

ORDINANCE NO. 1241

BY THE COUNCIL

BREEN, DAVID, HAMILTON, AND
SLANETZ

AN ORDINANCE RELATING TO THE WASTEWATER SYSTEM OF THE CITY OF KETCHUM, BLAINE COUNTY IDAHO; PROVIDING FOR AND CALLING A SPECIAL ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE ELECTORS QUALIFIED TO VOTE THEREON THE QUESTION OF ISSUING THE CITY'S WASTEWATER REVENUE BONDS FOR THE PURPOSE OF FINANCING, IN PART, THE COSTS OF RENOVATION, IMPROVEMENT, UPGRADING AND BETTERMENT OF THE CITY'S WASTEWATER SYSTEM; PROVIDING DETAILS IN CONNECTION THEREWITH AND OF THE ELECTION ON THE QUESTION; AND PROVIDING THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Ketchum (the "City"), Blaine County, Idaho, is a municipal corporation duly organized and existing as a city under the general laws of the State of Idaho; and

WHEREAS, to comply with certain water quality regulations of the United States Environmental Protection Agency (the "EPA") and the Idaho Department of Environmental Quality (the "DEQ"), the current wastewater system (the "System") of the City needs renovation, improvement, upgrading, and betterment; and

WHEREAS, the City Council of the City has determined and does hereby determine the interests of the community and the public interest and necessity require the immediate renovation, improvement, upgrading and betterment of the City's System by undertaking the construction, installation, rehabilitation, improvements, work and purchases, as more fully described in Section 3 of this Ordinance, and all other related costs, items and appurtenances necessary, useful and convenient for the adequate collection and treatment of wastewater within the City (collectively, the "Project"); and

WHEREAS, the City Council of the City (the "Council"), does hereby determine that it is in the interests of the community and the public to seek financing, in part, for the construction, installation, rehabilitation, improvements, work and purchases, and all other related costs, items, and appurtenances necessary, useful, and convenient for implementing the Project; and

WHEREAS, the Council now deems it necessary and appropriate to seek approval from at least a majority of the qualified electors who will vote on the question to issue one or more series of wastewater revenue bonds (the "Bonds"), up to \$14,000,000 for the purpose of defraying, in part, costs of the Project, payable solely from the revenues of the System as constructed, installed, renovated, improved, upgraded, and bettered pursuant to the Revenue Bond Act (the "Act"), §§ 50-1027 through 50-1042, Idaho Code, and all laws thereunto enabling; and

WHEREAS, the net revenues to be derived from the operation of the System may be

pledged lawfully and irrevocably to secure the repayment of such Bonds herein authorized pursuant to the Act; and

WHEREAS, the 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 revenues from the System pledged to the payment thereof; and

WHEREAS, the 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, no election has been held in the City within six (6) months of the date of the adoption of this Ordinance on the question herein set forth or any question for a similar, or like, purpose.

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

Section 1. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and the officers of the City, directed toward:

- a. The Project; and
- b. The issuance of the City's Bonds to finance Project costs, in part; and
- c. The calling and holding of an election for the authorization and issuance of the City's Bonds,

be, and the same hereby is, ratified, approved, and confirmed, including, without limitation, the giving of notice of such election.

Section 2. Subject to the approval by a simple majority of the qualified electors voting on the question, it is hereby ordered the Project be purchased, constructed, and acquired, as may be necessary by the City's Bonds, in one or more series, up to a total of \$14,000,000 issued pursuant to the Act for the cost thereof.

Section 3. The Project briefly and generally described shall consist of the renovation, improvement, upgrading and betterment of the System by making the following improvements and acquisitions:

It is currently anticipated the System of the City will be improved by the construction of certain capital improvements, including, but not limited to, the construction of new aeration basins, aeration basin blower repairs, new grit removal systems, a new rotary drum thickener, a new dewatering building, removal of Digester No. 1, clarifier system repairs, a new Digester No. 2, new and replacement digester blowers, replacement backup generators and pumps, new ultraviolet (UV)

equipment, upgraded programmable logic controller (PLC) hardware and filters, construction of new ancillary buildings, the purchase of new utility vehicles, and other ancillary equipment and controls required for the operation of the System, and any other comparable alternative construction, renovation and improvements to the System as otherwise determined by the City, and all other related costs, items and appurtenances necessary, useful and convenient for the adequate collection and treatment of wastewater within the City, all collectively constituting the Project.

