



**ORDINANCE NO. 541**

**AN ORDINANCE RELATING TO THE JOINT WATER AND SEWER SYSTEM OF THE CITY OF REXBURG, IDAHO: PROVIDING FOR THE CALLING A SPECIAL ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE QUALIFIED ELECTIONS OF THE CITY THE QUESTION OF ISSUING JOINT WATER AND SEWER REVENUE BONDS OF DEFRAYING WHOLLY OR IN PART THE COST OF IMPROVING, BETTERING AND EXTENDING THE CITY'S JOINT WATER AND SEWER SYSTEM; PRESCRIBING DETAILS IN CONNECTION THEREWITH; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE SYSTEM, THE ELECTION AND THE BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City of Rexburg, in the County of Madison and State of Idaho (herein the "City." The County and the "State," respectively), is a municipal corporation duly organized and existing as a City under the general laws of the State; and

**WHEREAS**, the City presently operates its sewage system and its water system as a joint water and sewer system, as a single utility (herein sometimes designated as the "joint system") ; and

**WHEREAS**, the water system of the City presently needs improvement, betterment, alteration, enlargement and extension; and

**WHEREAS**, the City Council (herein "Council") has determined and does hereby determine that the interest of the community and the public interest and necessity require the immediate improvement, betterment, alteration, enlargement and extension of the City's water system by the construction, purchase and other acquisition of wells, reservoirs, storage facilities, pumping stations, transmission and interconnecting pipelines, mains, conduits and aqueducts; and all appurtenances and machinery necessary, useful or convenient, for obtaining, storing, treating, purifying or transporting water for domestic uses or purposes; (herein the "Project") ; and

**WHEREAS**, for the purpose of defraying in part the cost of the Project, the Council further deems it necessary to issue its joint water and sewer revenue bonds in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, payable solely from the revenues of the City's joint water and sewer system, as so improved, pursuant to the revenue Bond Act (herein the "Act"), cited as Section 50-1027 through 50-1043, Idaho Code, and all laws thereunto enabling; and

**WHEREAS**, for the purpose of defraying in part the cost of the Project, the Council further deems it necessary to issue, in addition to its joint water and sewer revenue bonds in the aggregate principal amount of \$500,000, its negotiable, coupon, general obligation water bonds in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, payable from general as volorem taxes, pursuant to Sections 50-1020 and 50-1026, Idaho Code as amended, and all laws thereunto enabling; and

**WHEREAS**, pursuant to Ordinance No. 432, duly introduced, passed and signed as of the 2<sup>nd</sup> day of January, 1963, as supplemented by Ordinances No. 433 and 434 and a resolution of the City Council, all duly introduced, passed and signed on the 6<sup>th</sup> day of March, 1963, and as supplemented by Ordinance No. 437, duly introduced, passed and signed on the 5<sup>th</sup> of June, 1963, the City has heretofore issued its negotiable, coupon, revenue bonds designated as the "City of Rexburg Joint Water and Sewer Revenue Bonds, Series January 1, 1963" (herein the "1963 bonds"), in the principal amount of \$330,000.00, bearing date as of January 1, 1963, consisting of 330 bonds in the denomination of \$1,000.00 each, numbered consecutively from 1 through 330, bearing interest until maturity at a rate of rates not exceeding six per centum (6%) per annum, evidenced by one set of interest coupons attached to the 1963 bonds, payable semiannually, commencing on the

first day of July, 1963, and thereafter on the first days of January and July in each year, and being numbered and maturing serially om regi; ar mi, eroca; prder and being payable on the first day of January in each of the designated years and amounts, as follows:

<u>Bond Numbers</u> <u>(All Inclusive)</u>	<u>Years</u> <u>Maturing</u>	<u>Amounts</u> <u>Maturing</u>
1-5	1964	\$5,000
6-12	1965	\$7,000
13-20	1966	\$8,000
21-29	1967	\$9,000
30-39	1968	\$10,000
40-50	1969	\$11,000
51-62	1970	\$12,000
63-76	1971	\$14,000
77-91	1972	\$15,000
92-107	1973	\$16,000
108-124	1974	\$17,000
125-142	1975	\$18,000
143-161	1976	\$19,000
162-181	1977	\$20,000
182-202	1978	\$21,000
208-225	1979	\$23,000
227-250	1980	\$25,000
251-275	1981	\$25,000
276-302	1982	\$27,000
303-330	1983	\$28,000

