

ORDINANCE NO. 223

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE, AND DELIVERY OF A PARITY LIEN WATER AND SEWER REVENUE BOND, SERIES 1993, IN THE PRINCIPAL AMOUNT OF \$313,300, FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY AND FOR THE PURPOSE OF REFUNDING, PAYING, AND RETIRING THE CITY'S OUTSTANDING PARITY LIEN WATER AND SEWER REVENUE BONDS OF 1985; DESCRIBING SAID BOND; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BOND FROM THE REVENUES OF THE COMBINED WATER AND SEWER SYSTEM OF THE CITY; CONFIRMING THE SALE OF THE BOND TO THE UNITED STATES OF AMERICA, FARMERS HOME ADMINISTRATION; CONFIRMING CERTAIN FUNDS AND ACCOUNTS; PROVIDING FOR THE PAYMENT AND REDEMPTION OF THE OUTSTANDING WATER AND SEWER REVENUE BONDS OF 1985; PROVIDING COVENANTS RELATING TO THE BOND AND THE USE OF THE PROCEEDS THEREOF; AND PROVIDING FOR OTHER MATTERS RELATING THERETO

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

WHEREAS, the City is authorized by the Constitution and laws of Idaho to issue revenue bonds for the purpose of financing all or part of the cost of acquisition, construction, and installation of a municipal water and sewer system and improvements thereto, and for the purpose of refunding existing revenue bonds of the City heretofore issued for the purpose of financing such improvements; and

WHEREAS, the City Council (the "Council") of the City, by adoption of Ordinance No. 217, on March 5, 1992, ordered a special bond election to be held within the City on April 2, 1992, for the submission to the qualified electors of the City the question of whether or not the City should be authorized to issue its revenue bonds in the principal amount of not to exceed \$285,000 in order to provide funds for certain capital improvements to its water system; and

WHEREAS, the requisite majority of the qualified electors of the City, at said special bond election of April 2, 1992, authorized the incurring of indebtedness and the issuance of revenue bonds in the amount of not to exceed \$285,000 for the purpose of financing such improvements; and

WHEREAS, the City heretofore, pursuant to Ordinance No. 152, adopted by the Council on September 25, 1978, authorized, issued, sold, and delivered its Water and Sewer Revenue Bonds, 1978,

Series "A" and "B" in the aggregate principal amount of \$188,000 (the "1978 Bonds"), the payment of the principal of and interest on which bonds is secured by a first lien and pledge of the Net Revenues from the combined water and sewer system of the City (as defined in Ordinance No. 152), a portion of which 1978 Bonds remains outstanding; and

WHEREAS, said Ordinance No. 152 authorizes the City to issue additional water and sewer revenue bonds, payable from net revenues of the City's combined water and sewer system on a parity with the 1978 Bonds upon compliance by the City with certain conditions; and

WHEREAS, the City heretofore, pursuant to Ordinance No. 188, adopted by the Council on August 20, 1985, authorized, issued, sold, and delivered its Parity Lien Water and Sewer Revenue Bonds of 1985 in the principal amount of \$70,000 (the "(1985 Bonds)", the payment of the principal of and interest on which bonds is secured, on a parity with the lien of the 1978 Bonds, by a first lien and pledge of the Net Revenues of the combined water and sewer system of the City, a portion of which 1985 Bonds remains outstanding; and

WHEREAS, in said Ordinance No. 188, the City reserved the right to redeem any or all of the 1985 Bonds in advance of maturity on any interest payment date at par plus accrued interest to the date of redemption; and

WHEREAS, the Constitution and laws of the State of Idaho authorize the City to issue and sell refunding bonds for the purpose of paying, redeeming, retiring, and refunding its outstanding revenue bonds, without the approving vote of the electors of the City, whenever the Council determines that a saving or other beneficial public objective can be achieved thereby; and

WHEREAS, the Council has determined that the public health, safety, and welfare will be furthered by issuing and selling the water and sewer revenue bonds of the City in an amount sufficient to finance \$281,300 of the cost of the water improvement project described hereinafter, as authorized by the electors of the City at the special bond election of April 2, 1992, and has further determined that there will be a benefit to the City and its water and sewer ratepayers by issuing said bonds in the additional amount of \$32,000 for the purpose of paying, redeeming, refunding, and retiring the City's outstanding 1985 Bonds, such bonds to be issued in the aggregate principal amount of \$313,300 to accomplish the foregoing purposes, the principal of and interest on said bonds to be secured, on a parity of lien with the City's outstanding 1978 Bonds, by a pledge of the Net Revenues of the City's combined and consolidated water and sewer System (as such capitalized terms are hereinafter defined); and

WHEREAS, Section 57-227, Idaho Code, authorizes the sale of water and sewer revenue bonds to the United States of America, Farmers Home Administration (the "Farmers Home Administration"), at private sale in such manner as the Council may determine, and the Council has determined to issue water and sewer revenue obligations in the form of a single, amortized water and sewer revenue bond in the aggregate principal amount of \$313,300 to the Farmers Home Administration, as authorized by Section 57-904(4), Idaho Code.

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

Section 1: DEFINITIONS

As used in this Ordinance, the following words shall have the following meanings:

A. Acquisition or Acquire includes the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the Federal Government, the State, any public body therein or any person or entity, the condemnation, transfer, option to purchase, other contract, or other acquirement, or any combination thereof.

B. Additional Bonds means any bonds issued pursuant to Section 15 of this Ordinance.

C. Bond means the "City of Idaho City Parity Lien Water and Sewer Revenue Bond, Series 1993," herein authorized to be issued, sold, and delivered in the form of a single, fully-registered, amortized bond in the principal amount of \$313,300.

D. Bond Fund means the "City of Idaho City Water and Sewer Revenue Bond Fund" created by Ordinance No. 152, adopted on September 25, 1978, redesignated by Ordinance No. 188, adopted on August 20, 1985, and referred to in Section 12 of this Ordinance.

E. Bond Register means the registration books on which are maintained the names and addresses of the owners or nominees of the owners of the Bond.

F. Bond Registrar means the bond registrar, transfer agent, and authenticating and paying agent appointed and designated in Section 6 of this Ordinance.

G. Capital Improvement Fund means the "City of Idaho City Water and Sewer Project Capital Improvement Fund" created by Section 9 of this Ordinance.

