

ORDINANCE NO. 1548

AN ORDINANCE OF THE CITY OF PAYETTE PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE WATER SYSTEM OF THE CITY OF PAYETTE, IDAHO; CALLING FOR A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING REVENUE BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,600,000 TO PAY THE COST THEREOF; ESTABLISHING THE DATE AND TIME OF ELECTION; APPROVING A FORM OF BALLOT AND PROVIDING FOR NOTICE OF THE SPECIAL BOND ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1548 of the City of Payette, Payette County, Idaho, adopted on February 26, 2024, is as follows:

Section 1: Defines the water system improvement project, estimates the total cost, and provides for issuance of revenue bonds, subject to approval of the qualified electors of the City, in an amount not to exceed \$3,600,000 to pay a portion of the cost of the Project.

Section 2: Provides for a special bond election to be held within the City on Tuesday, May 21, 2024, for the purpose of enabling the qualified electors of the City to vote upon the proposition of issuing water system revenue bonds.

Section 3: Provides that the polls of the special bond election shall open at 8:00 o'clock A.M. on May 21, 2024, and shall remain open until 8:00 o'clock P.M., and provides for the polling places for the special bond election.

Section 4: Provides that the ballot proposition shall be substantially as follows:
SHALL THE CITY OF PAYETTE, IDAHO, BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND TO ISSUE AND SELL ITS REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$3,600,000 TO PAY THE COST OF CONSTRUCTING IMPROVEMENTS TO THE WATER SYSTEM OF THE CITY, SAID BONDS TO BE PAYABLE SOLELY FROM WATER SYSTEM REVENUES, OVER A TERM WHICH MAY BE LESS THAN BUT WHICH SHALL NOT EXCEED FORTY (40) YEARS, AS MORE FULLY PROVIDED IN ORDINANCE NO. 1548?

Section 5: Defines qualified electors as persons eighteen (18) years of age or older who are United States citizens who have resided in the City for at least thirty days prior to the election and who are registered as provided by law, and provides for registration of voters.

Section 6: Provides for preparation of the official ballot.

Section 7: Provides for publication of Notice of Special Bond Election.

Section 8: Provides for canvass of votes.

Section 9: Provides for Debt Disclosure Statement pursuant to Idaho Code 34-439.

Section 10: Provides for the issuance of revenue bonds maturing over a period which may be less than but which shall not exceed forty (40) years, and provides for other matters relating to the revenue bonds.

Section 11: Authorizes the officers of the City and Payette County to take appropriate

actions to effectuate the provisions of this Ordinance.

Section 12: Ratifies previous actions.

Section 13: Provides for publication of a summary of the Ordinance.

The full text of Ordinance No. 1548 is available at Payette City Hall and will be provided to any citizen upon personal request during normal office hours.

DATED this 26th day of February, 2024.

CITY OF PAYETTE



By: _____
Mayor

A handwritten signature in black ink, written over a horizontal line.

ATTEST:

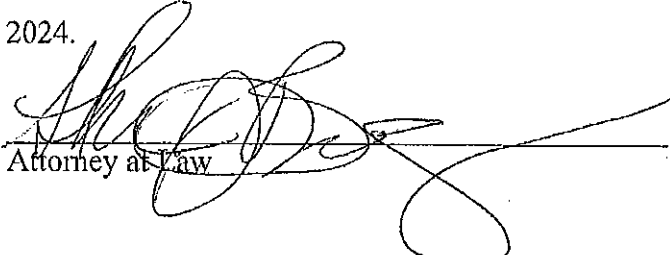
City Clerk

A handwritten signature in black ink, written over a horizontal line.

CERTIFICATION OF ATTORNEY

I, the undersigned Special Legal Counsel for the City of Payette, Payette County, Idaho, hereby certify that I have read the attached summary of Ordinance No. 1548 of the City of Payette and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated as of the 2nd day of February, 2024.


Attorney at Law

ORDINANCE NO. 1548

AN ORDINANCE OF THE CITY OF PAYETTE PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE WATER SYSTEM OF THE CITY OF PAYETTE, IDAHO; CALLING FOR A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING REVENUE BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,600,000 TO PAY THE COST THEREOF; ESTABLISHING THE DATE AND TIME OF ELECTION; APPROVING A FORM OF BALLOT AND PROVIDING FOR NOTICE OF THE SPECIAL BOND ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City owns and operates a domestic water system (the "System") and collects rates, fees, and charges for the use of the System;

WHEREAS, the System is in need of improvement, and the Mayor and City Council have determined it to be in the best interest of the City and its residents to improve the water system related facilities;

WHEREAS, the City does not have sufficient funds available to pay the cost of the foregoing project and has determined it advisable to finance a portion of such cost through the issuance of the revenue bonds (the "Bonds") of the City in an amount not to exceed \$3,600,000, pursuant to the provisions of the Revenue Bond Act (the "Act"), the same being 50-1027 through 50-1042, Idaho Code, and in order to do so, desires to provide for the holding of a special bond election as required by the Act;

WHEREAS, the net revenues to be derived from the operation of the water system may be pledged lawfully and irrevocably to secure the repayment of such Bonds herein authorized pursuant to the Act;

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

WHEREAS, said 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 said Bonds; and

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

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

SECTION 1: THE PROJECT

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 System, consisting generally of, but not limited to, the expansion of the existing water system, together with 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").