Both principal of, any prior redemption premiums due in connection with, and the interest on said bonds being payable in lawful money of the United States of America, without deduction for exchange or collection charges, at the Rexburg Branch of the First Security Bank of Idaho, in Rexburg, Idaho, from the net revenues derived from the operation of the City’s joint water and sewer system, of which there are outstanding and unpaid, after the first day of January, 1973, the 1963 Bonds numbered 108 through 330, in aggregate principal amount of \$223,000.00; and

**WHEREAS**, the proposed revenue bonds shall not be a debt of the City and it shall not be liable thereon, nor shall the bonds be payable out if any funds other than the revenue from the System pledged to payment thereof; and

**WHEREAS**, the revenue bonds cannot be issued without the assent of a majority of the qualified electors of the City voting at an election held for the purpose of authorizing or refusing to authorize the issuance of such revenue bonds; and

**WHEREAS**, the negotiable, coupon, general obligation water bonds of the City cannot be issued without assent of two thirds (2/3) of the qualified electors voting at an election held for the purpose of authorizing or refusing to authorize the issuance of said general obligation bonds; and

**WHEREAS**, neither the questions herein set forth nor any question for a similar purpose has been defeated at an election which has been held in the City within six (6) months of the date of the adoption of this ordinance.

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

**SECTION I:** This ordinance shall be known and may be cited by the short title “9-28-73 Election Ordinance” (herein “this instrument”).

**SECTION II:** All action heretofore taken (not inconsistent with the provisions of this instrument) by the council and the officers of the City, directed toward:

- a. The project,

- b. The issuance of the City's joint water and sewer revenue bonds (herein "1973 revenue bonds") therefore, and
- c. The issuance of the City's negotiable, coupon, general obligation water bonds (herein "1973 general obligation bonds") therefore, and
- d. The calling and holding of an election for the authorization of such bonds, be and the same hereby is, ratified, approved and confirmed, including, without limitation, the giving of notice of such election.

**SECTION III:** Subject to the assent of a majority of the qualified electors of the City voting on the question, it is hereby ordered that the Project be constructed, purchased, and otherwise acquired and that the joint water and sewer revenue bonds of the City, in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, be issued pursuant to the ACT TO DEFRAY IN PART the cost thereof.

**SECTION IV:** Subject to the assent of two thirds (2/3) of the qualified electors of the City voting on the question, it is hereby ordered that negotiable, coupon, general obligation water bonds of the City, in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, be issued pursuant to Section 50-1026, Idaho Code, as amended, to defray in part the cost thereof.

**SECTION V:** The Project briefly and generally described shall consist of the improvement, betterment, alteration, enlargement, and extension of the City's water system by the construction, purchase and other acquisition of wells, reservoirs, storage facilities, pumping stations, transmission and interconnecting pipelines, mains, conduits and aqueducts, and all appurtenance and machinery necessary, useful or convenient, for obtaining, storing, treating, purifying, or transporting water for domestic uses or purposes; prescribing details in connection therewith; ratifying action previously taken concerning the system, the election and the bonds; and providing the effective date thereof.

**SECTION VI:** The details of improving, bettering, altering, enlarging and extending the joint system are more specifically shown and described in the engineering report prepared therefore by Forsgren, Perkins and Associates, P.A. , Rexburg, Idaho (herein "Engineer"). For further details reference is hereby made to the report, which is now on file and available for inspection in the office of the Clerk of the City.

**SECTION VII:** The cost of the Project, including all incidental expenses, has been estimated by the Engineer to be approximately \$1,351,000.00. The City contemplates issuing its joint water and sewer revenue bonds in the aggregate principal amount of \$500,000, or so much thereof as may be necessary. The City also contemplates issuing its negotiable, coupon, general obligation water bonds in the aggregate principal amount of \$500,000 or so much thereof as may be necessary. The City estimates that the balance of the cost will be defrayed from state and federal grants and other sources.

**SECTION VIII:** The 1973 revenue bonds shall bear interest at a rate or rates not exceeding 7% per annum, payable annually, or at such lesser intervals as may hereafter be prescribed by ordinances; shall mature serially (or in installments if one bond is issued representing the entire principal amount of the 1973 revenue bond issue) commencing 2 years and ending 30 years from the date of the bonds; shall be payable solely from the revenues of the System as so improved, bettered, altered, enlarged and extended in accordance with the provisions of the Act; and may be made subject to prior redemption at such time or times, with or without a premium, and upon such terms and conditions as may be determined by the council in the ordinance or ordinances authorizing the bonds or otherwise pertaining thereto.

