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ORDINANCE NO. 173-00A

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FARMINGTON, OF WHITMAN COUNTY, WASHINGTON, DESCRIBING CERTAIN CAPITAL IMPROVEMENTS TO BE MADE TO THE FIRE FIGHTING FACILITIES AND/OR EQUIPMENT OF WHITMAN COUNTY FIRE PROTECTION DISTRICT NO. 10 FOR THE BENEFIT OF THE TOWN AND SURROUNDING AREA AND DECLARING THE ESTIMATED COST OF SUCH IMPROVEMENTS AND PURCHASES; PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$13,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS PAYABLE FROM AD VALOREM TAXES LEVIED AGAINST ALL OF THE TAXABLE PROPERTY WITHIN THE TOWN; PROVIDING FOR THE SUBMISSION OF THE PROPOSED PLAN AND THE PROPOSITION OF INCURRING SUCH INDEBTEDNESS TO THE QUALIFIED ELECTORS AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 19, 2000; REQUESTING THE AUDITOR OF WHITMAN COUNTY TO DECLARE AN EMERGENCY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

**TOWN OF FARMINGTON
Whitman County, Washington**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FARMINGTON, of Whitman County, Washington, as follows:

WHEREAS, the Town of Farmington, of Whitman County, Washington (hereinafter designated the "Town"), is a duly incorporated town operating under and by virtue of the laws of the State of Washington;

WHEREAS, the Town Council (the "Council") of the Town desires to authorize and acquire certain capital improvements and/or equipment for the benefit of the residents of the Town;

WHEREAS, in order to provide the funds to enable Whitman County Fire Protection District No. 10 (the "District") to acquire, equip, install and make such necessary capital improvements and acquisitions as determined to be necessary and beneficial by the Town and the

District, the Council has deemed it necessary and advisable that the Town issue and sell its unlimited tax general obligation bonds in the principal amount of not to exceed \$13,000;

WHEREAS, RCW 35A.40.090 requires that an election be called for the submission of a proposition to the qualified electors within said Town for their ratification or rejection prior to incurring said bonded indebtedness;

WHEREAS, the Town will notify the Auditor of Whitman County, Washington, in compliance with RCW 29.13, as amended, of its intention to hold a special election on Tuesday, September 19, 2000, to submit the proposition of the issuance of general obligation bonds to the qualified electors of the Town for their ratification or rejection;

NOW, THEREFORE, BE IT FURTHER ORDAINED as follows:

Section 1: The Council of the Town hereby determines that the welfare of the residents of the Town requires the acquisition, construction and installation of certain capital improvements and betterments to the area's fire fighting facilities, together with all necessary appurtenances, fixtures and furnishings.

Section 2: The proposed capital improvements to be acquired, constructed, installed, and paid for with the proceeds of the bonds, are as follows:

- (a) The acquisition fire fighting facilities, including the construction of two fire stations, one in the Town of Oakesdale and the other in the Town of Farmington;
- (b) The acquisition of necessary and related capital equipment; and
- (c) Ancillary costs of engineering, architectural, and attorney fees, bond costs, incidental costs and costs related to the sale and issuance of the bonds, permits, utilities, accounting costs, and any other expenses or consultant fees incidental thereto.

If, in the opinion of the Council, the needs of the Town change in a manner that results in a circumstance wherein any portion of the above-referenced capital improvements are not required, the Council retains the right not to construct such capital improvements and to reallocate the money originally contemplated therefor to other capital improvements deemed more necessary by the Council.

Section 3: The total estimated cost of acquiring, constructing and installing said capital improvements, including the equipping thereof, is hereby declared to be approximately \$240,000 which shall be paid in part, if authorized and empowered by the approving vote of the qualified electors of the Town, by the issuance and sale of unlimited tax general obligation bonds of the Town, in the principal amount not to exceed \$13,000, the balance of the cost of the project, if any, to be paid with other legally available funds, including proportionate shares to be contributed by the Whitman County Fire Protection District No. 10 and the Town of Farmington.

In the event the Town has other legally available funds, or there are bond proceeds remaining after the capital improvements set forth in Section 2 have been completed or duly provided for, the Council retains the right to make additional capital improvements to the facilities of the Town as found necessary by the Council or the Town may use the money to purchase other capital equipment or to pay a portion of the debt service on the Bonds authorized herein.

Section 4: The Bonds provided for in Section 3 hereof shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Council and as permitted by law, shall bear interest at such rate or rates (not to exceed the maximum provided by law at the time such Bonds are sold) and in such manner as the Council shall determine at the time the Bonds are sold, and shall mature within a maximum term of Five (5) years from date of issue, in such amounts as shall be determined by the Council, but may mature at an earlier date or dates, as authorized by the Council and as provided by law. Said Bonds shall be unlimited tax general obligations of the Town and, unless paid from other sources, both principal and interest thereon shall be payable out of annual tax levies to be made upon all the taxable property within the Town without limitation as to rate or amount. The exact date, form, terms, and maturities of said Bonds shall be as hereafter fixed by ordinance of the Council.

In the event the proceeds of the sale of said Bonds, plus any or all of the moneys above-described, are insufficient to make all of the capital improvements and purchases provided for, the Town shall use the available funds for paying the cost of those capital improvements for which Bonds were approved and deemed by the Council to be most necessary and in the best interest of the Town by the Council.

Section 5: The Council hereby requests that a Special Election be called, conducted and held within the Town on Tuesday, September 19, 2000 for the purpose of submitting to the qualified electors of the Town, for their ratification or rejection, the proposal to acquire, construct and install said capital improvements and to incur such indebtedness and issue said Bonds.

Section 6: The proposition to be certified to the Whitman County Auditor by the Town Clerk shall be in substantially the following form:

PROPOSITION NO. _____

TOWN OF FARMINGTON

GENERAL OBLIGATION BONDS, SERIES 2000 - \$13,000

TO PAY FOR ITS SHARE OF FACILITIES, SHALL THE TOWN OF FARMINGTON ISSUE AND SELL NOT MORE THAN \$13,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS TO ACQUIRE AND CONSTRUCT TWO FIRE STATIONS WITHIN THE BOUNDARIES OF WHITMAN COUNTY FIRE PROTECTION DISTRICT NO. 10. SAID BONDS WILL BE PAYABLE, BOTH PRINCIPAL AND INTEREST, FROM ANNUAL TAX LEVIES IN EXCESS OF REGULAR PROPERTY TAX LEVIES AND

MATURE WITHIN A MAXIMUM TERM OF _____ () YEARS
FROM DATE OF ISSUE, AS PROVIDED IN ORDINANCE NO. _____
ADOPTED ON JULY 10, 2000.

INSTRUCTIONS TO VOTERS

To vote IN FAVOR OF the foregoing Proposition, mark a cross (X) in the "BONDS, YES" square.

To vote AGAINST the foregoing Proposition, mark a cross (X) in the "BONDS, NO" square.

BONDS, YES.....

BONDS, NO.....

Section 7: Said Election will be held on Tuesday, September 19, 2000. Polls will be open from 7:00 o'clock A.M. and will remain open until 8:00 o'clock P.M., when they will close.

Section 8: The location of the polling places shall be as determined by the Whitman County Auditor, as *ex officio* Supervisor of Elections for the Town.

Section 9: In the event the above proposition is approved by the qualified electors of the Town, there shall be levied and collected annual tax levies in an amount sufficient in each such year during the life of said Bonds, and until the full payment of both principal and interest on said Bonds, as will produce levy proceeds sufficient in amount to fully pay currently maturing installments of principal and interest on said Bonds. Said tax levies will be in excess of the regular annual tax levies permitted by law.

Section 10: It is hereby found and declared that an emergency exists, due to a need for certain capital improvements to the fire fighting equipment and facilities available for use for the benefit of the Town, which emergency requires the submission to the qualified electors of the Town, for their ratification or rejection at said special election, of the proposition of whether or not the Town shall issue said unlimited tax general obligation bonds. The Clerk of the Town is hereby authorized and directed to deliver a copy of this Ordinance to the Whitman County Auditor, as *ex officio* Supervisor of Elections for the Town.

The Whitman County Auditor, as *ex officio* Supervisor of Elections, is hereby requested to also find the existence of such emergency, to deem the same to exist, to call and conduct said Special Election on Tuesday, September 19, 2000, and to submit to the qualified electors of the Town the proposition as set forth above.

Section 11: A Notice of Special Election shall be published at least once, which publication shall take place not more than ten (10) nor less than three (3) days prior to the date of said Special Election. Said publication shall be in a newspaper of general circulation within the Town.

Section 12: Upon passage and approval of this Ordinance, it shall be published in the official newspaper of the Town and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED by the Town Council of the Town of Farmington on July 10, 2000.

TOWN OF FARMINGTON,
Whitman County, Washington



Mayor

ATTEST:



Town Clerk

(SEAL)

I, the undersigned, the Town Clerk of the Town of Farmington, of Whitman County, Washington, hereby certify that the foregoing Ordinance is a full, true and correct copy of an Ordinance duly passed and adopted at a regular meeting of the Town Council of said Town, duly and regularly held at the regular meeting place thereof on July 10, 2000, of which meeting all members of said 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, Council Members:

NOES, Council Members: 4

ABSENT, Council Members: 0

ABSTAIN, Council Members: 1

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, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and seal on July 10, 2000.

Candace S. Fisher
Town Clerk

(SEAL)