

KOOTENAI COUNTY
Idaho

GENERAL OBLIGATION. BONDS

RESOLUTION. NO. 2009-76

A RESOLUTION. of the Board of Commissioners of Kootenai County, of Idaho, describing certain improvements to be made within the County; ordering a special election to be held in said County for the issuance of general obligation bonds in the principal amount of not to exceed \$57,670,000; setting the date, time, and place of said election; adopting a notice of election; and providing for other matters properly relating thereto

Adopted on September 15, 2009

Prepared by:

K&L PRESTON GATES ELLIS LLP
Coeur d'Alene, Idaho and Spokane, Washington

KOOTENAI COUNTY
RESOLUTION. NO. 2009-76

TABLE. OF CONTENTS¹

Recitals.....	1
Section 1. Election.....	2
Section 2. Project.....	2
Section 3. Conduct of Election and Notice to Electors.....	2
Section 4. Polling Hours and Places.....	2
Section 5. Boards of Election; Oaths.....	7
Section 6. Qualification of Electors; Oath.....	7
Section 7. Ballot Proposition.....	9
Section 8. Notice of Special Bond Election; Publication and Posting.....	10
Section 9. Approval; Issuance of Bonds.....	10
Section 10. Debt Disclosure Statement.....	11
Section 11. Election Results; Canvass.....	11
Section 12. Ratification.....	12
Section 13. Effective Date.....	12

¹ This Table of Contents and the cover page are not a part of the following resolution and are included only for the convenience of the reader.

RESOLUTION. NO. 2009-76

A RESOLUTION repealing Resolution 2009-73 of the Board of Commissioners of Kootenai County Idaho, describing certain improvements to be made within the County; ordering a special election to be held in said County for the issuance of general obligation bonds in the principal amount of not to exceed \$57,670,000 contingent upon passage of the local option sales tax; setting the date, time, and place of said election; adopting a notice of election; and providing for other matters properly relating thereto

KOOTENAI COUNTY
Idaho

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF KOOTENAI COUNTY, of Idaho, as follows:

WHEREAS, Kootenai County, Idaho, (the "County"), is a County created and operating under the laws of the State of Idaho; and

WHEREAS, in the opinion of the Board of Commissioners of the County, (the "Board"), the interests of the County require it and the Board deems it for the public good to raise funds in the amount of \$57,670,000 for the purpose of making certain capital improvements within the County as more particularly set forth hereinafter;

WHEREAS, the Board will only issue the general obligation bonds if the local option sales tax is passed by the voters;

WHEREAS, the County does not have sufficient funds available for such purposes, and it is the decision of this Board that funds should be raised through the issuance of general obligation bonds of the County; and

WHEREAS, Idaho Code § 31-1903 provides that the question of issuing such bonds must be submitted to the qualified electors of the County;

NOW THEREFORE, BE IT FURTHER RESOLVED as follows:

Section 1. ELECTION

A special election is hereby called to be held within Kootenai County on Tuesday, November 3, 2009, for the purpose of submitting to the qualified electors of the County the question set forth in the form of ballot appearing in Section 7 hereof.

Section 2. PROJECT

(a) *Project Description.* The project consists of Construction of improvements to Kootenai County public safety and law enforcement facilities.

(b) *Project Changes.* The Board may make changes in the plans described herein prior to or in the course of actual construction, provided such changes are found necessary and desirable by the Board. In the event the County has other legally available funds or there are bond proceeds remaining after the capital improvements set forth in Section 2(a) above have been completed, the Board retains the right to redeem the bonds as the Board in its discretion shall determine.

(c) *Costs.* It is estimated that the cost and expense of improvements for the Project will not exceed the proceeds of the bonds and the interest earned thereon. Other costs of the Project, if any, may be paid for with other legally allowable funds of the County.

Section 3. CONDUCT OF ELECTION. AND NOTICE. TO ELECTORS

Said election shall be conducted as specified in Idaho Code, Title 34, and in the Notice of Election attached hereto as Exhibit A and by this reference made a part hereof.

Section 4. POLLING HOURS. AND PLACES

(a) *Polling Hours.* The polls of said election shall open at the hour of 7:00 a.m. on said day and shall remain open continuously on said day until the hour of 8:00 p.m., at which time said polls shall be closed.

