

ORDINANCE NO. 2011-01

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY OF CROUCH, BOISE COUNTY, IDAHO; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING REVENUE BONDS IN THE PRINCIPAL AGGREGATE AMOUNT NOT TO EXCEED \$1,200,000 TO PAY A PORTION OF THE COST THEREOF; ESTABLISHING THE DATE, TIME, AND PLACE OF ELECTION; PROVIDING FOR PUBLIC NOTICE OF ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Crouch, Boise County, Idaho (the "City"), is a municipal corporation duly organized and operating under the laws of the State of Idaho; and

WHEREAS, the City must install and operate a sanitary sewer system and collects rates, fees, and charges for the use of the system; and

WHEREAS, it has been determined by the Mayor and the City Council of the City (the "Council") to be necessary and essential to the health, safety, comfort, and welfare of the inhabitants of the City to acquire, construct, and install improvements and betterments to the sanitary sewer system of the City and to incur an indebtedness therefor; and

WHEREAS, the Mayor and Council have determined to finance a portion of the cost of the construction and installation of the improvements through the issuance of revenue bonds of the City, pursuant to the provisions of the Revenue Bond Act of the State of Idaho, being Sections 50-1027 to 50-1042, inclusive, Idaho Code; and

WHEREAS, such revenue bonds cannot be issued without the assent of a majority of the qualified electors of the City voting in an election called for such purpose; and

WHEREAS, in order to authorize such revenue bonds, the Mayor and Council have determined to call a special municipal bond election for the aforesaid purposes as required by the Revenue Bond Act; and

WHEREAS, such election shall be conducted by Boise County, Idaho (the "County") as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CROUCH, Boise County, Idaho, as follows:

Section 1: THE PROJECT

A. The Mayor and Council hereby find, determine, and declare that it is necessary and essential to the public interest, health, safety, and welfare that the City acquire and construct certain capital improvements and betterments to the City's sanitary sewer system, consisting generally of, but not limited to, construction of a distribution and collection system, lift station, and treatment plant, together with related improvements and costs of engineering, legal, accounting, and other necessary professional services, costs of bond issuance, interest on borrowed funds during construction, and costs incidental thereto (the "Project").

B. The cost and expense of the acquisition, construction, and installation of the Project is estimated by the engineers of the City as \$2,600,000, including the payment of all preliminary expenses incurred and incident to the Project and properly incident to the issuance of the bonds as such expenses are set forth in the Revenue Bond Act, and including payment of interest on such bonds during the period to be covered by the acquisition and construction of the improvements as described in subparagraph A above.

C. Subject to the following subparagraph, the acquisition, construction, and installation of the improvements, as described in subparagraph A, above, are hereby ordered.

D. Subject to the approval of the incurring of indebtedness and the issuance of revenue bonds therefor by the qualified electors voting at the election for which provision is hereinafter made, revenue bonds of the City shall be issued pursuant to the provisions of the Revenue Bond Act, being Idaho Code Sections 50-1027 to 50-1042, inclusive, in a principal amount not to exceed \$1,200,000, to pay a portion of the costs of the Project. The remainder of the costs, if any, will be paid from grants and other lawfully available funds of the City.

Section 2: SPECIAL ELECTION

A special municipal bond election is hereby called to be held within the City of Crouch on Tuesday, May 17, 2011, for the purpose of voting upon the proposition set forth in Section 4 of this Ordinance. The polling place for the special bond election shall be determined by the Boise County Clerk, and the election shall be conducted by the Boise County Clerk. The Boise County Clerk shall appoint an election judge and election clerks for the polling place for the special bond election. The election officials shall be qualified City electors. The Boise County Clerk shall notify the election officials of their appointment within five (5) days following their appointment. If any election official fails to report for duty on the date of election, the Boise County Clerk shall fill such vacancies from among the qualified electors presenting themselves to vote.

Section 3: ADMINISTRATION OF ELECTION

The polls of the special bond election shall open at the hour of 8:00 o'clock A.M. on May 17, 2011, and shall remain open continuously until the hour of 8:00 o'clock P.M., at which time the polls shall be closed. The administration of the election shall be conducted by Boise County in accordance with Chapter 4 of Title 50, Idaho Code, except as provided by Section 50-1026, Idaho Code, and in accordance with Title 34 of Idaho Code, and this Ordinance.

The ballot proposition to be voted upon at the special bond election, as set forth in Section 4 of this Ordinance, shall be separate from any other proposition being voted upon at or in conjunction with any other election being held and conducted on the same date. Only those qualified electors of the City casting valid ballots upon the proposition set forth in Section 4 of this Ordinance shall be counted in determining the number of qualified electors voting at or participating in the special bond election.

Section 4: BALLOT PROPOSITION

The ballot proposition for the special bond election shall be in substantially the following form:

CITY OF CROUCH
Boise County, Idaho

SPECIAL BOND ELECTION
MAY 17, 2011

SHALL THE CITY OF CROUCH BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND TO ISSUE AND SELL ITS REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,200,000 TO PAY A PORTION OF THE COSTS OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS AND BETTERMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY, THE BONDS TO MATURE OVER A PERIOD WHICH MAY BE LESS THAN BUT WHICH SHALL NOT EXCEED THIRTY (30) YEARS AND TO BE PAYABLE SOLELY FROM THE REVENUES OF THE SEWER SYSTEM OF THE CITY, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 2011-01, ADOPTED ON MARCH 9, 2011?

IN FAVOR OF issuing revenue bonds for the purposes provided by Ordinance No. 2011-01 []

AGAINST the issuance of revenue bonds for the purposes provided by Ordinance No. 2011-01 []

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, please make a cross (X) or other mark in the space to the right of the words "IN FAVOR OF issuing revenue bonds for the purposes provided in Ordinance No. 2011-01" or "AGAINST the issuance of revenue bonds for the purposes provided in Ordinance No. 2011-01" according the way you desire to vote on the question. If you, by mistake or accident, mark, tear, deface, or otherwise mutilate this ballot, please return it to the election Judge and obtain another ballot.

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

The City has no existing indebtedness. The interest rate anticipated on the proposed bonds is approximately 3.375% per annum. The range of anticipated rates is from 2.0% to 4.5%. The total amount to be repaid over the life of the proposed bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$1,926,833.

Section 5: ELECTION EXPENSES

The Boise County Clerk is hereby authorized and directed to procure such supplies and incur such expenses as she deems appropriate and necessary for the proper conduct of the special bond election.

Section 6: QUALIFIED ELECTORS

Every person eighteen (18) years of age or older, who at the time of the specified bond election is a United States citizen who has been a legal and bona fide resident of the City for at least thirty (30) days immediately preceding the date of the election, if properly registered as required by law, shall be qualified to vote at said election.

Section 7: REGISTRATION

All electors must be registered to vote at the special sewer revenue bond election. The Boise County Clerk is the registrar for the City. Voter registration shall be conducted pursuant to the provisions of Section 34-1402, Idaho Code.

No qualified elector who is duly registered as a voter, and who continues to reside at the same address or within the same precinct in which he or she is registered, shall be required to re-register.

Persons may register at the office of the Boise County Clerk, Boise County Courthouse, Idaho City, Idaho, on any business day during office hours, until April 22, 2011. Any elector who will complete his or her residence requirement or attain the requisite voting age on or prior to the date of election, but during the period when the register of electors is closed, may register prior to the closing of the register.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election, by completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided by Section 34-408A, Idaho Code, as amended.

Section 8: BALLOTS

The Boise County Clerk shall cause the official ballot for the special bond election to be prepared in a sufficient quantity for the special bond election, and, as required by Idaho Code § 50-440, shall cause to be printed, not less than thirty (35) 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 ballots, and shall not be numbered. The Boise County Clerk shall furnish copies of the same on application at his office to anyone applying therefor. The sample ballot shall be published at least twice in the official newspaper of the City, once at least twelve (12) days prior to the special bond election, the last publication to be not less than five (5) days prior to the special bond election.

Section 9: NOTICE

Notice of the special bond election shall be given prior to the election by publishing notice of the election in the official newspaper of the City, the first publication being at least twelve (12) days prior to the election, the last publication to be not less than five (5) days prior to the special bond election, which notice shall be in substantially the form attached hereto, marked Exhibit "A," and by this reference incorporated herein.

Section 10: CANVASS

When the polls are closed, the election officials shall immediately proceed to count the ballots cast at the special bond election. The counting shall be continued without adjournment until completed and the result declared. The election judge and clerks shall thereupon certify the returns of the special bond election to the County Clerk, who shall present the results to the County Commissioners.

The Board of County Commissioners shall meet within ten (10) days following the election, or at such time to which said meeting is continued, for the purpose of canvassing the results of the special bond election. Thereupon, the results shall be entered in the minutes of the City Council and proclaimed as final.

Section 11: DEBT DISCLOSURE STATEMENT

A brief official statement containing the information required by Idaho Code § 34-440, as amended, shall be prepared by the City Treasurer.

Section 12: REVENUE BONDS

If, at the special bond election, a majority of the qualified electors of the City voting upon the ballot question set forth in Section 4 of this Ordinance vote in favor of incurring of indebtedness and the issuance of revenue bonds for the purposes set forth herein and designated on the aforesaid ballot, fully registered revenue bonds of the City shall be authorized, issued, sold, and delivered. The bonds shall be issued in the form and manner, shall be registered, shall mature annually over a period which may be less than but which shall not exceed thirty (30) years, shall bear interest at a rate or rates to be determined by the Council at the time of issuance of such bonds, and shall be payable annually or at such lesser intervals and be subject to such redemption provisions, as may be prescribed by the ordinance authorizing the issuance of the bonds, all of which shall be in accordance with the laws of the State of Idaho.

The net revenues (gross revenues minus normal expenses of maintenance and operation) of the Sanitary Sewer system of the City will be pledged for the payment of principal of and interest and redemption premiums, if any, on the revenue bonds, as shall be determined by the Mayor and Council. The bonds shall not be a debt of the City within the meaning of any State constitutional provision or statutory limitation, nor a charge against the general credit or taxing powers of the City, and the City shall not be liable therefor out of its general revenues, nor shall the bonds or the interest thereon be payable out of any funds other than the revenues of the sewer system specified above.

Section 13: OFFICERS AUTHORIZED

The officers of the City and Boise County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 14: RATIFICATION

All actions heretofore taken, not inconsistent with the provisions of this Ordinance, by the Mayor and Council directed toward construction and installation of the Project and the issuance of revenue bonds of the City therefor, and for the holding of a special election, are hereby ratified, approved, and confirmed.

Section 15: PUBLICATION

This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "B," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

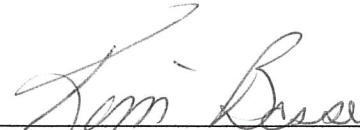
DATED this 9th day of March, 2011.

CITY OF CROUCH
Boise County, Idaho



Mayor

ATTEST:



City Clerk

(S E A L)