

ORDINANCE NO. 158-92

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, APPROVING AND CONFIRMING THE ASSESSMENT ROLL OF ITS LOCAL IMPROVEMENT DISTRICT NO. 7 FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE SEWER SYSTEM OF THE COUNTY; PROVIDING FOR THE LEVYING AND ASSESSING OF ASSESSMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED BY SAID IMPROVEMENTS, AS SHOWN ON THE ASSESSMENT ROLL; PROVIDING FOR THE COLLECTION OF SAID ASSESSMENTS AND FOR THE ISSUANCE OF A LOCAL IMPROVEMENT DISTRICT BOND TO PAY A PORTION OF THE COST AND EXPENSE OF SAID IMPROVEMENTS; ESTABLISHING CERTAIN FUNDS AND ACCOUNTS; PROVIDING FOR THE APPEAL PROCEDURE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

BONNEVILLE COUNTY, IDAHO

LOCAL IMPROVEMENT DISTRICT NO. 7

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, AS FOLLOWS:

WHEREAS, Bonneville County (the "County"), Idaho, is a duly incorporated and existing municipal corporation organized and operating under the provisions of the Constitution and laws of the State of Idaho, and

WHEREAS, the Board of Commissioners of the County (the "Board"), by Ordinance No. 155-91, adopted on August 19, 1991, duly created Local Improvement District No. 7 ("LID No. 7"), provided for certain improvements to be made therein, and provided that a portion of the cost and expense of said improvements be assessed against the property benefited thereby; and

WHEREAS, the improvements in LID No. 7, as providing for in said Ordinance No. 155-91, have been completed and the total project costs and expenses have been determined; and

WHEREAS, notice of the time and place of hearing on the final assessment roll was duly and regularly given to all property owners within LID No. 7 by publication and posting thereof, and by mailing to all property owners in the manner

required by law, and the hearing was duly and regularly held, pursuant to said notice, at the time and place fixed for said hearing, on February 20, 1992, and at which hearing the Board, sitting as a board of equalization, gave due consideration to all written and oral protests received and all persons appearing at said hearing; and

WHEREAS, in accordance with the provisions of Idaho Code Section 50-1712, the Board has also considered the report of the Engineer for Bonneville County, Idaho (the "Engineer"), including any adjustments made in the report to be included on the Assessment Roll, with respect to the apportionment and the correctness of the assessments and the amounts levied on any particular lot or parcel of land, including the benefits accrued thereon, and the proper apportionment of the total cost of the improvements to be borne thereby, and the inclusion of any lot or parcel of land in the proposed local improvement districts;

WHEREAS, it appears to the Board that each lot, tract, parcel or other property included within LID No. 7 will be specially benefited by the doing and making of the improvements as specified in the Resolution of Intention, heretofore adopted on October 22, 1991, at least in an amount equal to the specific amount or amounts set opposite each such lot, parcel of land and other property upon the assessment roll for said LID No. 7 (the "Assessment Roll"), heretofore filed herein and heard before this Board, and that each and all of said assessments are strictly in accordance with the benefits attributable to each lot, parcel of land and other property, and are in amount and apportionment strictly in accordance with Idaho Code 50-1712, and the resolutions and ordinances of this county, and that said Assessment Roll and each and all of the assessments set forth therein are correct and proper in every respect; and

WHEREAS, after consideration of all protests, the Board adopted a Resolution on March 11, 1992, disposing of said protests, and now desires to confirm the Assessment Roll with any modifications contained therein, the levy and collection of assessments, and to provide for the payment of assessments in installments;

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, as follows:

**Section 1: ASSESSMENT ROLL CONFIRMED: ASSESSMENTS  
LEVIED**

The Board, sitting as a board of equalization and having made all revisions to the assessment roll it deems necessary, hereby finds and determines that the final assessment roll for LID No. 7 (the "Assessment Roll") is just and equitable and that no assessment against property within LID No. 7 is greater than the special benefits to be derived from the improvements. Accordingly, the Assessment Roll, in the total amount of \$262,650.00, is hereby approved and confirmed, and the assessments set forth therein are hereby levied against each lot, tract, parcel of land or other property described in the Assessment Roll.