H. City means the City of Idaho City, Boise County, Idaho.

I. City Clerk means the de facto or de jure Clerk of the City, or other officer of the City who is the custodian of the seal

of the City and of the records of the proceedings of the City, or his/her successor in functions, if any.

J. Cost of Project or any phrase of similar import, means all or any part designated by the Council of the costs of the Project, or interest therein, which costs, at the option of the Council, may include all or any part of the incidental costs pertaining to the Project, including, without limitation:

(1) Preliminary expenses advanced by the City from funds available for the use therefor, or advanced by the Federal Government, or from any other source, with approval of the Council, or any combination thereof;

(2) The costs of making surveys, audits, preliminary plans, other plans, specifications, estimates of costs and other preliminaries;

(3) The costs of appraising, printing, estimates, advice, services of engineers, architects, financial consultants, attorneys at law, clerical help, or other agents or employees;

(4) The costs of contingencies;

(5) The costs of the issuance of the Bond;

(6) The costs of funding any short-term financing, bond anticipation notes, and other temporary loans appertaining to the Project and of the incidental expenses incurred in connection with such loans;

(7) The costs of any properties, rights, easements, or other interest in properties, or any licenses, privileges, agreements and franchises; and

(8) All other expenses necessary or desirable and appertaining to the Project, as estimated or otherwise ascertained by the Council.

K. Council means the City Council of the City.

L. Estimated Net Revenues means, for any year, the estimated Revenues of the System for such year less the estimated Operation and Maintenance Expenses for such year, based upon estimates prepared by the City Engineer or an independent engineer. In computing Estimated Net Revenues, Revenues of the System may be adjusted as necessary to reflect any changed schedule of rates and charges.

M. Mayor means the de facto or de jure Mayor of the City, or his/her successor in functions, if any.

N. Net Revenues means Revenue of the System after the deduction of Operation and Maintenance Expenses.

O. Operation and Maintenance Expenses or any phrase of similar import means all reasonable and necessary current expenses of the City, paid or accrued, of operating, maintaining, and repairing the System or of levying, collecting, and otherwise administering the Net Revenues for the payment of the Bond; and the term includes (except as limited by contract or otherwise limited by law) without limiting the generality of the foregoing:

(1) Engineering, auditing, reporting, legal, and other overhead expenses of the various City departments directly relating and reasonably allocable to the administration of the System;

(2) Fidelity bonds and property and liability insurance premiums appertaining to the System, or a reasonably allocable share of a premium of any blanket bond or policy pertaining thereto;

(3) Payments to pension, retirement, health, and hospitalization funds and other insurance;

(4) Any taxes, assessments, excise taxes, or other charges which may be lawfully imposed on the City, the System, revenues therefrom, or any privilege in connection with their operation;

(5) The reasonable charges of the bond registrar, fiscal or paying agent, commercial bank, trust bank, or other depository bank appertaining to the Bond issued by the City or appertaining to the Project, if any;

(6) Contractual services, professional services, salaries, other administrative expenses, and the cost of materials, supplies, repairs, and labor, appertaining to the issuance of the Bond and to the ordinary operation of the System; and

(7) All other administrative, general, and commercial expenses.

P. Ordinance or Bond Ordinance shall mean this Ordinance No. 223, adopted on April 21, 1993.

Q. Project means the water system improvement project described in Section 2 of this Ordinance.

R. Refunding Account means the special fund created by Section 10 of this Ordinance.

S. Registered Owner means the purchaser of the Bond and any subsequent transferee or purchaser of the Bond.

T. Reserve Fund means the "City of Idaho City Debt Service Reserve Fund" created by Ordinance No. 152, adopted on September 25, 1978, redesignated by Ordinance No. 188, adopted on August 20, 1985, and referred to in Section 13 of this Ordinance.

U. Revenue Fund means the "City of Idaho City Water and Sewer Revenue Fund" created by Ordinance No. 152, adopted on September 25, 1978, redesignated by Ordinance No. 188, adopted on August 20, 1985, and referred to in Section 11 of this Ordinance.

V. Revenue of the System means all revenues received by the City from its System and may include, at the discretion of the City, moneys derived from one, all, or any combination of revenue sources appertaining to the System, including, without limitation, rates, charges, rents, fees, and any other income derived from the operation or ownership of, the use of services of, or the availability of or services appertaining to, or otherwise derived in connection with, the System or all or any part of any property appertaining to the System.

W. 1978 Bonds means the "Water and Sewer Revenue Bonds, Series A and B of 1978," issued in the original principal amount of \$188,000 pursuant to Ordinance No. 152, adopted on September 25, 1978.

X. 1985 Bonds means the "City of Idaho City Parity Lien Water and Sewer Revenue Bonds of 1985," dated September 1, 1985, and issued in the initial aggregate principal amount of \$70,000 pursuant to Ordinance No. 188, adopted on August 20, 1985.

Y. System means the combined and consolidated municipal water and sewage system of the City, as the same now exists, including its assets, real and personal, tangible and intangible, and as it may later be added to, extended, and improved, and shall include buildings, structures, utilities, or other income producing water and sewer facilities from the operation of or in connection with which the revenues of the payment of the Bond to be issued hereunder will be derived, and the lands appertaining thereto.

Z. Treasurer means the de facto or de jure Treasurer of the City, or his/her successor in functions, if any.

Section 2: FINDINGS

The Council hereby finds, determines, and declares:

A. That the City's outstanding 1985 Bonds can be currently refunded, paid, and redeemed at a substantial saving to the City and its water and sewer ratepayers; that it is desirable and necessary for the benefit of the City and its ratepayers to refund the outstanding 1985 Bonds of the City for the purpose of achieving a debt service savings and other beneficial public objectives; and that \$32,000 of the proceeds of the Bond, together with other lawfully available moneys of the City, shall be used to currently refund, pay, and retire the outstanding 1985 Bonds on October 1, 1993.

B. That the public health, safety, and welfare will be furthered by the water system improvements (the "Project"), consisting of the acquisition and installation of a complete conventional water filtration system and related filtration improvements, authorized by the Mayor and Council by adoption of Ordinance No. 217 on March 5, 1992, the issuance of revenue bonds to pay the cost of which was approved by the electors of the City at a special bond election duly held and conducted on April 2, 1992.

