



ORDINANCE NO. 622

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, PROVIDING FOR AND CALLING A SPECIAL ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF ISSUING GENERAL OBLIGATION SEWER BONDS OF THE CITY FOR THE PURPOSE OF DEFRAYING WHOLLY OR IN PART THE COST OF CONSTRUCTING, ENLARGING, EXTENDING, REPAIRING, ALTERING AND IMPROVING THE CITY'S SANITARY SEWERAGE 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 (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 sewerage system and its water system as a joint water and sewer system, as a single utility; 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 construction, enlargement, extension, repair, alteration and improvement of the City's municipal sewerage system (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 negotiable, coupon, general obligation sewer bonds in the aggregate principal amount of \$235,000, or so much thereof as may be necessary, payable from general ad valorem taxes, pursuant to Section 50-1026, Idaho Code, as amended, and laws thereunto enabling; and

WHEREAS, the negotiable, coupon, general obligation sewer bonds of the City cannot be issued without the 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 issuances of said general obligation bonds; and

WHEREAS, neither the question 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: All action heretofore taken (not inconsistent with the provisions of this Ordinance), by the Council and the officers of the City, directed toward:

- A. The Project,
- B. The issuance of the City's negotiable, coupon, general obligation sewer bonds (the "Bonds") therefore, and
- C. 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 II: Subject to the assent of the necessary percentage of the electors voting on the question, it is hereby ordered that the Project be undertaken and that the Bonds in the aggregate principal amount of \$235,000, or so much thereof as may be necessary, be issued to provide therefore.

SECTION III: The Bonds shall bear interest payable semiannually provided that the first and last interest coupons may be for a period of longer or shorter than six months, but not to exceed one year, at the discretion of the Council at a rate or rates not exceeding 10% per annum, and Bonds shall mature and be payable upon an amortization plan, with the first annual principal payment maturing and payable within two years from and after the date of the Bonds and the last annual principal payment maturing and payable during the ten year from the date of the Bonds. The various annual Bond maturities shall be payable in accordance with the provisions of SS 57-201 to 57-230, Idaho Code (the "Municipal Bond Law"), all as provided in Section 50-1026 Idaho Code, and the Municipal Bond Law. The Bonds shall be in denominations of \$100, or any even multiple thereof not exceeding \$5,000 (to be fixed by ordinance prior to the issuance thereof), numbered consecutively, beginning with the number one, the bonds being payable in numerical order, the lowest number first. The Bonds 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 its discretion) in the ordinance authorizing the Bonds.

SECTION IV: For the purpose of providing funds to pay the interest on the Bonds promptly when the same falls due and also a sinking fund for the payment of said Bonds at maturity, there shall be levied annually upon all of the taxable property in said City, in addition to all other taxes, a sum sufficient to pay the interest on the Bonds and to provide for the payment of the principal thereof as they mature, and all such taxes must be levied, assessed and collected as other taxes until the Bonds so issued are fully paid. The faith and credit and all taxable property within the said City are and will continue to be pledged for the punctual payment of the principal of and the interest on the Bonds. Nothing herein contained shall be so construed as to prevent the City from applying any other funds that may be legally available for that purpose to the payment of said interest and principal, and the levy or levies herein provided for may thereupon to that extent be diminished.

SECTION V: The Project briefly and generally described, and the object of the indebtedness to be created by the issuance of the Bonds, shall consist of the construction, enlargement, extension, repair, alteration and improvement of the City's municipal sewerage system by the construction of an aeration system at the lagoon sewerage treatment site, expanding and deepening the lagoon, and construction and other acquisition of a blower house, an administration control and maintenance building, chlorination contact chambers, a chlorination and pump building, and a 14-inch discharge line from the lagoon to the Rexburg Irrigation Canal, and all necessary equipment and appurtenances therefore and all costs incidental to the foregoing and to the issuance of Bonds.

SECTION VI: A special municipal bond election be, and the same hereby is, called to be held on Tuesday, the 29th day of July, 1980, for the purpose of enabling the registered qualified electors of said City to vote upon the question of issuing the Bonds, as set forth in the notice of election, the form of which is prescribed by this ordinance.