**SECTION IX:** The 1973 general obligation bonds shall bear interest at a rate or rates not exceeding 7% per annum, payable semiannually; shall mature serially (or in installments if one bond is issued representing the entire principal amount of the 1973 general obligation bond issue) commencing two years and ending 20 years from the date of the bonds; shall be payable solely from general ad valorem taxes as provided by the Municipal Bond Law; and may be made subject to prior redemption at such time or times, with or without a premium, and upon such terms and conditions as may be determined by the council in the ordinance or ordinances authorizing the bonds or otherwise pertaining thereto.

**SECTION X:** A special municipal bond election (herein the "bond election") be, and the same hereby is, called to be held at the same time as the general municipal election on Tuesday, the

sixth day of November, 1973, between the hours of 12:00 o'clock noon and 8:00 P.M. on such day, for the purpose of enabling the qualified electors of the City to vote upon the question of issuing such joint water and sewer revenue bonds and the question of issuing such general obligation water bonds set forth in the notice of election, the form of which is prescribed by this ordinance.

**SECTION XI:** There shall be three voting precincts for the bond election, consisting of the three regular municipal election precincts within the City.

**SECTION XII:** At the bond election the polling places and officials serving thereat shall be as follows:

<u>Precincts</u>	<u>Judges and Clerks</u>	<u>Polling Place</u>
No. 1	Judge: Maurine Flamm Clerks: Maxine Prestwich Bea Cooper Verna Henderson	Adams Elementary School 110 N. Second East
No. 2	Judge: Clara Beesley Clerks: Ruth Christensen Christine Beesley Marjorie Rasmussen	Washington Elementary School 110 West Main Street
No. 3	Judge: Joan Brunson Clerks: Ann Thompson Audrey Van Wagoner Sharon Hinckley	Lincoln Elementary School 358 East Second South

**SECTION XIII:** The polls and ballot boxes shall open at the hour of 12:00 o'clock noon on the day of the bond election and shall remain open continuously until the hour of 8:00 P.M. on such day, at which time the polls shall be closed.

**SECTION XIV:** The voting at the bond election on the question of issuing such revenue bonds and on the question of issuing general obligation bonds shall be by ballot substantially in the following form:

(Form of Bond Ballot)

Official Ballot  
Special Municipal Bond Election  
City of Rexburg, Madison County  
State of Idaho  
November 6, 1973

First (Joint Water and Sewer Revenue Bond) Question:

Shall the City of Rexburg, Idaho, be authorized to issue and sell its joint water and sewer revenue bonds in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, for the purpose of defraying in part the cost of acquiring, constructing, improving, bettering, and extending such joint system by the construction, purchase, extension and equipment of wells, reservoirs, storage facilities, pumping stations, transmission and interconnecting pipelines, mains, conduits and aqueducts, and all appurtenances and machinery necessary, useful or convenient, for obtaining, storing, treating, purifying, or transporting water for domestic uses or purposes, such bonds to mature serially commencing two years and ending thirty years from the date of the bonds and to bear interest at a rate or rates not to exceed 7% per annum, as more fully provided in Ordinance 541, passed and signed on the 28<sup>th</sup> day of September, 1973, the principal of and the interest on the bonds to be payable solely from the net revenues to be derived from the operation of the City's joint water and sewer system?

IN FAVOR of issuing revenue bonds \_\_\_\_\_

for the purpose provided by \_\_\_\_\_  
Ordinance No. 541  
AGAINST issuing revenue bonds \_\_\_\_\_  
for the purpose provided by \_\_\_\_\_  
Ordinance No. 541

Second (General Obligation Water Bond) Question:

Shall the City of Rexburg, Idaho, be authorized to issue and sell its negotiable, coupon, general obligation water bonds in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, for the purpose of defraying in part the cost of enlarging, extending, altering, and improving the municipal water system, such bonds to mature serially commencing two years and ending 20 years from the date of the bonds, and to bear interest at a rate or rates not to exceed 7% per annum, as more fully provided in Ordinance No. 541, passed and signed on the 28<sup>th</sup> day of September, 1973, the principal of and the interest on the bonds to be payable solely from general ad valorem taxes?

