of such outstanding bonded indebtedness, and the funds necessary for such payment and discharge of such outstanding bonded indebtedness exceed the income and revenue provided for the City of Rexburg for this year; and,

WHEREAS, no litigation is pending or threatened involving the validity of said outstanding indebtedness; and said outstanding indebtedness evidenced by said outstanding bonds has at all times been recognized as an is the legal, constitutional and valid and binding obligation of said City,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
FOT EH CITY OF REXBURG, MADISON COUTY, IDAHO:

SECTION I: That the outstanding bonded indebtedness of the city of Rexburg, Madison County Idaho, consisting of the following outstanding bonds of said City, via:

Bonds Nos. 1 to 50, inclusive, of the denomination of \$500.00 each aggregating \$25,000.00 in principal amount, of the Municipal Coupon Refunding Bonds of the City of Rexburg, County of Madison, State of Idaho, dated as of the 1st day of January, 1927, issued by said City for the purpose of redeeming and refunding a like amount of the valid and legal outstanding bonded indebtedness of said City pursuant to Ordinance No. 292 thereof, and as described therein, duly passed, approved and published as required by law, which said bonds, now to be refunded, bear interest at the rate of five per centum from their date until paid, payable on the first days of January and July of each year both principal and interest being payable at the office of the City Treasurer of Rexburg, Idaho, or at the Pacific National Bank in the City of Boise, Idaho, and State of Idaho, U.S.A., at the option of the holder, all of said bonds being payable January 1, 1947, but redeemable at the option of said City on or after January 1, 1937; which said bonds are payable out of and from general taxes levied and collected annually upon and from the taxable property within said City and out of and from a Sinking Fund duly created and constituted for the redemption of the principal of said bonds, all as also set forth in the foregoing Ordinance No. 292 of said City.

shall be refunded, paid and redeemed by the issuance of sa4d City, and the officials thereof, in the manner provided by law, of the general Municipal Coupon Refunding Bonds, Series A of 1939, of said City in the principal amount of \$25,000.00, which said bonds shall be known and described as the municipal Coupon Refunding Bonds, Series A of 1939", and as further described and set forth in the bonds form and coupon form hereinafter set forth which said bonds shall be dated February 1, 1939, shall be of the denomination of \$1000.00 each, and payable, both principal and interest, in lawful money of the United States of America at the office of the City Treasurer in Rexburg, Idaho, or at the Rexburg State Bank, in said city, at the option of the holder, shall be numbered from One (1) upward in numerical order and bear interest at the rate of three and one-fourth per centum (3 1/4 %) per annum, payable semi-annually after date during the life of said bonds and at maturity, which interest shall be evidenced by interest coupon attached to said bonds; and Bonds Nos. 17 to 25, both inclusive, and any of said bonds, shall be redeemable at the option of the City on any interest payment date on or after five years from date of said bonds, upon notice of the intention of the City so to redeem published in a newspaper printed and published within the City of Rexburg, Idaho, at least once thirty days prior to the date fixed by the City Council for the date of such redemption; whereupon, funds sufficient for the intended redemption being present at and in the place of intended redemption, which shall be a place of payment of said bonds, unearned interest upon the bonds thus called for redemption shall cease to be payable.

SECTION II: Said refunding bonds and the interest coupons attached thereto and the registration certificate which shall be printed thereon and in all other respects, shall be substantially in the following form, via:

No.____

\$1000.00

UNITED STATES OF AMERICA
STATE OF IDAHO
COUNTY OF MADISON
CITY OF REXBURG

MUNICIPAL COUPON REFUNDING BOND

SERIES A OF 1939.

KNOWN ALL MEN BY THESE PRESENTS: That the City of Rexburg, Madison County, Idaho, acknowledges itself to owe, and for value received hereby promises to pay to the bearer hereof the sum of

ONE THOUSAND DOLLARS

(\$1000.00) on the first day of February, A. A. 19__ with interest thereon at the rate of three and one-fourth per centum (3 1/4 %) per annum from date hereof until paid, payable semi-annually after date on the first day of August and February in each year, upon presentation and surrender of the annexed interest coupons as they respectively become due, both principal and interest being payable in lawful money of the United States of America at the office of the Treasurer of said City, in Rexburg, Madison County, Idaho, or at the Rexburg State Bank in Rexburg, Idaho, or at the option of the holder thereof and for the prompt and full payment of said principle and interest as they mature and accrue, in full faith, credit and all taxable property within said City are, and shall continue, irrevocably pledged.