(b) *Polling Places.* The polling places within the County for the election shall be as follows:

<u>Precinct</u>	<u>Location</u>	<u>Address</u>
#01	Spirit Lake Community Center	32564 N. 4th St Spirit Lake 83869
#02	Timberlake High School	5973 W. Highway 54 Spirit Lake 83869
#03	Athol Community Hall	30355 N. 3rd St Athol 83801
#04	Bayview Community Center	20298 E. Perimeter Rd Bayview 83803
#05	Twin Lakes Elementary School	5340 W. Rice Rd Rathdrum 83858
#06	Garwood School	17506 N. Ramsey Rd Rathdrum 83858
#07	Hauser Fire Station	10728 N. Hauser Lake Rd Hauser 83854
#08	Cloverleaf Grange	3232 N. McGuire Rd Post Falls 83854
#09	Betty Kiefer Elementary	13898 N. Schooner St Rathdrum 83858
#10	Rathdrum City Hall	8047 W. Main St Rathdrum 83858
#11	Betty Kiefer Elementary	13898 N. Schooner St Rathdrum 83858
#12	John Brown Elementary	15574 N. Washington St Rathdrum 83858
#13	Hayden Meadows School	900 E. Hayden Ave Hayden 83835
#14	Hayden Lake Friends Church	251 W. Miles Ave Hayden 83835
#15	Hayden Meadows School	900 E. Hayden Ave Hayden 83835
#16	Hayden Lake City Hall	9393 N. Strahorn Rd Hayden Lake 83835
#17	Hayden Kinder Center	9650 N. Govt Way Hayden 83835

<u>Precinct</u>	<u>Location</u>	<u>Address</u>
#18	Atlas Elementary School	3000 W. Honeysuckle Ave Hayden 83835
#19	St Marks Lutheran Church	9485 N. Maple St Hayden 83835
#20	Hayden City Hall	8930 N. Govt Way Hayden 83835
#21	Scottish Rite Temple	8999 N. Strahorn Rd Hayden 83835
#22	Kootenai Fire & Rescue Stn #5	6288 N. 4th St Dalton Gardens 83815
#23	Kootenai Fire & Rescue Stn #2	4320 W. Seltice Way Post Falls 83854
#24	Calvalry Lutheran Church	1011 N. Compton St Post Falls 83854
#25	Fred Post Education Center	205 W. Mullan Ave Post Falls 83854
#26	St George Catholic Church	2004 N. Lucas St Post Falls 83854
#27	Prairie View Elementary	2478 E. Poleline Ave Post Falls 83854
#28	Prairie View Elementary	2478 E. Poleline Ave Post Falls 83854
#29	Church Of The Nazarene	308 W. 12th Ave Post Falls 83854
#30	KMC Health Park	1300 E. Mullan Ave Post Falls 83854
#31	Post Falls Library	821 N. Spokane St Post Falls 83854
#32	Post Falls Senior Center	1215 E. 3rd Ave Post Falls 83854
#33	Ponderosa School Cafeteria	3483 E. Ponderosa Blvd Post Falls 83854
#34	National Guard Armory	5453 E. Seltice Way Post Falls 83854
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#37	Skyway Elementary School	6621 N. Courcelles Pkwy Coeur d'Alene 83815
#38	Woodland Middle School	2101 N. St Michelle Dr Coeur d'Alene 83814
#39	Ramsey School	1351 W. Kathleen Ave Coeur d'Alene 83815
#40	Dalton Gardens City Hall	6360 N. 4th St Dalton Gardens 83815
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#47	St Pius Center	625 E. Haycraft Ave Coeur d'Alene 83815
#48	Emmanuel Baptist Church	3115 N. 15th St Coeur d'Alene 83815
#49	CdA Fire Stn #3	1500 N. 15th St Coeur d'Alene 83814
#50	Lakes Middle School Library	930 N. 15th St Coeur d'Alene 83814
#51	Kootenai Medical Center	2003 N. Lincoln Way Coeur d'Alene 83814
#52	Coeur d'Alene Assembly Of God Church	2200 N. 7th St Coeur d'Alene 83814
#53	Seventh Day Adventist Church	111 E. Locust Ave Coeur d'Alene 83814

<u>Precinct</u>	<u>Location</u>	<u>Address</u>
#54	Trinity Lutheran Church	812 N. 5th St Coeur d'Alene 83814
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#56	Christ The King Lutheran	1700 E. Pennsylvania Ave Coeur d'Alene 83814
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#58	Sorensen School Gym	311 N. 9th St Coeur d'Alene 83814
#59	St Thomas Center	406 N. 10th St Coeur d'Alene 83814
#60	Fernan Elementary School	520 N. 21st St Coeur d'Alene 83814
#61	Harding Family Center Gym	411 N. 15th St Coeur d'Alene 83814
#62	Canyon School Gym	27491 E. Schoolhouse Loop Cataldo 83810
#63	Odd Fellows Hall	200 E. Railroad Ave Post Falls 83854
#64	The Old Church Cultural Center	405 N. William St Post Falls 83854
#65	Meadowbrook Comm. Hall	8088 W. Meadowbrook Loop Coeur d'Alene 83814
#66	Mica Flats Grange	7465 W. Kidd Island Rd Coeur d'Alene 83814
#67	Arrow Point Fire Station	20338 S. Highway 97 Harrison 83833
#68	Medicine Mt Grange	24361 S. Brenda St Medimont 83842
#69	Worley Community Center	9936 E. Street Worley 83876
#70	Harrison Senior Center	103 E. Pine St Harrison 83833
#71	Harrison Elementary School	13030 E. O'Gara Rd Harrison 83833