Section 4. The details of the construction, installation, renovation, improvement, upgrades, management of resources, project descriptions, and evaluations of the City’s System and the Project are more specifically shown and described in the City of Ketchum Wastewater Treatment Plant Facility Plan (the “Plan”) prepared by HDR Engineering, Inc., Boise, Idaho (the “Engineer”). For further details, reference is hereby made to said reports, studies, supplements, and revisions, which are currently on file and available for inspection in the office of the Clerk of the City (the “City Clerk”).

Section 5. The cost of the Project anticipated to be constructed pursuant to the Plan, including all incidental expenses, has been estimated by the Engineer, to be approximately \$37,207,000. The City contemplates issuing Bonds pursuant to this Ordinance in a total amount of not more than \$14,000,000, or so much thereof as may be necessary. The City anticipates that a portion of the cost of the Plan may be defrayed by federal grants, grants from the State of Idaho, funds derived from the City’s cooperative agreement with the Sun Valley Water and Sewer District, and/or City funds.

Section 6. Each series of Bonds shall bear interest at a rate or rates to be later determined by the Council, payable annually or at such lesser intervals as may hereafter be prescribed by ordinance; shall mature serially (or in other payment installments if one Bond is issued representing the entire principal amount of each Bond series that is issued) commencing at the expiration of at least one (1) year from the date of the Bonds and ending not more than thirty (30) years from said date; shall be payable solely from the revenues of the System as constructed, installed, renovated, improved, upgraded, and bettered, in accordance with the provisions of the Act; shall be in such denomination and form as may hereafter be prescribed by ordinance; and may be made subject to prior redemption at such time or times, with or without premium, and upon such terms and conditions as may be determined by the Council in the ordinance authorizing said Bonds, or otherwise pertaining thereto.

Section 7. A Special Municipal Bond Election be, and the same hereby is, called, to be held on Tuesday, the 8th day of November, 2022, between the hours of 8:00 a.m. and 8:00 p.m. on said day for the purpose of enabling the qualified electors of the City, as outlined in Section 10 of this Ordinance, to vote upon the question of issuing said Bonds as set forth in the notice of the Special Municipal Bond Election, the form of which is attached hereto as Exhibit “A.”

Section 8. The Special Municipal Bond Election shall be conducted by Blaine County, Idaho, and the County Clerk of such county (the “County Clerk”), all in accordance with Title 50, Chapter 10, Idaho Code, and Title 34, Idaho Code, and this Ordinance. Pursuant to Section 34-1401, Idaho Code, the County Clerk shall exercise such powers as are necessary to coordinate the

election with the City Clerk. The City Clerk shall confirm with the County Clerk that a sample ballot has been printed before the Special Municipal Bond Election, which sample ballot shall be in or contain the same form as the official ballot proposition set forth in Section 11 hereof. The City Clerk shall also confirm with the County Clerk that the form of sample ballot for the Special Municipal Bond Election will be published in the official newspaper of Blaine County, and as may be necessary in the Idaho Mountain Express, an official newspaper of the City, in accordance with Sections 34-602 and 34-1406, Idaho Code.

Section 9. The polls at the Special Municipal 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 Special Municipal Bond Election as set forth in the Notice of Special General Obligation Bond Election attached hereto as Exhibit "A."

Section 10. 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, who are properly registered as provided by law, are entitled to vote at said Special Municipal Bond Election. The ballot proposition and question to be voted upon at the Special Municipal 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 Special Municipal Bond Election. Only those qualified City electors casting valid ballots upon the bond proposition and question set forth in Sections 11 of this Ordinance shall be counted in determining the number of qualified electors voting at or participating in the special bond election.

(The remainder of this page is intentionally left blank.)

Section 11. The voting at the election on the question of issuing the City’s wastewater revenue 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
WASTEWATER REVENUE BONDS

CITY OF KETCHUM
BLAINE COUNTY, STATE OF IDAHO

November 8, 2022

INSTRUCTIONS TO VOTERS: To vote on the following proposition, please fill in the oval in the space to the right of the words “YES. I vote IN FAVOR” or “NO. I vote AGAINST” 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.

THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, HAS DETERMINED THAT IT IS IN THE INTEREST OF THE PUBLIC, AND NECESSARY FOR PURPOSES OF IMPROVED WATER QUALITY, TO FINANCE THE RENOVATION, IMPROVEMENT, AND UPGRADE OF THE CITY’S WASTEWATER SYSTEM. FINANCING THE IMPROVEMENTS THROUGH THE ISSUANCE OF WASTEWATER REVENUE BONDS WILL PREVENT AN INITIAL 60% CUSTOMER RATE INCREASE, AND TWO SUBSEQUENT 25% RATE INCREASES, KEEPING UPFRONT WASTEWATER RATE INCREASES LOWER AND MORE AFFORDABLE. EACH SERIES OF BONDS SHALL BE PAID SOLELY FROM REVENUES GAINED FROM WASTEWATER CUSTOMER FEES AND WILL HAVE NO EFFECT ON PROPERTY TAXES.

SHALL THE CITY OF KETCHUM, IDAHO, BE AUTHORIZED TO ISSUE AND SELL ONE OR MORE SERIES OF WASTEWATER REVENUE BONDS OVER THE NEXT TEN (10) YEARS, IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$14,000,000, FOR THE PURPOSE OF FUNDING THE RENOVATION, IMPROVEMENT, AND UPGRADE OF THE CITY’S WASTEWATER SYSTEM?

The following information is required by § 34-913, Idaho Code:

The purpose for which the City’s proposed bonds are to be used, the date of the special bond election (November 8, 2022), and the principal amount of the bonds are set forth above on the ballot or in the City’s bond election Ordinance No. 1241. The interest rate anticipated on the proposed bonds based on current market rates is 4.160% per annum but will be fixed at time of each series issuance.

The total amount to be repaid over the life of the proposed bonds based on the anticipated interest rate, is estimated to be \$24,817,125, consisting of \$14,000,000 in principal and \$10,817,125 in interest. Principal and interest on the proposed bonds will be paid solely from the net revenues of the City's wastewater system and no taxes will be levied by the City for such purposes. Accordingly, the estimated average annual cost to the taxpayer on the proposed bonds based on the data above is a tax of \$0.00 per \$100,000 of taxable assessed value, per year, based on current conditions. Each series of proposed bonds will mature over a period not to exceed thirty (30) years.

The total existing indebtedness, including interest accrued as of November 8, 2022, of the City is \$14,145,884. The total existing indebtedness of the City's wastewater fund, including interest accrued as of November 8, 2022, is \$705,153, and such existing indebtedness will be paid off by the City not later than September 15, 2025.

O—YES. IN FAVOR of funding wastewater system improvements by issuing revenue bonds for the purposes stated in Ordinance No. 1241.

O—NO. AGAINST funding wastewater system improvements by issuing revenue bonds for the purposes stated in Ordinance No. 1241.

(End of Form of Official Ballot)

Section 12. The County Clerk is authorized to cause a sufficient number of ballots to be printed for use at said Special Municipal 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 Special Municipal Bond Election.

Section 13. Notice of the Special Municipal 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, and as may be necessary in the Idaho 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 Special Municipal Bond Election and the last publication of notice shall be made not less than five (5) days prior to the Special Municipal Bond Election. The notice shall be in substantially the form attached hereto as Exhibit "A."

Section 14. Any qualified and registered elector of the City, as outlined in Section 10, may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code, as amended.

Section 15. Officers of the City shall provide a brief official statement setting forth the information required by Section 34-913, Idaho Code.