This bond is one of a series and issue of the Municipal Coupon Refunding Bonds, Series A of 1939, of said City, of the denomination of One thousand Dollars, (\$1000.00) each, aggregating Twenty-five Thousand Dollars (\$25,000.00) in principal amount, numbered from one (1) to Twenty-five (25), both inclusive, and of even date, denomination and tenor herewith except as to date of maturity, maturing in numerical order, lowest numbers first, on the first day of February in the following years and in the following aggregate annually maturing principal, via., \$2000.00 in each of the years 1941 and 1942, and \$300.00 in each of the years 1943 to 1949, inclusive, and all of the bond maturing in the years 1947, 1948 and 1949 (being bonds Nos. 18 to 25, inclusive), or any of them, are redeemable at the option of the said City on any interest payment date on or after five years from date hereof, upon and after notice of such intended redemption on published at least once in a newspaper printed and published in the City of Rexburg at least thirty days prior to the date of such intended redemption; whereupon, upon such date thus fixed for redemption, and upon the actual redemption the rest, all unearned interest upon said bonds thus called for redemption shall cease to accrue and to be payable; which said bonds are issued for the purpose of funding and retiring a like amount of the valid outstanding bonded indebtedness of said City as specified and described in Ordinance No. 337 thereof, passed and approved February 15th, 1939, and duly published on Feb. 16th, 1939; this bond and the refunding bond issue of which it is one are issued in conformity with and after full compliance with the Institution and Laws of the State of Idaho and

Chapter 262 of the Session Laws of Idaho of 1927 and all other valid proceedings of the Mayor and City Council of said City.

It is hereby certified, recited and warranted that said City is a municipal corporation under the Constitution and laws of the State of Idaho; that all acts and things requisite to the issue hereof have been duly and regularly performed and fully complied with; that this bond is duly and regularly issued: that all things, acts and conditions required by the Constitution and Laws of the State of Idaho to exist and to happen and to be done and performed 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 have been done and performed in regular and due form and time; that the indebtedness of said City has not been increased by the issuance hereof, and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation upon municipal indebtedness; and that due provision has been made for the payment of the interest upon said bonds during the year 1939 and for the levy and collection of a direct annual tax upon all taxable property in said City, in addition to all other taxes, sufficient to pay all the interest accruing and on all bonds of the bond issue of which this band forms a part, promptly when the same becomes payable; and also to constitute a Sinking Fund for the payment of the principal be hereof and all of the bonds of said bond issue promptly as the same becomes payable, and within ten years from the date of this bond.

IN WITNESS WHEREOF, The City of Rexburg, Madison County, Idaho, has caused this bond to be signed in its corporate name by the Mayor of said City and to be attested by the Clerk of said City under the corporate seal of said City and to be countersigned by the Treasurer of said City, and has caused the interest coupons attached hereto to be signed with the facsimile signature of said City Treasurer as of the first day of February, 1939.

CITY OF REXBURG, IDAHO.

By _____
D. W. Stowell, Mayor

ATTEST:

Edna P. Hegsted, Clerk

Treasurer

(Form of Interest Coupon)

No. _____ \$ _____

On the first day of (August/February), 19___, at the City of Rexburg, Idaho, promises to pay to bearer hereof _____ Dollars (\$_____) in lawful money of the United States of America at the office of the City Treasurer or, at the option of the holder, at the Rexburg State Bank in Rexburg, Idaho, being six months' interest then due on its Municipal Coupon Refunding Bond, Series A of 1939, Bond No._____.

Treasurer of Rexburg, Idaho

(The Coupons upon the bonds subject to redemption, being Bonds Nos. 17 to 25, inclusive, shall bear the following additional languages, viz:

“The attached bond being subject to redemption as provided the rein, upon such prior redemption all unearned interest evidenced by this coupon shall cease to be payable”.