Section 5. BOARDS. OF ELECTION; OATHS

(a) *Appointment of Boards of Election.* The Chairman and/or Clerk of the Board are hereby authorized and directed, on behalf of the Board, to appoint a Board of Election to preside over each polling place. Each Board of Election shall consist of one (1) or more judges and a clerk, who shall be qualified electors of the County. The Chairman and/or Clerk is authorized to appoint, from time to time, qualified substitutes, if any, if such appointed judges or clerks become unable to serve. The Judges and Clerks shall sign oaths regarding the performance of their duties as shown in Exhibits “B” and “C” respectively, attached hereto and incorporated herein by reference.

(b) *Oath.* Each member of each Board of Election shall take an oath, which shall be administered by any qualified elector of the County, faithfully to perform the duties of such member.

Section 6. QUALIFICATION. OF ELECTORS; OATH

(a) *Qualifications.* Each person voting at such bond election shall be at the time of the election, eighteen (18) years of age or older, and a United States citizen who has resided in the State of Idaho and the County at least thirty (30) days next preceding the election.

(b) *Registration.* Registration requirements set forth in Title 34, Chapter 4, Idaho Code, shall be applicable to the election. Such registration laws allow for registration on the day of the election assuming that the requirements set forth in Idaho Code § 34-408A are met.

(c) *Elector’s Oath.* No person shall be permitted to vote at said election until such person shall have executed, in writing and immediately before voting, an Elector’s Oath attesting that he or she possesses the qualifications of a qualified elector prescribed by Idaho Code § 34-104 and indicating the mailing address, residence address or any other necessary information

definitely locating the residence of the elector. The elector may be required to furnish to the election official proof of residence, which proof shall be established by either an Idaho motor vehicle driver's license or any document definitely establishing the elector's residence within the County. The Elector's Oath shall be prepared by the Clerk of the Board and shall be in substantially the form set forth in Exhibit "D" attached hereto and incorporated herein by this reference.

(d) *Absentee Voting.* Any qualified elector may vote by absentee ballot by making an application to the Clerk of the County and voting in accordance with Idaho Code, Chapter 34, Title 10. The application for a mail-in absentee ballot must be received by the Clerk of the County not later than 5:00 p.m. on the sixth day before the election. An application for in person absentee voting at the absent elector's polling place described in Idaho Code § 34-1006 shall be received by the Clerk of the County not later than 5:00 p.m. on the day before the election. The Clerk, after receiving the application in the manner prescribed in Idaho Code § 34-1002 may deliver the absentee ballot to the absent elector in the office of the county clerk, by postage prepaid mail or by other appropriate means, including use of a facsimile machine.. The absentee ballot shall be returned to the Clerk in a sealed envelope and, together with the oath of qualification, place the ballot and oath in a sealed return envelope in the manner prescribed in Idaho Code §34-1005. The absentee ballot must be received by the Clerk no later than 8:00 p.m. on the day of the election before such ballot may be counted. After verification of the qualification of the elector to vote in the election, the absentee ballot shall be counted.

Section 7. **BALLOT PROPOSITION**

The ballot title for said special election shall be in substantially the following form:

PROPOSITION

GENERAL OBLIGATION BOND QUESTION

The Kootenai County Board of Commissioners is requesting authorization to issue general obligation bonds of said county in the principal amount of \$57,670,000 to become due in such installments as may be fixed by the Board, the final installment to fall due not more than ten (10) years from the date of issue of the bonds, for the purpose of construction of improvements to county detention facilities, and payment of architectural and other fees, contingencies, administrative costs, legal fees and all other costs incidental thereto; including all appurtenances necessary to maintain and operate said facility improvements; for other capital purposes relating thereto as deemed necessary by said Board; all as provided in Resolution No. 2009-76, adopted on September 15, 2009.

The general obligation bonds will only be issued upon passage of the local option sales tax.

