

RESOLUTION NO. 2007-06

A RESOLUTION OF NORTH KOOTENAI WATER DISTRICT, OF KOOTENAI COUNTY, IDAHO, PROVIDING FOR THE CREATION OF A SEWER SUB-DISTRICT IN THE ARROW POINT AND GOZZER RANCH AREAS OF THE DISTRICT; SUBJECT, HOWEVER, TO THE APPROVAL OF THE QUALIFIED ELECTORS OF SAID DISTRICT AT A SPECIAL ELECTION ORDERED HEREIN; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID DISTRICT THE QUESTION OF THE RATIFICATION OR REJECTION OF SAID SEWER SUB-DISTRICT; PROVIDING FOR PUBLIC NOTICE OF SAID ELECTION; PROVIDING FOR THE APPOINTMENT OF THE DISTRICT SECRETARY TO CONDUCT THE ELECTION; PROVIDING FOR THE EFFECTIVE DATE OF THIS RESOLUTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

**NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho**

SEWER SUB-DISTRICT ELECTION

BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF DIRECTORS OF THE NORTH KOOTENAI WATER DISTRICT, of Kootenai County, Idaho, as follows:

WHEREAS, the North Kootenai Water District (the "District"), is a duly existing water district organized and operating under the laws of the State of Idaho; and

WHEREAS, it is hereby determined by the Board of Directors of the District (the "Board") to be in the best interests of the District to form a sewer sub-district within a portion of the District's boundaries, specifically in the area of Arrow Point and Gozzer Ranch, more specifically described in Exhibit "A" attached hereto, for the purpose of authorizing the District to provide sewer services in said area;

WHEREAS, Idaho Code § 42-3218A authorizes the Board to call an election for the purpose of submitting to the qualified electors of a proposed sewer sub-district the question of whether said sub-district should be formed;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CHAIRMAN AND BOARD OF DIRECTORS OF THE NORTH KOOTENAI WATER DISTRICT as follows:

Section 1: SPECIAL ELECTION

A special municipal election is hereby called within the District to be held on Tuesday, May 22, 2007, for the purpose of enabling the qualified electors of the proposed sewer sub-district to vote upon the proposition set forth in Section 6 hereof. Said election shall be held in accordance with the laws of the State of Idaho, more particularly Titles 34 and 42.

Section 2: CONDUCT OF ELECTION AND NOTICE TO ELECTORS

Said election shall be conducted as specified in Idaho Code, Title 34, Chapter 14; and Title 42, Chapter 41; and in the Notice of Election attached hereto, marked Exhibit "A", and by this reference made a part hereof.

Section 3: POLLING HOURS AND PLACES

A. **Polling Hours.** The polls of said election shall open at the hour of ___:00 o'clock [A.M./Noon] on said day and shall remain open continuously on said day until the hour of 8:00 o'clock P.M., at which time said polls shall be closed.

B. **Polling Places.** The polling places within the District for the election shall be as designated by the District Secretary.

Section 4: DESIGNATION OF DISTRICT SECRETARY TO CONDUCT ELECTION

Pursuant to Chapter 14, Title 34, Idaho Code, the District designates its Secretary (the "Secretary"), including the appropriate officers within his/her office, as the one to conduct the election, including the appointment of judges and clerks of election. Each member of each Board of Election shall take an oath, which shall be administered by any qualified elector or by the Secretary of the District, faithfully to perform the duties of such member.

Section 5: QUALIFICATION OF ELECTOR'S; VOTING PROCESS

A. **Qualifications.** Each person voting at such election shall be at the time of the election, eighteen (18) years of age or older, and a United States citizen who has resided in the State of Idaho and the District at least thirty (30) days next preceding the election.

B. **Registration.** Registration requirements set forth in Title 34, Chapter 4, Idaho Code, shall be applicable to the election. Such registration laws allow for registration on the day of the election assuming that the requirements set forth in Idaho Code §34-408A are met.

C. **Voting Process.** An elector desiring to vote in the election shall follow the procedure outlined in Idaho Code Section 34-1106. The elector may be required to furnish to the election official proof of residence, which proof shall be established by either an Idaho motor

vehicle driver's license or any document definitely establishing the elector's residence within the District.