(Registration Certificate to be Executed by)
(City Clerk and City Treasurer)

CERTIFICATE OF CITY CLERK AND CITY TREASURER

WE, the undersigned Clerk and Treasurer of the City of Rexburg, Idaho, do hereby certify that the within bond has been duly registered in permanent public record books kept in our respective offices for the purpose of such registration, in full compliance with the provisions of Chapter 262 of the Sessions Laws of the states of Idaho of 1937 and all other laws applicable thereto, such registration showing the number, date, amount of the bond, rate of interest the eon, date of maturity, place of payment and the number and denominations of the attached coupons; and the undersigned Treasurer does hereby certify that before the delivery of this bond be received the proper consideration in exchange therefor.

Edna P. Hegsted, Clerk of the City of Rexburg, Idaho

Treasurer of the City of Rexburg, Idaho

SECTION III: The ultimate maturity of said refunding bond issue shall be ten years from the date of said bonds and the annual bond maturities thereof shall be amortized and payable in accordance with the provisions of Chapter 262 of the Session Laws of Idaho of 1927 entitled “Municipal Bond Law” of the State of Idaho, and in accordance with the requirements of said Act, said bonds have been amortized in accordance with the provisions thereof, and shall be payable according to the following amortized Schedule of Maturities, viz:

SCHEDULE OF MATURITIES

Bond Numbers (Inclusive)	Denomination	Maturity	Total
1 - 2	\$1000.00	February 1, 1941	\$2000.00
3 - 4	1000.00	February 1, 1942	2000.00
5 - 7	1000.00	February 1, 1943	3000.00
8 - 10	1000.00	February 1, 1944	3000.00
11 - 13	1000.00	February 1, 1945	3000.00
14 - 16	1000.00	February 1, 1946	3000.00
17 - 19	1000.00	February 1, 1947	3000.00
20 - 22	1000.00	February 1, 1948	3000.00
23 - 25	1000.00	February 1, 1949	3000.00

Which schedule of annual maturities has been, and is, calculated as nearly as predictable, in such principal amount as will, together with accruing interest on all outstanding bonds of said refunding bond issue be met and paid by an equal annual tax levy for the payment of the principal of said refunding bonds and interest thereon during the term for which said bonds shall be issued; and the first maturity of said bonds shall be February 1, 1941, and bonds of said authorized refunding bond issue as specified hereinbefore, shall be redeemable at the option of the City prior to the fixed dates of maturity, as provided for hereinbefore.

SECTION IV: The interest on said bonds, calculated at the rate borne by said bonds, which shall accrue upon said bonds to and including the first day of the month of February, 1940, shall be paid out of the General Fund of said City and an appropriation for the payment of said interest out of said funds in hereby ordered for such purpose, and "the moneys as used for such payment of interest shall thereafter be repaid to the Fund from which so taken out of the first taxes collected for the payment of interest upon said bonds; and for the purpose of reimbursing said Fund for the amount of said interest moneys appropriated, and to be appropriated, and paid thereout for the foregoing purpose, and also to meet the interest upon said bonds accruing thereafter during the year 1939 until February 1, 1940, and annually thereafter until the payment of redemption of all of said bonds according to their terms, there shall be levied and collected in the year 1939, in addition to all other taxes, in the manner and at the time and by the officers, all as provided by law, on all taxable property within the said City a direct annual ad valorem tax sufficient in amount to produce in and for the year 1939 (until February 1, 1940), and in each year thereafter during the life of said bonds, the respective aggregate sums of interest becoming payable upon said bonds in each and all of said years; and commencing with and in the year 1939 and annually thereafter and including the year prior to the last maturity of said bonds determined hereinbefore, in order to pay the principal of said bonds according to their maturities as hereinbefore prescribed and to constitute a Sinking Fund for the payment of the principal of said bonds as they mature, as thereinbefore provided, there shall be levied in the year 1939 and annually thereafter, on all the taxable property in said City, in addition to all other taxes, a further direct annual ad valorem tax sufficient in amount to produce in said year, and in each year thereafter during the life of said bonds, including the year prior to the year of the final bond maturity, that amount of bond principal maturing in said year and maturing in each year thereafter according to the Schedule set forth thereinbefore and to constitute a Sinking Fund for the payment of said bond issue within the period of final maturity of said refunding bonds; which said interest taxes when collected shall be placed in a separate fund in the office of the Treasurer of said City, which interest Fund is hereby ordered and created therein; which interest taxes when collected shall be kept therein and used solely for the purpose of the payment of said bond interest amounts; and all said taxes for the payment of bond principal when collected shall be paid into a separate