C. That it is the intent of the Mayor and Council to issue the Bond for the purpose of providing funds in an amount sufficient, together with other lawfully available funds of the City to (1) refund, pay, and retire the City's outstanding 1985 Bonds, (2) pay a portion of the cost of acquisition and construction of the water improvement Project, and (3) pay the necessary costs of issuance of the Bonds.

Section 3: THE BOND

The Bond, designated "City of Idaho City Parity Lien Water and Sewer Revenue Bond, Series 1993" (the "Bond"), shall consist of a single, fully registered, transferable revenue bond, shall be dated as of the date of its delivery, shall be in the total principal sum of \$313,300, and shall bear interest on the unpaid balance from the date of the Bond until paid, at the lower of the rate charged by the United States of America, Farmers Home Administration, at the time of loan approval or at the time of loan closing. Said designation is hereby authorized to be modified to accurately reflect the year it is delivered.

Said Bond shall be payable in equal annual installments of principal and interest, with the first installment of principal and interest being due one year from the date of delivery of the Bond, and annually thereafter until maturity. The final annual installment may be in such greater or lesser amount as is necessary to fully pay said Bond.

The principal of and interest on the Bond shall be fully paid within thirty (30) years from its date.

The sale of the Bond to the United States of America, Farmers Home Administration (hereinafter the "Registered Owner"), is hereby authorized and approved. The Registered Owner thereof shall have the right, at its expense, to convert said single bond to fully registered serial bonds, without coupons.

The Treasurer is hereby appointed as the bond registrar, transfer agent, and paying agent for the Bond. The ownership of the Bond shall be entered into the Bond Register maintained by the Treasurer, and the City may treat the person listed as owner in the Bond Register as the owner of the Bond for all purposes. The Bond, or any serial bonds to which it may be converted, may be transferred or exchanged only upon the Bond Register by surrender thereof to the Treasurer with written instructions satisfactory to the Treasurer, signed by the Registered Owner or his attorney in fact and guaranteed or witnessed in a manner satisfactory to the Treasurer, and a new fully registered Bond or bonds in a like denomination shall be executed by the City in the manner hereinafter provided, and delivered to the new Registered Owner. No Bond or bonds not so executed, registered, and delivered shall be entitled to any rights under this Ordinance. This paragraph is intended to provide the system of registration required by Chapter 9, Title 57, Idaho Code.

The Bond shall be substantially in the form as set forth in Exhibit "A," attached hereto and hereby made a part hereof.

Section 4: EXECUTION

The Bond shall be executed in the name of the City, shall be signed by the manual signature of the Mayor, countersigned by the manual signature of the Treasurer, shall be attested by the manual signature of the Clerk, and shall have the seal of the City affixed thereto. The Bond shall then be registered by the Treasurer in the name of the initial purchaser, Farmers Home Administration.

Section 5: PLACE AND MANNER OF PAYMENT

Principal of the Bond and interest thereon shall be payable in lawful money of the United States of America, to the Registered Owner thereof, at the address of such Registered Owner as shown on the registration records of the City, or at such other address as shall be designated in writing to the City by the Registered Owner.

Section 6: PREPAYMENT AND REDEMPTION

The City hereby reserves the right, at its option, to prepay, on any payment date, the principal amount outstanding, in whole or, in the manner hereinafter provided, in part, at any time while the single registered Bond is held by the Registered Owner.

Prepayments shall be made on any annual payment date, and partial prepayments shall be in the amount of \$1,000.00 or multiples thereof. No partial prepayment shall extend or postpone the due date of any subsequent installment. Any prepayment shall be made without penalty, and without additional interest or charges.

Notice of any such intended prepayment shall be mailed by registered mail to the Registered Owner of the Bond at its address appearing on the registration records of the City, or at such other address as shall be designated in writing to the City by the Registered Owner for the payment of regular installments, at least thirty (30) days prior to the prepayment date.

If the single Bond referred to herein is converted to fully registered serial bonds, the City reserves the right to redeem and call said serial bonds, at par plus accrued interest to the date of redemption, at the discretion of the City, on any interest payment date.

Section 7: CHARGES

The City has established, may from time to time revise, and shall maintain and collect water and sewer rates and charges for furnishing the services of the System to its customers, which rates and charges are, and shall continue to be, uniform as to all persons or properties which are of the same class, which rates and charges shall be collected from the users thereof.

Section 8: PLEDGE OF REVENUES

The Net Revenues of the System are hereby pledged for the payment of the Bond, equal to and on a parity with the charge and lien created by the 1978 Bonds, and shall be used and applied in the order of priority provided in Section 11 of this Ordinance.

The City shall establish, revise, maintain, and collect charges sufficient, with other revenues received, after taking into consideration anticipated delinquencies, to provide Net Revenues equal to not less than 1.2 times the sum of the combined aggregate amount of the principal of and interest on the Bond, together with the principal of and interest on the 1978 Bonds, which shall become due the next succeeding fiscal year.

Section 9: THE CAPITAL IMPROVEMENT FUND

There is hereby created a special fund and account to be known as the "City of Idaho City Water and Sewer Project Capital Improvement Fund" (the "Capital Improvement Fund") into which shall be deposited \$281,300 of the proceeds of the sale of the Bond, to be used and applied for the payment of a portion of the cost and

expense of the construction and installation of the Project, including the payment of the principal of and interest on all outstanding bond anticipation notes or other interim financing, if any. Any interest earnings on moneys invested from the Capital Improvement Fund shall remain in and be used for the purposes of the Capital Improvement Fund. The City's share of any liquidated damages or other moneys paid by defaulting contractors or their sureties will be deposited into said Capital Improvement Fund to assure the completion of the Project.

When the Project has been completed and all costs related thereto have been paid in full, any balance remaining in the Capital Improvement Fund shall be deposited into the Bond Fund described in Section 12 of this Ordinance.

Section 10: THE REFUNDING PROCEDURE -- IRREVOCABLE PLEDGE

The City presently has outstanding its 1985 Bonds, issued pursuant to Ordinance No. 188, adopted on August 20, 1985, which bonds mature on the dates and in the principal amounts, and bear interest at the rates, as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
October 1, 1993	\$6,000	8.95%
October 1, 1994	7,000	9.15
October 1, 1995	8,000	9.35
October 1, 1996	8,000	9.50
October 1, 1997	9,000	9.65

The City desires to pay, redeem, and retire its currently outstanding 1985 Bonds in full on October 1, 1993. Ordinance No. 188 reserves the right for the City, in the manner provided therein, to redeem and call the 1985 Bonds prior to their stated maturity, on any interest payment date, at par and accrued interest to the date of redemption.

