

ORDINANCE NO. 37

AN ORDINANCE OF THE CITY OF DOVER, OF BONNER COUNTY, IDAHO, ACCEPTING THE TRANSFER OF ASSETS AND LIABILITIES FROM ROCKY POINT SEWER DISTRICT TO THE CITY OF DOVER; AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS TO ACCOMPLISH SAID TRANSFER; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND EFFECTIVE DATE HEREOF; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

**CITY OF DOVER
Bonner County, Idaho**

BE IT ORDAINED BY THE MAYOR AND THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF DOVER, of Bonner County, Idaho, as follows:

WHEREAS, the City of Dover, of Bonner County, Idaho, (the "City") is a duly incorporated municipal corporation under and by virtue of the Constitution and laws of the State of Idaho and is governed by a Mayor and a City Council (the "Council");

WHEREAS, the City provides municipal services to its residents;

WHEREAS, the Board of Directors of Rocky Point Sewer District (the "District") and the Council voted to put a proposition on the ballot for the residents of the City and the District to approve or disapprove the transfer of the assets and liabilities of the District to the City;

WHEREAS, at a duly and properly called election, the residents of the District and the City voted to transfer the assets and liabilities of the District to the City by a vote of 70 to 14, or an approval rate of over two thirds of those voting, voting Yes;

WHEREAS, representatives of the District and the City have worked together on the terms of a Transfer Agreement (the "Agreement") and wish to approve the form of this Agreement and to authorize representatives of the District to execute the Agreement with the City
;

NOW THEREFORE, BE IT FURTHER FOUND, DETERMINED AND ORDERED by the City Council of the City of Dover as follows:

Section 1. Approval of Agreement. The City Council has participated in and reviewed the Agreement and wishes to approve the form of the Agreement, which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. Authorization of the Execution of Documents. The City Council hereby authorizes the Mayor and Clerk of the City to execute the Agreement and any other documents necessary to implement the terms of the Agreement, including, but not limited to the Agreement itself, any deeds or licenses that are necessary, any agreements with U.S.D.A. and the State of Idaho and any other agreements with the County or other government entities or agencies.

Section 3. Ratification. All actions (not inconsistent with the provisions of this Ordinance) heretofore taken by the City, its elected officials and employees, with respect to the election and possible transfer of the assets and liabilities of the District to the City, are hereby in all respects ratified, approved, and confirmed.

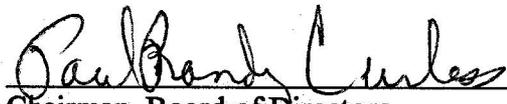
Section 4. Severability. If any one or more of the covenants or agreements provided in this Ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements shall be null and void 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.

Section 5. Repealer. All ordinances, resolutions or parts thereof in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its adoption by the City Council and publication of this Ordinance in the official newspaper of the City.

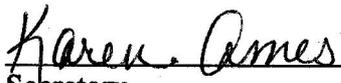
ADOPTED this 1st day of August, 1996.

CITY OF DOVER, of Bonner County, Idaho



Chairman, Board of Directors
MAYOR

ATTEST:



Secretary

(S E A L)

CERTIFICATE

I, the undersigned, the City Clerk of the City of Dover, of Bonner County, Idaho, hereby certify that the foregoing Ordinance is a full, true, and correct copy of an Ordinance duly adopted at a regular meeting of the City Council Board of the City, duly held at the regular meeting place thereof held on August 1, 1996, of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Councilmembers: *Margaret Becker, Brad Littlefield*
Neal Hewitt, Rick Hyde

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

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

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said City on August 1, 1996.

Karen Ames

City Clerk

(SEAL)