SECTION VII: There shall be three voting precincts for the Bond election whose boundaries and precinct numbers shall be identical to the three regular municipal precincts within the City. The polling places and officials thereat shall be as follows:

<u>Precincts</u>	<u>Judges and Clerks</u>	<u>Polling Place</u>
No. 1	Judge - <u>Maurine Flamm</u> Clerks- <u>Lera Thomson</u> <u>Maurine Prestwich</u> <u>La Ree Pincock</u>	<u>Adams School</u> <u>110 N. 2nd E.</u> <u>Rexburg, Idaho</u>
No. 2	Judge - Ann Davenport Clerks - Lois Virgin Afton Siepert Clara Beesley	Washington School 110 West Main Rexburg, Idaho
No. 3	Judge - Joan Brunson Clerks - Cindy Muir Ann Thompson Sally Thompson	Erickson Pontiac 221 West 4th South Rexburg, Idaho
No. 4	Judge - Marilyn Gentry Clerks - Shirley Hastings Carolyn Thompson Donna Lyn Parkinson	Lincoln School 358 East 2nd South Rexburg, Idaho

SECTION VIII: The polls and the ballot boxes shall open at the hour of 12:00 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 IX: The voting at the Bond election on the question of issuing such general obligation bonds shall be by ballot substantially in the following form:

(Form of Ballot)

OFFICIAL BALLOT

SPECIAL MUNICIPAL GENERAL

OBLIGATION BOND ELECTION

CITY OF REXBURG

MADISON COUNTY

STATE OF IDAHO

JULY 29, 1980

INSTRUCTIONS TO VOTERS

To vote on the following question place a cross (X) in the square to the right of such question, in the one marked "In favor of issuing bonds to the amount of, etc." or "Against issuing bonds to the amount of, etc." according to the way you desire to vote on the question. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you, by mistake or accident, mark, tear, deface, or otherwise mutilate this ballot, return it to the election judges and obtain another ballot.

GENERAL OBLIGATION SEWER BOND QUESTION:

Shall the City of Rexburg, Idaho, issue and sell its negotiable, coupon, general obligation bonds in one series or more in the principal amount of \$235,000 or so much thereof as may be necessary, each series bearing interest at a rate or rates not exceeding 10% per annum, as may be fixed by the City Council prior to the issuance of such bonds, payable serially according to law, commencing not later than two years and ending ten years from the date of the bonds, for the purpose of constructing, enlarging, extending, repairing, altering, and improving the City's municipal sewerage system, in accordance with Ordinance No. 622 adopted the 4th day of June, 1980?

IN FAVOR OF ISSUING BONDS TO THE AMOUNT OF \$235,000 FOR THE PURPOSE STATED IN ORDINANCE NO. 622 AGAINST ISSUING BONDS TO THE AMOUNT OF \$235,000 FOR THE PURPOSE STATED IN ORDINANCE NO. 622

SECTION X: The City Clerk shall cause to be printed not less than 15 days before the election, sample ballots containing the question to be submitted, which sample ballots shall be in the same form as the official ballots to be used, except 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, and the Clerk shall furnish copies of the same on application at his office, to anyone applying therefore. Said sample ballot shall be published at least twice in the official newspaper of the City, the last time to be within 5 days of the election.

SECTION XI: Ballots shall be furnished by the City Clerk to the judges of the election to be by them furnished to the voters. At said election only those persons who are qualified to vote at elections in the City of Rexburg shall be permitted to vote on said Bond question. An elector desiring to vote shall state his name and address to the Clerk in charge of the combination election record and poll book. Each elector desiring to vote at the election shall sign his name in the combination election record and poll book following his name therein. No person shall knowingly sign his name in the combination election record and poll book if his residence address is not within the City at the time of signing. The elector shall then be given the appropriate ballot which has been stamped with the official election stamp and shall be given folding instructions for such ballot. A second election register and poll book will be maintained to record that the elector has voted.

SECTION XII: Absentee voting shall be permitted at said election in the manner prescribed by law.

SECTION XIII: Notice of said municipal bond election shall be given prior to said election by publishing notice of election in the Rexburg Journal, the official newspaper of

the City, published in Rexburg, Idaho, and of general circulation in the City, for a period of not less than thirty (30) days by at least five insertions at weekly intervals therein, prior to said election, which notice shall be in substantially the following form:
(Form of Notice)

CITY OF REXBURG, IDAHO
NOTICE OF SPECIAL MUNICIPAL BOND ELECTION

To Be Held On
July 29, 1980

PUBLIC NOTICE IS HEREBY GIVEN that a special municipal bond election will be held in the City of Rexburg, Madison County, Idaho, on Tuesday, the 29th day of July, 1980, for the purpose of voting on the following question:

GENERAL OBLIGATION SEWER BOND QUESTION:

Shall the City of Rexburg, Idaho, issue and sell its negotiable, coupon, general obligation bonds in one series or more in the principal amount of \$235,000 or so much thereof as may be necessary, each series bearing interest at a rate or rates not exceeding 10% per annum, as may be fixed by the City Council prior to the issuance of such bonds, payable serially according to law, commencing not later than two years and ending ten years from the date of the bonds, for the purpose of constructing, enlarging, extending, repairing, altering, and improving the City's municipal sewerage system, in accordance with Ordinance No. 622 adopted the 4th day of June, 1980?