There is hereby created and established a special fund and account of the City, designated the "Refunding Account," which shall be maintained by the Treasurer, into which \$32,000 of the proceeds of the Bond, together with moneys currently on deposit in the Bond Fund for payment of the principal and interest on the 1985 Bonds falling due on October 1, 1993, and other legally available funds of the City in the amount, if any, required fully to redeem and pay the principal of and accrued interest to the date of redemption on, the 1985 Bonds, shall be deposited. Moneys in the Refunding Account shall be used solely for the foregoing purposes. Until needed for the foregoing purposes, moneys in the Refunding Account shall be invested in government obligations permitted by Section 57-504, Idaho Code, maturing not later than September 30, 1993.

Contingent solely upon the issuance, sale, and delivery of the Bond, the 1985 Bonds are hereby irrevocably called for redemption of October 1, 1993. Interest on any 1985 Bonds so called for redemption shall cease on such date. The City hereby irrevocably pledges \$32,000 of the net proceeds of the Bond, together with moneys currently on deposit in the Bond Fund for payment of the principal and interest on the 1985 Bonds falling due on October 1, 1993, and any earnings thereon, and any other legally available funds of the City, as shall be necessary to pay the principal of and accrued interest on the 1985 Bonds to the date of redemption specified above. The Council hereby finds that no further payments need to be made into the Bond Fund established by Ordinance No. 188 for the payment of principal of and interest on the 1985 Bonds, and such 1985 Bonds and interest accrued thereon shall, upon compliance with this section, cease to be entitled to any lien, benefit, or security of Ordinance No. 188 except the right to receive the funds pledged hereinabove. Upon deposit of the foregoing amounts into the Refunding Account, the 1985 Bonds, together with the lien upon Net Revenues created by Ordinance No. 188, shall be fully defeased.

In accordance with the provisions of Section 8 of Ordinance No. 188, adopted on August 20, 1985, the Bond Registrar for the 1985 Bonds (currently the Corporate Trust Department of West One Bank, Idaho, Boise, Idaho) shall give notice of the call and redemption of the 1985 Bonds by written notice mailed by first-class mail, postage prepaid, to each registered owner of the outstanding 1985 Bonds at the address or addresses appearing on the Bond Register (as defined in Ordinance No. 188) not less than thirty (30) nor more than forty-five (45) days prior to October 1, 1993.

Section 11: THE REVENUE FUND

There has heretofore been created, by Ordinance No. 152, adopted on September 25, 1978, a fund which was redesignated by Ordinance No. 188, adopted on August 20, 1985, as the "City of Idaho City Water and Sewer Revenue Fund" the (the "Revenue Fund"), which shall be maintained by the Treasurer and into which the Revenue of the System shall be deposited forthwith upon its receipt.

A. Use of Revenues. The Revenue of the System shall be used for the payment of the following obligations in the following order of priority:

(1) First Charge and Lien: The costs of Operation and Maintenance Expenses.

(2) Second Charge and Lien: The principal of and interest on the 1978 Bonds and the Bond by payment into the Bond Fund, as provided in Section 12 of this Ordinance.

(3) Third Charge and Lien: To maintain the Reserve Fund; and

(4) To administer surplus funds.

B. Surplus Funds. Funds remaining in the Revenue Fund after having been applied to designated funds for the purposes provided in this Section shall constitute surplus funds and may be used for the purposes set forth in Section 14 of this Ordinance.

Section 12: THE BOND FUND

There has heretofore been created, by Ordinance No. 152, adopted on September 25, 1978, a special fund which was redesignated by Ordinance No. 188, adopted on August 20, 1985, as the "City of Idaho City Water and Sewer Revenue Bond Fund" (the "Bond Fund"), which shall be maintained by the Treasurer and into which shall be deposited, from Net Revenues, in addition to the amounts required by Ordinance No. 152, the following described revenues:

A. Each annual installment of principal and interest payable on the Bond shall be payable into the Bond Fund from the Revenue Fund not less than ten (10) days prior to each payment date, and paid from the Bond Fund to the Registered Owner on or before each payment date. In the event that the single Bond is converted into fully registered serial bonds, as provided in Section 3 of this Ordinance, then there shall be deposited into the Bond Fund from the Revenue Fund on or before the 10th day prior to any interest or principal and interest payment date the amount of interest or principal and interest then falling due on the bonds. The moneys herein allocated shall be used solely to pay currently maturing installments of principal of and interest on the Bond or any serial bonds to which the Bond may be converted.

B. If the City for any reason shall fail to make such deposit, then an amount equal to the deficiency shall be deposited into the Bond Fund from the Reserve Fund, described hereinafter.

Section 13: DEBT SERVICE RESERVE FUND

A. Deposits. There has heretofore been created, by Ordinance No. 152, adopted on September 25, 1978, a special fund which was redesignated by Ordinance No. 188, adopted on August 20, 1985, as the "City of Idaho City Debt Service Reserve Fund" (the "Reserve Fund") which shall be maintained by the Treasurer. In addition to the amounts required by Ordinance No. 152, there shall be deposited into the Reserve Fund from Net Revenues the amount of \$1,830 not later than one year from the date of the Bond and a like sum each year thereafter until the sum of \$18,302 has been accumulated therein. The sum so accumulated shall be maintained as

a debt service reserve fund for the Bond, or any serial bonds to which the Bond may be converted, until the Bond or serial bonds have been paid in full.

B. Deficiencies or Withdrawals. Whenever any moneys are withdrawn from the Reserve Fund to pay the principal of or interest on the Bond, or if a deficiency exists in such Fund, the amount so withdrawn or the amount of such deficiency shall be restored by annual deposits from Net Revenues until there has been restored therein the gross amount provided heretofore in subdivision A of this Section.

C. Refunding. In the event refunding bonds are ever issued, the amount set aside into the Reserve Fund to secure the payment of the Bond may be used to retire bonds or may be held in the Reserve Fund to secure payment of the refunding bonds issued, to refund the outstanding refunding bonds, or may be held in the Reserve Fund to secure the payment of any other issue or series of bonds payable out of the Bond Fund and issued on a parity with the Bond.

D. Investments. All moneys in the Reserve Fund shall be deposited in institutions permitted by law in an amount in each institution not greater than the amount insured by any department or agency of the United States Government, or may be invested and reinvested in any legal investment permitted for City moneys maturing not later than the last maturity date of any outstanding bonds. Interest earned on any such investment shall be deposited into the Reserve Fund until the required Reserve Fund balance has been reached; thereafter, interest earnings shall be deposited into the Reserve Fund until the required Reserve Fund balance has been reached; thereafter, interest earnings shall be deposited into the Bond Fund.

Section 14: SURPLUS FUNDS

Funds remaining in the Revenue Fund after having been applied to or designated funds for the purposes provided in Section 11A of this Ordinance shall constitute surplus funds and may be used for any of the following purposes:

A. To pay the costs of unusual or extraordinary maintenance of or repair to the System;

B. To pay the principal of and interest on any subordinate lien obligations which may have been issued to provide water facilities in or for the City;

C. To improve, extend, enlarge, or replace any water facilities;

D. To acquire or construct additional water facilities in or for the City;

E. To prepay the principal, interest, and any costs of the Bond, or, if serial bonds are issued, to call or redeem prior to their fixed dates of maturity any such bonds; and

F. For any other lawful purpose.

Section 15: ADDITIONAL BONDS OR OTHER OBLIGATIONS

A. Limitations Upon Issuance of Parity Obligations. Nothing contained in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional bonds or other additional obligations payable from the Net Revenues on a parity with, but neither prior nor superior to, the lien of the Bond herein authorized; provided, however, that before any such additional parity bonds or other additional parity obligations are authorized or actually issued:

(1) The City is not, and has not been, in default as to any payments required by the provisions of this Ordinance or Ordinance No. 152 for a period of not less than twelve (12) months immediately preceding the issuance of such additional parity bonds or other additional parity obligations.

(2) The Net Revenues of the System for the past twelve (12) consecutive months immediately preceding the year of the issuance of such additional parity obligations shall have been sufficient to pay the Operation and Maintenance Expenses of the System for said past twelve (12) months, and, in addition, sufficient so that the Net Revenues for such preceding year equal an amount representing 120% of the annual principal and interest requirements of the outstanding Bond and the 1978 Bonds and any other obligations of the City payable from the Net Revenues of the System, plus the average annual principal and interest requirements of the bonds or other obligations proposed to be issued; provided, this limitation may be waived or modified by the written consent of the Registered Owner of 75% of the principal amount of the Bond.

(3) A written certification by the City engineer or an independent engineer, if requested, that the 120% Net Revenue requirement of subsection (2) above has been satisfied, shall be obtained and filed with the City, which certification shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell, and deliver said additional bonds or other additional obligations on a parity with the Bond authorized herein and the 1978 Bonds.

B. Parity Bonds to Complete Project. In the event grant funds, plus the proceeds of the Bond provided for in this Ordinance, are insufficient to complete the Project, then parity bonds may be issued to complete the Project, and the restrictions set forth in this Section pertaining to the issuance of parity bonds shall not apply.

C. Subordinate Lien Bonds. No provision of this Ordinance or of any instrument appertaining thereto shall be deemed to limit or restrict the power of the Council to issue bonds, notes or warrants, or to make pledges of the revenues which shall be subordinate as to the lien of the Bond and the 1978 Bonds and which shall provide for compliance with the current provisions hereof prior to the application of any funds to said subordinate purpose.

D. Refunding. The restrictions with respect to the issuance of parity obligations shall not apply if such additional parity bonds proposed to be issued are for the sole purpose of refunding outstanding water revenue bonds.

Section 16: INVESTMENTS

Surplus funds in any of the Funds set forth in this Ordinance may be invested in securities as permitted by law.

Section 17: GENERAL COVENANTS

For the protection and security of the Bond, it is covenanted and agreed to and with the Registered Owner of the Bond from time to time, that the City will perform the following covenants:

A. Complete Project. It will complete the construction of the Project with all practical dispatch and in a sound and economical manner.

B. Operate System. It will operate the System in an efficient and economical manner and prescribe, revise, and collect such charges in connection therewith so that the services, facilities, and properties of the System may be furnished at the lowest possible cost consistent with sound economy and prudent management.

C. Good Repair. It will operate, maintain, preserve, and keep the System and every part hereof in good repair, working order, and condition.

D. Corporate Status. It will maintain its status as a municipal corporation of the State of Idaho and will take no steps to disincorporate or otherwise change its corporate status.

E. Preserve Security. It will preserve and protect the security of the Bond and the rights of the Registered Owner thereof.

F. Collect Revenues. It will collect and hold in trust the revenues and other funds pledged to the payment of the Bond and apply such revenue or other funds only as provided in this Ordinance.

G. Service Bond. It will pay and cause to be paid punctually the principal of the Bond and the interest thereon on the date or dates and at the place or places and in the manner mentioned in the Bond, and in accordance with this Ordinance.

H. Pay Claims. It will pay and discharge any and all lawful claims for labor, materials, and supplies which, if unpaid, might by law become a lien or charge upon the Revenue of the System, or any part of said Revenue of the System, or any funds in the hands of the Treasurer, prior or superior to the lien of the bond or which might impair the security of the Bond, to the end that the priority and security of the Bond shall be fully preserved and protected.

I. Encumbrances. It will not mortgage or otherwise encumber, sell, lease, or dispose of the System or any part thereof, nor enter into any lease or agreement which would impair or impede the operation of the System or any part thereof necessary to secure adequate revenues for the payment of the principal of and interest on the Bond, nor which would otherwise impair or impede the rights of the Registered Owner of the Bond with respect to such revenues or the operation of the System without provisions for the retirement of the Bond then outstanding from the proceeds thereof.

J. Insurance. It will procure and keep in force insurance upon all buildings and structures of the System and the machinery and equipment therein, which are usually insured by entities operating like property, in good and responsible insurance companies. The amount of the insurance shall be such as may be required to adequately protect it and the Registered Owner of the Bond from loss due to any casualty, and in the event of any such loss, the proceeds shall be used to repair or restore the System or for the payment of the Bond issued under this Ordinance.

K. Fidelity Bonds. It will procure suitable fidelity bonds covering all of its officers and other employees charged with the operation of the System and the collection and disbursement of revenues therefrom.

L. Engineers. It will employ consulting engineers of acknowledged reputation, skill, and experience in the improvement and operation of the System for any unusual or extraordinary items

of maintenance, repair, or betterments as shall be required from time to time, all reports, estimates, and recommendations of such consulting engineers to be filed with the Clerk and furnished to the Registered Owner of the Bond issued hereunder, upon request.

M. Accounts. It will keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the System, and it will furnish complete operating and income statements to the Registered Owner upon request.

N. Delinquencies. It will not furnish water service to any customer whatsoever free of charge, and it shall not later than sixty (60) days after the end of each calendar year, take such legal action as may be reasonable to enforce collection of all collectible delinquent accounts.

Section 18: SPECIAL COVENANTS

The City further covenants and agrees:

A. In accordance with Section 149(a) of the Internal Revenue Code of 1986, as amended (the "Code"), the Bond, and any serial bonds to which it may be converted, shall be issued and remain in fully registered form in order that interest thereon be excluded from gross income of the owner or owners for federal income tax purposes. The City covenants and agrees that it will take no action to permit the Bond, or any serial bonds to which it may be converted, to be issued in or converted to bearer or coupon form.

B. The Bond is a qualified tax-exempt obligation within the meaning and for the purposes of Section 265(b)(3) of the Code, and the City will not designate more than \$10,000,000, including the Bond, as qualified tax-exempt obligations during the calendar year 1993.

C. None of the proceeds of the Bond will be used directly or indirectly (i) to make or finance loans to persons or (ii) in any trade or business carried on by any person (other than use as a member of the general public). For purposes of the preceding sentence, the term "person" does not include a government unit other than the United States or any agency or instrumentality thereof, and the term "trade or business" means any activity carried on by a person other than a natural person. The City further covenants and agrees to take no action which would cause the Bond to be a "private activity bond," nor will it omit to take any action necessary to prevent the Bond from becoming a "private activity bond," within the meaning of Section 141 of the Code.

D. The City has general taxing powers. The Bond is not a "private activity bond" within the meaning of Section 141 of the

Code. 95% or more of the net proceeds of the Bond are to be used for the local governmental activities of the City. The City has no subordinate entities. The City has not issued, and will not issue, tax-exempt obligations in the calendar year in which the Bond is issued in a face amount which exceeds \$5,000,000. Accordingly, under Section 148(f)(4)(C) of the Code, the City is not required to pay rebates to the United States under Section 148(f) of the Code.

E. The Mayor, Clerk, and Treasurer, and other appropriate officials of the City, or any one or more of such officials, as may be appropriate, are each hereby authorized and directed to execute, on behalf of the City, such certificate or certificates as shall be necessary to establish that the Bond is not an "arbitrage bond" within the meaning of Section 148 of the Code and the Treasury Regulations promulgated thereunder, and to establish that interest on the Bond is not and will not become includable in the gross income of the owner of the Bond under the Code and applicable regulations. The City covenants and agrees that no use will be made of the proceeds of the Bond, or any funds of the City which may, pursuant to Section 148 of the Code and applicable regulations, be deemed to be proceeds of the Bond, which would cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code. The City further covenants to comply throughout the term of the Bond with the requirements of Section 148 of the Code and the regulations promulgated thereunder in order to prevent the Bond from becoming an "arbitrage bond."

F. The City will comply with the information reporting requirements of Section 149(e) of the Code.

Section 19: AMENDMENTS

A. The City from time to time and at any time may adopt an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall become a part of this Ordinance, for any one or more of all of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance, other covenants and agreements thereafter to be observed, which shall not adversely affect the interest of the Registered Owner of the Bond, or to surrender any right or power herein reserved.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting, or supplementing any defective provisions contained in this Ordinance, or any ordinance authorizing future bonds in regard to matters or questions arising under such ordinances as the Council may deem necessary or desirable and not inconsistent with such ordinances and which shall not adversely affect, in any

material respect, the interest of the Registered Owner of the Bond.

Any such supplemental ordinance may be adopted without the consent of the Registered Owner of the Bond at any time outstanding, notwithstanding any of the provisions of subsection B of this Section.

B. With the consent of the Registered Owner of not less than 75% in aggregate principal amount of the Bond at the time outstanding, the Council may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this Ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall:

(1) Extend the fixed maturity of the Bond, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, if applicable, without the consent of the Registered Owner of the Bond so affected; or

(2) Reduce the aforesaid percentage of the Registered Owner required to approve any such supplemental ordinance, without the consent of the Registered Owner of the Bond then outstanding.

It shall not be necessary for the consent of the Registered Owner under this subsection B to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

C. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties, and obligations of the City under this Ordinance and the Registered Owner of the Bond outstanding hereunder shall thereafter be determined, exercised, and enforced thereunder, subject in all respects to such modification and amendments, and all terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this Ordinance for any and all purposes.

D. Any Bond executed and delivered after the execution of any supplemental ordinance adopted pursuant to the provisions of this Section may have a notation as to any matter provided for in such supplemental ordinance, and if such supplemental ordinance shall so provide, new bonds so modified as to conform, in the opinion of the Council, to any modification of this Ordinance contained in any such supplemental ordinance, may be prepared and

delivered without cost to the Registered Owner of any affected Bond then outstanding, upon surrender for cancellation of such Bond.

Section 20: VALIDITY OF ISSUANCE

The Bond is issued pursuant to the Idaho Revenue Bond Act, being Idaho Code Sections 50-1027 through 50-1042. This recital is conclusive evidence of the validity of the Bond and the regularity of its issuance.

Section 21: REGISTERED OWNER'S REMEDIES - RECEIVER

By action or suit in equity, the Registered Owner or subsequent owners of the Bond may, in the event of a material violation of any of the foregoing covenants, cause the appointment of a receiver, which receiver may enter and take possession of the System and any Net Revenues for the payment of the Bond, prescribe fees to be derived from the System, and collect, receive, and apply all Net Revenues of other moneys pledged for the payment of the Bond in the same manner as the City might to do in accordance with the obligations of the City.

Section 22: ORDINANCE A CONTRACT

The provisions of this Ordinance shall constitute a contract between the City and the Registered Owner so long as the Bond hereby authorized remains unpaid.

Section 23: DETERMINATION

The Council does hereby find, determine, and declare that it is essential to the public interest, welfare, and convenience of the City and the inhabitants thereof to undertake the Project and to construct the improvements, with said Project being paid for in part by the issuance of the Bond in conformity with the Idaho Code.

