BOISE COUNTY

RESOLUTION 2012-18

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BOISE COUNTY, IDAHO, ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF WHETHER THE BOARD MAY EXERCISE THE POWERS AND AUTHORITIES PROVIDED BY SECTION 63-1305A, IDAHO CODE, IN ORDER TO CERTIFY A BUDGET INCREASE FOR AN AMOUNT OF PROPERTY TAX REVENUES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 AND FOR EACH FISCAL YEAR THEREAFTER, IN EXCESS OF THE LIMITATIONS IMPOSED BY SECTION 63-802, IDAHO CODE, IN AN AMOUNT NOT TO EXCEED A LEVY RATE OF ONE-TENTH OF ONE PERCENT (0.1%) FOR THE PURPOSE OF PAYING A FINAL JUDGMENT AGAINST THE COUNTY; ESTABLISHING THE DATE AND TIME OF THE SPECIAL ELECTION; APPROVING A FORM OF BALLOT QUESTION AND NOTICE OF ELECTION; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a final judgment was heretofore rendered against Boise County, Idaho (the "County), in Alamar Ranch, LLC, et al., v. County of Boise, in Case No. 1:09-cv-004-BLW of the United States District Court for the District of Idaho (the "Judgment"); and

WHEREAS, a portion of the Judgment remains unsatisfied, and the County has issued its Registered Warrants, Series 2011 (the "Warrants") as evidence of the Judgment, the principal amount of $3,150,000 of which remains unpaid; and

WHEREAS, the County's currently authorized budget and tax levy are inadequate both to meet its constitutional and statutory governmental obligations and to pay the remaining principal of and interest on the warrants as the same fall due; and

WHEREAS, Section 63-1305A, Idaho Code, enacted by the 2012 Idaho Legislature, authorizes a nonschool taxing district, including the County, to certify a budget increase by an amount raised by a tax levy rate of one-tenth of one percent (0.1%) in addition to other authorized levies, subject to the requirement of Section 63-1305B, Idaho Code, that a majority of the electors of the taxing district approve, at an election held thereon, the question of whether the governing body of the taxing district may exercise the powers and authority provided in Section 63-1305A, Idaho Code; and

WHEREAS, the Board of Commissioners (the "Board") of the County has determined that it is in the best interests of the County that the question of authorizing the Board to exercise the powers and authority provided by Section 63-1305A, Idaho Code, be submitted to the voters of the County pursuant to Section 63-1305B, Idaho Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BOISE COUNTY, IDAHO, as follows:

Section 1: The Board hereby finds and declares that all of the conditions set forth in Section 63-1305A(1)(a-e), inclusive, Idaho Code, exist, have been, and will be met by the County.

Section 2: A special election is hereby called to be held within Boise County on Tuesday, May 15, 2012, for the purpose of submitting, to the qualified and registered voters of the County, the question set forth in the form of ballot appearing in Section 6 of this resolution. The special election shall be held as specified in Title 34, Idaho Code, and in the Notice of Special Election attached hereto as Exhibit "A" and by reference incorporated herein.

Section 3: The polls of the special election shall open at 8:00 A.M. on May 15, 2012, and shall remain open continuously until 8:00 P.M., at which time the polls shall be closed. The polling places for the special election shall be at the locations set forth in the Notice of Election attached hereto as Exhibit "A."

Section 4: The Boise County Clerk is the chief election official of the County for the conduct of the special election. The Boise County Clerk is hereby authorized to appoint judges and clerks for the polling places, to prepare and publish the ballots and Notice of Election, and to take all such other actions as may be required for the call and conduct of the special election. Only those electors casting valid ballots on the proposition set forth in Section 6 of this resolution shall be counted as having voted at the special election.

Section 5: Every citizen of the United States eighteen (18) years of age or older, who at the time of the special election has resided in the State of Idaho and the County for at least thirty (30) days immediately proceeding the special election, if registration as provided by law, and no others, will be permitted to vote at said special election. Electors must, in order to vote at the special election, be registered to vote according to the registration records of Boise County.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election, by completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided by Sections 34-408A, Idaho Code, as amended.

Section 6: The ballot proposition for the special election shall be in substantially the following form:

BOISE COUNTY, IDAHO
SPECIAL ELECTION
MAY 15, 2012

SHALL THE BOARD OF COMMISSIONERS OF BOISE COUNTY, IDAHO, BE AUTHORIZED TO EXERCISE THE POWERS AND AUTHORITIES PROVIDED FOR IN SECTION 63-1305A, IDAHO CODE, BY CERTIFYING A BUDGET INCREASE FOR THE 2012-2013 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER, IN EXCESS OF OTHER LIMITATIONS IMPOSED BY LAW, IN AN AMOUNT IN EACH YEAR NOT TO EXCEED A LEVY RATE OF ONE-TENTH OF ONE PERCENT (0.1%) ON ALL TAXABLE PROPERTY IN THE COUNTY, FOR THE PURPOSE OF PAYING A FINAL JUDGMENT AGAINST THE COUNTY, ALL AS PROVIDED IN SECTIONS 63-1305A AND 63-1305B, IDAHO CODE?

BUDGET INCREASE - YES.....[ ]

BUDGET INCREASE – NO.....[ ]

Section 7: Notice of the special election shall be given prior to the election by publishing the Notice of Election in a newspaper having general circulation within the County, once a week for two (2) consecutive weeks prior to the date set for the election, the first publication being at least twelve days prior to the date of the election.

Section 8: Any qualified elector may apply for an absentee ballot. The application must be in writing, must be signed by the applicant, and must contain the name of the elector, his/her home address, and the address to which the ballot shall be forwarded. An application for a mail-in absentee ballot must be received by the Boise County Clerk no later than 5:00 p.m. on the day before the election, and absentee ballots must be received no later than 8:00 p.m. of the day of election in order to be counted. Application for an absentee ballot may be made by using a facsimile machine.

Section 9: If a majority of the electors voting at the special election vote in favor of the proposition as set forth in Section 6 of this resolution, the Board of Commissioners of the County will certify an increase in the property tax portion of the budget of the County, in an amount not to exceed a levy rate of one-tenth of one percent (0.1%) on all taxable property in the County, in addition to all other levies permitted by law and in excess of limitations of Section 63-802, Idaho Code, beginning with the fiscal year which commences October 1, 2012, and continuing each fiscal year thereafter or until the Judgment is paid in full, whichever first occurs.

DATED this 30th day of March, 2012.

COUNTY OF BOISE, IDAHO

Robert A. Fry
Chairperson

Terry C. Day
Commissioner

Jamie A. Anderson
Commissioner

SEAL

ATTEST:

Mary T. Prisco
County Clerk/Auditor