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

There shall be three (3) voting precincts for the bond election whose boundaries and precinct numbers shall be identical to the three regular municipal precincts within the City. Each elector shall vote at the voting place for the election precinct in which he resides. The polling places for each precinct shall be as follows:

Precincts

Polling Place

No. 1

Adams School
110 North Second East
Rexburg, Idaho

No. 2

Washington School
110 West Main
Rexburg, Idaho

No. 3

Erickson Pontiac
221 West Fourth South

Rexburg, Idaho

No. 4

Lincoln School
358 East Second South
Rexburg, Idaho

-9-

At such election only registered qualified electors of the City will be permitted to vote on the question submitted. A qualified elector shall be 18 years of age or older on the date of the election, a citizen of the United States, and shall have established a bona fide residence in the County of Madison and City of Rexburg, as of date of the election.

Before receiving a ballot each elector desiring to vote at the election shall sign his name in the combination election record and poll book following his name therein. No person shall knowingly sign his name in the combination election record and poll book if his residence address is not within the City at the time of signing.

Rose Bagley, City Clerk, is ex officio Registrar of said City. The place of registration is the office of the City Clerk at the Rexburg City Hall, in Rexburg, Idaho. Except as provided by Section 50-414, Idaho Code, it shall be necessary to register in order to vote at such special municipal bond election. When once so 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 hereinafter provided. 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.

Persons who are not currently registered may register on each day at any time during the office hours of said Clerk until and including the Friday next preceding the election; and on Friday next preceding the election, persons may register from the time the office is opened in the morning continuously until 8:00 p.m.

The voting at said election shall be by ballot. The ballots to be supplied the voters for their use at said election shall be in the form set out in said Ordinance No. 622. Absentee voting shall be permitted for the above-described election in the manner prescribed by law. A written application for an absent voter's ballot shall contain the name of the elector, the elector's home or residence address, and the address to which such ballot shall be forwarded. Such application shall be to the City Clerk of Rexburg, Idaho.

-10-

If at said election two-thirds (2/3) of the qualified electors voting at such election assent to the issuance of said bonds for the purpose set forth in Ordinance No. 622, and designated on the aforesaid ballot, the general obligation Bonds of said City to the amount of \$235,000 shall be issued to provide funds for the purpose aforesaid.

Said bonds shall mature and bear interest as provided in the aforesaid question, and shall be payable in accordance with the provisions of Section 50-1026, Idaho Code, and the Municipal Bond Law of Idaho.

Proceedings to contest the results of the special municipal bond election on the above question may be instituted as provided in Section 34-2001A, Idaho Code, but shall be instituted within forty days after the votes cast at such election have been canvassed and the results thereof declared and not thereafter.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, this 4th day of June, 1980.

(SEAL)

Mayor

ATTEST:

City Clerk

(End of Form of Notice)

-11-

Section 14. If at the special municipal bond election two-thirds of the qualified electors of the City voting at the election vote in favor of the issuance of the Bonds, they shall be sold, executed and delivered in the manner provided by the Municipal Bond Law of the State of Idaho.

Section 15. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 16. All by-laws, resolutions and ordinances in conflict with this ordinance, are hereby repealed. This repealer shall not revive any by-law, resolution or ordinance, or part thereof, heretofore repealed.

Section 17. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 18. This ordinance shall be published in at least one issue of the Rexburg Journal, the official newspaper of the City and this ordinance shall be in full force and effect from and after its passage, approval and publication, the Council dispensing with the rule providing that ordinances must be read on three different days, all as provided by law.

PASSED AND ADOPTED by the City Council of the City of Rexburg, Idaho, this 4th day of June, 1980.

SIGNED by the Mayor of the City of Rexburg, Idaho,
this 4th day of June, 1980.

CITY COUNCIL OF THE CITY OF REXBURG,
a municipal corporation of Idaho

By John C. Porter, Mayor

(SEAL)

ATTEST:

Rose Bagley, City Clerk

-12-

Councilmember Sander Larson then moved the adoption
of said ordinance. Councilmember Morgan Garner seconded the
motion.