Section 24: SEVERABILITY

If any one or more of the covenants or agreements provided in this Ordinance to be performed on the part of the City shall be declared by any court or competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance or of the Bond.

Section 25: REPEALER

All prior ordinances inconsistent herewith are hereby repealed and shall, to the extent of such inconsistency, have no further force or effect.

Section 26: BOND ANTICIPATION NOTES

Pending the issuance and sale of the Bond, the City may, by resolution of the Council, authorize the issuance and sale of bond anticipation notes in an aggregate amount which, together with interest to accrue thereon prior to issuance and sale of the Bond, shall not exceed \$281,300, to provide funds to pay the Cost of Project. Such bond anticipation notes, together with interest accrued thereon, shall be payable from the proceeds of the sale of the Bond.

Section 27: AUTHORIZATION

The Mayor, City Clerk, and City Treasurer, or any one of such officers, as may be appropriate to the circumstances, are hereby authorized to execute, on behalf of the City, all such additional documents as may be necessary to effect the sale and delivery of the Bond.

Section 28: 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 passage, approval, and publication.

DATED this 21st day of April, 1993.

CITY OF IDAHO CITY
Boise County, Idaho

Raymond G. Robison
Raymond G. Robison
Mayor

ATTEST:

Leslie A. Barkell
Leslie A. Barkell
City Clerk

(S E A L)

[Form of Bond]

UNITED STATES OF AMERICA

Registered
No. One

Registered
\$313,300.00

STATE OF IDAHO

COUNTY OF BOISE

CITY OF IDAHO CITY
PARITY LIEN WATER AND SEWER REVENUE BOND

KNOW ALL MEN BY THESE PRESENTS: That the City of Idaho City, Boise County, Idaho (the "City"), for value received, hereby promises to pay from the special fund hereinafter described and in the manner hereinafter set forth, and not otherwise, to the registered owner hereof, the principal sum of

THREE HUNDRED THIRTEEN THOUSAND THREE HUNDRED AND 00/100 DOLLARS

(\$313,300), together with interest on the unpaid balance at the rate of _____% per annum. Said principal and interest shall be paid in equal annual installments of \$_____, with the first installment of principal and interest being due on _____, 1992, and annually each year thereafter until maturity, with all principal of and interest on the Bond being fully paid within thirty (30) years from its date. The final annual installment may be in such greater or lesser amount as is necessary fully to pay the Bond.

This Bond shall be registered as to principal and interest in the name of the original owner and any subsequent owners in a registration book in the office of the City Treasurer, who shall be the Bond Registrar. This Bond is transferable only upon said book, by notation thereon, by the registered owner hereof in person or by its attorney duly authorized in writing.

Both principal of and interest on this Bond shall be payable in lawful money of the United States of America, to the registered

owner. Any owner of this Bond subsequent to its original owner is hereby placed on notice of all payment of both principal of and interest on this Bond prior to its transfer to him and all subsequent owners hereof hereby acknowledge that they have ascertained the actual unpaid principal amount of this Bond as of the date of transfer to them and hereby release the City from all obligations as to all principal and interest paid by the City prior to such date.

The City has reserved the right, at its option, to prepay the principal amount outstanding, in whole or, in the manner hereinafter provided, in part, at any time this Bond is held by the United States of America, Farmers Home Administration, or any subsequent transferee.

Prepayments shall be made on the date, at the place, and in the manner provided herein for making regularly scheduled installments, and partial prepayments shall be in the amount of \$1,000.00 or multiples thereof, plus accrued interest to the date of such prepayment. Any such prepayment shall be made without penalty, additional interest, or charges.

Notice of any such intended prepayment shall be mailed by registered mail to the registered owner of the Bond at the address appearing on the registration records of the City, or at such other address as designated in writing to the City by the registered owner, at least thirty (30) days prior to the prepayment date. Interest on this Bond shall cease to accrue as to the amount of principal being prepaid after the date fixed for prepayment if notice has been properly given and funds equal to the amount of prepayment have been deposited at the place of payment at that time.

This Bond, upon the surrender hereof at the office of the City Treasurer may, at the option of the registered owner and at its expense, be exchanged for serial bonds, without coupons, in registered form, in the aggregate principal amount then remaining unpaid, bearing the same interest rate, maturing annually in each of the remaining years of the original term of this Bond, and dated as of the year during which the surrender and exchange is effected. Serial bonds so issued shall be redeemable according to the provisions of Ordinance No. 223 of the City, adopted on April 21, 1993 (the "Bond Ordinance"), pursuant to which this Bond was issued.

This Bond is issued for the purpose of paying a portion of the cost of the construction and installation of improvements and betterments to the City's combined water and sewer system (the "Project"), pursuant to the Idaho Revenue Bond Act (being Idaho Code Sections 50-1027 through 50-1042), and pursuant to Idaho Code,

Title 57, Chapters 2 and 9, and also pursuant to the Bond Ordinance and a special election held within the City on April 2, 1992.

This Bond creates a lien and charge upon the Net Revenue of the City's water and sewer System (as said capitalized terms are defined in the Bond Ordinance) equal to and on a parity with the lien and charge of the 1978 Bonds (as defined in the Bond Ordinance), and superior to all other charges of any kind and nature, except the charges necessary to pay the principal of and interest on any future parity bonds. This Bond is a limited obligation of the City and is payable as to principal and interest solely from a special fund, designated the "City of Idaho City Water and Sewer Revenue Bond Fund" (the "Bond Fund"), referred to in the Bond Ordinance. For a more particular description of said Bond Fund, the revenues to be deposited therein, and the nature and extent of the security afforded thereby, reference is made to the provisions of the Bond Ordinance pursuant to which this Bond is issued, and such Bond Fund will be maintained.

This Bond does not now and shall never constitute an indebtedness 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.

The City has covenanted with the registered owner of the Bond to keep and perform all covenants and agreements contained in the Bond Ordinance, and the City will establish, maintain, collect, and account for rates and charges for service furnished by or through the System, including all extensions and improvements thereto hereafter constructed or acquired by the City, sufficient to pay the principal of and interest on the Bond as they fall due, provided such rates must be reasonable rates for the type, kind, and character of the services rendered.

