

RESOLUTION NO. 18A

A RESOLUTION OF THE CITY OF DOVER, BONNER COUNTY, IDAHO, AUTHORIZING ASSUMPTION OF THE ASSETS AND LIABILITIES OF THE ROCKY POINT SEWER DISTRICT, SUBJECT TO APPROVAL BY THE ELECTORS OF THE CITY AT AN ELECTION TO BE CALLED AND CONDUCTED ON NOVEMBER 7, 1995; SETTING FORTH THE FORM OF THE PROPOSITION REGARDING THE ASSUMPTION OF THE ROCKY POINT SEWER DISTRICT BY THE CITY; SETTING FORTH NOTICE REQUIREMENTS FOR THE ELECTION AND OTHER MATTERS PROPERLY RELATING THERETO

CITY OF DOVER  
Bonner County, Idaho

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IDAHO, as follows:

WHEREAS, the City of Dover, Bonner County, Idaho (the "City"), is a duly incorporated and existing city, organized and operating under the laws of the State of Idaho;

WHEREAS, the Rocky Point Sewer District, Bonner County, Idaho (the "District") provides sewer system services to the residents of the City;

WHEREAS, the electors of the District and of the City are virtually identical;

WHEREAS, the electors of the District authorized the issuance of \$500,000 aggregate principal amount in sewer revenue bonds for the purpose of acquiring and installing improvements to the District's sewer system;

WHEREAS, the Board of Directors of the District (the "Board") and the City Council of the City (the "Council") have determined that it is in the best interests of the ratepayers and tax payers of both the City and the District, since they are virtually the same people, to consider the merger of the District and all of its assets and liabilities, into the City;

WHEREAS, the Board and the Council desire to seek approval of the electors of the City and the District for the merger of the District into the City and the assumption by the City of all of the assets and liabilities of the District, as well as the responsibility for the operation of the sewer system of the District; and

WHEREAS, the Council desires to call and authorize the conduct of a special election on this issue on November 7, 1995 and to take the appropriate steps necessary to call said election.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED as follows:

**Section 1: CITY'S WILLINGNESS TO OPERATE SEWER SYSTEM.** The Council hereby consents to the operation of the sewer system currently owned and operated by the District, if the residents of the District and the City (who are one in the same) vote to transfer the assets, liabilities and responsibility for operation of the system to the City and an appropriate agreement between the City and District can be reached. The Council further believes that there are a number of advantages in the City's operation of the system, including:

- (1) A realization of savings for operating costs;
- (2) The opportunity to more efficiently and effectively provide all municipally related services to the residents of the City and the District who are one in the same; and
- (3) An opportunity to better coordinate municipal services in the Dover/Rocky Point community.

**Section 2: ELECTION AUTHORIZED.** The Council hereby authorizes the submission of the following proposition to the electors of the City on November 7, 1995:

Shall the City of Dover assume the assets and liabilities of the Rocky Point Sewer District, including any and all outstanding indebtedness of the Rocky Point Sewer District which has been approved by the electors of said District, whether Bonds have been issued or not? If approved by the electors of the City and District, the City shall be responsible for operating the sewer system currently operated by the District and the District shall transfer its assets to the City in accordance with the appropriate requirements of the laws of the State of Idaho.

Assumption of District by City                       Yes

Assumption of District by City                       No

**Section 3: DETERMINATION**

The Council does hereby find, determine, and declare that it is important to the public interest, welfare, and convenience of the City and the inhabitants thereof to undertake the Project and to construct the sewer system previously authorized by the voters. The Council further believes that it will be in the best interests of the community and its residents, if approved by the electors, for the City to construct and operate the sewer system.

**Section 4: NOTICE OF ELECTION**

The Council hereby directs that the proposition contained within Paragraph 2 herein be included on the municipal ballot to be presented to the electors on November 7, 1995. The Council further directs that notice of this proposition and its inclusion on the ballot be provided as

required by Idaho election law, including all notices and sample ballots which are prepared, published and posted.

**Section 5: RATIFICATION**

All actions (not inconsistent with the provisions of this Resolution) heretofore taken by the Council, and its employees, with respect to the conduct of the election and possible transfer of the system, are hereby in all respects ratified, approved, and confirmed.

**Section 6: SEVERABILITY**

If any one or more of the covenants or agreements provided in this Resolution 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 Resolution and shall in no way affect the validity of the other provisions of this Resolution or of the Bonds.

**Section 7: REPEALER**

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

ADOPTED this 5th day of October, 1995.

CITY OF DOVER  
Bonner County, Idaho

acting Margaret Becker  
Mayor

ATTEST:

Karen Ames  
City Clerk

(SEAL)

**CERTIFICATE**

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I, the undersigned, the City Clerk of the City of Dover, of Bonner County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the City Council of said City, duly held at the regular meeting place thereof held on 10/9, 1995, 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 Resolution was adopted by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

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 City on October 9, 1995.

Karen Ames  
City Clerk

(SEAL)