**Section 2: PROPERTY AFFECTED: LEVY OF ASSESSMENTS**

Except to the extent reflected in the final Assessment Roll, as adopted by this Ordinance, all protests against the Assessment Roll are hereby overruled. Each lot, tract or parcel of land and other property shown upon said Assessment Roll is hereby found to be benefited to the amount of the assessment levied thereon; and there is hereby levied and assessed against each of the lots, parcels and other properties, as set forth and described in said Assessment Roll, the amount as finally charged against each such lot, parcel and other property as it appears on said Assessment Roll.

**Section 3: CERTIFICATION OF ASSESSMENT ROLL**

The Clerk of the Board (the "Clerk"), immediately upon passage of this Ordinance, is directed to certify and file the confirmed Assessment Roll forthwith with the Treasurer of the County (the "Treasurer").

**Section 4: ASSESSMENT ALIEN; RECORDATION OF NOTICE**

Immediately upon the passage of this Ordinance, the Clerk shall file with the Recorder of Bonneville County, Idaho, a notice which shall contain the date of adoption of this Ordinance and a description of the boundaries of LID No. 7. The Assessment Roll and the assessments made by this Ordinance shall be a lien upon the property assessed from and after the date of recording of such notice.

**Section 5: DUE DATE OF ASSESSMENTS; PAYMENTS IN INSTALLMENTS**

Said assessments shall become due and payable to the Treasurer within thirty (30) days from the date of the adoption of this Ordinance. The Treasurer shall mail notice of the assessment amount due to each property owner assessed at the post office address if known, or if unknown, to the post office in the County, stating the total amount of the property owner's assessment, plus the substance of the terms of payment of the same as hereinafter set forth. An affidavit of mailing the foregoing notice shall be filed in the office of the Clerk.

Any property owner who has not paid his assessment in full within said thirty (30) day period shall be conclusively presumed to have chosen to pay the same in thirty (30) equal annual installments, the first of which shall become due and payable one (1) year from the date of the passage of this Ordinance on April 1, 1993, with a like amount due on April 1st of each year thereafter until the full amount of the assessment, with interest due thereon, shall be paid in full. Assessments paid in installments shall bear interest on the whole unpaid sum from the date of adoption of this Ordinance. The rate of interest such installments shall bear is hereby fixed as the net effective rate of interest on the LID No. 7 Bond. If any installment is not paid within twenty (20) days from the date it is due, the same shall become delinquent and the Treasurer shall add a penalty of two percent (2%) thereon. Installments may be prepaid in the manner provided by Section 50-1715, Idaho Code.

**Section 6: INSTALLMENT DOCKET**

The Treasurer shall, upon passage of this Ordinance, establish a Local Improvement Installment Docket for LID No. 7 as provided in Section 50-1717, Idaho Code.

**Section 7: ITEMS OF COST**

The total cost of improvements shall include the contract price of the improvements; engineering; surveying; accounting and clerical service; advertising; cost of inspection; cost of ascertaining ownership of lots and parcels of land; cost of collecting assessments; interest upon warrants; for legal services for preparing proceedings and advising in regard thereto; and other bond issuance costs; and said costs are hereby levied and assessed on a benefits derived basis, against each of the lots, parcels and

properties located within LID No. 7, as described in Ordinance No. 155091 creating LID No. 7.

**Section 8: AUTHORIZATION AND ISSUANCE OF BOND**

The Clerk and the Treasurer are hereby directed to cause the ordering and issuance of a bond to defray the cost of improvements made within Local Improvement District No. 7. Said bond shall be designated "Bonneville County Local Improvement District No. 7 Bond" (the "Bond"). The Bond shall be dated as of the date of issuance and said Bond shall be issued in the amount of the cost of the improvements within Local Improvement District No. 7 as set forth in Section 1 of this Ordinance, less the amount of any assessments paid within the thirty (30) day period as set forth in Section 5 of this Ordinance.

**Section 9: BOND AND INTEREST FUNDS**

The Treasurer is hereby authorized and empowered, and it shall be his duty, to receive and collect all assessments levied on property within the LID No. 7 to pay the cost of the project, the installments thereof, the interest thereon, and the penalties accrued, and to pay and disburse such payment to the person or persons lawfully entitled to receive the same, in accordance with the laws of the State of Idaho and all ordinances and resolutions of the County.

All moneys constituting payment of principal of said unpaid installments of assessments are to be deposited into a special fund designated "Bonneville County Local Improvement District No. 7 Bond Fund" (the "Bond Fund"), which is, for accounting purposes, hereby created and shall be used and applied for the purpose of paying the principal of the bond, herein authorized, and for no other purpose whatsoever, and as security for such payment the Bond Fund is hereby pledged.

Both principal of and interest on the Bond are payable only out of said Bond Fund and Interest Fund, or out of the Local Improvement Guarantee Fund herein created, to the extent of such fund and not otherwise.

Moneys in the Bond Fund and the Interest Fund shall be deposited in such bank or banks as are designated as depositories of public moneys for the funds of the County under the depository laws of the State of Idaho for the deposit of public funds or investments as provided by law. Interest received on such funds to be deposited or invested

shall be placed to the credit of the fund from which it was earned.

Section 10: LOCAL IMPROVEMENT GUARANTEE FUND

There is hereby created, pursuant to Idaho Code, Title 50, Chapter 17, a Bonneville County Local Improvement Guarantee Fund (the "Local Improvement Guarantee Fund") for the purpose of guaranteeing, to the extent of such fund, the payment of the principal of and interest on special assessment bonds and warrants, including local improvement district bonds and warrants heretofore or hereafter issued for any local improvement district created by the County pursuant to Idaho Code, Title 50, Chapter 17.

Section 11: APPEAL PROCEDURE

The confirmation of the Assessment Roll for LID No. 7 herein made is a final determination of the regularity, validity, and correctness of said Assessment Roll, of each assessment contained therein, and of the amount levied on each lot or parcel of land or other property within LID No. 7, subject to the right of appeal as set forth in Idaho Code Section 50-1718. Appeal may be made by filing within thirty (30) days from the date of publication of this Ordinance written notice of appeal with the Clerk and with the Clerk of the District Court of Bonneville County in the manner provided by Section 50-1718, Idaho Code. After said thirty (30) day appeal period has run, no one shall have any cause or right of action to contest the legality, formality, or regularity of any assessment.

Section 12: RATIFICATION OF PROCEEDINGS

All proceedings heretofore had in connection with the creation of LID No. 7, the preparation and adoption of said Assessment Roll, and hearing thereon, and the giving of notice of said hearing on said Assessment Roll, are hereby in all respects ratified, approved, and confirmed.

Section 13: SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause or provision shall in no manner affect any remaining provision of this Ordinance.

Section 14: IRREPEALIABILITY

From and after the date the Bond is issued, this Ordinance shall be and remain ir repealable until the Bonds and the interest thereon shall be fully paid and discharged as herein provided.

Section 15: ENFORCEABILITY CLAUSE

The County shall enforce and seek remedies for breaches of the terms of this Ordinance, as provided by the laws of the State of Idaho.

Section 16: PUBLICATION AND EFFECTIVE DATE

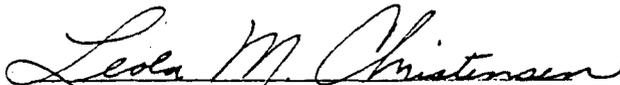
This Ordinance shall be in full force and effect upon its publication according to law in the Post Register, a newspaper of general distribution in the county.

Passed and adopted by the Board of Commissioners of Bonneville County, Idaho, on this 11th day of March, 1992.

BONNEVILLE COUNTY, IDAHO

  
Chairman, Board of County  
Commissioners

ATTEST:

  
Deputy Clerk and Secretary  
to the County Commission,  
Bonneville County, Idaho

(SEAL)

CERTIFICATION

I, the undersigned Clerk of the Board of Commissioners of Bonneville 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 Board of Commissioners of the County, duly and regularly held at the regular meeting place thereof on March 11, 1992 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:

Commissioner Clifford Long  
Commissioner Clyde Burtenshaw  
Commissioner Edith Stanger

NOES, Commissioners:

None

ABSENT, Commissioners:

None

ABSTAIN, Commissioners:

None.

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 March 11, 1992.

*Rola M. Christensen*  
Deputy Clerk and Secretary to  
the Board of County  
Commissioners, Bonneville  
County, Idaho

(SEAL)

1357.1H/WJABC

ORDINANCE NO. 153-90

CONSOLIDATED EMERGENCY COMMUNICATION SYSTEM

SECTION 1.0:

**CREATION OF EMERGENCY COMMUNICATION SYSTEM:** There is hereby created, for the purpose of providing for the public health, safety, and welfare of the public, a consolidated emergency communication system, also known as a 911 telephone system, in Bonneville County, State of Idaho, all as permitted and sanctioned by Idaho Code Title 31, Chapter 48. The purpose for the creation of the emergency communication system is to provide a county wide 911 telephone system.

SECTION 2.0:

**DEFINITION:**

(a) "Administrator" means the person, officer, or agency designated to operate a consolidated emergency communication system, and to receive funds for such operation.

(b) "Consolidated Emergency Communication System" or "Emergency Communication System" means facility, equipment, and dispatching services directly related to establishing, maintaining, and enhancing a 911 emergency communications service.

(c) "Governing Board" means the Board of County Commissioners of the Bonneville County.

(d) "911 Service Area" shall mean the entire area of Bonneville County in which area the residents have voted to establish a consolidated emergency communication system.

SECTION 3.0:

**FINANCING OF SYSTEM:** The financing of the consolidated emergency communication system shall, in whole, be by line user fee in an amount not greater than \$1.00 per month to be used to fund an emergency telephone system, commonly known as 911 service.

**SECTION 4.0:**

**SERVICE AREA:** The service area for the emergency communication system shall be the entirety of Bonneville County as described at Idaho Code Section 31-112.

**SECTION 5.0:**

**GOVERNING BOARD:** The governing board of the emergency communication system shall be the board of county commissioners for Bonneville County as duly elected.

**SECTION 6.0:**

**ADMINISTRATOR:** The administrator for the emergency communication system shall be such person, officer, or agency designated to operate the emergency communication system as appointed by the governing board.

**SECTION 7.0:**

**NET SAVINGS:** The net savings from the operating expenditures realized by Bonneville County from the implementation of the consolidated emergency communication system shall be used by Bonneville County for the reduction of the ad valorem tax charges of said taxing district.

**SECTION 8.0:**

**TELEPHONE LINE USER FEE:** The telephone line user fee shall be a uniform amount not to exceed \$1.00 per month per exchange access line, trunk line, network access register, or equivalent, and such fee shall be used exclusively to finance the initiation, maintenance, or enhancement of the consolidated emergency communication system within Bonneville County. The fee for collection of the monthly telephone line user fee shall be collected from customers on a monthly basis by all telecommunication entities which provide local telephone line service within Bonneville County, and may be listed as a separate item on customers' monthly billings.

**SECTION 8.1:**

**LINE USER FEE COLLECTION:** All such telephone companies shall remit such fee to the County Treasurer's office or to the Administrator as designated by the Governing Board. From every remittance to the governing board made on or before the date when the same becomes due, the telephone company required

to remit the same, shall be entitled to deduct and retain 3/4 of one percent (.75%) of the collected amount as the cost of administration for collecting the charge. Local exchange companies will be allowed to list the sur charge on a separate item in the telephone subscriber's bill, and shall not be obligated to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.

**SECTION 9.0:**

**ESTABLISHMENT OF JOINT POWERS BOARD FOR OPERATION OF EMERGENCY COMMUNICATION SERVICE:** Within One Hundred Eighty (180) days following voter approval of a telephone line users fee, the Governing Board or Administrator may establish a joint powers agreement as provided in Idaho Code Title 67, Chapter 23. Such joint powers Board or Administrator shall be responsible for establishing, maintaining, and governing a consolidated emergency communication system. Providing an emergency communication service shall be considered a government function.

**SECTION 10.0:**

**AUTHORIZATION OF GOVERNING BOARD TO APPOINT OFFICIAL:** The Governing Board in the absence of an agreement to form a joint powers Board or Administrator as provided in Section 9.0 herein, are authorized to appoint an Official or Administrator to maintain and govern a consolidated emergency communication system.

**SECTION 11.0:**

**RIGHT TO FEE NOT AFFECTED BY NON-SERVICE:** Any governmental entity within Bonneville County that has an already established emergency communication system using 911 call access, upon resolution duly adopted and approved and presented to the joint powers Board or in their absence to the Board of County Commissioners, may ask that their existing emergency communication system area be excluded and such area shall be excluded from the county wide emergency communication service, but such exclusion shall not affect the right of the board of county commissioners to levy a fee as herein provided. Whenever any area is excluded pursuant to this subsection, the board of county commissioners shall remit to the excluded entity, One Hundred percent (100%) of the fee collected in the excluded area as provided herein. Any area excluded pursuant to this section may be subsequently included upon resolution duly appointed and approved and presented to

the joint powers Board or, in their absence, the Board of County Commissioners.

SECTION 12.0:

**TREASURER'S ACCOUNT:** The Bonneville County Treasurer is authorized to establish a fund to be designated the "Emergency Communication Fund" in which all fees collected pursuant to this ordinance shall be deposited and such fund shall be used exclusively for the purposes of this ordinance. The monies collected and the interest earned in this fund shall be apportioned by the County Commissioners, or Governing Board, for expenses incurred by the emergency communication system as set forth in an annual budget prepared by the joint powers Board, or in their absence, the County Commissioners, and incorporated into the annual county budget.

SECTION 13.0:

**PAY PHONES CONVERSION:** Every provider of telephone services or other owner of pay station telephone within Bonneville County must convert every pay station telephone to permit dialing 911 or the telephone company operator without deposit of a coin or other charge to the caller. Said conversion must be completed by or before the time the emergency telephone system is operational.

SECTION 14.0:

**VOTER APPROVAL:** The governing board shall cause to have placed upon a general or primary county wide ballot the following question, which must be approved by 60% of the majority of votes cast in favor of the question, prior to the implementation of the emergency communication system.

QUESTION:

"Shall the governing board of Bonneville County be authorized to institute a telephone line user fee in an amount no greater than one dollar (\$1.00) per month to be used to fund an emergency telephone system, commonly known as 911 service?"

SECTION 15.0:

VOTER NON-APPROVAL: In the event that the voters of Bonneville County shall reject the creation of the emergency communication system, the Board of County Commissioners shall either (1) adopt by resolution creating county wide consolidated emergency communication system on a non-telephone line user fee, or (2) terminate the consolidated emergency communication system. The termination of the consolidated emergency communication system shall cause this ordinance to become null and void.

SECTION 16.0:

EFFECTIVE DATE: This ordinance having been approved by the majority of votes cast in the general election held on November 6, 1990, shall become effective upon its passage and due publication as provided by law.

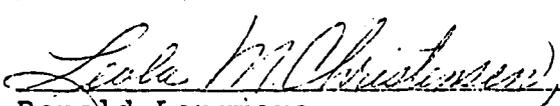
Passed by the County Commissioners this 12<sup>th</sup> day of December, 1990.

Approved by the Chairman of the Bonneville County Commissioner this 12 day of December, 1990.

  
Clyde Burtenshaw  
Chairman - Bonneville County  
Commissioner

ATTEST:

Dated: December 12, 1990.

  
Ronald Longmore  
Bonneville County Clerk

Publish: 12/30/90