IN FAVOR of issuing general obligation \_\_\_\_\_  
water bonds for the purpose provided \_\_\_\_\_  
by Ordinance No. 541

AGAINST issuing general obligation \_\_\_\_\_  
water bonds for the purpose provided \_\_\_\_\_  
by Ordinance No. 541

INSTRUCTIONS TO VOTERS: The voter must make a cross (X) in the appropriate space opposite the words which express his choices on the above questions.

(End of Form of Bond Ballot)

**SECTION XV:** The Clerk shall cause to be printed not less than fifteen (15) days before said bond election, sample ballots containing the questions to be submitted, which sample ballots shall be in the same form as the official ballots to be used, except they have printed thereon the words "sample ballot," shall be on paper of a different color than the official ballot and shall not be numbered, and the Clerk shall furnish copies of the same on application at her office to anyone applying therefore. Such sample ballot shall be published at least twice in the official newspaper of the City, the last time to be within five (5) days of said bond election.

**SECTION XVI:** Ballots shall be furnished by the City Clerk to the judges of the election to be by them furnished to the voters. At the bond election only those persons who are qualified to vote, as aforesaid, shall be permitted to vote on the questions submitted. Each person desiring to vote at said bond election shall sign a written oath setting forth his or her qualifications to vote at such election. Such oath shall be in substantially the following form:

(Form of Oath)

ELECTOR'S OATH VERIFICATION OF REGISTRATION SPECIAL MUNICIPAL BOND  
ELECTION CITY OF REXBURG, county of Madison, state of Idaho. Tuesday, November 6,  
1973

I do solemnly swear (or affirm) that I am a citizen of the United States; that I am of the age of eighteen years or over; that on or before the 3rd day of November, 1973, I became and that I am now a bona fide resident of the City of Rexburg and that I have not retained a home or domicile elsewhere; that I am a registered elector in this election precinct; and that I have not previously voted at this election, so help me God.

\_\_\_\_\_  
Elector

\_\_\_\_\_  
Address

Subscribed and sworn to before me this 6<sup>th</sup> day of November, 1973.

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Judge  
(End of Form of Oath)

**SECTION XVII:** Notice of such special bond election shall be given prior to said election by publishing a notice of election in the Rexburg Journal, a weekly newspaper which is published, printed, and of general circulation in the City, and is the official newspaper of the City, for a period of not less than thirty (30) days by at least five insertions at weekly intervals therein, prior to said bond election.

**SECTION XVIII:** The notice of election shall be in substantially the following form:

(Form of Notice)

CITY OF REXBURG, IDAHO, NOTICE OF SPECIAL MUNICIPAL BOND ELECTION  
November 6, 1973

PUBLIC NOTICE IS HEREBY GIVEN that a special municipal bond election shall be held in the City of Rexburg (herein the "bond election" and the City respectively), Madison County, Idaho, at the same time as the general municipal election on Tuesday, the sixth day of November, 1973, for the purpose of voting on the following questions:

First (Joint Water and Sewer Revenue Bond) Question Submitted:

Shall the City of Rexburg, Idaho, be authorized to issue and sell its joint water and sewer revenue bonds in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, for the purpose of defraying in part the cost of acquiring, constructing, improving, bettering, and extending such joint system by the construction, purchase, extension and equipment of wells, reservoirs, storage facilities, pumping stations, transmission and interconnecting pipelines, mains, conduits and aqueducts, and all appurtenances and machinery necessary, useful or convenient, for obtaining, storing, treating, purifying, or transporting water for domestic uses or purposes, such bonds to mature serially commencing two years and ending thirty years from the date of the bonds and to bear interest at a rate or rates not to exceed 7% per annum, as more fully provided in Ordinance 541, passed and signed on the 28<sup>th</sup> day of September, 1973, the principal of and the interest on the bonds to be payable solely from the net revenues to be derived from the operation of the City's joint water and sewer system?

Second (General Obligation Water Bond) Question Submitted:

Shall the City of Rexburg, Idaho, be authorized to issue and sell its negotiable, coupon, general obligation water bonds in the aggregate principal amount of \$500,000, or so much thereof as may be necessary, for the purpose of defraying in part the cost of enlarging, extending, altering, and improving the municipal water system, such bonds to mature serially commencing two years and ending 20 years from the date of the bonds, and to bear interest at a rate or rates not to exceed 7% per annum, as more fully provided in Ordinance No. 541, passed and signed on the 28<sup>th</sup> day of September, 1973, the principal of and the interest on the bonds to be payable solely from general ad valorem taxes?