Sinking Fund in the office of the Treasurer of said City, which Sinking Fund is hereby ordered and created in said office; and all such bond principal taxes shall be kept therein and used solely for the purpose of the payment of bond principal and said bonds as they shall mature; and all such taxes shall be levied, assessed, certified, extended and collected by the proper officers and at the times, all as fixed by law, and as other taxes are levied, assessed, certified, extended and collected in, for and by said City and by the said officers thereof, until the principal and interest of all such bonds and interest thereon shall be fully paid. Should any tax for the payment of bond principal or interest on any such refunding bonds at any time not be levied or collected in time to meet such payments, such principal payment and interest on such bonds shall be paid out of the current expense, general expense or general fund of said City and the moneys so used for such payment shall thereafter be repaid to the fund from which so taken out of the first taxes collected thereafter for the payment of such bond principal or interest; and it shall be the duty of said City and its officials to levy and to collect and to cause to be collected, any additional taxes which may be necessary thereafter to be levied or collected because of any such default of payment.

It shall be the duty of said City through its proper officers, annually to carry out the provisions hereof with reference to the levying and collection of taxes and the devotion of the same for the payment of interest and principal of said bonds, as provided hereinbefore; but nothing herein contained shall be so constructed as to prevent said City from applying any other funds that may be in the City Treasurer and available for that purpose to the payment of said interest and principal as the same respectively mature, and the levy or levies herein provided for may thereupon to that extent be diminished, and upon the payment of the principal of any of the bonds issued hereunder in said manner, the levy or levies herein provided for the payment of the interest and principal may to the extent of the bonds so paid, be diminished; provided, however, that the City shall first appropriate such other funds to and for the payment of said bond principal and/or bond interest and transfer the same into the bond interest fund and/or bond principal sinking fund before making any diminution of any such levy or levies.

SECTION V: That said bonds hereby authorized to be executed as herein provided as soon after the adoption of this ordinance as may be, and thereupon they shall be by the City Clerk and Treasurer of said City duly registered and by the Treasurer deposited with the Rexburg State Bank of Rexburg, Idaho, to be there held in escrow with appropriate instructions for delivery in exchange for and upon surrender of the bonds herein authorized to be refunded. Said bonds as so surrendered shall be cancelled simultaneously with the issuance and delivery of the bonds hereby authorized; and the said Treasurer is hereby authorized and directed to publish such notices and calls for the redemption of said outstanding bonds as shall be consistent with the provisions hereof and as permitted by law for the retirement of said outstanding bonds and the issuance of the refunding bonds authorized hereby, and that at least fifteen (15) days prior notice of such intended retirement of said bonds and redemption thereof shall be given to each of the holders of said bonds by one publication of such notice in the Rexburg Journal, a newspaper printed and published in Rexburg, Idaho, at least 15 days prior to the date of such intended retirement and exchange of said bonds, and that similar notice of such intended retirement and redemption, as aforesaid, shall likewise be given to each and all of the holders of said outstanding bonds where the names and addresses thereof are known by mailing a copy thereof unto each such bond holder at his proper address through the United States mail at Rexburg, Idaho, at least fifteen days prior to said date of intended retirement and redemption; and a copy of said notice shall be posted in the office of the City Treasurer of Rexburg, Idaho and shall be posted in the office of the City Treasurer of Boise, State of Idaho, U.S.A.". being one of the payees of said outstanding bonds, at least fifteen days before the said date

of intended retirement and redemption; Provided that nothing herein shall prevent the prior exchange of said bonds with the consent of the holders of said outstanding bonds; and upon the accomplishment of said refunding and retirement of said outstanding bonds by the issuance of said refunding bonds, either in whole or in part, the said Rexburg State Bank which shall be the Escrow Agent and Fiscal Agent for the accomplishment of the foregoing exchange, shall make and file such certificates of its compliance with the terms of this Ordinance as shall be sufficient to show the retirement of said outstanding bonds and the issuance of the refunding bonds authorized hereby.

SECTION VI: This ordinance shall take effect and be in full force from and after its passage and approval and due publication in one issue of the Rexburg Journal, a legal newspaper printed and published in Rexburg, Idaho, and being the official newspaper of said City for the purpose of said publication.

Ordinance introduced February 15, 1939.

Ordinance passed and approved February 15, 1939.

D. W. Stowell, Mayor

ATTEST:

Edna P. Hegsted, Clerk