IT IS HEREBY CERTIFIED, RECITED, and DECLARED that all conditions, acts, and things essential to the validity of this Bond do exist, have happened, and have been done, and that every requirement of law affecting the issue hereof has been duly complied with; that the Net Revenues to be derived from the operation of the System, including any future improvements, additions, or extensions thereto, have been and are hereby pledged and will be set aside into the Bond Fund in amounts sufficient for the payment of principal of and interest on this Bond.

IN WITNESS WHEREOF, the City of Idaho City, of Boise County, Idaho, under its corporate seal, has caused this Bond to be signed in its corporate name by its Mayor, countersigned by the Treasurer

thereof, and attested by the City Clerk, this 21st day of APRIL, 1993.

CITY OF IDAHO CITY
Boise County, Idaho

Raymond J. Robinson
Mayor

Leslie A. Barkell
City Treasurer

ATTEST:

Leslie A. Barkell
City Clerk

(S E A L)

* * * * *

REGISTRATION CERTIFICATE

(No writing to be placed herein except by the Bond Registrar)

This Bond shall be payable only to the order of the registered owner or its legal representative.

Date of
Registration

Name and Address of
Registered Owner

Signature of
Bond Registrar

United States of America
Farmers Home Administration
Finance Office
1520 Market Street
St. Louis, MO 63103

ORDINANCE NO. 222

AN ORDINANCE REPEALING ORDINANCE NUMBER 208 AND ENACTING A NEW ORDINANCE ESTABLISHING MEETING OF THE CITY COUNCIL OF THE CITY OF IDAHO CITY: ESTABLISHING THE NUMBER, PLACE, TIME AND PURPOSE OF MEETINGS AND PROVIDING GUIDELINES FOR SPECIAL AND EXECUTIVE SESSIONS.

BE IT ORDAINED by the Mayor and Council of the City of Idaho City, Boise County, Idaho:

WHEREAS, the City of Idaho City, having been established and its government composed in accordance with Title 50, Idaho Code, it is hereby ordained that the Mayor and City Council of Idaho City, Idaho, shall meet at the times and places set out below to conduct the business of the city:

SECTION I

REGULAR MEETINGS. The Mayor and Council shall meet in regular session at the City Hall in Idaho City on the second and fourth Tuesdays of each month, said meetings to commence at the hour of 7:00 P.M. During such regular sessions, the Mayor and Council may consider any and all business of the City of Idaho City, regularly agended by forty eight hour posting.

SECTION II

SPECIAL MEETINGS. The Mayor and Council may meet from time to time in special session, as provided by law. The time and place for such meetings shall be designated in the notice for such meetings, and all notices shall be as provided by law.

SECTION III

EXECUTIVE SESSION. The Mayor and Council may meet in executive session, only for the purposes expressly allowed by law and only at the times, and in the manner and after notice required by law.

The Mayor and Council may meet separately or as a group with legal council to discuss issues, request legal advice or receive legal opinions, without prior public notice and such conferences shall not constitute a meeting of the council. The contents of such meetings shall enjoy the normal privileges of an attorney/client relationship.

SECTION IV

Should any section, sub section, paragraph, sentence, clause, or phrase of this ordinance, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not effect the validity of the remaining provisions of this ordinance.

SECTION V

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI

This ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED BY THE CITY COUNCIL and approved by the Mayor,
this 9th day of March, 1993.

APPROVED:

Raymond G. Robison
RAYMOND G. ROBISON MAYOR

ATTEST:

Leslie A. Barkell
LESLIE A. BARKELL CITY CLERK

PROCEDURE FOR PASSAGE OF CITY ORDINANCES WHERE THREE
SEPARATE READINGS ARE WAIVED

- 1) A motion is made as follows:

"I hereby move that pursuant to Section 50-902, Idaho Code, the rule requiring that ordinances be read on three different days, two readings of which may be by title only and one reading of which shall be in full shall be dispensed with and that Ordinance No. 222 be considered immediately."

- 2) The above motion must then be SECONDED and the motion must be APPROVED by one-half plus one of the members of the full council, i.e., three council members must approve.

- 3) If the first motion is successful, then a SECOND MOTION is made as follows:

"I hereby move that Ordinance No. 222 now before the Council be approved."

- 4) The Ordinance is then debated until debate is closed or a Councilmember calls for the question.
- 5) This motion must pass with a majority of the quorum present voting for the ordinance.
- 6) The ordinance is then effective upon the publication of the ordinance or a summary of the ordinance in the newspaper.

NOTE: If public testimony is taken, all testimony from the public should be heard first. Public testimony is then CLOSED and the Council only should discuss the ordinance without interruption, comments, catcalls and the like from the public, unless a Council member has a specific question directed to a specific member of the public. By the same token, Councilmembers should not comment upon or engage in the testimony debate with any member of the public. The Council's opportunity to comment should be held until public testimony is closed. This procedure should also be followed on every issue before the Council. If followed, it would reduce the length of Council meetings by at least half.

ORDINANCE NO. 220

AN ORDINANCE TO FACILITATE SNOW REMOVAL BY PROHIBITING PARKING IN CITY STREETS DURING CERTAIN HOURS, AND DATES; AUTHORIZING ENFORCEMENT AND PROVIDING PENALTY, AND RESCINDING ORDINANCE #133.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO THAT:

Section 1. It shall be unlawful for any person to park any vehicle upon City streets and alleys between the hours of 2:30 a.m. and 6:00 a.m., November 15 to March 15.

Section 2. The Council hereby authorizes snow plow operators to impound vehicles of violators of this Ordinance regardless of whether a citation has been issued. The violator and/or owner of the vehicle shall be responsible for impoundment fees.

Section 3. The City Marshall is authorized to issue citations for violations of this Ordinance.

Section 4. Any person convicted of a violation of this Ordinance shall be punished by a fine not to exceed ONE HUNDRED (\$100.00) DOLLARS.

ORDINANCE

Section 5. This Ordinance shall be in full force and effect upon the signing, approval and publication of the same in one issue of the Idaho World, a newspaper of general circulation published within the CITY OF IDAHO CITY, and the official newspaper thereof.

PASSED by the Council of Idaho City, Idaho this 12th day January. 1993.

APPROVED by the Mayor of the City of Idaho City this 12th day of January, 1993.

APPROVED:

Raymond G. Robison
RAYMOND ROBISON, MAYOR

ATTEST:

Leslie A. Barkell
LESLIE BARKELL, CITY CLERK

ORDINANCE