

ORDINANCE NO. 1201

AN ORDINANCE CALLING A GENERAL OBLIGATION BOND ELECTION TO BE HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, A PROPOSITION FOR THE ISSUANCE OF NEGOTIABLE GENERAL OBLIGATION BONDS OF THE CITY; DETERMINING THAT THE TOTAL AMOUNT OF BONDED INDEBTEDNESS OF THE CITY WILL NOT EXCEED TWO PERCENT (2%) OF MARKET VALUE OF TAXABLE PROPERTY; DIRECTING THE CITY CLERK TO NOTIFY THE COUNTY CLERK THAT THE MAYOR AND CITY COUNCIL CALLED THE BOND ELECTION; APPROVING THE FORM OF NOTICE OF GENERAL OBLIGATION BOND ELECTION; APPROVING THE FORM OF BALLOT; PROVIDING FOR THE ISSUANCE OF SUCH BONDS AND MAKING PROVISIONS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON SUCH BONDS; ORDERING PUBLICATION; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain fire safety improvements throughout the City of Ketchum, Blaine County, Idaho (the "City"), are deemed by the members of the Council of the City (the "Council") to be required for the public good and welfare of the City; and

WHEREAS, the Council has determined and hereby deems it is necessary and advisable to finance certain capital improvements and equipment and apparatus acquisitions in the City, for the purpose of constructing and equipping a new fire station to reduce emergency response service gaps and to enhance neighborhood safety, and together with all necessary appurtenant facilities and equipment, pursuant to Sections 50-1019(6) and 50-1019(9), Idaho Code (the "Project"); and

WHEREAS, the City deems it necessary and advisable to issue general obligation bonds of the City in the amount of up to \$11,500,000, pursuant to the provisions of Sections 50-1019 and 50-1026, Idaho Code, and chapter 2, Title 57, Idaho Code, to finance the Project, and in order to do so desires to call an election to be held pursuant to chapter 14, Title 34, Idaho Code, for electorate authorization of issuing bonds to finance the Project; and

WHEREAS, said bonds cannot be issued without the assent of two-thirds (2/3) 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, neither the question herein set forth nor any question for a similar, or like, purpose has been defeated at an election which has been held in the City within two (2) months of the date of the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO:

Section 1. A special general obligation bond election (the "Bond Election") is hereby called to be held in the City on Tuesday, November 5, 2019, for the purpose of submitting to the qualified electors of the City the proposition set forth in the form of ballot hereinafter provided.

Section 2. The City hereby determines that the outstanding amount of all general obligation bond indebtedness of the City, including the bonds proposed under this Ordinance, will not exceed two percent (2%) of the market value for assessment purposes of all real and personal taxable property within the City on the tax rolls completed and available according to the assessment of the preceding year.

Section 3. The Project briefly and generally described shall consist of the construction, equipping, improvement, upgrading and betterment of the City's fire safety facilities by making the following improvements and acquisitions:

It is currently anticipated that the City's fire safety facilities will be improved by the construction and equipping of a new fire station, the acquisition of certain firefighting equipment and apparatus, and all other related costs, items and appurtenances necessary, useful and convenient for the betterment of the City's fire safety facilities, as otherwise determined by the City, all collectively constituting the "Project."

Section 4. In compliance with Section 34-106(8) and Section 34-1406, Idaho Code, the Clerk of the City (the "City Clerk") shall notify the Clerk of Blaine County, Idaho (the "County Clerk") that the Mayor and Council have called the Bond Election on behalf of the City by delivering to the County Clerk a copy of this Ordinance, including the form of the ballot and notice of the Bond Election, as provided under Section 9 and Exhibit "A" hereof.

Section 5. Pursuant to Section 34-1401, Idaho Code, the County Clerk shall administer the Bond Election. The City Clerk shall confirm with the County Clerk that a sample ballot has been printed before said Bond Election, which sample ballot shall be in substantially the same form as the official ballot proposition set forth in Section 9 hereof. The City Clerk shall also confirm with the County Clerk that the form of sample ballot for the Bond Election will be published in the official newspaper of Blaine County, Idaho, in accordance with Sections 34-602 and 34-1406, Idaho Code.

Section 6. Notice of the Bond Election shall be given by the County Clerk by publication of the Notice of Special Municipal Bond Election in the official newspaper of Blaine County, Idaho, and as may be necessary in the Mountain Express, an official newspaper of the City, at least two (2) times, with the first publication not less than twelve (12) days prior to the date fixed for the holding of the Bond Election and the last publication of notice shall be made not less than five (5) days prior to the Bond Election. Said notice shall be in substantially the form attached hereto as Exhibit "A."

Section 7. The polls at the Bond Election shall open at the hour of 8:00 a.m. and remain open continuously until the hour of 8:00 p.m. and then close. The County Clerk shall have and hereby designates the polling places for said Bond Election as set forth in the Notice of the Bond Election attached hereto as Exhibit "A."

Section 8. All qualified electors of the City, eighteen (18) years of age or older, who have legally resided in the City for at least thirty (30) days immediately preceding the date of the election, and who are properly registered as provided by law, are entitled to vote at the Bond

Election. The ballot proposition and question to be voted upon at the Bond Election shall be separate from any other measures or candidates being voted upon at any other election being held simultaneously or conducted in conjunction with the Bond Election. Only those qualified City electors casting valid ballots upon the bond proposition and question set forth in Section 9 of this Ordinance shall be counted in determining the number of qualified electors voting at or participating in the special bond election.

Section 9. The voting at the election on the question of issuing the City’s general obligation bonds shall be by ballot and/or a separate ballot page substantially in the following form:

(Form of Official Ballot)

OFFICIAL BALLOT

SPECIAL MUNICIPAL BOND ELECTION
GENERAL OBLIGATION BONDS

CITY OF KETCHUM
BLAINE COUNTY, STATE OF IDAHO

November 5, 2019

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, please fill in the oval in the space to the right of the words “YES, IN FAVOR OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED ON SEPTEMBER __, 2019” or “NO, AGAINST ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED ON SEPTEMBER __, 2019” according to 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 judges and obtain another ballot.

SHALL THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND ISSUE AND SELL ITS GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES OF BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT FOR ALL SUCH BONDS OF NOT MORE THAN \$11,500,000, OR SO MUCH THEREOF AS MAY BE NECESSARY, FOR THE PURPOSE OF PROVIDING FUNDS WITH WHICH TO CONSTRUCT AND EQUIP A NEW FIRE STATION AND ACQUIRE CERTAIN FIREFIGHTING EQUIPMENT, WITH EACH OF SAID SERIES OF BONDS TO BE PAYABLE ANNUALLY OR AT SUCH LESSER INTERVALS AS DETERMINED BY FUTURE RESOLUTIONS OR ORDINANCES OF THE CITY, AND TO MATURE SERIALLY WITH THE FINAL INSTALLMENT TO FALL DUE WITHIN TWENTY-FIVE (25) YEARS FROM THE DATE OF EACH OF SAID SERIES OF BONDS, AND TO BEAR INTEREST AT A RATE OR RATES TO BE DETERMINED BY FUTURE RESOLUTIONS OR ORDINANCES OF THE CITY, ALL AS PROVIDED IN THE ORDINANCE OF THE CITY ADOPTED ON SEPTEMBER __, 2019?

The following information is required by §34-439, Idaho Code:

The purpose for which the proposed bonds are to be used, the date of the special municipal bond election (November 5, 2019), and the principal amount of the bonds are set forth above on the ballot or in the proposition. The interest rate anticipated on the proposed bonds based on current market rates is 3.07% per annum. 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 \$16,788,900, consisting of \$11,500,000 in principal and \$5,288,900 in interest. The estimated average annual cost of the proposed bonds based on current market conditions is a tax of \$21.52 per \$100,000 of taxable assessed value, per year. The proposed bonds will mature within twenty-five (25) years from the date of each series of bonds. The total existing general obligation indebtedness of the City, including interest accrued as of November 5, 2019, is \$283,221. The total existing indebtedness of the City, including interest accrued as of November 5, 2019, is \$5,123,622.

YES, IN FAVOR OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED SEPTEMBER 3, 2019

NO, AGAINST ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED SEPTEMBER 3, 2019.....

(End of Form of Official Ballot)

The City Clerk is hereby directed to update the form of official ballot on or prior to September 16, 2019, to accurately reflect the estimated average annual cost of the proposed bonds based on the 2019 market values and property taxes once published by the Idaho State Tax Commission.

Section 10. The County Clerk is authorized to cause a sufficient number of ballots to be printed for use at the Bond Election, to acquire such other election supplies as may be required, and to take all other and further actions as may be necessary in connection with the Bond Election.

Section 11. Any qualified and registered elector of the City may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code, as amended.

Section 12. When the polls are closed, the election officials shall immediately proceed to count the ballots cast at the Bond Election. The counting shall be continued without adjournment until completed and the result declared. The election judges and clerks shall thereupon certify the returns of the Bond Election, as may be appropriate, to the County Clerk, who shall present the results to the Blaine County Commissioners.

The Board of the Blaine County Commissioners shall meet within ten (10) days following the election, or at such times to which said meeting is continued, for the purpose of canvassing the results of the Bond Election. The County Clerk shall thereupon certify the election results to the City. The results shall then be entered in the minutes of the City and the overall election result proclaimed as final.

Section 13. If at the Bond Election two-thirds (2/3) of the qualified registered electors of the

City voting at such election assent to the issuance of the City's general obligation bonds, the negotiable general obligation bonds of the City shall be issued as hereinabove provided and shall mature over a period commencing at the expiration of one (1) year from their date and ending not more than twenty-five (25) years from their date, and shall bear interest and be payable, in accordance with the provisions of Section 50-1026, Idaho Code, and the Municipal Bond Law of the State of Idaho, Title 57, Chapter 2, as amended, from the proceeds of ad valorem taxes.

Section 14. The City's general obligation bonds shall be issued if carried by the City's electorate, as aforesaid indicated, and payment of principal and interest shall be made on up to \$11,500,000 principal amount of said bonds through the levy of taxes on all taxable property in the City, beginning with the tax year 2020 or thereafter and continuing until principal and interest shall have been fully paid, in such amounts and at such rates as are necessary to assure the prompt payment of such interest, and also to establish and to constitute a sinking fund sufficient for the payment of the principal thereof, and it is hereby ordered that such taxes shall be levied annually at the time and in the manner as general taxes for said City are levied in each such year; provided, however, the aforementioned taxes shall never be diminished prior to payment of all bonds excepting in any year to the extent that other available revenues or funds shall have been applied to or set aside in a special fund to be irrevocably held for the payment of principal or interest or both, payable from said taxes for such year. The proper officer or officers of said City are hereby authorized and directed to do all things requisite and necessary to carry out the provisions of this section and to apply the proceeds of the taxes so collected to the payment of such principal and interest.

Section 15. The officers of the City shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The law firm of Skinner Fawcett LLP, Boise, Idaho, is hereby authorized and designated as bond counsel for the said Bonds.

Section 16. Officers of the City shall provide a brief official statement setting forth the information required by Section 34-439, Idaho Code.

Section 17. All bylaws, resolutions and ordinances in conflict with this Ordinance are hereby repealed.

Section 18. 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 19. This Ordinance or a summary thereof shall be published after adoption in at least one issue of the Mountain Express, which is an official newspaper of the City.

Section 20. Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval, and publication, as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR of the City of Ketchum, Blaine County, Idaho, this ____ day of September, 2019.

CITY OF KETCHUM, a municipal corporation of the State of Idaho

By: _____
NEIL BRADSHAW, Mayor

ATTEST:

By: _____
ROBIN CROTTY, City Clerk

EXHIBIT "A"
(Form of Notice)

CITY OF KETCHUM, BLAINE COUNTY, IDAHO
NOTICE OF SPECIAL MUNICIPAL BOND ELECTION

November 5, 2019

NOTICE IS HEREBY GIVEN that pursuant to an ordinance adopted on September 3, 2019, by the City Council of the City of Ketchum, Blaine County, Idaho (the "City"), there will be a special municipal bond election held between the hours of 8:00 a.m. and 8:00 p.m. on November 5, 2019, in the City. Polling places are listed as follows:

[TO BE DETERMINED BY BLAINE COUNTY CLERK]

Special Municipal Bond Election: The City has proposed to issue general obligation bonds in an amount not to exceed \$11,500,000 for the purpose of providing funds with which to construct and equip a new fire station and acquire certain firefighting equipment and apparatus to reduce emergency response service gaps and to enhance neighborhood safety, and all other related costs, equipment, items and appurtenances necessary, useful and convenient for the betterment of fire safety facilities within the City, as otherwise determined by the City, all collectively constituting the "Project."

The interest rate anticipated on the proposed bonds based on current market rates is 3.07% per annum. 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 \$16,788,900, consisting of \$11,500,000 in principal and \$5,288,900 in interest. The estimated average annual cost of the proposed bonds based on current market conditions is a tax of \$21.52 per \$100,000 of taxable assessed value, per year. The proposed bonds will mature within twenty-five (25) years from the date of each series bonds. The total existing general obligation indebtedness of the City, including interest accrued as of November 5, 2019, is \$283,221. The total existing indebtedness of the City, including interest accrued as of November 5, 2019, is \$5,123,622.

(End of Form of Notice)