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

The County currently has outstanding bonded indebtedness in the amount of \$0. The interest rate anticipated on the proposed bonds is 2.81% *per annum*. The range of anticipated rates is from 2.61% to 2.86% *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 \$66,941,142.50.

May the Board of Commissioners of Kootenai County, Idaho issue general obligation bonds for a period of time not to exceed ten (10) years and in the aggregate sum of not to exceed \$57,670,000 to fund improvements to detention facilities if the local option sales tax question passes?

BONDS – YES

BONDS – NO

The following information is required by Section 34-439, Idaho Code.

The County currently has outstanding bonded indebtedness in the amount of \$-0-. The interest rate anticipated on the proposed bonds is 2.81% per annum. The range of anticipated rates is from 2.61% to 2.86% 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 \$66,941,142.50

Section 8. NOTICE. OF SPECIAL BOND ELECTION; PUBLICATION. AND POSTING

Pursuant to Idaho Code § 34-602, the Clerk is hereby authorized and directed to give Notice of Special Bond Election in substantially the form attached hereto as Exhibit “A”, prior to said election, by publication and posting as follows:

(a) *Publication.* The Notice of Special Bond Election shall be published at least two (2) times in a newspaper of general circulation within the County. The first notice shall be published at least twelve (12) days prior to the election and the second notice shall be published not later than five (5) days prior to the election.

(b) *Affidavits.* Proof of publication shall be upon the affidavit of the publisher of the newspaper. Such affidavits shall be filed with the Board by the Clerk prior to the date of the election.

Section 9. APPROVAL; ISSUANCE. OF BONDS

If, at said election, two-thirds (2/3) of the qualified electors of the County voting thereon vote in favor of the issuance of said bonds for the purposes set forth herein and designated on the aforesaid ballot, fully registered general obligation bonds of the County shall be authorized, issued, sold, and delivered. In determining whether an elector has voted on this proposition, the County shall follow Idaho Code § 34-1202A, which provides that a qualified elector is deemed to have not voted if it is impossible to determine their choice on this proposition. Said bonds will be general obligation bonds of the County, and as such, the full faith and credit of the County will be pledged for their payment as provided by Idaho Code § 31-1901. Said bonds will be paid from taxes levied upon all taxable property within said County, and may also be paid from local sales taxes approved by the voters and levied on all taxable sales within said County, will mature annually over a period which may be less than but which will not exceed ten (10)

years from their date and will bear interest at such rate or rates as may be determined by the Board in the Resolution authorizing the issuance of such bonds.

All bonds shall be issued in the form and manner, be registered, disposed of, and redeemed, in accordance with the provisions of the Municipal Bond Law of Idaho, Title 57, Chapter 2, Idaho Code, as amended.

Section 10. DEBT DISCLOSURE. STATEMENT

Pursuant to Idaho Code Section 34-439, as amended, a Debt Disclosure Statement shall be prepared and verified by the County.

Section 11. ELECTION. RESULTS; CANVASS

(a) The Clerk of the County shall conduct the election and the tabulation of results pursuant to state law and applicable state administrative regulations.

(b) *Computation of Election Results.* Election results shall be computed pursuant to Chapter 34, Title 12, Idaho Code and a return of election results shall be made by the Clerk of the County to the Board of Commissioners.

(c) *Board of Canvassers.* Pursuant to Idaho Code § 31-804, the Board of Commissioners shall thereupon canvass such returns at a special or regular meeting to be held for that purpose within seven (7) days of the election. The Board shall examine and make a statement of the total number of votes cast in the Special Bond Election, setting forth the ballot proposition and the total number of affirmative and negative votes cast. The Board shall certify that such statement is true, subscribe their names thereto, and deliver it to the Clerk of the County.

Section 12. REPEALER:

This Resolution 2009-76 repeals Resolution 2009-73 in its entirety.

Section 13. RATIFICATION

All actions heretofore taken, not inconsistent with the provisions of this Resolution, by the Board and the officers of the County, directed toward making said acquisitions and improvements within and for the County, and the issuance of general obligation bonds of the County therefor, and for the holding of a Special Bond Election, are hereby ratified, approved and confirmed.

Section 14. EFFECTIVE. DATE

This resolution shall be effective from and after its passage.

PASSED AND ADOPTED this 15th day of September, 2009.

Chair, Board of Commissioners

ATTEST:

Clerk of the Board of Commissioners

(S. E. A L)

CERTIFICATION

I, the undersigned, Clerk of the Board of Commissioners of Kootenai County, of Idaho, hereby certify that the foregoing Resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board duly and regularly held at the regular meeting place thereof on September 15, 2009, of which meeting all members of said Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES, and in favor thereof, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

I further certify that I have carefully compared the same with the original resolution on file and of record in my office; that said resolution is a full, true and correct copy of the original Resolution adopted at said meeting; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and is now in full force and effect.