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 \$3,600,000 to pay a portion of the costs of the Project. The costs of the Project will first be paid from grants and other lawfully available funds of the City, with any remaining costs to be paid by the sale of revenue bonds.

SECTION 2: SPECIAL ELECTION

A special municipal bond election is hereby called to be held within the City of Payette on Tuesday, May 21, 2024, for the purpose of voting upon the proposition set forth in Section 4 of this Ordinance. The polling place or places for the special bond election shall be determined by the Payette County Clerk, and the election shall be conducted by the Payette County Clerk. The Payette County Clerk shall appoint election judges and election clerks for the polling place or places for the special bond election.

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 21, 2024 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 Payette County in accordance with Chapter 4 of Title 50, Idaho Code, 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:

SPECIAL REVENUE BOND ELECTION

CITY OF PAYETTE
Payette County, Idaho

May 21, 2024

SHALL THE CITY OF PAYETTE, IDAHO, BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND TO ISSUE AND SELL ITS REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$3,600,000 TO PAY THE COST OF CONSTRUCTING IMPROVEMENTS TO THE WATER SYSTEM OF THE CITY, SAID BONDS TO BE PAYABLE SOLELY FROM WATER SYSTEM REVENUES, OVER A TERM WHICH MAY BE LESS THAN BUT WHICH SHALL NOT EXCEED FORTY (40) YEARS, AS MORE FULLY PROVIDED IN ORDINANCE NO. 1548?

The purpose for which the proceeds of the bonds will be used is for improvements to the water system, to include the replacement of a failed reservoir. The City currently has outstanding long-term indebtedness of \$554,520 paid solely from sewer system revenues and \$776,900 paid from an ad valorem tax levy. Since the bond will be paid solely from water revenues, there will be no tax authorized on any taxable assessed value.

The interest rate anticipated on the proposed bonds is 2.75%. The total principal amount to be repaid over the life of the bonds is \$3,600,000; the total interest estimated to be paid over the life of the bonds is \$2,339,977; the total amount estimated to be repaid over the life of the bonds is \$5,939,977. The bonds will be payable over a term which may be less than but which will not exceed forty (40) years.

IN FAVOR OF issuing revenue bonds in an amount not to exceed \$3,600,000.....☐

AGAINST issuing revenue bonds in an amount not to exceed \$3,600,000.....☐

SECTION 5: 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.

All electors must be registered before being able to vote at the special bond election. The Payette County Clerk is the registrar for the City, and voter registration shall be conducted pursuant to the provisions of Section 34-1402, Idaho Code.

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 6: BALLOTS

The Payette County Clerk shall cause the official ballot for the special bond election to be prepared in a sufficient quantity for the special bond election.

SECTION 7: 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. In accordance with Section 34-602, Idaho Code, as amended, the second publication of the notice of election shall be accompanied by a facsimile of the sample ballot for the special bond election.

SECTION 8: 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 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. The County Clerk shall thereupon certify the election results to the City Clerk. The results shall then be entered in the minutes of the City Council and proclaimed as final.

SECTION 9: DEBT DISCLOSURE STATEMENT

A brief official statement containing the information required by Idaho Code 34-439, as amended, shall be prepared by the City Treasurer.

SECTION 10: 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 forty (40) 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 water 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 specified above.

SECTION 11: OFFICERS AUTHORIZED

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

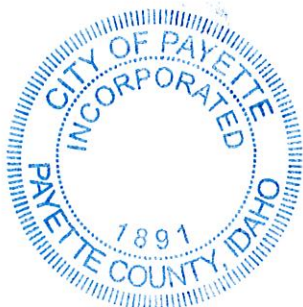
SECTION 12: RATIFICATION

All actions heretofore taken, not inconsistent with the provisions of this Ordinance, by the Mayor and Council and other City officials 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 bond election, are hereby ratified, approved, and confirmed.


SECTION 13: PUBLICATION

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

PASSED this 26th day of February, 2024.

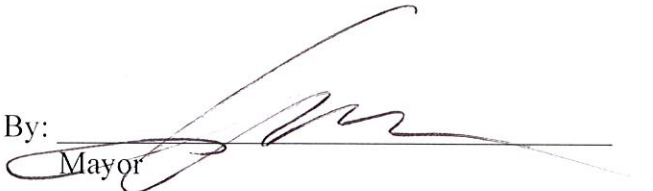


ATTEST:



City Clerk

CITY OF PAYETTE

By: 

Mayor