Section 16. When the polls are closed, the election officials shall immediately proceed to count the ballots cast at the Special Municipal 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 Special Municipal 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 Special Municipal 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 17. If at such election a majority of the qualified electors voting at such election assents to the issuance of the City's wastewater revenue bonds, they shall be sold, executed, and delivered in the same manner provided in the Act and any other applicable laws of the State of Idaho.

Section 18. 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 Bonds.

Section 19. All bylaws, resolutions, and ordinances in conflict with this Ordinance are hereby repealed.

Section 20. 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 21. An application may be submitted to any agency of the State of Idaho, including but not limited to the Idaho Department of Environmental Quality and the Idaho Department of Commerce and Labor, and the United States, including but not limited to the United States Department of Agriculture, Rural Development, seeking to have it issue and disburse interim loan funds or grant funds or special appropriations funds for the completion of the Project and/or for it to purchase one or more series of the wastewater revenue bonds of the City. Officers of the City are hereby authorized to take such action as necessary to effectuate the completion and approval of the applications referenced above.

Section 22. The Summary of Ordinance, hereto attached as Exhibit "B", is approved as to form and content, and shall be published after adoption in at least one issue of the Idaho Mountain Express, which is an official newspaper of the City.

Section 23. This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication, as provided by law.

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PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR of the City of Ketchum, Blaine County, Idaho, this 6th day of September, 2022.

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

By: 
NEIL BRADSHAW, Mayor

ATTEST: 
By: 
LISA ENOURATO, Interim City Clerk

EXHIBIT “A”

(Form of Notice)

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

September 6, 2022

NOTICE IS HEREBY GIVEN that pursuant to an ordinance adopted on September 6, 2022, 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 8, 2022, 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 wastewater revenue bonds in an aggregate principal amount not to exceed \$14,000,000 for the purpose of providing funds with which to renovate, improve, upgrade, and better the wastewater system of the City (the “System”), including, but not limited to, the construction of new aeration basins, aeration basin blower repairs, new grit removal systems, a new rotary drum thickener, a new dewatering building, removal of Digester No. 1, clarifier system repairs, a new Digester No. 2, new and replacement digester blowers, replacement backup generators and pumps, new ultraviolet (UV) equipment, upgraded programmable logic controller (PLC) hardware and filters, construction of new ancillary buildings, the purchase of new utility vehicles, and other ancillary equipment and controls required for the operation of the System, and any other comparable alternative construction, renovation and improvements to the System as otherwise determined by the City, and all other related costs, items and appurtenances necessary, useful and convenient for the adequate collection and treatment of wastewater within the City, all collectively constituting the Project.

The interest rate anticipated on the proposed bonds based on current market rates is 4.160% per annum but will be fixed at time of each series issuance.

The total amount to be repaid over the life of the proposed bonds based on the anticipated interest rate, is estimated to be \$24,817,125, consisting of \$14,000,000 in principal and \$10,817,125 in interest. Principal and interest on the proposed bonds will be paid solely from the net revenues of the City’s wastewater system and no taxes will be levied by the City for such purposes. Accordingly, the estimated average annual cost to the taxpayer on the proposed bonds based on the data above is a tax of \$0.00 per \$100,000 of taxable assessed value, per year, based on current conditions. Each series of proposed bonds will mature over a period not to exceed thirty (30) years.

The total existing indebtedness, including interest accrued as of November 8, 2022, of the City is \$14,145,884. The total existing indebtedness of the City's wastewater fund, including interest accrued as of November 8, 2022, is \$705,153 and such existing indebtedness will be paid off by the City not later than September 15, 2025.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, this 6th day of September, 2022.