IN. WITNESS. WHEREOF, I have set my hand and affixed the official seal of said County on September 15, 2009.

Clerk, Board of Commissioners

(S. E. A L)

KOOTENAI COUNTY
Idaho

NOTICE. OF SPECIAL BOND ELECTION

NOTICE. IS. HEREBY GIVEN. that, pursuant to Resolution No. 2009-76, adopted on September 15, 2009, by the Board of Commissioners of Kootenai County (the "County"), of Idaho, a Special Bond Election will be held in said County on

TUESDAY, NOVEMBER 3, 2009

Between the hours of 7:00 a.m. and 8:00 p.m., for the purpose of voting upon the question and proposition of issuing general obligation bonds in the principal amount of \$57,670,000 and payable over a period of up to ten (10) years, for the purpose of construction of improvements to Kootenai County public safety and law enforcement facilities, and payment of architectural and other fees, contingencies; administrative costs, legal fees and all other costs incidental thereto; for other capital purposes relating thereto as deemed necessary by said Board. The bonds will bear interest at such rate or rates as may be determined by the Board of Commissioners, and will be payable from taxes levied upon all taxable property within the County and may also be payable from local sales taxes approved by the voters and levied upon all taxable sales within the County.

Resolution No. 2009-76 is hereby referred to for further particulars, and by reference is made part of this Notice. The total estimated cost of the Project is \$57,670,000, all of which is to be paid from the sale of the proposed bond issue.

The question to be submitted to the electors shall be by ballot reading substantially as follows:

PROPOSITION

GENERAL OBLIGATION BOND QUESTION

The Kootenai County Board of Commissioners is requesting authorization to issue general obligation bonds of said county in the principal amount of \$57,670,000 to become due in such installments as may be fixed by the Board, the final installment to fall due not more than ten (10) years from the date of issue of the bonds, for the purpose of construction of improvements to county detention facilities, and payment of architectural and other fees, contingencies, administrative costs, legal fees and all other costs incidental thereto; including all appurtenances necessary to maintain and operate said facility improvements; for other capital purposes relating thereto as deemed necessary by said Board; all as provided in Resolution No. 2009-76, adopted on September 15, 2009.

The general obligation bonds will only be issued upon passage of the local option sales tax.

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

The County currently has outstanding bonded indebtedness in the amount of \$0. The interest rate anticipated on the proposed bonds is 2.81% *per annum*. The range of anticipated rates is from 2.61% to 2.86% *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 \$66,586,550.

May the Board of Commissioners of Kootenai County, Idaho issue general obligation bonds for a period of time not to exceed ten (10) years and in the aggregate sum of not to exceed \$57,670,000 to fund improvements to detention facilities if the local option sales tax question passes?

BONDS – YES

BONDS – NO

Qualified electors shall vote at the following polling places:

<u>Precinct</u>	<u>Location</u>	<u>Address</u>
#01	Spirit Lake Community Center	32564 N. 4th St Spirit Lake 83869
#02	Timberlake High School	5973 W. Highway 54 Spirit Lake 83869
#03	Athol Community Hall	30355 N. 3rd St Athol 83801

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#69	Worley Community Center	9936 E. Street Worley 83876
#70	Harrison Senior Center	103 E. Pine St Harrison 83833
#71	Harrison Elementary School	13030 E. O'Gara Rd Harrison 83833

Only qualified electors eighteen (18) years of age or older, who are United States citizens and who have resided in the State of Idaho and in the County at least thirty (30) days next preceding the election, and no others, will be permitted to vote at said special election. No person so qualified and offering himself or herself at the polling place at which he or she is entitled to vote will be denied the privilege of voting at said special election.

All electors must register before being able to vote in the special election. The County Clerk of Kootenai County shall conduct voter registration pursuant to Idaho Code § 34-1402. Any registered elector of the County may make written application for an absentee ballot to the Clerk of the County not later than 5:00 p.m. on the day before the election, Tuesday, November 3, 2009.

If, at said election, two-thirds (2/3) of the qualified electors voting at such election vote in favor of the issuance of the bonds proposed therein for the purposes set forth in Resolution No. 2009-76, general obligation bonds of the County may be issued for said purposes if the local option sales tax question passes. In determining whether an elector has voted on the proposition, the County shall follow Idaho Code § 34-1202A, which provides that a qualified elector is deemed to have not voted if it is impossible to determine their choice on the proposition.

DATED this 15th day of September, 2009.

Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners

