

RESOLUTION NO. R-5-2010

A RESOLUTION PROVIDING FOR A SPECIAL BOND ELECTION TO BE HELD ON JUNE 22, 2010, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF EAGLE MOUNTAIN CITY, UTAH, A PROPOSITION REGARDING THE ISSUANCE OF NOT TO EXCEED \$7,000,000 GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF CONSTRUCTING AN OUTDOOR AQUATIC CENTER AND RELATED IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS.

WHEREAS, the City Council (the "Council") of Eagle Mountain City, Utah (the "City"), desires to defray all or a portion of the costs of constructing an aquatic center and related improvements; and

WHEREAS, the City does not have on hand money to pay for such costs and the Council has determined to defray the cost thereof through the issuance of General Obligation Bonds (the "Bonds") in the total principal amount set forth in the election proposition; and

WHEREAS, the Council desires to submit a proposition concerning the issuance of the Bonds to the vote of the qualified electors of the City pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended and applicable provisions of the Utah Election Code, Title 20A, Utah Code Annotated 1953, as amended (collectively, the "Act");

NOW, THEREFORE, It Is Hereby Resolved by the City Council of Eagle Mountain City, Utah, as follows:

Section 1. Definition of Terms. The terms defined or described in the recitals hereto shall have the same meaning when used in the body of this Resolution.

Section 2. Election Call. On June 22, 2010, there shall be held in the City a special bond election (the "Bond Election") between the hours of 7:00 a.m. and 8:00 p.m., at which there shall be submitted to the qualified electors of the City the proposition appearing in the ballot proposition portion of the Notice of Election as substantially set out in Section 5 hereof. The City will hold a separate bond election, or if Utah County holds a primary election, it will hold the election in conjunction with the County primary election.

Section 3. Voting Places and Election Judges. For purposes of the Bond Election, the voting precincts, the voting places, the election judges, and alternate election judges to serve at said voting places, will be established by the City, provided, however, that if the County holds a primary election, the voting precincts, voting places,

and election judges shall be the same as those designated for the County primary election, and shall be specified in the Notice of Election when published.

Section 4. Authorization and Reimbursement of Expenses. The Bond Election shall be conducted and the registration therefor shall be governed in conformity with the laws of the State of Utah, including particularly the Act, and the officials of the City or the County, as applicable, shall and are hereby authorized and directed to perform and do all things necessary to the proper calling and conduct of the Bond Election and the canvass of the results thereof.

In the event the proposition is approved at the Election, the City reasonably expects to reimburse from proceeds of Bonds, capital expenditures advanced by the City to construct and equip the improvements therein described in a principal amount of not more than \$7,000,000.

Section 5. Public Hearing. The City Council shall hold a public hearing on April 20, 2010, to receive input from the public with respect to (a) the issuance of the Bonds and (b) the potential economic impact that the improvements, facilities, or properties to be financed with bond proceeds will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first published and shall not be sooner than thirty (30) days or later than five (5) business days before the first publication of the Notice of Election as described in this Resolution, such notice to be published (i) once a week for two consecutive weeks in The Provo Daily Herald, a newspaper of general circulation within the City, (ii) on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (iii) on the website described in Section 45-1-101, Utah Code Annotated 1953, as amended. The "Notice of Public Hearing" shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on March 16, 2010, the City Council (the "Council") of Eagle Mountain City, Utah (the "City"), adopted a resolution (the "Resolution") in which it authorized the calling of an election (the "Election") concerning the issuance of the City's General Obligation Bonds (the "Bonds") and called a public hearing to receive input from the public with respect to (a) the issuance of the Bonds and (b) any potential economic impact that the improvements, facilities or properties financed in whole or in part with the proceeds of the Bonds (see below) may have on the private sector.

TIME, PLACE, AND LOCATION OF PUBLIC HEARING

The Council shall hold a public hearing on April 20, 2010, at the hour of 7:00 p.m. at the Eagle Mountain City Hall, 1650 East Stagecoach Run, Eagle Mountain, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Bonds and (b) any potential economic impact that the improvements, facilities, or properties financed in whole or in part with the proceeds of the Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING THE BONDS, MAXIMUM AMOUNT AND SECURITY

The Bonds are to be issued in the aggregate principal amount of not to exceed \$7,000,000 for the purpose of financing all or a portion of the costs of constructing an outdoor aquatic center and related improvements, and paying costs of issuance of the Bonds. The Bonds shall be secured by ad valorem property taxes of the City to the extent authorized by law.

The Bonds may be issued in one or more series and be sold from time to time, all as the Board may determine.

DATED this March 16, 2010.

/s/ Fionnuala Kofoed
City Recorder

Section 6. Notice of Election. In accordance with Section 11-14-202 of the Act, a Notice of the Bond Election shall be published in The Provo Daily Herald three (3) times, once a week for three (3) consecutive weeks, the first publication to be not less than twenty-one (21) nor more than thirty-five (35) days before the Bond Election. All such notices shall be given in substantially the following form (with such amendments, changes, or alterations as may be required to conform such notices to the Act (including amendments thereto prior to such publication) and actual election information to be confirmed prior to the first publication of such notice):

ELECTION NOTICE

To all qualified electors of Eagle Mountain City, Utah:

Take notice that on June 22, 2010, a special bond election (the "Bond Election") will be held in Eagle Mountain City, Utah (the "City"), [in conjunction with the County primary election, if applicable] at the places set out below for the purpose of submitting to the qualified electors of the City the questions contained in the following ballot proposition:

OFFICIAL BALLOT FOR THE EAGLE MOUNTAIN CITY, UTAH
SPECIAL BOND ELECTION
June 22, 2010

/s/ Fionnuala Kofoed
City Recorder

PROPOSITION*

Shall the City Council of Eagle Mountain City, Utah, be authorized to issue general obligation bonds in an amount not to exceed Seven Million Dollars (\$7,000,000) (the "Bonds") for the purpose of paying all or a portion of the costs of constructing an outdoor aquatic center and related improvements, and for payment of expenses reasonably incurred with the construction of said facilities and the authorization and issuance of the Bonds; said Bonds to be due and payable in not to exceed thirty (30) years from the date of issuance of the Bonds?

* The City Council is requesting authorization to issue general obligation bonds to finance the costs of these facilities. A vote for or against this proposition will not prevent the City Council from issuing other types of bonds to finance these facilities.

Property Tax Cost of Bonds. If the bonds described in the election Proposition are issued as planned, an annual property tax to pay debt service on the bonds will be required over a period of twenty (20) years in the estimated amount of \$77.01 on a \$196,000 residence and in the estimated amount of \$140.02 on a business property having the same value as said residence.

The information in this notice with respect to increases in taxes is an estimate only based on current assumptions of the City as to the financing plan and estimates, including estimated market interest rates for the bonds and the taxable values of property within the City. The information is intended to provide an elector with some indication of the impact the issuance of the Bonds may have on taxes paid. However, there is no limit on the tax rates the City may be required to levy to pay debt service on the bonds.

FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

AGAINST THE ISSUANCE OF GENERAL OBLIGATION BONDS

Voting at the special bond election shall be by paper ballot, or, if the election is held in conjunction with the County primary election, by electronic ballot.

For purposes of this Bond Election, the polling places for the Bond Election [shall be the same as the polling places for the County primary election held on said date and] are as follows: [adjust, if necessary to conform to County precincts and polling places]

<u>Voting Precincts</u>	<u>Polling Place</u>
Precincts EM05 & EM06	Pony Express Elementary 3985 East Smith Ranch Road
Precincts EM01 & EM03	Hidden Hollow Elementary 2546 East Pony Express Parkway
Precincts EM02 & EM04	Eagle Mountain City Hall 1650 East Stagecoach Run

The polls will be open from 7:00 a.m. to 8:00 p.m.

There will be no special registration of voters for the Bond Election; all persons registered to vote in the County primary election shall be considered registered to vote in the Bond Election and the official register last made or revised shall constitute the register for the Bond Election. The City Recorder [or County Clerk as applicable] will make available at the polling places a registration list or copy thereof listing all registered electors entitled to use such polling places.

Voting will be allowed to take place at the times, places, and manner as provided by the Utah Election Code, Title 20A, Utah Code Annotated 1953, as amended. For information about alternate times and forms of voting (including by absentee ballot), voters may contact the office of the City Recorder, 1650 East Stagecoach Run, Eagle Mountain City, Utah, council@emcity.org. Pursuant to Section 20A-3-604 Utah Code Annotated 1953, as amended, the schedule for early voting including dates, times, and locations, shall be noticed and published by the City Recorder.

[Insert if electronic ballots are used.] NOTICE is given that on _____, _____, at _____ .m., in the _____, located at _____, in _____, Utah, the Utah County Clerk will conduct a test of the voting and/or counting devices, as applicable, to be used for the primary election. Any interested person may witness the testing procedure.

NOTICE is given that on June 30, 2010, that being a day no sooner than seven (7) days nor later than fourteen (14) days after the Bond Election, the City Council will meet at its regular meeting place at 7:00 p.m. to canvass the returns and declare the results of the Bond Election.

Pursuant to applicable provisions of the Local Government Bonding Act, the period allowed for any contest of the Bond Election shall end forty (40) days after June 30, 2010 (the date on which the returns of the election are to be canvassed and the results thereof declared). No such contest shall be maintained unless a complaint is filed with the Clerk of the District Court of Utah County within the prescribed forty (40) day period.

GIVEN by order of the City Council of Eagle Mountain City, Utah, this March 16, 2010.

(SEAL)

By: /s/Heather Jackson
Mayor

ATTEST:

By: /s/ Fionnuala Kofoed
City Recorder

Publication Dates in The Provo Daily Herald:

Section 7. Mailing of Voter Information Pamphlet. The Council hereby authorizes the City Recorder to mail at least seven (7) but not more than thirty (30) days before the scheduled Bond Election, a voter information pamphlet to each household with a registered voter who is eligible to vote on the Bonds. Said voter information pamphlet shall include: (a) the date and place of the Bond Election, (b) the hours during which the polls will be open, (c) the title and text of the ballot proposition, and (d) an explanation of the property tax impact, if any, on the issuance of the Bonds including (i) expected debt service on the Bonds to be issued, (ii) a description of the purpose, remaining principal balance, and maturity date on any outstanding general obligation bonds of the City, (iii) funds other than property taxes available to pay debt service on general obligation bonds, (iv) timing and expenditure of bond proceeds, (v) property values, and (vi) any additional information the Council determines may be useful to explain the property tax impact of issuance of the Bonds.

Section 8. Election Supplies and Ballots. The ballots to be used at the Bond Election shall comply in all respects with the requirements of Title 20A, Chapter 6 and Section 11-14-206, Utah Code Annotated 1953, as amended, and the proposition and election instructions with respect to the Bond Election shall be in substantially the form contained in the Notice of Election set forth in Section 6 hereof.

Section 9. Qualified Electors. Only registered, qualified electors of the City eighteen (18) years of age or older shall be permitted to vote at the Bond Election.

Section 10. Challenged Electors. Any person seeking to vote at any polling place designated for the conduct of the Bond Election whose qualifications to vote are challenged for reasons indicated in Section 20A-3-202(1)(b) of the Act by any one or more of the Election Officials or by any other person, shall be allowed to vote with a provisional ballot and the counting of that person's vote shall be determined in accordance with applicable law.

When a person's right to vote is challenged as provided in the paragraph above, the Election Officials shall follow the procedures set forth in Section 20A-3-105.5 of the Act.

Section 11. Appointment of Election Officials and an Election Officer. The election officials (the "Election Officials") shall each be a qualified elector of the City. Pursuant to Section 20A-1-102 and 20A-5-400.5 of the Act, the City Recorder [County Clerk, as applicable] will act as the election officer (the "Election Officer").

Section 12. Absentee Ballots/Early Voting. Any qualified elector of the City may vote by absentee ballot in accordance with Section 20A-3-301, et. seq. and, if applicable, Section 20A-3-401 et seq. of the Act.

Section 13. Canvass. Immediately after the polls are closed and the last qualified voter has voted, the Election Officials shall account for the ballots in accordance with the procedures of Title 20A, Chapter 4, Part 1 and Part 2 of the Act and the City Recorder [or County Clerk, as applicable] (or designee) shall conduct the

counting of the ballots as required by said procedures and deliver the results to the City. The Council shall meet as a Board of Canvassers no sooner than seven (7) nor later than fourteen (14) days after the date of said election on June 30, 2010, at the hour of 7:00 p.m., at its regular meeting place in Eagle Mountain City, Utah, and if the majority of the votes at the Bond Election are in favor of the proposition submitted, then the City Recorder shall cause an entry of that fact to be made upon its minutes. Thereupon the Council shall be authorized and directed to issue such Bonds.

Section 14. Registration of Electors. The Utah County Clerk shall, in accordance with Section 20A-5-401 of the Act, prepare an official register of voters for each polling place that will participate in the Bond Election.

Section 15. Severability. It is hereby declared that all parts of this Resolution are severable, and if any section, clause, or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause, or provision shall not affect the remaining sections, clauses, or provisions of this Resolution.

Section 16. Conflict. All resolutions, orders, and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation, or part thereof heretofore repealed.

Section 17. Captions. The headings herein are for convenience of reference only and in no way define, limit, or describe the scope or intent of any provisions or sections of this Resolution.

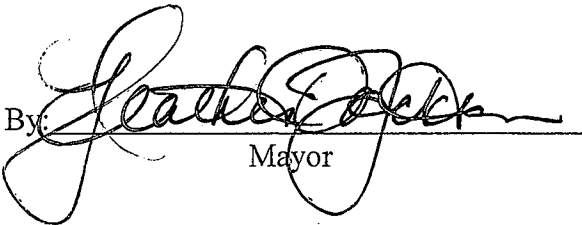
Section 18. Recording of Resolution; Effective Date; Notice to Lieutenant Governor. Immediately after its adoption, this Resolution shall be signed by the Mayor and City Recorder, shall be recorded in a book for that purpose, and shall take immediate effect. The City Recorder shall immediately furnish a certified copy of this Resolution to the Lieutenant Governor and Election Officer (the County Clerk) in accordance with Section 11-14-201 of the Act by no later than April 8, 2010, a date at least 75 days before the Bond Election.

Section 19. Further Authority. The Council hereby authorizes the Mayor to make changes to any notice or the ballot proposition described herein to cure any ambiguity or defect therein or to make any other changes to such notice or ballot proposition as may be required or allowed by the laws of the State of Utah.

Section 20. Compliance with Applicable Law. The Council intends that, to the extent the Act is amended effective prior to the holding of the Bond Election, the provisions of this resolution be interpreted to comply with the amended Act.

PASSED AND APPROVED this March 16, 2010.

(SEAL)

By: 
Mayor

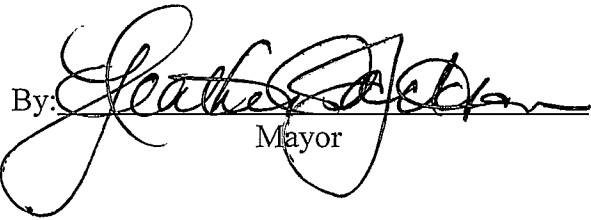
ATTEST:

By: 
City Recorder



Pursuant to motion duly made and seconded, the meeting was adjourned.

(SEAL)

By: 
Mayor

ATTEST:

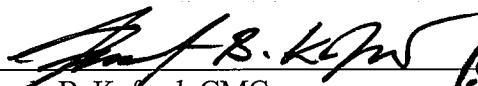
By: 
City Recorder



CERTIFICATION

This resolution was adopted by the City Council of Eagle Mountain City, Utah, on the 16th day of March, 2010.

3 voting aye 2 voting nay



Fionnuala B. Kofoed, CMC
City Recorder