D. Absentee Voting. If a qualified elector will either be absent on the day of the election or unable to go to the polling place due to a physical disability, he/she may vote by absentee ballot. Any such elector shall make application to the District Secretary, or other official charged by law with the duty of issuing official ballots for the election, for an absentee ballot. The application shall contain the name of the elector, his/her home address, county and address to which the ballot should be sent. The Secretary, after receiving the application in the manner prescribed in Idaho Code §34-1002 shall deliver either personally, or by mail, an absentee ballot. The absentee ballot shall be returned to the Secretary in a sealed envelope in the manner prescribed in Idaho Code §34-1004. The Absentee Ballot must be received by 8:00 o'clock P.M. on the day of the election to be counted. After verification of the qualification of the elector to vote in the election, the absentee ballot shall be counted.

Section 6: **BALLOT PROPOSITION**

The ballot title for said special election shall be in substantially the following form:

SHALL NORTH KOOTENAI WATER DISTRICT CREATE A SEWER SUB-DISTRICT TO PROVIDE SEWER SERVICE IN THE ARROW POINT AND GOZZER RANCH AREAS, ALL AS MORE FULLY PROVIDED IN RESOLUTION NO. 2007-06, ADOPTED ON APRIL 5, 2007.

IN FAVOR OF creating Sewer Sub-District No. 1
In the Arrow Point and Gozzer Ranch areas

AGAINST creating Sewer Sub-District No. 1
In the Arrow Point and Gozzer Ranch areas

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, make a cross (X) in the space to the right of the words "IN FAVOR OF creating Sewer Sub-District No. 1 in the Arrow Point and Gozzer Ranch areas" or "AGAINST creating Sewer Sub-District No. 1 on the Arrow Point and Gozzer Ranch areas" according to the way you desire to vote on the question. If you, by mistake or accident, mark, tear, deface, or otherwise mutilate this ballot, return it to the election judge and obtain another ballot.

Section 7: **NOTICE OF SPECIAL ELECTION; PUBLICATION AND POSTING**

Pursuant to Idaho Code §34-1406, the Secretary or his/her designee is hereby authorized and directed to give Notice of Special Bond Election in substantially the form attached hereto as Exhibit "B", prior to said election, by publication and posting as follows:

A. **Publication.** Said Notice of Special Election shall be published at least twice in the official newspaper of the District, with the first publication not less than thirty (30) days before the election and the second publication not less than five (5) days before the election.

B. **Posting.** Said Notice of Special Bond Election shall be posted not less than twenty-one (21) days prior to the day of the election in at least three (3) public places in the District.

C. **Affidavits.** Proof of publication shall be upon the affidavit of the publisher of the newspaper, and proof of posting notice shall be upon the affidavit of the person posting the same. Such affidavits shall be filed with the Board by those posting and publishing the Notice.

Section 8: CREATION OF SEWER SUB-DISTRICT

If, at said election, a majority of the qualified electors of the District voting therein vote in favor of the creation of the sewer sub-district, said Sewer Sub-District No. 1 shall be created.

Section 9: ELECTION RESULTS; CANVASS

A. **Board of Canvassers.** Pursuant to Idaho Code Title 34, Chapter 12, the District Secretary shall form a Board of Election for each polling place and conduct the election.

B. **Computation of Election Results.** The ballots shall be tabulated at the offices of the Kootenai County Elections Department. The Board of Election shall then make a return to the Board of Directors of the District, including all poll books, election registers, and all ballots cast, under seal. No more than seven (7) days after the election, the canvassers of election shall report their findings to the Chairman of the Board. The Board of Directors shall thereupon canvass such returns at their next meeting and the results shall be entered in the minutes of the Board and proclaimed as final. The Board may hold a special meeting for this purpose.

Section 10: OFFICERS AUTHORIZED

The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 11: RATIFICATION

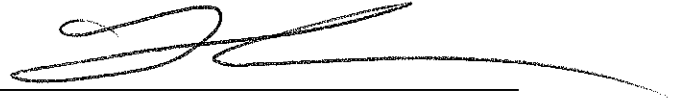
All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and the officers of the District directed toward creation of Sewer Sub-District No. 1 of the District, and for the holding of a special election, is hereby ratified, approved, and confirmed.

Section 12: EFFECTIVE DATE

This Resolution shall be effective on and after its approval by the Board.