The Clerk was then instructed to call the roll on the
passage of the ordinance and the roll call, on the passage of
the ordinance resulted as follows:

Those Voting Aye: Darlene Blackburn
Nile Boyle
Morgan Garner
Sander Larson
Jim Morris
Norris Reese
Those Voting Nay: None
Those Absent: None

The Ordinance was thereupon, by the Mayor, declared
to have been duly passed.

It was moved by Councilmember Darlene Blackburn seconded
by Councilmember Norris Reese , that the Clerk of the City be
ordered to publish the ordinance in full immediately and in at
least one issue of the Rexburg Journal, a newspaper published and
of general circulation in the City of Rexburg, Madison County,
Idaho.

Thereupon, the Clerk was ordered to call the roll on
the motion and the roll call upon the motion was as follows:

Those Voting Aye: Darlene Blackburn
Nile Boyle
Morgan Garner
Sander Larson
Jim Morris
Norris Reese
Those voting ,Nay: None
Those Absent: None

The Mayor thereupon declared that the motion was duly
carried.

Other, business not concerning the proposed general obligation
bonds was thereupon considered.

There being no further business to come before the meeting,
the meeting was, on motion duly made, seconded and unanimously
carried, adjourned.

John C. Porter, Mayor

(SEAL)
ATTEST:

Rose Bagley, City Clerk

STATE OF IDAHO

COUNTY OF MADISON SS.

CITY OF REXBURG

I, Rose Bagley, the duly chosen, qualified, and acting
Clerk of the City of Rexburg, in the County of Madison, and
State of Idaho, do hereby certify:

1. That the foregoing pages numbered from 1 through 13,
inclusive, are true, perfect, and complete copies of the record
of the proceedings of the City Council of the City had and taken
at a lawful meeting of said Council held at the Rexburg City Hall,
in said City: on Wednesday, June 4, 1980, at the hour of 7:30
p.m., as recorded in the regular official book of records of the
proceedings of said Council kept in my office.

2. That said proceedings were duly had and taken as
therein shown, that the meeting therein shown was duly held, that
the persons therein named as present at said meeting were present
as shown by said minutes, and that all members of the City Council
were duly notified of said meeting.

WITNESS my hand and the seal of the City of Rexburg,
this June 4, 1980.

(SEAL)

John C. Porter, City Clerk, Rose Bagley

-14-
(Attach Affidavit of Publication of Election Notice)

-15-

STATE OF IDAHO
COUNTY OF MADISON SS.
CITY OF REXBURG

A regular meeting of the City Council of the City of Rexburg, in the County of Madison
and State of Idaho, was held on Wednesday, the 4th day of June, 1980, at the hour of 7:30
p.m., at the City Hall in the City, being the regular meeting place of the City Council, at
which meeting there were present and answering the roll call the following, constituting a
quorum:

Present:

Mayor; John C. Porter
Councilmembers: Nile Boyle
Morgan Garner
Darlene Blackburn
Jim Morris
Sander Larson
Norris Reese

Absent: None

constituting all the members thereof.

There were also present:

City Clerk: Rose Bagley

City Treasurer: Richard Horner

City Attorney: Mary Smith

Thereupon the following proceedings, among others, were duly had and taken:

Councilmember Nile Boyle introduced the following ordinance entitled:

"AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, PROVIDING FOR AND CALLING A SPECIAL ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF ISSUING GENERAL OBLIGATION SEWER BONDS OF THE CITY FOR THE PURPOSE OF DEFRAYING WHOLLY OR IN PART THE COST OF CONSTRUCTING, ENLARGING, EXTENDING, REPAIRING, ALTERING AND IMPROVING THE CITY'S SANITARY SEWERAGE SYSTEM; PRESCRIBING DETAILS IN CONNECTION THEREWITH; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE SYSTEM, THE ELECTION AND THE BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF."

The motion was made by Councilmember Morgan Garner and seconded by Councilmember Jim Morris that the rules requiring ordinances of a general and permanent nature to be fully and distinctly read on three different days be dispensed with and that the ordinance be read in full and at length and placed upon its final passage.

Thereupon, the Clerk was ordered to call the roll on such motion, and the roll call upon said motion was as follows:

Those Voting Aye:

Darlene Blackburn

Nile Boyle

Morgan Garner

Sander Larson

Jim Morris

Norris Reese

Those Voting Nay: None

Those Absent: None

The Mayor thereupon declared that the motion, having been duly passed by not less than one-half plus one of the members of the full City Council, had been duly carried. The ordinance was then read in full and at length as follows: