

**CITY OF DOVER**  
**RESOLUTION NO. 75**

**A RESOLUTION OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF IDAHO, AUTHORIZING THE FILING OF A PETITION FOR JUDICIAL CONFIRMATION UNDER TITLE 7, CHAPTER 13, IDAHO CODE FOR THE PURPOSE OF FINANCING THE COST OF NECESSARY IMPROVEMENTS TO THE CITY OF DOVER'S WATER INTAKE FACILITIES AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City's water intake facility in Lake Pend Oreille requires work done to it to assure a continued supply of water;

WHEREAS, the cost of such improvements are determined to be \$194,062.50;

WHEREAS the City has determined that the execution of a loan agreement will provide the financing necessary to construct the needed work on the water intake facility;

WHEREAS, Article VIII, Section 3 of the Idaho Constitution requires municipal debt be put to a public vote unless the expenses are "ordinary and necessary";

WHEREAS, Idaho law supports municipal debt where a project's expenses are ordinary and necessary,

WHEREAS such loan agreement must be preceded by Dover obtaining judicial confirmation of its authority under Idaho Code § 7-1301 *et seq.*; and the execution of loan documents which will provide the financing necessary to construct the needed work on the water intake facility;

WHEREAS, Idaho Code § 7-1301 *et seq.* requires the filing of a Petition with the District Court after the Council has authorized the filing of the Petition through a public hearing process;

WHEREAS, the Dover City Council, after publication of notice thereof at least 15 days prior thereto, conducted a public hearing in compliance with Idaho Code § 7-1304(3) on April 14, 2011;

WHEREAS, the Dover City Council has allowed 14 days to pass following the public hearing April 14, 2011;

WHEREAS, the Dover City Council may now consider adoption of a resolution authorizing the filing of the Petition; and

WHEREAS, the Dover City Council hereby finds that the filing of the Petition is in the best interests of the citizens of the City of Dover.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IDAHO:

SECTION 1. That the filing of a Petition for Judicial Confirmation be, and the same is hereby, approved.

SECTION 2. That construction and financing of the Project are both ordinary and necessary in order to meet the service of municipal water to residents of the City of Dover.

SECTION 3. That acquisition, construction and financing of the Project in order to meet said requirements are hereby directed and authorized.

SECTION 4. That the Mayor is hereby authorized to execute said Petition for and on behalf of the City of Dover and the City Engineer is authorized to execute affidavits and give testimony related thereto.

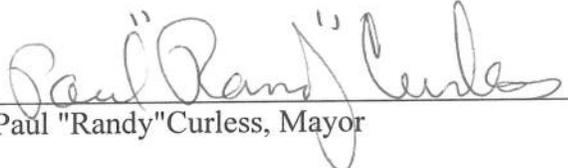
SECTION 5. That the City's legal representative is hereby authorized to file the Petition with the District Court and proceed with its prosecution.

SECTION 6. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

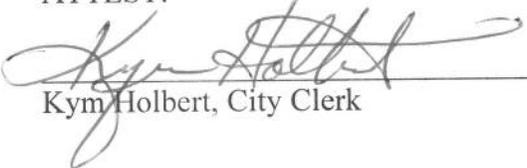
ADOPTED by the Council of the City of Dover, Idaho, this 14<sup>TH</sup> day of April, 2011.

APPROVED by the Mayor of the City of Dover, this 14<sup>th</sup> day of April, 2011.

CITY OF DOVER  
BONNER COUNTY, IDAHO

  
Paul "Randy" Curless, Mayor

ATTEST:

  
Kym Holbert, City Clerk