At such bond election only registered qualified electors of the City will be permitted to vote on the questions submitted.

A qualified elector shall be eighteen years of age or over on the United States, and a bona fide resident of the City as on the day of election.

Any registered qualified elector desiring to vote at the special municipal bond election shall be required to sign a written oath setting forth his or her qualifications to vote at such election.

The poll shall open at the hour of 12:00 o'clock noon on such day, and shall be open continuously until the hour of 8:00 o'clock p. m., at which time the polls will be closed.

There shall be 3 voting precincts for the bond election, consisting of 3 municipal election precincts within the City. Each elector shall vote at the voting place for the election precinct in

which he resides. The designated Judges and Clerks and the polling places for the bond election shall be as follows:

<u>Precincts</u>	<u>Judges and Clerks</u>	<u>Polling Place</u>
No. 1	Judge: Maurine Flamm Clerks: Maxine Prestwich Pea Cooper Verna Henderson	Adams Elementary School 110 N. Second East
No. 2	Clara Beesley Ruth Christensen Christine Beesley Marjorie Rasmussen	Washington Elementary School 110 West Main Street
No. 3	Judge: Joan Brunson Clerks: Ann Thompson Audrey Van Magoner Sharon Hinckley	Lincoln Elementary School 358 E. Second South

Beulah Johnson, City Clerk, is ex-officio Registrar of the City. The place of registration is the office of the City Clerk in Rexburg, Idaho

Except as provided in Sections 50-412, and 50-423, Idaho Code, it shall be necessary to register in order to vote at such bond election. When once registered for a general city election, thereafter an elector shall not be required to again register for the special bond election so long as he shall have continued to reside at the same address, or within the same precinct in which he is registered except as here in hereinafter provided. If an elector shall have been moved from the City and shall remain away from such City for a period of one (1) year, his name is stricken from the electors' register. If he shall thereafter again reside in such City he may again register and be eligible to vote, provided that he possesses the other qualifications required by law. If an elector shall have failed or neglected to vote at any general biennial city election, the Clerk shall strike the name of such elector from the electors' register, and such elector, in order to vote at the special bond election must again register. If an elector shall have removed to another precinct within the City, he shall notify the City Clerk of such change of address and the City Clerk shall register him in the precinct to which the elector shall have removed.

Persons who are not currently registered may register on each day at any time during the office hours of the City Clerk until and including Saturday next preceding the next election; and on Thursday, Friday, Saturday next preceding the bond election persons may register between the hours of 9:00 o'clock a.m. and 5:00 o'clock p.m. and between the hours of 7:00 o'clock p.m. and 9:00 o'clock p.m.

The voting at said bond election shall be by ballot. The ballots to be supplied voters for their use at said election shall be in the form set out in Ordinance No. 541.

Ordinance No. 541 was adopted for the purpose of ordering the improvement, betterment, alteration, enlargement and extension of the City's water system by the construction, purchase, and other acquisition of wells, reservoirs, storage facilities, pumping stations, transmission, and interconnecting pipelines, mains, conduits and aqueducts, and all appurtenances and machinery necessary, useful or convenient, for obtaining, storing, treating, purifying transporting water for domestic uses or purposes, ordering the issuance of joint water and sewer revenue bonds, subject to the assent of a majority of the qualified electors of the City voting on the revenue bond question at said election, and ordering the issuance of general obligation water bonds, subject to the assent of two-thirds (2/3) of the qualified electors of the City voting on the general obligation water bond question at said election.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 28th day of September, 1973.

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Henry Shirley, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Beulah Johnson, City Clerk

STATE OF IDAHO)  
  )ss.  
County of Madison )

I, BEULAH JOHNSON, 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 RELATING TO THE JOINT WATER AND SEWER SYSTEM OF THE CITY OF REXBURG, IDAHO: PROVIDING FOR THE CALLING A SPECIAL ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE QUALIFIED ELECTIONS OF THE CITY THE QUESTION OF ISSUING JOINT WATER AND SEWER REVENUE BONDS OF DEFRAYING WHOLLY OR IN PART THE COST OF IMPROVING, BETTERING AND EXTENDING THE CITY'S JOINT WATER AND SEWER SYSTEM; PRESCRIBING DETAILS IN CONNECTION THEREWITH; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE SYSTEM, THE ELECTION AND THE BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 28th day of September, 1973.

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Beulah Johnson, City Clerk

(SEAL)