PASSED AND APPROVED this 5th day of April, 2007.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho

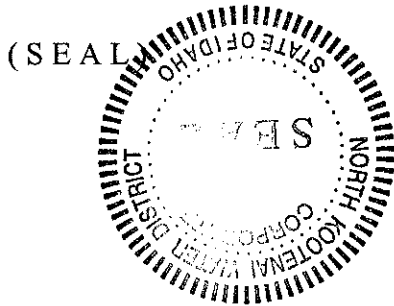


Chairman of the Board of Directors

ATTEST:



Secretary



I, the undersigned, the Secretary of the Board of Directors of North Kootenai Water District, of Kootenai County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a [regular/special] meeting of the District Board of said District, duly held at the special meeting place thereof held on April 5, 2007, of which meeting all members of said District 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, Directors: *Davis, Fairhurst, Moore
Berger, Crimmins*

NOES, Directors: *None*

ABSENT, Directors: *None*

ABSTAIN, Directors: *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 District on April 5, 2007.

Fairhurst

Secretary

(SEAL)



**NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho**

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that pursuant to Resolution No. 2007-06, adopted on April _____, 2007, by North Kootenai Water District, of Kootenai County, Idaho, a Special Election will be held in said District on

TUESDAY, MAY 22, 2007

between the hours of 12:00 o'clock noon and 8:00 o'clock P.M., for the purpose of voting upon the question and proposition of creating Sewer Sub-District No. 1 for the purpose of providing sewer service to certain areas of Arrow Point and Gozzer Ranch, pursuant to the provisions of said Resolution, which Resolution is hereby referred to for further particulars, and which by reference is made a part of this Notice.

The question to be submitted to the electors shall be by ballot reading substantially as follows:

SHALL NORTH KOOTENAI WATER DISTRICT CREATE A SEWER SUB-DISTRICT TO PROVIDE SEWER SERVICE IN THE ARROW POINT AND GOZZER RANCH AREAS, ALL AS MORE FULLY PROVIDED IN RESOLUTION NO. 2007-06, ADOPTED ON APRIL 5, 2007.

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In the Arrow Point and Gozzer Ranch areas

AGAINST creating Sewer Sub-District No. 1
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INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, make a cross (X) in the space to the right of the words "IN FAVOR OF creating Sewer Sub-District No. 1 in the Arrow Point and Gozzer Ranch areas" or "AGAINST creating Sewer Sub-District No. 1 on the Arrow Point and Gozzer Ranch areas" according to the way you desire to vote on the question. If you, by mistake or accident, mark, tear, deface, or otherwise mutilate this ballot, return it to the election judge and obtain another ballot.

Qualified electors shall vote at the following polling place(s):

Only qualified electors eighteen (18) years of age or older, who are United States citizens and who have resided in the State of Idaho and in the proposed sewer sub-district at least thirty (30) days next preceding the election, and no others, will be permitted to vote at said special election. Persons may register on or before May 22, 2007, at any time during the office hours of the County Clerk or other appropriate official with authority to register voters. Persons may also register to vote on the day of election at their polling place with proper voter identification, one piece of identification must include a picture of the voter and other documentation with the voter's current residential address within the precinct boundaries and some proof of residency for at least thirty (30) days prior to the date of the election (e.g., utility bill residential lease, etc.). No person so qualified and offering himself or herself at the polling place at which he or she is entitled to vote will be denied the privilege of voting at said special election.

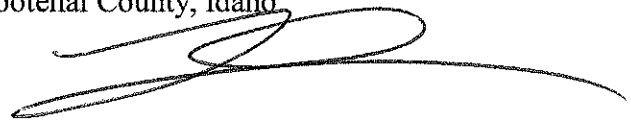
Any registered elector of the District may make written application for an absentee ballot to the County Clerk who is conducting the election for the District not later than May 21, 2007, on the day prior to the election.

Polls will be open at the hour of 12:00 o'clock noon on Tuesday, May 22, 2007, and will be open continuously until the hour of 8:00 o'clock P.M. of the same day, at which time the polls will be closed. Voting at said election shall be by ballot, and the ballot to be supplied the voters for their use at said election shall be in the form provided by law.

If, at said election, the majority of the qualified electors voting at such election assent to the formation of Sewer Sub-District No. 1 for the purposes set forth in Resolution No. 2007-06, said sub-district shall be created and sewer services shall be provided to property owners within the boundaries of the sub-district as determined by the Board of Directors.

DATED this 5th day of April, 2007.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho.



Chairman

ATTEST:

Secretary

(S E A L)