

RESOLUTION 22-20

A RESOLUTION providing for the holding of a Bond Election in Harrisville City, Utah for the purpose of submitting to the qualified electors of the City the question of the issuance and sale of \$6,000,000 General Obligation Bonds; providing for the holding of a public hearing and the publication of a Notice of Public Hearing; declaring official intent with respect to certain expenditures; and providing for related matters.

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WHEREAS, there is a need of raising money for the purpose of acquiring and constructing a recreation facility (the "*Project*") in the City of Harrisville, Utah (the "*City*"); and, to the extent necessary, for providing moneys for the refunding, at or prior to the maturity thereof, of general obligation bonds of the City authorized hereunder or heretofore issued and now outstanding;

WHEREAS, there are no funds in the treasury of the City available for this purpose;

WHEREAS, Section 11-14-318 of the Local Government Bonding Act, Chapter 14, Title 11 of the Utah Code Annotated 1953, as amended (the "*Utah Code*") requires that a public hearing be held with respect to the issuance of such bonds for said purposes and that notice of such public hearing be given as provided by law;

WHEREAS, the City desires to (a) hold a Bond Election on November 8, 2022 to submit to the qualified electors of the City the question of the issuance of such bonds for said purpose (the "*Bond Election*"), (b) provide for the holding of a public hearing and (c) direct the publication and posting of a Notice of Public Hearing (the "*Notice of Public Hearing*"); and

WHEREAS, the City desires to provide for the conduct of the Bond Election by designating the election officials, approving the polling places and providing for other related matters;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisville, Utah, as follows:

*Section 1.* The City hereby finds and determines that it is advisable to issue general obligation bonds to address the needs of the City to raise money for the purpose of acquiring and constructing a recreation facility in the City, and, to the extent necessary, to provide moneys for the refunding, at or prior to the maturity thereof, of general obligation bonds of the City authorized hereunder or heretofore issued and now outstanding.

*Section 2.* A special bond election shall be called and held in the City on Tuesday, November 8, 2022, to submit to the qualified electors of the City the question of whether bonds of the City to the amount of \$6,000,000 shall be issued and sold for the purpose of acquiring and constructing a recreation facility in the City, and, to the extent necessary, for providing moneys

for the refunding, at or prior to the maturity thereof, of general obligation bonds of the City authorized hereunder or heretofore issued and now outstanding.

*Section 3.* The question shall be submitted to the qualified electors of the City at the Bond Election and such Bond Election is hereby called to be held in the City on Tuesday, November 8, 2022 (the "*Election Date*"). The question shall be submitted in substantially the form set out in the form of ballot appearing in Section 4 hereof.

*Section 4.* The ballots to be used at the Bond Election shall comply in all respects with the requirements of Section 11-14-206 and Title 20A, Chapter 6, Part 1 of the Utah Code, and shall be in substantially the following form:

**OFFICIAL BALLOT FOR THE  
CITY OF HARRISVILLE, UTAH  
BOND ELECTION**

November 8, 2022

(Facsimile Signature)

City Recorder

**CITY PROPOSITION NUMBER \_\_\_\_\_**

Shall the City of Harrisville, Utah be authorized to issue general obligation bonds to acquire and construct a recreation facility in the City, in an amount not to exceed \$6,000,000 and to mature in no more than 26 years from the date or dates of such bonds?

**PROPERTY TAX COST OF BONDS**

If the bonds are issued as planned, a property tax sufficient to pay debt service on the Bonds will be required over a period of 26 years in the estimated amount of \$105.66 per year on a \$320,000 primary residence and in the estimated amount of \$192.13 per year on a business or secondary residence having the same value.

The foregoing is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds.

**FOR THE ISSUANCE OF BONDS**

**AGAINST THE ISSUANCE OF BONDS**

Section 5. In satisfaction of the requirements of Section 11-14-318 of the Code, a public hearing shall be held by the Council on a date and location selected by the Council with respect to the issuance by the City of general obligation bonds, if approved by eligible voters at the Bond Election, for the purposes set forth in Section 1 and the potential economic impact of the Project.

Section 6. The City Recorder shall cause the "Notice of Public Hearing," in substantially the form attached hereto as *Exhibit 1*, to be published on the Utah Public Notice Website (as of the date of this Resolution, <http://pmn.utah.gov>) at least 14 days prior to the date set for the public hearing.

Section 7. After the adoption of this Resolution and at least 75 days before the Bond Election, a certified copy hereof, which includes the ballot title and the ballot proposition, shall be furnished on behalf of the City by Farnsworth Johnson PLLC, as bond counsel, to the Lieutenant Governor of the State of Utah and to the election officer.

Section 8. The City Recorder and the County Clerk of Weber County, Utah (the "County Clerk") are hereby authorized and directed to perform and do, and to cause to be performed and done, all things necessary to conduct the Bond Election in accordance with the provisions of this Resolution, Chapter 14, Title 11 of the Utah Code, and Title 20A of the Utah Code, each as election officer (each individually and collectively the "Election Officer").

Section 9. As permitted by Section 20A-3-302 of the Utah Code, the Bond Election shall be administered entirely by absentee ballot. The Election Officer is hereby requested, authorized and directed to make all preparations and take all actions necessary for the conduct of the Bond Election or required pursuant to the Election Code, Title 20A of the Utah Code.

Section 10. Notice of the Special Election shall be provided by publishing such notice on the Utah Public Notice Website for three consecutive weeks no less than 21 days nor more than 35 days before the Election Day. The notice shall be in substantially the form attached hereto as *Exhibit 2*.

Section 11. The officers and employees of the City are authorized and directed to prepare and mail a voter information pamphlet or a notification thereof. The officers, employees and members of the City are authorized and directed to prepare and submit to the Election Officer an argument and rebuttal argument in favor of the ballot proposition set forth in Section 4 hereof, in compliance with the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16 of the Utah Code.

Section 12. The Council shall meet as a board of canvassers no sooner than seven days and no later than 14 days after the Election Day, at the regular meeting place of the Council, and if the majority of the votes cast at the Special Election are in favor of such proposition submitted, then the Council shall cause an entry of that fact to be made upon its minutes, and thereupon the Council shall be authorized to issue such bonds.

Section 13. This Resolution is a declaration of official intent under Treas. Reg. Section 1.150-2. In satisfaction of the requirements thereof:

(a) Expenditures relating to paying the costs of the Project (i) have been paid within 60 days prior to the passage of this Resolution or (ii) will be paid on or after the passage of this Resolution (the "*Expenditures*").

(b) The City reasonably expects to reimburse the Expenditures with proceeds of general obligation bonds, if any, authorized at the Bond Election, to be issued by the City.

(d) The maximum principal amount of such bonds expected to be issued for the Expenditures to be made from the Fund is \$6,000,000.

*Section 14.* All acts and resolutions in conflict with this Resolution or any part thereof are hereby repealed.

*Section 15.* 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 and 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.* Immediately after its adoption by at least two-thirds majority of the members of the Council, this Resolution shall be signed by the Mayor or another member of the Council and the City Recorder, shall be sealed with the seal of the City and shall be recorded in a book kept for that purpose and shall take immediate effect.

*(Signature page follows.)*

ADOPTED AND APPROVED by the City Council of the City of Harrisville, Utah, this August 16, 2022.

CITY OF HARRISVILLE, UTAH

By Michelle Lait  
Mayor



[SEAL]

ATTEST AND COUNTERSIGN:

By [Signature]  
City Recorder

**CITY COUNCIL VOTE AS RECORDED:**

Council member	Grover Wilhelmsen	<u>Yes</u>
Council member	Steve Weiss	<u>Yes</u>
Council member	Blair Christensen	<u>Yes</u>
Council member	Max Jackson	<u>Yes</u>
Council member	Kenny Loveland	<u>Yes</u>

## EXHIBIT 1

### NOTICE OF PUBLIC HEARING

#### CITY OF HARRISVILLE, UTAH

PUBLIC NOTICE IS HEREBY GIVEN that on August 16, 2022, the City Council (the "Council") of the City of Harrisville, Utah (the "City") adopted a resolution (the "Resolution"), providing for a Bond Election to be held in the City on Tuesday, November 8, 2022, for the purpose of submitting to the qualified electors of the City the question of the issuance of general obligation bonds in an amount not to exceed \$6,000,000 (the "Bond Election") and calling a public hearing to receive input from the public with respect to the issuance of general obligation bonds and the potential economic impact that the project for which the bonds pay all or part of the cost will have on the private sector, pursuant to the Section 11-14-318 of the Utah Code Annotated 1953, as amended.

#### PURPOSE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

If approved by eligible voters at the Bond Election, the City intends to issue general obligation bonds for the purpose of acquiring and constructing a recreational facility in the City and, to the extent necessary, for providing moneys for the refunding, at or prior to the maturity thereof, of general obligation bonds of the City.

#### MAXIMUM PRINCIPAL AMOUNT OF THE GENERAL OBLIGATION BONDS

If approved by eligible voters at the Bond Election, the City intends to issue general obligation bonds in an amount not to exceed \$6,000,000, in one or more series at one or more times.

#### THE TAXES, IF ANY, PROPOSED TO BE PLEDGED

The City proposes to pledge the full faith and credit of the City for the payment of its general obligation bonds and may be obligated to levy and collect ad valorem taxes sufficient to pay the general obligation bonds, as provided by law.

#### TIME, PLACE AND LOCATION OF PUBLIC HEARING

1. The Council will hold a public hearing at 7:00 p.m. on September 13, 2022. The public hearing will be held at the City's offices, located at 363 West Independence Boulevard, in Harrisville, Utah. All members of the public are invited to attend and participate in the public hearing. Prior to the public hearing, written comments may be submitted to the City, to the attention of the City Recorder, 363 West Independence Boulevard, Harrisville, Utah 84404.



DATED this August 16, 2022.

City of Harrisville, Utah

**EXHIBIT 2**

**NOTICE OF SPECIAL BOND ELECTION**

**CITY OF HARRISVILLE, UTAH**

PUBLIC NOTICE IS HEREBY GIVEN that a special bond election will be held in the City of Harrisville, Utah (the "City"), on Tuesday, November 8, 2022, at which special election there shall be submitted to the qualified, registered voters residing within the City the following question:

**OFFICIAL BALLOT FOR THE**

**CITY OF HARRISVILLE, UTAH**

**BOND ELECTION**

November 8, 2022

(Facsimile Signature)

\_\_\_\_\_  
City Recorder

**CITY PROPOSITION NUMBER \_\_\_\_\_**

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**PROPERTY TAX COST OF BONDS**

If the bonds are issued as planned, a property tax sufficient to pay debt service on the Bonds will be required over a period of 26 years in the estimated amount of \$105.66 per year on a \$320,000 primary residence and in the estimated amount of \$192.13 per year on a business or secondary residence having the same value.

The foregoing is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds.

**FOR THE ISSUANCE OF BONDS**

**AGAINST THE ISSUANCE OF BONDS**

The bond election will be administered entirely by absentee ballot. The election officer will mail to each registered voter within the City an absentee ballot and a postage paid business reply envelope. There will be no polling places in the City for the election. If a voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in the election. Voters are not required to apply for an absentee ballot for the election.

On or around 10/18/2022 an official absentee ballot will be mailed, postage paid, to all voters in the City who have registered to vote before the day on which the ballots are mailed. For a voter that registers to vote after the absentee ballots have been mailed, the County Clerk will either give the voter an absentee ballot and envelope to vote in the County Clerk's office or mail an absentee ballot, postage paid, to the voter.

To vote the mail-in absentee ballot, a voter will need to: (i) complete and sign the affidavit on the envelope; (ii) mark the votes on the absentee ballot; (iii) place the voted absentee ballot in the envelope; (iv) securely seal the envelope; and (v) deposit the self-addressed, prepaid envelope in the mail or deliver it in person to the County Clerk.

There is to be no special registration of voters for the special election, and the official register of voters last made or revised shall constitute the register for the special election, except that all persons who reside within the City and are registered to vote in the regular general election held on that day shall be considered to vote in the special election. The County Clerk will make electronic registration lists available at each of the above-described polling places for use by registered voters entitled to use such voting place.

For information on registering to vote, voters may contact the office of the (a) the office of the Weber County Clerk at 2380 Washington Boulevard Suite #320, Ogden, Utah 84401 telephone: (801) 399-8400 or visit the Weber County Clerk's website at [https://www.webercountyutah.gov/Clerk\\_Auditor/](https://www.webercountyutah.gov/Clerk_Auditor/), or (b) Utah Lieutenant Governor, State Capitol, 350 N. State Street, Suite 220, Salt Lake City, Utah 84114, (801) 538-1041 or visit the Lieutenant Governor's website at <http://elections.utah.gov>.

Pursuant to applicable provisions of Sections 11-14-208 and 20A-4-403 of the Utah Code, the period allowed for any contest of the special election shall end 40 days after the date on which the results of the election are to be canvassed and the results thereof declared.

IN WITNESS WHEREOF, the City of Harrisville, Utah has caused this notice to be given.

DATED: August 16, 2022

CITY OF HARRISVILLE, UTAH