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

By: 
NEIL BRADSHAW, Mayor

ATTEST: 
By: 
LISA ENOURATO, Interim City Clerk

(End of Form of Notice)

EXHIBIT “B”

**CITY OF KETCHUM
BLAINE COUNTY, IDAHO**

**SUMMARY OF
ORDINANCE NO. 1241, ADOPTED September 6, 2022**

AN ORDINANCE RELATING TO THE WASTEWATER SYSTEM OF THE CITY OF KETCHUM, BLAINE COUNTY IDAHO; PROVIDING FOR AND CALLING A SPECIAL ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE ELECTORS QUALIFIED TO VOTE THEREON THE QUESTION OF ISSUING THE CITY’S WASTEWATER REVENUE BONDS FOR THE PURPOSE OF FINANCING, IN PART, THE COSTS OF RENOVATION, IMPROVEMENT, UPGRADING AND BETTERMENT OF THE CITY’S WASTEWATER SYSTEM; PROVIDING DETAILS IN CONNECTION THEREWITH AND OF THE ELECTION ON THE QUESTION; AND PROVIDING THE EFFECTIVE DATE THEREOF.

Section 1. Ratifies all previous consistent actions taken by the City Council.

Section 2. Provides for the purchase, construction and acquisition of wastewater system improvements upon the assent of a majority of the electors.

Section 3. Describes the wastewater system improvements to be purchased, constructed and acquired with the proceeds of the bonds to be voted upon by the electors (the “Project”).

Section 4. Describes the engineering studies relating to the Project and where they may be inspected.

Section 5. Provides a cost estimate for the Project, and the manner in which the Project costs are expected to be paid. Not more than \$14,000,000 of wastewater revenue bonds shall be issued to fund a portion of the Project costs pursuant to this Ordinance.

Section 6. Describes the wastewater revenue bonds proposed to be issued, and an estimate as to the terms of payment, rates of interest, and maturity of the wastewater revenue bonds.

Section 7. Schedules a special municipal bond election for November 8, 2022, from 8:00 a.m. until 8:00 p.m. to enable electors to vote on the question of issuing not more than \$14,000,000 of wastewater revenue bonds to fund a portion of Project costs, pursuant to this Ordinance.

Section 8. Describes generally the manner by which the Blaine County Clerk will conduct the election.

Section 9. Sets the hours of the election from 8:00 a.m. until 8:00 p.m. and sets forth the manner by which the Blaine County Clerk will designate the polling places for the election.

Section 10. Sets forth the qualifications of the electors of the City to vote at the election and provides that the ballot proposition and question to be voted upon at the Special Municipal Bond Election shall be separate from any other measures or candidates being voted upon.

Section 11. Sets forth the form of the ballot to be used for the Special Municipal Bond Election.

Section 12. Provides for preparation of ballots for the Special Municipal Bond Election.

Section 13. Provides for publication of notice of the Special Municipal Bond Election at various times before the election.

Section 14. Provides for vote by absentee ballot.

Section 15. Authorizes officers of the City to provide a brief official statement setting forth information required by Section 34-913, Idaho Code.

Section 16. Provides for the canvassing and certification of the Special Municipal Bond Election.

Section 17. Provides that wastewater revenue bonds will be issued and sold pursuant to law if a majority of the electors vote in favor of issuing the bonds.

Section 18. Authorizes officers of the City to take appropriate action to put into effect the provisions of the Ordinance and designates bond counsel for the wastewater revenue bonds.

Section 19. Repeals prior inconsistent actions.

Section 20. Provides for severability.

Section 21. Authorizes officers of the City to apply to any agency of the State of Idaho and the United States for interim loan or grant or special appropriations funds for the Project, or for such agencies to purchase the City's wastewater revenue bonds.

Section 22. Provides for publication of the Ordinance, or a summary thereof.

Section 23. Provides the effective date of the Ordinance.

Exhibit "A". Sets forth the form of the Notice of Special Municipal Bond Election.

The full text of Ordinance No. 1241 is available at City Hall and will be provided to any citizen upon personal request during normal office hours.

DATED this 6th day of September, 2022.

City of Ketchum, Idaho



MAYOR
Neil Bradshaw

ATTEST:



INTERIM CITY CLERK
Lisa Enourato

I, the undersigned City Attorney for and legal advisor to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1241 of the City and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

DATED this 6th day of September, 2022.



CITY ATTORNEY